

# Judge: City can demolish La Bahia

Ruling says city adequately  
studied alternatives to new hotel

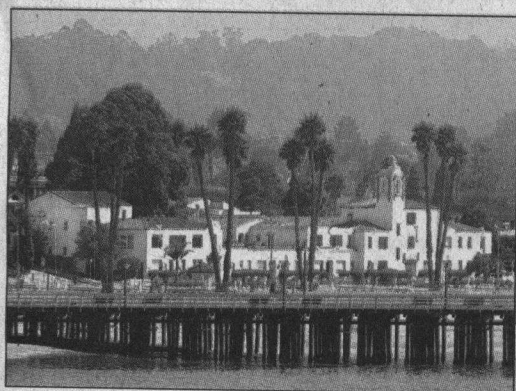
Hotels and Boarding Houses  
By J.M. BROWN

jbrown@santacruzsentinel.com

4-24-10  
SANTA CRUZ — Reversing a preliminary ruling made two months ago, Judge Paul Burdick on Friday paved the way for the city to demolish the historic La Bahia apartments and build a 125-room hotel designed to revive the waterfront.

In February, Burdick tentatively ruled in favor of the Better La Bahia Coalition, which in a suit to halt the project argued that Santa Cruz officials did not adequately study alternatives that would reduce impacts on the site's historic value, as required by California environmental law. Burdick initially said the city's environmental impact report should have more fully examined a partial rehabilitation of the 1926 Spanish Colonial structure across from Main Beach.

SEE LA BAHIA ON A2



DAN COYRO/SENTINEL FILE

La Bahia occupies an entire block on Beach Street with prime views of the wharf and bay.



ANTHONY L. SOLIS/SENTINEL FILE

The city of Santa Cruz last year approved a plan by developer Barry Swenson Builder to incorporate the iconic bell tower of La Bahia into the proposed new hotel project.

## LA BAHIA

Continued from A1

But the judge on Friday said two recent appellate rulings affirming his own decisions in the Arana Gulch and Watsonville airport cases demonstrated the importance of looking at a city's administrative record to determine whether alternatives were considered. After reviewing records from La Bahia public hearings and other communication with residents, Burdick said it was clear the city's staff had looked at saving more of the crumbling structure and determined the obstacles were too great.

But the coalition's lawyer, Susan Brandt-Hawley, argued the city never

proved that restoration would be too expensive and instead relied on what she called a "drive-by" assessment by surveyors hired by the developer. Telling the judge she was surprised by his change of mind, she said a partial restoration alternative should have been at least presented to the council in the project's final report.

"We have a chance to have something real, not a Disneyland-like copy," she said.

A year ago this week, the City Council approved a plan by developer Barry Swenson Builder that incorporates La Bahia's original bell tower and mimics the design of courtyards that would be demolished. The city has argued that, even though California Environmental Quality Act doesn't require officials to choose alternatives just because they exist, staff nonethe-

less studied restoration and decided the cost would kill the project.

"He saw the city did a lot of work," City Attorney John Barisone said of the judge.

Burdick said he appreciated "the extremely high-quality advocacy on both sides" and hoped the project would go forward. Burdick's ruling will help inform the California Coastal Commission's ultimate decision on whether to approve the project.

Disappointment with the judge's ruling was palpable in the courtroom as coalition members tried to make sense of the reversal. Don Webber, a coalition leader who lives near La Bahia, said he has not decided whether to appeal, which must be filed within 60 days, but said he disagreed that the city presented "a reasonable range of alternatives."