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California Land Use & Development Law Report

U.C. Santa Cruz Expansion Plan EIR Overturned

In *Habitat and Watershed Caretakers v. City of Santa Cruz*, the court of appeal set aside the EIR for long-term development of the U.C. Santa Cruz campus. The city and the University of California had settled litigation challenging the University's development plan. A key provision of the agreement required the city to seek Local Agency Formation Commission approvals for it to provide water and sewer service for planned expansion of the campus outside the city's boundaries. The city's EIR prepared for the LAFCO's use stated the project objective was to implement the settlement and to obtain necessary LAFCO approvals. The EIR didn't discuss a limited-water alternative reasoning it wouldn't accomplish those objectives. The court ruled that the EIR's statement of objectives improperly focused on the nature of the approvals required rather than the project's underlying purpose. As a result, it did not include any alternatives that might reduce impacts on the city's limited water supplies. This, the court concluded, denied the LAFCO the information on alternatives needed for informed decision-making, in violation of CEQA.

In February 2013, the court issued a modified opinion (see [March 6, 2013 post](#)) that reached a different conclusion on the project objectives, finding that the deficiencies in the objectives stated in the Draft EIR were adequately corrected in the Final EIR. But the modified opinion does not change the court's ruling that the EIR was invalid for failing to explore an adequate range of alternatives for reducing the project's water supply impacts.

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