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## **TO ERR IS HUMAN; TO CORRECT, DIVINE.**

This is the complete version of a guest commentary by Paul Schoellhamer published in the Santa Cruz Sentinel, 2/13/21. The published version can be accessed at

<https://www.santacruzsentinel.com/2021/02/13/guest-commentary-ucsc-can-still-correct-mistakes-on-student-housing-location/>

We all occasionally make a mistake. What matters, though, is whether we choose to correct our mistake, or whether we just keep stubbornly denying our mistake, as its unhappy consequences just keep piling up higher and higher.

UCSC last added a building for on-campus student housing in 2004. Since then the campus has increased the number of students enrolled every year, yet has never added another building for on-campus student housing.

By 2008 there was, not surprisingly, a growing housing shortage. UCSC proposed two new buildings for student housing, in a project called East Campus Infill. It was non-controversial, fully approved including its environmental report, and the bids were coming in below budget. Then the UCSC administration cancelled the project, because they forecast that the oncoming recession would depress student enrollments. That was a mistake. It turned out the recession had the opposite effect – demand for enrollment soared.

Did the administration then correct their mistake by restarting their fully approved housing project? No, not then, and not since. They are still sitting on a project that is fully approved including its environmental review. And no, they don't want to talk about it.

So enrollments continued to increase every year, with no new buildings for housing students. Not surprisingly the housing shortage got worse. Within a few years both the campus and the City of Santa Cruz were in a full-blown housing crisis.

Early in 2016 UCSC launched an effort to build its biggest housing project ever, roughly 3000 beds, mostly for undergraduates but also including family student housing, some graduate student housing, and a childcare facility, all on about 26 acres on the west side of campus. Initial reviews were mostly favorable: there was general support. UCSC spent a year and a half doing the planning, site surveys, and preparation for the environmental review. Things were going well.

It was well-known that half the site was designated as habitat for a listed frog. This was a very low level of habitat for this species, for which relatively modest mitigation would

normally be required, mitigation that would nonetheless improve the overall prospects for the frog. For no known reason UCSC waited a year and a half into their site preparation work to first discuss this issue with US Fish and Wildlife Service.

In that discussion, USFWS made it clear that they wanted to work cooperatively with UCSC on making sure the project could proceed, but they would need to negotiate some modest mitigation for that modest level of habitat lost. UCSC's own expert staff estimated that doing so would add about 6 months to the project schedule. This was a process that UCSC had used successfully a few years earlier to build on-campus housing for faculty.

However UCSC's administration rejected out-of-hand working with USFWS to get the project built, and their reason was they deemed the 6 month delay unacceptable. This proved to be a big mistake.

The schedule they were trying to protect called for site construction to begin in the summer of 2018. Refusing to work with USFWS meant that half the 26 acres on their planned site would now be unusable. To deal with that loss they decided to put the Family Student Housing and childcare facility on 17 acres in the East Meadow. But they had done no preparatory work on the East Meadow, so they were suddenly way behind schedule on getting the environmental documents ready for a project that would now cover much of the East Meadow. They rushed out a draft environmental document that was so inadequate it had to be withdrawn. By the time they got out a revised draft environmental document the best they could hope for was a construction start in the summer of 2019.

So the decision to save 6 months had already cost them a year. It also turned a project that enjoyed broad support into a project that was and remains highly controversial.

They took the project to the Regents for approval in March 2019. It went badly. UCSC did not want to defend moving part of the project to the East Meadow on grounds of saving 6 months when that decision had already resulted in a year of delay, so they attempted to defend that decision on reasons of cost, not schedule. But the cost arguments were frail enough so that UCSC decided not to show the Regents the cost calculations on which the cost arguments were based.

And when the Regents wanted to approve the part of the project on the west side of campus but not the controversial part in the East Meadow, UCSC responded that it was impossible to do one without the other. They failed to mention that it would have been entirely possible to do exactly that if they just worked out mitigation with USFWS. In fact, they never told the Regents that the entire East Meadow part of the project had come about only because of the decision not to work with USFWS on mitigation.

Ultimately, after a lot of angst, the Regents did approve the project. The version of Student Housing West that included the East Meadow was highly controversial among UCSC's friends and supporters, and two lawsuits were filed shortly after the Regents approved the project. One has been decided at trial (Judge Burdick found the approval process to be illegal, ordered the approvals to be set aside, but did not specify what UCSC should do

thereafter), and an appeal has been filed. The other is still in trial. The project cannot get financing until all litigation is resolved.

So a decision to save 6 months and get construction started in 2018 will now instead get it started in 2022 at the very earliest, more likely 2023 – and a lot longer if UCSC has further losses in either case.

Even on its own terms, the decision to save 6 months was clearly a mistake. The question now is whether UCSC perpetuates this mistake by continuing to try to find a way to build the controversial East Meadow version of the project built, or whether it returns to some version of the earlier consensus project it abandoned over a 6 month delay.

Is there a correction possible, even at this late date? Fortunately yes. And it is well-past time for a correction. UCSC could go back to where it took a wrong turn, work out mitigation with USFWS, regain use of the entire 26 acres on the west side, and put all elements of Student Housing West back on that site. That plan allows adequate separation of the various elements (childcare, family student housing, student dorms). It also resolves all pending litigation against the project. UCSC could do a limited environmental review covering only those aspects of the previous document that need amending and then proceed to construction. This would not be an instantaneous path nor would it be a zero risk path. But it would be a quicker path and a lower-risk path than continuing to slog through litigation with a highly controversial project.

This way forward would find broad support and accords with UCSC's tradition of environmental stewardship, responsible planning, and design excellence. And most importantly, it would take the shorter, surer path to providing student housing and a childcare facility.

-- Paul Schoellhamer

*Mr. Schoellhamer is a grateful graduate of UCSC, now retired and living in south county.*