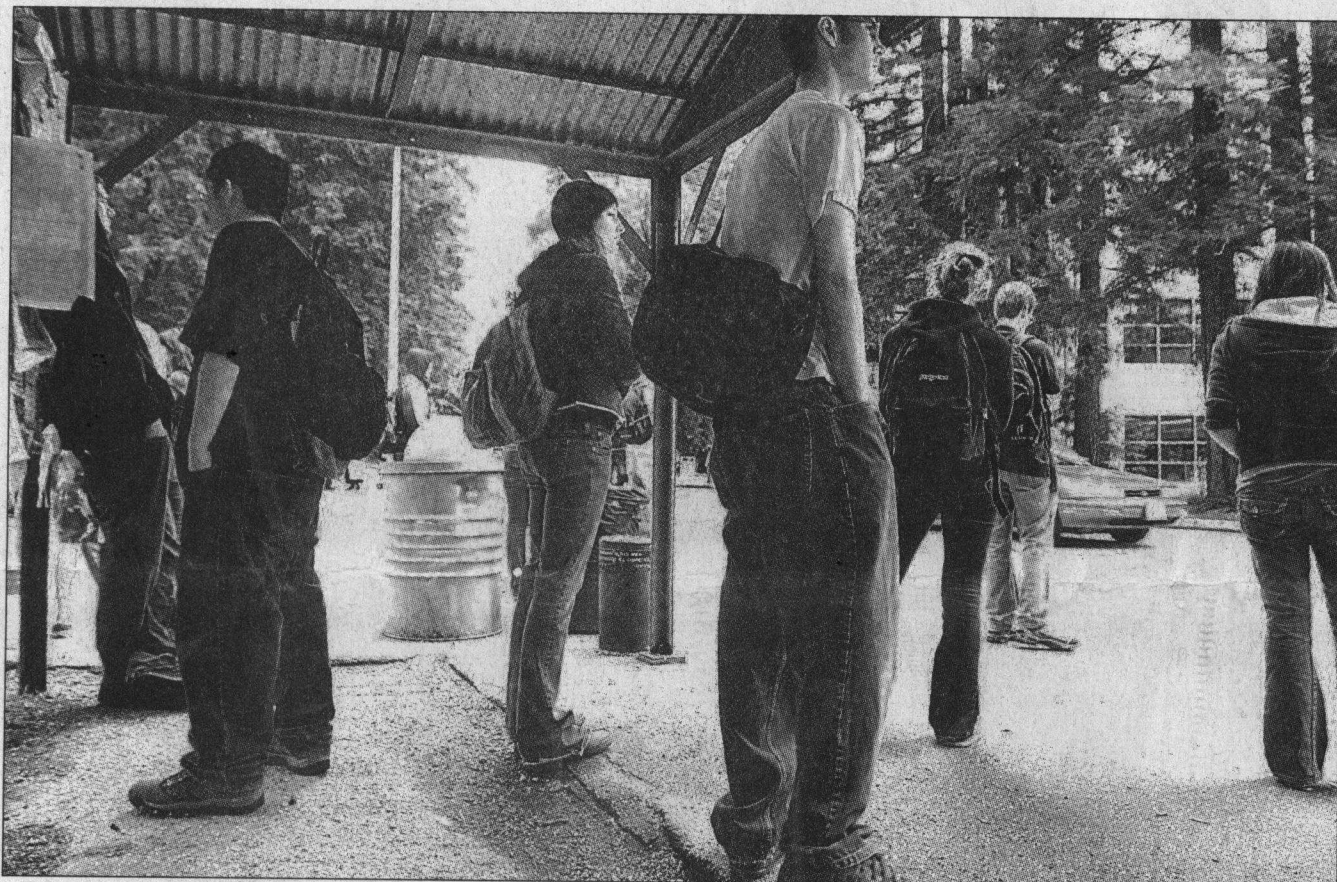


# UCSC growth measures tossed



Shmuel Thaler/Sentinel photos

Students, above, wait at the Science Hill bus stop at UC Santa Cruz on Friday. City Councilman Mike Rotkin, below, says the council will bring the UC Santa Cruz anti-growth measures, which were tossed by a judge Friday, back to a vote.

## Judge cites lack of public notice; S.C. council undeterred by ruling

By **ROGER SIDEMAN**  
SENTINEL STAFF WRITER

A Superior Court judge on Friday tossed out two voter-approved measures that seek to restrict university expansion, saying city officials did not adequately notify the public before placing the measures on the ballot.

