

Zoning

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Council Awards Special Status To West Cliff Drive Residence

A bitterly divided Santa Cruz City Council Tuesday ended a 10-year attempt to insure in future an uncluttered seaboard along West Cliff Drive from the Dream Inn to the Natural Bridges area.

By a 4 to 3 vote the council awarded a special status to a residence owned by Larimore Cummins between Fair and Getchell in the city's OF-R (Ocean Front-Recreational) zoning district.

The residence was made a nonconforming structure when the city years ago established the district to ensure the safe occupancy and reasonable use of lands subject to continuous erosion, such as cliffs and beaches, adjacent to the shoreline.

Under that ordinance, the residence is allowed to stand and be used as is, but it may not be reconstructed in the event of fire or other catastrophe, and it may not be remodeled.

Idea behind the ordinance was to make sure that some day the residence would come down and the use there terminated, so there would be no houses on the ocean side of West Cliff.

Previous councils had several times rejected pleas from previous occupants that they be allowed to remodel the kitchen, the garage and make other improvements.

Cummins came originally to the city with the same request for a kitchen remodeling after his recent purchase of the property.

Then came the question of reconstruction in the event 60 percent or more of the house is destroyed by a disaster, and there was even an application before the council last night for rezoning of the property.

Councilwoman Charlotte Melville made short shrift of the actions by previous councils, saying she thought it a good thing there be exceptions to the rule. She battled doggedly against arguments from council members Bert Muhly, Carole DePalma and Mayor Joseph Ghio that this is the last residence remaining in the district, that in effect giving the special status to the house is giving it a spotzoning, that giving the owner a privilege enjoyed by no other owner of a nonconforming structure in the

city could be challenged in court.

Council members John Mahaney, Jim Hammond and Larry Edler supported granting the special reconstruction and remodeling privilege, however, and got a 4 to 3 vote favoring introducing an ordinance to grant that privilege.

City Manager David Koester made one of his rare arguments

on a pending council action, saying:

"You know, we had this ordinance before the coastal act and the coastal commission, before the Association of Monterey Bay Area Governments. It was passed to protect the city coast from development. There have been many attempts to break this ordinance, but buyers have been aware of it and are aware of it.

"To vote for this would be a complete repudiation of the ordinance supported by councils in the past. This house is the only one on the seaboard side."

Ghio termed it: "This is the granting of the ultimate special privilege."

And Carole DePalma predicted that passage of the ordinance will open the seaboard up to development.

County Environmental Report Draws Praise From Supervisors

A graphic presentation of the county's environmental report — one of eight reports leading to a growth management program — drew high praise from county supervisors Tuesday, with the board telling its planning staff to take the show on the road.

After planners displayed 14 county maps shaded in a rainbow of colors depicting seismic faults, septic tank failures, water pollution and fire hazards, Chairman Ed Borovatz commented, "That was a graphic representation of the concerns we have to deal with."

Supervisor Marilyn Lidicoat, a strong property rights advocate, agreed, but cautioned, "But as you can see conditions are very different

throughout the county," and urged that planning decision be made on a case-by-case basis.

Supervisor Gary Patton suggested, "We should make it possible for the public to share our concerns," and Supervisor Phil Baldwin urged the presentation be taken to the people "in a travel show."

Resource Director Henry Baker said that provisions were being made for the presentation

to be made to groups by request.

The board heaped praise on the work done by county planning staff in preparing the report, with project director Chris Schenck explaining that the majority of the work had been in wringing out existing reports.

He said, however, that new information on septic tank systems and fire hazards had been included.

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