

Judge: UCSC must address growth concerns

UCSC-Growth 8-29-07
Environmental study ruled inadequate; university 'seriously considering' appeal

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SANTA CRUZ — A judge on Tuesday tossed out UC Santa Cruz's environmental study of its long-range growth plan, and urged the university to seek mediation with the city.

Superior Court Judge Paul Burdick said UC's environmental study of its Long-Range Development Plan doesn't sufficiently deal with the impact of traffic, housing and water use on the city. The university now can either re-do its environmental impact report or appeal the deci-

sion.

The judge urged both Santa Cruz and university officials to mediate — rather than spend more money to litigate disputes about UCSC growth. He went so far as to offer the names of mediators.

The ruling could stall construction

of an \$80 million biomedical facility on campus, one of the university's first major projects under the growth plan and the topic of a separate but related lawsuit.

"The judge's decision really creates the opportunity to work together and allow managed growth in a way that

protects neighborhoods," Santa Cruz Mayor Emily Reilly said.

The university's lawyer, however, left open the possibility of an appeal.

"We will comply with the court's



BURDICK

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request that we meet and confer in an effort to resolve our differences. But because we strongly dispute the [California Environmental Quality Act] basis for today's ruling, we are seriously considering appealing the judgment," said Kelly Drumm, lawyer for the UC regents.

Burdick's ruling focused on water, traffic and housing. In each case, the judge said, the university had failed to address potential impacts — nor did it come up with potential solutions.

Drumm expressed disappointment that the judge wanted more environmental analysis on water, traffic and housing, but said university officials were pleased the court dismissed another 13 areas of challenge by the city.

City Councilwoman Cynthia Mathews called that "spin at its finest." Though the city raised questions about such things as noise, aesthetics, air quality and water in the lawsuit, those were never the key issues, she said.

"From Day One, our issues, our big issues, were water, transportation and housing," Mathews said.

Mathews also said city officials were "very interested" in a mediated solution.

"Litigation was a last resort for us," she said.

It's also been expensive. As of July the city's bill for fighting UCSC growth in court was nearly \$500,000. In April, university officials said their legal tab was at \$400,000.

But past talks have failed to produce agreement. Having a skilled mediator present could help the parties focus on key interests and arrive at acceptable if not ideal solutions, Mathews said.

"We're not opposed to university growth per se," she said.

Acting UCSC Chancellor George Blumenthal said Tuesday he personally supports negotiations.

"Today's ruling was not wholly unexpected on campus," he said, adding that the judge had affirmed the university's right to grow responsibly. "We remain committed to working with the community to mitigate our impacts."

In July, Burdick issued a tentative ruling that suggested the three issues would be part of the final decision. He said then he was most concerned about water.

John Aird is co-chairman of Coalition for Limiting University Expansion, which, along with the county, was a party to the city's lawsuit. Tuesday's ruling validates what his group has been saying all along, he said: It's time for the university to live up to its responsibilities.

"My belief is that the university has not been serious. They don't do

anything they haven't been legally forced to do," said Aird, a Westside resident. "It's solvable if [the university] does something more substantive in terms of the public interest, but they haven't felt the need to do that. I hope they will."

The city has no say over campus development since the university is a state entity, which has prompted city officials to take the matter to court.

The city and university are due back in court Sept. 21 for a hearing on the biomedical facility.