

1.1 PROJECT OVERVIEW

This Environmental Impact Report (EIR) addresses the potential environmental effects of the applications to LAFCO to amend the City of Santa Cruz' sphere of influence (City application) and provision of extraterritorial water and sewer services (University of California application) to a 374-acre portion of the University of California Santa Cruz (UCSC) campus known as "North Campus". The applications to LAFCO were made by the City and University in accordance with provisions of the "Comprehensive Settlement Agreement" regarding the University's 2005 Long Range Development Plan.¹ The Settlement Agreement was entered as a final judgment of the Santa Cruz Superior Court. Pursuant to this stipulated judgment, the City agreed to continue to provide water service to the UCSC campus through its existing water connections (that UCSC may use to support development planned in its adopted 2005 LRDP – up to 3,175,000 square feet of building space) to assist UCSC with achieving its on-campus housing commitment set forth in the Settlement Agreement, consistent with other provisions of the Comprehensive Settlement Agreement. Upon completion of environmental review, LAFCO will consider the SOI request from the City as well as the request for provision of extraterritorial services submitted by UCSC to LAFCO.

1.2 PURPOSE OF EIR

This EIR has been prepared for the City of Santa Cruz (City), which is the lead agency for the project. Where a project is to be carried out or approved by more than one public agency, one public agency, the "lead agency," shall be responsible for preparing an EIR. In accordance with section 15051 of the State CEQA Guidelines, where two or more public agencies will be involved with a project, the agency that will carry out the project is considered the lead agency. The lead agency is normally the agency with general governmental powers, such as a city or county. Additionally, the State CEQA Guidelines (section 15051(c)) indicate that where more than one public agency meet the criteria of lead agency, the agency which will act first on the project shall be the lead agency.

¹The 2005 LRDP EIR was legally challenged by several entities, including the City of Santa Cruz. A ruling by the Santa Cruz County Superior Court in *City of Santa Cruz et al. v. Regents of the University of California et al.* (CV 155571, consolidated with Case No. CV155583) concluded that additional analyses relating to water supply, housing, and traffic mitigation were required. In August 2008 a "Comprehensive Settlement Agreement" was executed by all the parties, which resolved the lawsuits and left the LRDP EIR in place as a legally valid document. The Settlement Agreement was entered as a final judgment of the court, thereby superseding the previous court ruling. See PROJECT DESCRIPTION (Chapter 3.0) of this EIR and Appendix C for further discussion.

The City of Santa Cruz, University of California and Santa Cruz, and LAFCO discussed which agency would be lead agency. It was determined that the City of Santa Cruz should be the lead agency for environmental review as it is the agency responsible for carrying out the project (providing water and sewer service), and is the first agency to act on the project, as well as being the agency with general governmental powers, compared to LAFCO and the University. LAFCO is a responsible agency for the purposes of this project. During preparation of the Final EIR, it was determined that the University of California is not a responsible agency as reported in the Draft EIR because there is no discretionary action required by The Regents in the foreseeable future to carry out the proposed project. Pursuant to State CEQA Guidelines sections 15050 and 15051, the decision-making body of each responsible agency shall consider the Lead Agency's EIR or Negative Declaration prior to acting upon or approving the project. Each responsible agency shall certify that its decision-making body reviewed and considered the information contained in the EIR or Negative Declaration on the project.

This EIR has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended in 2008, and the State CEQA Guidelines, which are found in Title 14 of the California Code of Regulations, commencing with section 15000. As stated in the CEQA Guidelines section 15002, the basic purposes of CEQA are to:

- ❑ Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.
- ❑ Identify the ways that environmental damage can be avoided or significantly reduced.
- ❑ Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- ❑ Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

Pursuant to State CEQA Guidelines section 15121, an EIR is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information which may be presented to the agency. While the information in the EIR does not control the lead agency's ultimate decision on the project, the agency must consider the information in the EIR and respond to each significant effect identified in the EIR by making findings pursuant to Public Resources Code section 21081.

1.3 EIR PROCESS

A Notice of Preparation (NOP) for this EIR was circulated on November 3, 2008 (see Appendix A). The NOP was circulated to the State Clearinghouse and local, regional and federal agencies and organizations. Additionally, a public scoping meeting was held on November 19, 2008 to take public comment on the EIR scope. The Draft EIR was published and circulated for review and comment by the public and other interested parties, agencies and organizations for a 60-day review period from November 19, 2009 through January 18, 2010. This “Final EIR” document in conjunction with the Draft EIR document, dated November 2009, constitutes the Final EIR for the project.

The Final EIR will be presented to the Santa Cruz City Council. LAFCO requires a City Council Resolution authorizing the subject LAFCO Sphere of Influence application to be submitted by the City. The adoption of this resolution is the discretionary act for which the Council will first need to certify the Final EIR. Before adopting the resolution, the Council must certify that it has reviewed and considered the information in the EIR, that the EIR has been completed in conformity with the requirements of CEQA, and that the document reflects the City’s independent judgment. The certified EIR will also be used by Santa Cruz Local Agency Formation Commission in its consideration of applications for a sphere of influence and provision of extraterritorial services.

