

# Village merchants chafing under strict regulations

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Regulation or over-regulation?

Ever since Capitola made a concerted effort to improve the appearance of the Village area in the 1970s, a number of strict, municipal ordinances appeared on the books.

Some Village merchants are now complaining about these ordinances — saying that the ordinances, and the attitudes which these ordinances have fostered at City Hall, have led to, as one shop owner said, “a fascist environment.”

That shop owner is Alan Gaynes, co-owner of La Baguette Gourmet Sandwiches, a take-out sandwich shop, on Monterey Avenue in the Village.

Last week, a uniformed police officer came into the sandwich shop and issued a citation for the sign imprinted on his awning — “Gourmet Sandwiches.”

His partner, Gail Tarrantts, recalled the incident a few hours after being issued the citation. “I was mortified,” she said. “This Village is so small that by now, everybody

‘The rapport the city has with the merchants is very hostile. There seems to be a lack of communication.’

— Merchant Gail Tarrantts

knows something happened here.”

Gaynes said “Gourmet Sandwiches” is the sign which was originally approved by the city for his business. That awning sign has been in existence ever since the shop opened a year ago, he said.

Gaynes also said that he feels harassment from the city Planning Department.

At one point, Gaynes said, he wanted to hang two signs from the awning that said “Salads” and “Desserts.” Gaynes said he discussed that with a Planning Department employee, whom he said never informed him about what would probably be approved or denied according to the sign ordinance. Instead, the employee accepted his fee — \$25 for each sign — and application, which was later rejected.

Tarrantts, added, “The rapport the city has with the merchants is very hostile,” she said. “There seems to be a lack of communication.”

Another business owner, who did not wish to be identified for fear that she would be singled out for further harassment, agreed that there was a lack of communication.

In fact, she said she recently lost a parking space because the city painted a nearby curb red. However, she said she does not want to complain to the city about it in fear that she would be harassed.

“It’s like being in a Gestapo state,” she said. “This is a little, tiny town. I realize you need some regulations — but they’re so heavy-handed and they take themselves so seriously.”

This business owner said she

was “hurt” by the Planning Department, but she declined to make the details public as the details would identify the business.

Another shop owner, who also did not wish to be identified, said, “It’s government by fear. You’re afraid to stir things up because you don’t want to draw attention to yourselves.”

This shop owner also felt “over-regulated.”

She said, “Obviously you need to have regulations — 41st Avenue is an example of this. But you got to have room for some eccentricity. That’s what creates character in a town.”

Aileen Hutchinson, owner of the Rare Bird, a clothing store on Capitola Avenue, has also had a run-in with the city’s Planning Department over the sign ordinance.

Hutchinson said she has had several signs taken down over the past six years, presumably by Planning Department staff, that were considered illegal.

One was the sign directly in front of her business put up by the previous owner. Hutchinson said that when the previous owner sold the building, the city required her to move the sign about six feet away.

“Then, when I moved in, I got people from the city coming in and telling me my sign is non-conforming because it’s in a different location,” Hutchinson said.

Now the only sign Hutchinson is allowed is one she shares with another shop off to the side. “I hear my customers say all day long, ‘Why don’t you have a sign right in front. I

couldn’t find your place.’”

Hutchinson said she has, on various occasions, hung a two-by-one-foot sign in front of her store, but the Planning Department has complained about this as well.

Planning Director Steve Russell agreed that the city has a lot of regulations. “I can

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Kathy Salamon

Gail Tarrantts, Alan Gaynes and their offending sign.

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Aileen Hutchinson and sign she was told to take down.

understand their (merchants) point of view," he said, "and I can also understand the city's point of view. The city has a concern about the way things look, so changes must go through a process. Generally, I think people just have a difficult time being told what to do."

Assistant planner Susan Tupper added that she thinks the planning department staff is accessible. But she said business owners should come in to the department and talk to someone on the staff about the process before going through with any changes.

As for Gaynes' statement that he was not forewarned that signs such as "Salads" and "Desserts" did not conform with the sign ordinance, Tupper said, "We can't tell anybody they can't apply for something.

"Everybody has the right to try to go before the Planning Commission and maybe try to get a variance," she said.

As for Gaynes not understanding that generic terms are not allowed under the sign ordinance, Tupper said she had a number of conversations with him before his application "so I think he was fairly clear."

Gaynes was also cited by the police officer for having a table and chairs on the premises.

Tupper said this was because a table with chairs was never a part of Gaynes' original business permit. Such an addition, she said, intensifies the use of the business and Gaynes must provide parking, which he does not. Under the municipal ordinance, Gaynes must provide a parking space for every two and a half seats on the premises.