

HOMELESS Shelter planning Monday opening

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SANTA CRUZ — Peter Carota plans to open a 25-bed temporary shelter for the homeless at his St. Francis Catholic Soup Kitchen Monday.

The planned opening, which follows a Zoning Board decision to approve a 120-day permit for the shelter, raises a legal question.

The city zoning code states such permits are not valid until a 10-day appeal period is over. The appeal period will end at 5 p.m. Dec. 13.

If an appeal were filed, the permit would not be valid until the appeal were decided, in this case by a decision of the City Council.

However, Associate City Attorney

Carota is extremely bothered by thoughts of the homeless without a place to sleep on cold and rainy nights.

Gerald Bowden said today it is a moot point whether the city would prosecute shelter operators should the facility open against the rules of the appeals' procedure.

Theoretically, the city could prosecute but it is unlikely, he said.

Bowden said it would take "at least 11 days to get to the first stage of prosecution" and judges would be unlikely "to find someone guilty of doing something he has a permit to do."

Bowden added, "I'm not saying

it's city policy to turn a blind eye to people initiating activities before the matter is finally settled, but as a practical matter, there are various kinds of offenses. This kind (should it occur) usually (would) not warrant very serious concern.

"As a practical matter, the issue would be resolved before it got to court."

The hours of operation are 7 p.m. to 7 a.m. daily.

Carota says he cannot wait to open the shelter because he is extremely

bothered by thoughts of the homeless without a place to sleep on cold and rainy nights.

Carota said he also is concerned for the health of Ben Lomond resident Jane Imler.

Imler said she started a fast Nov. 18 and will not eat until local government officials take action to open adequate facilities to shelter the homeless.

Zoning Board approval of the soup-kitchen shelter is not enough to stop the fast, said Imler. She said she is taking lemon-flavored water, "a little" maple syrup and Vitamin C.

She has been tired, short of breath and "kind of weakish," said Imler, "but other than that I'm still here."

She says she has only one kidney