

Council stance firm on bus overflow zone

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Despite threats of legal action, the Capitola City Council refused to back down on its stance last night against an "overflow zone" for buses in front of the Capitola Mall.

The overflow zone is part of an agreement worked out between the developers of the \$35 million mall expansion — Cypress Properties of Menlo Park — and the Santa Cruz Metropolitan Transit District.

The zone would exist as an adjunct to a transit center in front of the mall near the Sears store. Plans for the center include a loading zone for buses flanked by sidewalks, shelters, benches and other amenities for waiting passengers.

Transit district officials said the overflow zone, located in front of the mall toward Mervyn's, would be used only as a temporary stop when buses could not fit into the transit center. A maximum of three buses would be permitted.

Use of the zone would be rare, officials said. First they would have to prove to the mall owners they needed to use the zone, and they would have to stipulate when and for how long.

The zone is needed to answer questions about traffic in the Environmental Impact Report on the mall expansion, officials said.

"Without this overflow parking, transit space at the Capitola Mall would be reduced by about 10 percent as a result of this project," said Jonathan Wittwer, legal counsel for the transit district. "And a reduction is the opposite of what is required by the EIR."

Transit officials called the agreement a good compromise between Cypress Properties' John Gatto, who preferred no buses at all at the mall, and the transit district, which really wanted a larger transfer center.

Testifying in favor of the zone and threatening court action if it was excluded from the agreement was County Supervisor Gary Patton, chairman of the Santa Cruz Metropolitan Transit District board of directors.

Patton told the council he didn't like everything about the project either. However, he helped get a portion of the Capitola Mall property annexed to the county sanitation district, and agreed to let the developers begin construction before arriving at a permanent

drainage solution.

"At the very least," he said, "let's talk about it before you leave us no alternative but to get into litigation."

Councilman Michael Routh responded to Patton's comments with sarcasm.

"Gary, are we supposed to pat you on the back because you don't like this project and you've done all these wonderful things?"

In actuality, Patton "screwed them (the developers) over every time they've turned around," Routh said, with requirements for additional fees.

"I think Capitola would be a lot better off if we didn't have to deal with any of you people at the county," he said.

Council members expressed concern the zone would be overused and the front of the mall would be lined with buses, as it often is now. They worried about pollution and destruction of aesthetics.

Mayor Bob Bucher said Capitola made a mistake a long time ago in allowing the transit district to use the mall.

"To allow it to keep getting larger and larger and then to end up with more and more problems is bad planning," he said.

Council members said they were willing to discuss the zone, but voted 4-1 to approve the transit agreement only if certain conditions are met.

Councilwoman Stephanie Harlan dissented, urging approval of the transit agreement as written.

The conditions imposed by the council include allowing an overflow zone only if it's located somewhere other than in front of the mall.

The transit district would be required to notify the city, as well as the mall owners — Capitola Mall Associates — regarding use of the zone. The City Council would also have power to decide whether sufficient proof of need was provided.

And words allowing "unscheduled" and "incidental" use of the zone would be struck from the agreement.

Routh said, "If the transit district can't live with these parameters that we've established here, then maybe we will see them in court."

City Manager Steve Burrell said he would work on negotiating the changes and return the agreement to the council's Aug. 13 meeting, or sooner.

REFERENCE