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Fri, 17 Oct 2008 13:15 [E-mail](#) [Print](#)

SF: LAWYER SAYS NO DECISION ON WHETHER TO APPEAL JUDGE'S REFUSAL TO BLOCK CHINATOWN CAMPUS

SAN FRANCISCO (BCN)

A lawyer for the owner of a highrise in San Francisco's Financial District said today that no decision has been made on whether to appeal a judge's refusal to block construction of a nearby Chinatown community college campus.

San Francisco Superior Court Judge Paul Alvarado on Thursday turned down a request by Montgomery-Washington LP for a preliminary injunction that would have halted construction of a 14-story building for City College of San Francisco.

The company owns a 26-story office and condominium tower at Montgomery and Washington streets near the planned Chinatown campus.

Company attorney Michael McKeeman said, "We are discussing the judge's ruling" but have made no decision on a possible appeal.

Whether there is an appeal regarding a preliminary injunction, the company's lawsuit is scheduled for a full trial in April on the firm's request for a permanent injunction.

But Alan Sparer, a lawyer for the community college district, said that as a result of Alvarado's ruling, groundbreaking for the new building is expected to take place next month.

Sparer said, "The college is very excited with the ruling" because the more than 8,000 college students in the Chinatown area will now have a campus. Classes are currently dispersed among eight rented sites, many of which are dilapidated or in need of earthquake safety upgrades, the attorney said.

Sparer said, "If you want to have a genuine student community, you need a campus. This means the campus will go forward, at least for now."

Sparer said that construction of the 14-story building and a second, four-story building is expected to begin next year and be completed in 2011. He said a preliminary injunction together with the trial and appeals could have delayed completion of the campus until 2015.

Montgomery-Washington claims that a 2005 settlement agreement required an independent preservation architectural firm to review the sites of both the 14-story building and the four-story building near the historic Colombo Building and Jackson Square.

The college district contends the review requirement applied only to the site of the smaller building.

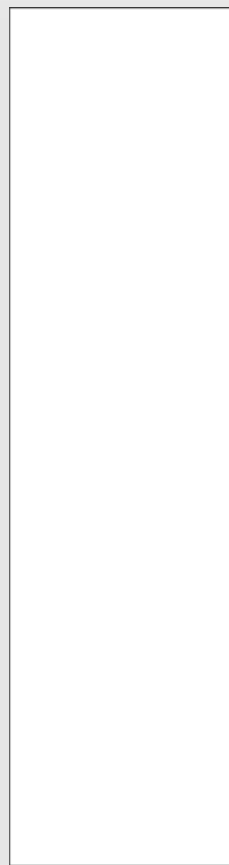
Alvarado favored the district's argument in his two-page ruling, writing that "the plain language" of the settlement supported the district's interpretation and that Montgomery-Washington had not shown a reasonable probability of winning its case in the April trial.

The judge also wrote that the college "is likely to incur millions of dollars in losses if an injunction is granted" and that the balance of hardships therefore favored the district.

A separate lawsuit by a preservation group, which contends that environmental review of the campus plan has been inadequate, is scheduled for a Superior Court hearing in December.

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