

# ✓ Traffic *Capitola Mall* draws lawsuit

## County upset by Capitola shopping center

■ *Bulb ranch will move to  
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SANTA CRUZ — For the first time, Santa Cruz County is suing Capitola over increased traffic caused by that city's development of the 41st Avenue shopping district.

Capitola has thrived financially ever since it annexed the 41st Avenue area from the county in the early 1970s. It landed not only the Capitola Mall and its lucrative sales tax, but the numerous smaller shopping centers developed later.

The county's lawsuit asks that development of the Brown Bulb Ranch Marketplace be stopped because of the increased traffic the 140,000-square-foot shopping center behind Capitola Mall will cause.

County Counsel Dwight Herr said that Capitola's approval of the project "disregarded the traffic impacts" on adjacent county roads and neighborhoods. The county has obtained a temporary court order, which prevents ground from being broken on the project.

The development, on 11 acres behind the mall across from Clares Street and 40th Avenue, is projected to add 5,210 daily vehicle trips to the 41st Avenue commercial district.

First District Super visor  
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## Lawsuit/ Shopping center delayed

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Jan Beautz, who represents the unincorporated area near the development, wants Capitola to make adequate road improvements in both the city and unincorporated area.

She said she hopes a solution — short of going to court — can be reached with Capitola officials.

Both Beautz and Herr said the lawsuit was filed to protect the county's rights to object to the project, in accordance with state law.

Capitola City Attorney Richard Manning has already said that the city followed the legal guidelines in accepting the environmental impact report on the project. The City Council determined that the shopping center would not cause adverse effects on the environment.

Beautz, who spoke to the Capitola council twice during hearings on the shopping center, said she was surprised the council did not at least require applicant Brown Bulb Ranch to widen Clares Street between 41st and 40th avenues.

Capitola Planning Director Susan Tupper said that the applicant agreed to pay up to \$75,000 to synchronize the traffic signals on 41st Ave. She confirmed the major suggested traffic improvement, adding the lane on Clares Street, was not required by the city. Instead, the council decided that when the widening is needed in the future, the city would pay the costs.

The environmental document warned that with the development, traffic at 41st Avenue and Clares Street could drop two levels of service — from "C" to "E," as defined by the California De-

partment of Transportation. Level C is defined as having average delays, with 71-80 percent of roadway capacity in use, while level E means long delays, at 91-100 percent of capacity.

"The EIR wasn't addressed," Beautz said, adding that she has received numerous complaints from constituents about increasing traffic from the 41st Avenue regional shopping district.

Herr said, "The intense commercial development of the 41st Avenue area being approved by the city generates substantial tax revenues for the city, but the traffic congestion created by such development impacts adjacent residential neighborhoods in the unincorporated area of the county, and creates a need for improvement of county roads in the vicinity without any assistance from either the developers or the city."