

Up on Depot Hill: 'Keep the

By BOB SMITH

Depot Hill residents in Capitola Monday asked city councilmen for a moratorium on new construction in their neighborhood.

The request, which was not granted by the council, would have stopped new projects from starting in the densely populated neighborhood until the city's zoning map conforms with the already adopted general plan.

City attorney Richard Manning told councilmen that they could not legally place a building moratorium on the area, but there was a new state law that offered a solution.

The law, Manning said, allows a council to pass a temporary ordinance that sets aside existing zoning that doesn't conform to the general plan, require all new projects to adhere to provisions of the general plan.

If a proposal doesn't conform, then the project would be held up until zoning hearings are completed by the planning commission and city council. It would then be judged anew on its conformance with the new zoning.

A council majority indicated they wanted to put the temporary ordinance into effect last Monday as an emergency ordinance, but Manning suggested they advertise it and act at the April 12 meeting.

Residents came to the council after the planning commission turned down a proposal last week to build a fourplex at Cherry and Escalona.

The four units needed commission approval because they were at a density higher than permitted anywhere in the city today.

But the current zoning on the

hill, RM-H or one unit per 2,200 square feet if you have a building site greater than 5,100 square feet, is still effective. That conflicts sharply with the general plan recommendation for the same area of density of five to 10 units per acre. If converted to a multiple-family density, city planner Pat McCormick says, it would be equivalent to a RM-LM or 4,400 square foot building density.

Under the current zoning, a triplex is permitted on the lot owned by William Sessions. And, said McCormick, a request for architectural and site review of the building plans is now being processed by the city staff. It will probably come before the planning commission April 5, but any council action requiring conformance with the general would be effective because a building permit would not be issued until after Coastal Commission approval — a lengthy process.

Depot Hill spokesman Jerry Clarke told the council that 147 residents, representing 112 households on the hill, signed a petition supporting a freeze on development. Based on the 1973 census figures, that's 45 per cent of the households, Clarke said. Additionally, just five persons refused to sign.

"The problem is that zoning hearings to conform with the general are coming up. And proposals are being brought in now to get in under the wire.

"The situation here is very critical," Clarke added, pointing out that there are traffic problems, utility problems including poor water and natural gas pressure.

And there is a proposal, Clarke said, for another 10-12 units to be

built in the El Salto area.

Sessions, who is disabled, said he wanted to build the apartment for income, and added: "It isn't fair to discriminate against me." He pointed out that other apartments and multiple residential units have been built near his property.

"The problem is," answered Walter Recksiek, another Depot Hill resident, "is that these apartments were sneaked in because there was no adequate zoning.

"We all have to accept the facts of life — that there is an end to everything. And there should be an end to multiple residential on Depot Hill as there should be in the entire county."

"All we ask," Clarke came back to the council, "is that nothing but single-family homes be built until the area is in conformance with the general plan."

"You can't do as proposed," Manning told the council. "Single-family only would be a zoning change, but you can pass an interim ordinance saying that while considering a zoning change, no uses will be permitted that are in conflict with the general plan.

"It would be in effect for four months originally," Manning said, "but it can be extended." Councilman John Dixon said he

doesn't like the idea of building moratoriums.

"I don't think a moratorium is fair and could be construed as unconstitutional.

"I appreciate that you don't want a particular neighborhood to change but someone purchases property there for a particular purpose. If a moratorium is declared, then all tax collections should cease."

Manning told the council that a moratorium is now illegal.

Michael Routh said the city has spent a lot of work and time in adopting its general plan. State law dictates, Routh continued, that the zoning be in conformance with the general plan.

"I think all people here are asking," he said, pointing to the packed council chamber, "is to take steps to protect the integrity of the neighborhood while the area is being rezoned."

It's all a game, councilman Ron Graves said, referring to the last-minute building applications being received in city hall.

"It's an old game," he said. "We get the most we can in the interim. It's speculative.

"It's just a game and if we are to protect the general plan, we must ask the planning commission to move post haste."

The council agreed to take

"We have to accept the facts of life—that there is an end to everything . . . and there should be an end to multiple residential on Depot Hill."

some action as soon as possible after Manning pointed out that suits could be filed against the city if it permitted construction that was not in conformance with a general plan, and if the old zoning ordinances hadn't been upgraded.

Clarke invited the council and the general public to a Depot Hill community meeting April 7, 7:30 p.m. at St. John the Baptist Episcopal Church.

Purpose of the meeting will be to form a Depot Hill Association that can serve as a community social organization and work for the protection and improvement of the area, as well as represent the community in city affairs.

In related action, the council decided to install a blacktop path and handrail along Cliff Avenue for children to use. The decision is an alternative to a neighborhood suggestion that a barricade be erected at Cliff Avenue and Fairway Drive — a suggestion vehemently opposed by the fire

department.

In other action, the council: —Quickly approved zoning changes for property along Soquel Creek, and along Park Avenue near Balboa. The controversial Automatic Review (AR) zoning won easy approval at its first time before the council. It is applied to the Soquel Creek flood plain and to the greenway between the creek and Wharf Road. Automatic Review requires a use permit from the planning commission for projects, and the uses must be consistent with the general plan map and text, McCormick told the councilmen.

—Voted to send a letter to the county planning department, expressing support for a mid-county radio station. Station promoter Grant Wrathall Jr. appeared before the council, asking for support. The county zoning administrator has already refused a permit for an antenna on the Cabrillo golf course.

apartments out!

Cabrillo Times & Green Sheet, Thursday, March 25, 1976

REFERENCE

PLANNING AND DEVELOPMENT

CAPITOLA

1970-1984
PLANNING AND DEVELOPMENT
CAPITOLA