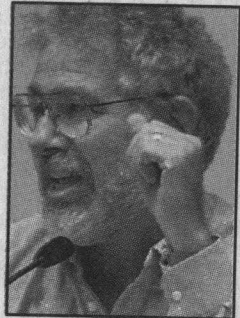


Suit looms over UCSC garage

✓ *UCSC - Growth*
“The only way to get their attention seems to be through legal means.”
— **Mike Rotkin,**
Santa Cruz councilman



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Santa Cruz council says parking structure will harm environment, increase traffic

By **DARREL W. COL**
Sentinel staff writer

SANTA CRUZ—The City Council may sue the University of California if it moves ahead with plans to build a 500-space parking garage on the Santa Cruz campus.

A majority of council members say they are willing to take the matter to court un-

less UCSC officials change some of the conclusions in the project's environmental-impact report.

The council has scheduled a closed session May 25 to discuss its legal options, the strongest indication so far that a lawsuit could be coming. The council also voted unanimously this week to have the mayor send a letter to the UC Board

of Regents protesting the parking structure.

The council members say the six-story, \$11 million garage is a bad idea that will increase traffic congestion on the city's Westside. They also say the environmental-impact report does not adequately discuss alternatives such as more direct bus service from remote parking lots.

Councilman Mike Rotkin said Wednesday the council is serious about legal action.

“This is not a message,” he said. “This is real. We are going into closed session to see if we are going to sue their butts. We don't have a lot of other options be-

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Lawsuit

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cause the university can just ignore us, so the only way to get their attention seems to be through legal means.”

Liz Irwin, UCSC's public information officer, said she was unaware the City Council was considering litigation. She said the final environmental report, expected to go before regents in July, will include past council concerns.

The 26-member Board of Regents is scheduled to make a final decision on the project at that time.

Rotkin and Councilman Tim Fitzmaurice, both employed as lecturers at UCSC, led the city's early opposition to the parking structure.

The university is in the city but the city has no direct say over how it operates or develops because it is a state entity.

Some council members also are upset that the regents are scheduled to approve the money to build the parking garage May 20 — before the impact report is even certified.

Councilman Keith Sugar, a land-use lawyer, said approving financing before environmental certification is illegal.

“It's a blatant violation of (the California Environmental Quality Act),” Sugar said. “Case law explicitly says that any government action that commits the agency to a project cannot happen until you certify the EIR. When you are funded, you are committed to the project.”

Irwin said getting the financing approved before the environmental certification is legal.

“Clearly, UC is complying with state laws, as we have always done,” she said.

Fitzmaurice said the impact report's

main flaw is that some of its traffic and growth figures are based on 2000 and 2005 estimates but should be based on impacts in 2010.

If the university isn't willing to change its assumptions in the environmental report, Fitzmaurice said, he would vote to file a lawsuit that would be based on those “foundations and facts.”

“All we have is technicalities to go on and making sure they follow them the way they are supposed to,” Fitzmaurice said. “The intention of the council is to say we notice, and we are watching and we expect you to do this properly.”

The garage is proposed to be built at Heller and McLaughlin drives, near Science Hill. Most of the spaces would be set aside for faculty, staff and graduate students.

If the city sues, it will bring back memories of a similar situation between the city and UCSC in 1988. The council at that time sued over the environmental impact of College Eight.

An out-of-court settlement required the university to pay the city a fair share for water and other impacts caused by UCSC growth.

“The EIR was terrible for College Eight and it's terrible here, too,” Rotkin said. “I think there are parallels. This garage begins a bad pattern, and it's the first step in a bigger issue.”

The bigger issue, Rotkin said, is more parking garages and rising parking fees for UCSC students.

University officials say the parking garage follows the long-range plans of an expanding campus. On-campus parking is limited to 5,200 student spaces and 3,000 employees. About 11,000 students are enrolled, a number expected to grow to 15,000 by 2005.