

Housing protest fails

SANTA CLARA DEVELOPMENT OK'

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A residents group is planning its next move after a judge threw out its lawsuit to block a housing development from rising at the University of California's former agricultural testing site known as BAREC.

SummerHill Homes plans to build 110 single-family homes on the 17-acre site in Santa Clara near Westfield Valley Fair shopping center, and the non-profit Charities Housing plans to build 165 affordable senior housing units there.

The group SaveBAREC had hoped its lawsuit, contending that an environmental impact report approved by the city council is invalid, would stop the development.

But Santa Clara County Superior Court Judge Leslie Nichols ruled against the group in a hearing last month, in a major boost for developers who have been eyeing the site for years.

"It was very disappointing to see how quickly the case was shut down, and that once again, big money and big business prevailed," said Kirk Vartan, spokesman for SaveBAREC.

Nichols handed down a 15-page ruling allowing the state to go forward with demolition plans and Santa Clara to release the development permits.

Katia Kamangar, SummerHill's senior vice president, had said she was confident that her company would

prevail in the suit, given the time spent to prepare the report and the approval by the state Department of Toxic Control for the plan to rid the site of toxins.

Vartan said the ruling can be appealed, but that will not stop the expected demolition and cleanup process.

The site is the former home of the University of California's Bay Area Research and Extension Center, known as BAREC. It is bounded by Winchester and backs up to residences on Forest Avenue, Dorcich Street and Henry Avenue.

The lawsuit, filed on Aug. 10, 2007, claimed the environmental report was "inadequate" and "flawed" in the areas of soil testing and cleanup, traffic, significant impacts, loss of farmland and history.

This was the second defeat for SaveBAREC, which after a successful petition drive in 2007 forced Santa Clara to put the issue to a citywide vote in February of this year.

Both measures, allowing for development and rezoning, passed with slightly more than 60 percent of the vote.

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