Pursuant to sections 21002, 21002.1 and 21081 of CEQA and sections 15091 and 15093 of the State CEQA Guidelines, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects unless both of the following occur:

- (a) The public agency makes one or more of the following findings with respect to each significant effect:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects on the environment
 - 2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can and should be, adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal,

social, technological, or other benefits of the project outweigh the significant effects on the environment.

1.4 COMMENTS RECEIVED ON THE DRAFT EIR

Agencies, organizations and individuals that submitted written comments on the draft EIR are outlined below.

RESPONSIBLE AGENCIES

- ❑ Santa Cruz Local Agency Formation Commission (LAFCO)

LOCAL & REGIONAL AGENCIES

- ❑ County of Santa Cruz Board of Supervisors, Neal Coonerty
- ❑ County of Santa Cruz Health Services Agency
- ❑ Monterey Bay Unified Air Pollution Control District

STATE AGENCIES

- ❑ CalFire – California Department of Forestry and Fire Protection
- ❑ Regional Water Quality Control Board
- ❑ State Clearinghouse
- ❑ University of California Santa Cruz, Physical Planning and Construction
- ❑ University of California Santa Cruz, UCSC Natural Reserves

FEDERAL AGENCIES

- ❑ U.S. Department of the Army – U.S. Army Corps of Engineers
- ❑ U.S. Department of Commerce – National Marine Fisheries
- ❑ U.S. Department of the Interior – Fish and Wildlife Service

ORGANIZATIONS & AFFILIATIONS

- ❑ Community Water Coalition, Gary A. Patton, Wittwer & Parkin, LLP
- ❑ Environment in the Public Interest (EPI), Gordon Hensley
- ❑ Environment in the Public Interest, Alexander T. Henson Esq.
- ❑ Habitat and Watershed Caretakers, Stephan C. Volker
- ❑ Rural Bonny Doon Association
- ❑ Santa Cruz Bird Club
- ❑ Sierra Club
- ❑ University of California Faculty – Karen Holl, Don Croll, Laurel Fox, Gregory Gilbert, Deborah Letourneau, Michael Lok, Ingrid Parker, Daniel Press, Zdravka Tazankova, Chris Wilmers, Eria Zavaleta

INDIVIDUALS

- ☐ Elizabeth Andrews
- ☐ Frank Andrews
- ☐ Jeff Arnett
- ☐ Robin Bliss-Wagner
- ☐ Vince Cheap
- ☐ Joe Christy
- ☐ Madeleine Clyde
- ☐ Tara Cornelisse
- ☐ Greg Cotton
- ☐ Renwick Curry
- ☐ Jodi Fredani
- ☐ James Gill
- ☐ Grey Hayes
- ☐ Hal Levin
- ☐ Michael Levy
- ☐ Carol Long
- ☐ Rick Longinotti
- ☐ Bill Malone
- ☐ Fred McPherson
- ☐ Dustin Mulvaney
- ☐ Nell Newman
- ☐ Ron Pomerantz
- ☐ James Proffitt
- ☐ Orly Rabinowiz
- ☐ Reed Searle
- ☐ Don Stevens, January 7, 2010 & January 15, 2010

The following comments were received on the Water Supply Assessment before the distribution of the public review Draft EIR, and the City Council directed that these comments be addressed in the Final EIR with the other submitted DEIR comments.

- ☐ Andy Schiffrin
- ☐ Community Water Coalition, Gary A. Patton, Wittwer & Parkin, LLP, October 13, 2009
- ☐ Don Stevens, October 13, 2009
- ☐ Sierra Club
- ☐ Reed Searle
- ☐ Bill Malone

- ❑ Don Stevens, October 22, 2009
- ❑ Rick Longinotti
- ❑ Community Water Coalition, Gary A. Patton, Wittwer & Parkin, LLP, October 26, 2009

1.5 REPORT ORGANIZATION

The Final EIR is organized with the following sections.

- ❑ INTRODUCTION
- ❑ SUMMARY OF ENVIRONMENTAL IMPACTS: This section provides a summary of all impacts, level of significance, and mitigation measures identified for the project, as well as a summary of alternatives. Changes made since circulation of the public review Draft EIR are shown in underlined typeface for additions and ~~striketrough~~ typeface for deletions.
- ❑ CHANGES TO DRAFT EIR: This section outlines revisions to the Draft EIR text as a result of review of comments and responses as may be needed. As previously indicated, this document in conjunction with the Draft EIR, dated November 2009, constitutes the Final EIR for the project. This document contains responses to comments received on the Draft EIR.
- ❑ PUBLIC COMMENTS AND RESPONSES: Responses to comments immediately follow each comment letter.

A Mitigation Monitoring and Reporting Program is included in Appendix A.