

Statement

East Meadow Action Committee

Date: Oct 30, 2020

Court Orders UC Regents to Rescind Their Approval of UCSC's Student Housing West Project

Today the Santa Cruz Superior Court issued a Writ of Mandamus ordering the Regents of the University of California to rescind their approval of UCSC's Student Housing West project.

The Court's order carried out the Court's final judgment in a case brought by the East Meadow Action Committee (EMAC) in April 2019 under the California Environmental Quality Act (CEQA). That law mainly addresses procedural issues. It does not necessarily stop a state agency from building an environmentally flawed or poorly designed project. But it does require that agency to be honest and transparent about what it is doing, to give the public an opportunity to comment, to incorporate feasible mitigations and alternatives that mitigate for significant environmental impacts, and to make its final decision in public and on the record so that there is public accountability. The court found that the UC Regents failed to meet the requirement of the law when they improperly approved the Student Housing West project. Specifically, the Regents rejected the alternatives, including environmentally superior alternatives, as economically infeasible at a time when the economic analysis was being withheld from both the Regents and the public, and the missing economic analysis was only made available several weeks later to a small subgroup of Regents meeting secretly and off-the-record. The court therefore is ordering the Regents of the University of California to rescind their approval of the project.

The Court's Writ of Mandamus therefore "commands" the Regents to set aside:

- their "adoption of the CEQA Findings and Statement of Overriding Considerations approving the Student Housing West Project..."
- their "adoption of the Mitigation Monitoring and Reporting Program for the Student Housing West Project...", and
- their "approval of the design of the Student Housing West Project..."

and to do all that within 120 days.

We at the East Meadow Action Committee do not oppose the construction of additional housing on campus, and in fact we do not oppose 95% of the Student Housing West project. What we oppose is a decision that was made in haste and behind closed doors in September, 2017, to move 5% of the Student Housing West project to the East Meadow. This decision was made in order to avoid having to work with the US Fish and Wildlife Service (USWFS) to devise a relatively small

Habitat Conservation Plan for parts of the west campus site. Working with the USFWS remains a viable alternative to East Meadow destruction. For a campus that justifiably prides itself on its Environmental Studies Department, the decision not to pursue this alternative in 2017 was a mystifying failure to be true to itself. But it is not too late for UCSC to revise this decision, and the judge's order provides another compelling reason to do so.

Moreover, in the current fiscal and public health emergency, with so many crucial questions unanswered about the future size and nature of higher education in the US, and with demand for student housing depressed in the near term, UCSC has the time to fully consider what project is most appropriate to these now changed circumstances, and it should avail itself of that opportunity.

We believe UCSC can move forward deliberately with any of a number of alternative plans for building additional on-campus housing in an environmentally responsible way, and it can do so while preserving what is special about this campus. We look forward to working with the UC administration on that project. We believe the UCSC administration is increasingly aware that the East Meadow portion of this project would be destructive to the campus, to UCSC's reputation, and to the support UCSC enjoys from so many.

We note, however, that it is also possible that, having rescinded the approval as ordered by the court, the university and the Regents could attempt to re-approve the same discredited version of the project. Our work is not done until it is clear that the UCSC administration and the Regents are not going to make that mistake. This project was scheduled to begin construction in the summer of 2018. Thanks to all those who have supported EMAC financially, materially, politically, and intellectually, the meadow endures, as do the university's principles of environmental stewardship and responsible growth. EMAC is eager to work in favor of a project that accords with these principles and protects the East Meadow. We remain committed to opposing a project that includes its destruction.