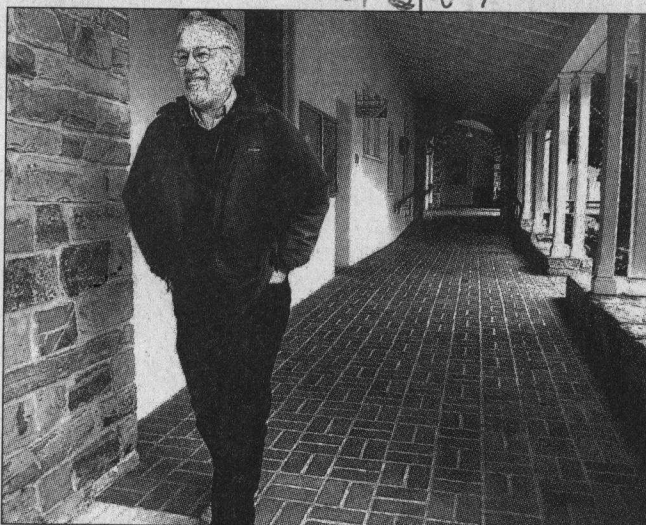
Measures I and J, which Santa Cruz city voters passed with overwhelming support in November, were designed to force UC Santa Cruz to pay

for its impacts as it grows or face the possible withholding of water and sewer services by the city.

Judge Robert Attack's ruling came in response to a lawsuit filed by the university in August that charged the Santa Cruz City Council with violating the California Environmental Quality Act when it put the measures on the Nov. 9 ballot.

But the suit's main com-

See **UCSC** on **PAGE A4**



## UCSC

Continued from Page A1

plaint was never debated. Instead, Attack invalidated the ballot measures on the grounds that the City Council failed to notify the public as required by state law more than 20 days in advance of its July 25 hearing where they voted to place the measure on the ballot.

City Attorney John Barisone said the city failed to submit the necessary paid advertisement to the Sentinel in time.

Councilman Mike Rotkin said the oversight came amid a busy election season for city staffers.

"Somehow in the rush to meet the county's ballot deadline, there

was obviously some slip-up," Rotkin said.

Regardless, supporters of the anti-growth measures were quick to criticize Friday's court decision.

"By using a small technicality in the law to negate the overwhelming vote of the people of Santa Cruz, UCSC just emphasizes how little regard they have for the concerns of local citizens," said Don Stevens, a member of the Coalition to Limit University Expansion.

Mayor Emily Reilly pledged to bring the measures back to voters.

"These ballot measures received support from over 75 percent of voters and that is a resounding expression of the will of the people which must not be frustrated due

to a technicality," Reilly said.

UCSC acting Chancellor George Blumenthal said he hoped Friday's court decision would serve as a catalyst to settle three remaining growth-related lawsuits. The suits "will not be productive" as a means of reaching a resolution with the city, he said.

The three remaining suits were filed against the university by neighborhood groups and the city. They center on UCSC's Long-Range Development Plan. Critics say the plan understates the impacts of growth and forces the city to shoulder the burden of the impacts.

The campus plans to grow from 15,000 to 19,500 students by 2020.

Settlement talks between city and UC lawyers are under way, and university officials say they

are looking to fairly compensate the city.

"We will be making a fair-share [monetary] offer and then hope to put these issues behind us," Blumenthal said.

There is a precedent to UC paying for the services it receives.

When UC Berkeley's 15-year plan to expand the campus sparked a lawsuit by the city of Berkeley in 2005, UC settled out of court, agreeing to pay the city \$1.2 million per year for services.

Rotkin estimated that the impact of the new students on the transportation infrastructure alone carries a price tag of \$10 million to \$50 million.

The suit in court this week alleged the city should have studied the range of environmental

consequences that would come with measures I and J. The suit contended that if the city withholds services needed for expansion into the wooded area north of the campus, the university will be forced to expand within its current boundaries, which would cause significant environmental impacts.

Measures I and J also conflict with contracts dating to the 1960s for the city to provide UC Santa Cruz with water service to all parts of campus, including areas just outside city limits, UC attorney Jennifer Buckman said.

To bring the measures back to voters, Rotkin said the city would consider a mail-in ballot.

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