

SC may OK 10 houses to save greenbelt plan

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SANTA CRUZ — The Santa Cruz City Council has tentatively agreed to allow some homes to be built on the Bombay Corp. property, the largest remaining greenbelt property on the west edge of the city.

In exchange, even after the greenbelt protections expire in January, most of the 246-acre parcel will remain in agricultural use and a lawsuit against the city will be dropped while the city tries to come up with the money to buy the property.

The proposed settlement was reached by the Santa Cruz City Council late Tuesday night. Lawyers spent Wednesday ironing out specific language.

The council will hold a public hearing on the agreement next Thursday before taking final action later that evening.

If approved as expected, it will

be an 11th-hour settlement to protracted litigation over the city's attempts to acquire open-space land on the city's boundary. Greenbelt protections imposed to give the city time to buy the lands will expire Dec. 31. So far, two of the five greenbelt properties — the Pogonip and Arana Gulch lands — have been purchased.

The agreement allows Ed Kashin, owner of the Bombay Corp., to build up to 10 homes on 13 acres at the end of Meder Street, a corner of the property on the east side of Moore Creek next to other homes.

Kashin's tentative plans are for homes on one- or two-acre parcels with facilities for horses, according to Kashin's lawyer, Judy Davidoff of the Baker & McKenzie law firm.

The developer will allow public access to trails through the property, she said.

The rest of the parcel will re-

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main undeveloped, and Kashin will waive his rights to develop under the present zoning.

"It's a fair deal from both sides," Davidoff said. "It allows (the developer) some economic return to his property and gives the city some time to come up with money" to buy the rest of the land.

"It preserves what we think was the intent of the greenbelt in the first place," she said.

Another "real benefit is that it gets us out from under the gun of litigation," said Councilman Mike Rotkin.

He said the Bombay Corp., which had sued the city over greenbelt zoning, had the financial means and the intent to follow through on its lawsuit, which could have cost the city more than \$500,000 in legal fees.

That lawsuit was held off while the proposed settlement was negotiated and will be dropped after the agreement is signed, said Davidoff.

But a separate agreement will preserve Kashin's right to resurrect the suit if the home development is not approved, she said.

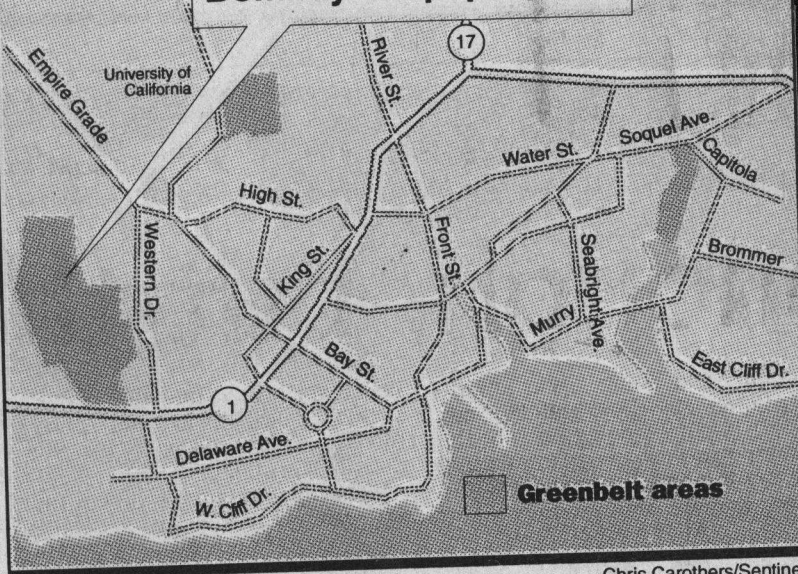
"We're a little gun-shy on this thing," Councilman Scott Kennedy said. "They have already demonstrated their willingness and capability to invest enormous resources in the legal fight. We don't want to go toe-to-toe."

Kennedy said the deal was best for the city, given its cash-strapped status. "If we could write a check for it tomorrow we would rather do that."

A city appraisal recently valued the land at \$1.5 million to \$2.5 million, but Kashin maintains the value is much higher.

Compromise on greenbelt

Bombay Corp. property



Chris Carothers/Sentinel

The agreement does not include a time limit for the city to buy the land, but Mayor Katherine Beiers said it would be one of her highest priorities this year.

The proposed pact also does not require Kashin to give up his rights to seek a zoning change on the property in the future, which would allow more homes to be built, Davidoff said.

But Kashin would be required to waive the right to build a bed-and-breakfast guest home, a nursing home or golf course, all uses allowed under the the property's present agricultural zoning.

Agricultural zoning also allows one home per 20 acres to be built.

The agreement calls for all development rights to be transferred to the 13-acre parcel and for Kashin to be restricted to using the land for traditional agricultural uses.

Davidoff said they don't have any farming plans in mind.

The city would waive certain development fees, including planning and parks fees.

Beiers said that, if approved, the settlement will give the city time to find money to buy the land to put it in permanent open space.

But, she warned, "10 homes on that location is going to be a major development. I would prefer none and certainly anything less than 10."

The public hearing on the proposed settlement will be at 7 p.m. Dec. 8 at the Loudon Nelson Community Center.

Copies of the settlement agreement can be reviewed at the Central Library, the UC Santa Cruz Library, the City Clerk's office and Kinko's on Front Street.