

Hostel project object of neighbors' lawsuit

By JOHN McNICHOLAS 11-15-88

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SANTA CRUZ — Beach Hill residents trying to keep a group of quaint cottages from being turned into a youth hostel have taken the City Council to court to stop the proposal before it goes any farther.

The City Council Wednesday was ordered by Superior Court Judge Rollie Hall to set aside a ruling allowing the Carmelita Cottages on Main Street to be turned into a hostel.

If the council does not reverse itself, the city's attorney must show up in court Dec. 4 to show why the ruling should be allowed to stand.

Such an order is a routine beginning for court proceedings.

A long-standing dispute over how to use the Carmelita Cottages, inherited by the city for use as a park, was thought to have been settled in October. The City Council OK'd a plan by the Santa Cruz Hostel Society to use the site as a place for travelers to throw down their sleeping bags and stay the night, leaving the land open for use as a park during the day. A public hearing was planned to come up with design conditions for the operation.

But area resident Doris Jenkyn and the Beach Hill Neighbors Association, represented by attorney Tim Morgan, have gone to court to checkmate the city's move. Morgan says the group has "more than 20 and less than 35" members.

Carmelita Cottages, built in the 1860s and believed to contain the oldest building on Beach Hill, were willed to the city by the late Lottie Sly. She directed the land be "cleared, properly landscaped" and used for a park, "a restful place for the public to enjoy." The cottages which Sly wanted torn down have since been dubbed historical landmarks.

If the property is not used as a park, ownership reverts to Stanford University under the terms of the will. Stanford is named as a defendant in the proceedings, along with the city and the hostel society.

The hostel society's plan to use the site to house travelers was rejected by the Zoning Board on a 3-2 vote, because the board decided there was sufficient opposition to the project in the neighborhood.

But in October, the City Council overrode the Zoning Board. On a 4-3 vote, the council granted the society a permit to develop a 45-bed project over 10 years.

At that council meeting, supporting and opposing factions turned in petitions with hundreds of signatures. Mayor John Laird commented the petitions showed "the neighborhood is split, almost down the middle."

Morgan, who in the past has taken the City Council to court for the distribution of a pamphlet on nuclear war and who led the fight to overturn the 1983 City Council election, cites "significant neighborhood opposition" to the project in the petition for a writ of mandate he filed Wednesday.

He says use of the property as a hostel is an "arbitrary and capricious" abuse of the conditions of Sly's handwritten will from 1953.

Morgan says the property's attractiveness as a "restful place" will "diminish and cease" if it is used as a hostel. The proposal violates the city's General Plan, the Beach Hill plan, and means less land for "recreational and environmental needs," he contends.

Morgan further charges the council ignored that the area around the cottages is already "overburdened" with hordes of tourists, and increasing the "transient population" will tarnish the area as a "permanent, stable and viable community."

The 4-3 vote permitting the hostel broke the usual voting pattern of four liberals voting one way and three conservatives opposing them.

Instead, conservatives Arnold Levine and Katy Sears-Williams joined liberals Michael Rotkin and Jane Weed voting for the project. Liberals Mardi Wormhoudt and John Laird voted with conservative Spiro Mellis against the proposal.