

Skull and bones, Stars and Stripes

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Flag flap raises issues of freedom of speech, a city ordinance and flying the Jolly Roger

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Pacific Ave.

SANTA CRUZ — At the Rittenhouse Building downtown, bears are causing a fuss and a skull-and-crossbones flag is grinding on some patriotic nerves.

City officials say the golden bear sculptures just below the roof line of the three-story building are illegal because they weren't approved as part of the building's design permit.

The city says the Jolly Roger flying above the building is also illegal because city codes say a "house" flag must be flown with the U.S. flag. The pirate flag might violate federal law as well because it flies above the Stars and Stripes at the nearby Town Clock Center.

"No comment," is all building owner Louis Rittenhouse, a former City Councilman, had to say about it.

The building, which opened in August 1998, is also known as the Flatiron Building for its similarity to an old-fashioned clothes iron and its location on a triangular lot at Front Street and Pacific Avenue.

The city has asked Rittenhouse to comply but doesn't appear quite ready to force any changes. Officials say there probably wouldn't be a problem getting approval for the bears if Rittenhouse would simply apply for a permit.

One Zoning Board member, however, said he's not enamored by the art work. Robert Bickal said he wasn't sure whether they are "bears or pigs."

Asked if he would seek a permit, Rittenhouse repeated, "No comment."

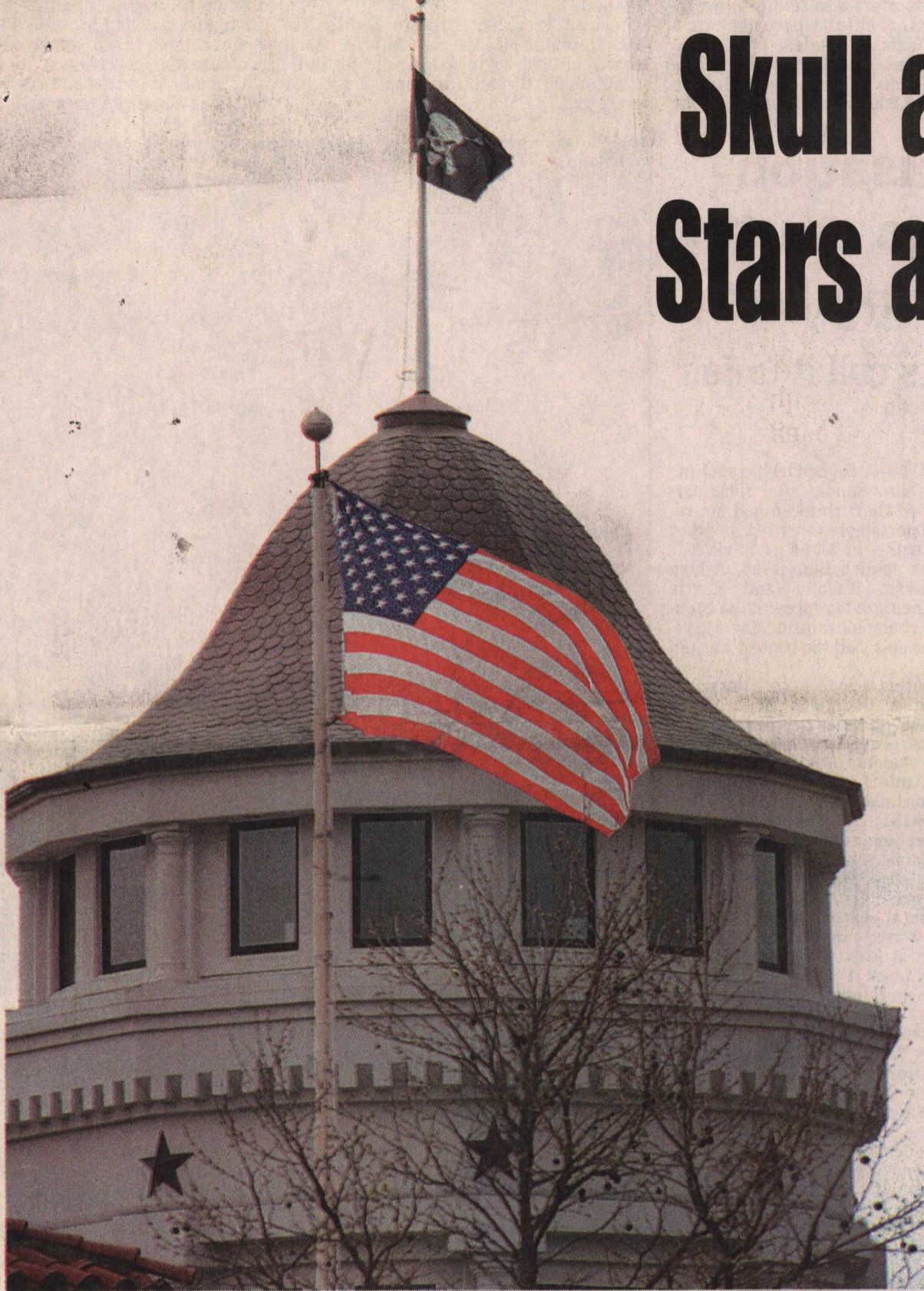
The bears were added to the building almost immediately after completion, but were not part of the design permit.

Clouding the issue, Rittenhouse did get approval to eventually add an unspecified historical component to the building.

And the bears could be considered to have historical significance, according to Meredith Marquez, principal planner for the city. The building lot was home to the city's first courthouse, which flew the state flag, which bears a symbol of California's golden bear.

The pirate flag could prove to be a stickier issue, city officials say.

The pirate flag was hoisted by a computer company that leases space in the building,



A Santa Cruz city ordinance states that a 'house flag,' such as the pirate flag flying atop the Rittenhouse Building, above, may only be flown with an American flag above it. The bears on the same building, right, face a zoning board appeal.

Dan Coyro/Sentinel photos



'(It's an) appalling insult to those veterans and citizens of our country who gave the ultimate sacrifice.'

— Michael Bethke, neighbor

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Network Alchemy. It is intended as a half-serious reminder that the firm wants to overtake its competitors in Silicon Valley.

To partially comply with concerns brought forth by veterans, Network Alchemy co-founder Kenneth Adelman said he will add a California flag in April.

"We'll be flying the (California) flag solo, which is also against their ordinance," he said, smiling.

Adelman said the debate centers on free speech.

"It's my feeling this flag would be covered by the First Amendment because you can already burn the American flag, so I don't see why we would be forced to fly it."

Marquez said the violations are not monumental but her department has tried to persuade Rittenhouse to act because of complaints.

The site of the squabble was home to

downtown's oldest building before the 1989 Loma Prieta earthquake caused heavy damage. It was demolished in 1992.

The bears "are not really a big issue," Marquez said. "People either love them or hate them. And my guess is getting a variance wouldn't be hard. But the flag issue has been hard to mediate."

Marquez said the city doesn't have a lot of enforcement options besides a court battle. Making matters worse for the pirate flag, it might not even meet the city's definition of an allowable house flag, which must contain the "name, symbol or

logo" of the business, Marquez said.

One of the complaints came from Michael Bethke, who lives on Union Street and has a clear view of the flag. He cites federal law that bars other flags from flying higher than the U.S. flag. But the law cited by Bethke isn't entirely clear and seems to be aimed at flags on the same building.

Bethke, in a letter to local congressmen and senators, calls the pirate flag an "appalling insult to those veterans and citizens of our country who gave the ultimate sacrifice."

Stay tuned.