

# Bombay deal rips SCAN

Greenbelt proposal  
splits progressives

By ROBIN MUSITELLI  
Sentinel staff writer

SANTA CRUZ — A fight among political family has broken out over the city's greenbelt, pitting progressive against progressive.

It's a house divided, deeply, over whether 10 luxury homes should be built on a portion of the Bombay Corporation's land, 246 acres privately owned on the Westside, in exchange for property owner Ed Kashin dropping his lawsuit against the city.

The mayor and some of the most prominent progressives and environmentalists say "absolutely not" to the deal tentatively crafted by the City Council and defended by councilmen Mike Rotkin and Scott Kennedy. Opponents have threatened legal action to stop it, according to Kennedy.

Ironically, defenders and opponents alike are members of the Santa Cruz Action Network, a group of progressive activists whose politics have shaped the county for the past decade. SCAN's steering committee has not taken a position on the issue.

The debate is likely to be aired more fully at a public hearing before the Santa Cruz City Council at 7 p.m. Thursday at the Loudon Nelson Center. A council vote is to follow.

A letter to SCAN members from seven activists, most of whom have held posts on city planning, zoning and greenbelt commissions, warns of "an imminent crisis" within the progressive community over the tentative agreement.

"What is proposed is in fact a nearly complete capitulation to the outrageous demand of the property owner ... and an historic reversal of 15 years of activism to preserve the greenbelt," wrote Jeff Ringold, Andy Schiffrin, Debbi Malkin, Peter Scott (Councilwoman Celia Scott's husband), Brant Smith, Mary Tsalis and Brandon Cornell.

While land-use plans, such as Costco and Longs Drug (both eventually built), have led to disputes among progressives, "this is a matter of entirely different magnitude in terms of its substantive impacts, the precedents that it sets and in its shocking violation of the integrity of the political process," the group of seven contends.

"We cannot believe that council members truly understand the course of action that they are about to embark upon," they wrote. "We suspect that the council is being misled by the clever strategies of the owner's attorneys and by the political conservatism of city staff."

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## Greenbelt

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In response, Kennedy accused the seven of misrepresenting the agreement and taking information out of context. Their critique reads like a one-sided legal argument, he contended, adding, "This is fair enough, I suppose, given your explicit threat of legal challenge."

He suggested "a series of questions seeking clarification would have been more helpful at this stage rather than a number of assertions misrepresenting the proposed settlement and its terms."

The dispute is over whether the city should allow Kashin's Bombay Co. to build 10 homes — each 5,000-square feet — and equestrian facilities for 20 horses on 13 acres at the end of Meder Street. The development would be east of Moore Creek, on a corner of Kashin's property that the city has long sought as greenbelt to wrap its western boundary in open space.

The agreement would waive \$250,000 to \$300,000 in city fees for planning, parks and low-income housing and other development-related charges.

In exchange, Kashin would drop

his lawsuit against the greenbelt zoning and would leave the rest of the property undeveloped, at least for the time being.

Rotkin and Kennedy have maintained the settlement gets the city out of a lawsuit that could cost it about \$500,000 to defend, and that gives the council time to raise money to buy the land.

The seven progressives say the city gets nothing, and Mayor Katherine Beiers agrees.

"If any smart businessperson ever looked at this, they would see what the city is giving away. The city getting nothing back, and we're giving everything away," Beiers said.

Beiers did not oppose the agreement when it was made public initially, but denounced it after the outcry.

"I needed the public reading of it," Beiers said. "Unless something convinces me otherwise, they had confirmed how I felt."

The letter to SCAN members tears the agreement apart on many points. It limits the council's authority to consider environmental impacts, the design of the homes,

does not guarantee public access to the property, and does not preclude Kashin from trying to develop the rest of the property later, opponents say.

They say the deal ignores a survey that showed a majority of residents oppose development of the greenbelt, even in exchange for remaining land, and ignored financing options for buying the property. Nor did the council negotiate a purchase price for the remainder, they say.

Kennedy agrees it's not a perfect settlement. "Clearly it falls short of the protections provided by outright acquisition. So does allowing the lawsuit to run its course," he said.

But he maintains the City Council is not limited in its authority to consider environmental impacts and designs. And the survey cited did not factor in the lawsuit and its anticipated costs, he said.

Moreover, none of the financing options would have provided funds in the near term, he said.

"I would not consider such a settlement, were any acceptable alternative sources of funds for acquisition on the horizon," he said.