

EARTHQUAKE '89 - City of Santa Cruz

A-2—Friday, July 27, 1990 — Santa Cruz Sentinel

Hotel's fate in judge's hands

Black will rule on demolition of St. George

By MARK BERGSTROM
Sentinel staff writer

SANTA CRUZ — The city and historic preservationists agreed Thursday to let a judge decide whether the St. George Hotel should be demolished.

That decision next month by Superior Court Judge Tom Black will be binding, both sides said.

The City Council on Tuesday approved demolition permits for hotel owner Barry Swenson and, as promised, opponents responded by filing a lawsuit.

On Thursday, attorneys for the city, Swenson and Friends of the St. George Hotel, the California Preservation Foundation and the National Trust for Historic Preservation all agreed to submit the question to a one-time court hearing for a final decision. Judge Black set the searing for 8 a.m. on Aug. 24.

If Black upholds the City Council's decision, Swenson can go ahead and demolish the 96-year-old hotel, which has been fenced off since the Oct. 17 earthquake. Swenson's engineers say the building is too unsafe and costly to repair. He wants to replace it with a look-alike building.

If Black agrees with preservationists that the city ignored provisions of the California Environmental Quality Act and a post-earthquake law banning demolition without state review, then the

permits will be suspended until those requirements are met, if they can be.

Assistant City Attorney Kate Anderson contends that the St. George is exempt from both provisions. CEQA, she said, exempts buildings damaged by events that later are declared disasters by the governor. And, she asserted, the new state law aimed at saving quake-damaged historic buildings specifically exempts structures which pose and imminent threat to safety.

"I'm very confident the law is on our side. The law is clear and the facts are applicable to that law," Anderson said.

She said the city agreed to the court hearing because "it is critical to the community to take care of this quickly."

William Delvac of Los Angeles, attor-

ney for the preservation groups, also predicted victory.

"We believe both faithfully and legally that our case is strong," he said.

He claimed the St. George does not meet emergency exemptions. The hotel can be repaired, he said, and the only question is whether that would cost more than building a new building.

"Cost does not constitute an emergency," he said.

William Van Roo, attorney for owner Swenson, said he looked for a quick resolution. He asked that the preservationists be made to post a bond because, he told Black, Swenson is losing \$50,000 a week on the property. Black refused to require a bond, saying the hearing would be held expeditiously.