



County of Santa Cruz⁰¹⁰⁹

BOARD OF SUPERVISORS

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AGENDA: 10/17/00

October 11, 2000

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: COYOTE VALLEY RESEARCH PARK

Dear Members of the Board:

Board members are undoubtedly aware that, as expected, the San Jose City Planning Commission recommended approval of the massive Coyote Valley Research Park project and certification of the Environmental Impact Report (EIR). The County, along with other public agencies, filed an appeal of these decisions to the City Council,

According to information from AMBAG, the City Council is scheduled to hold its first hearing on the project on Tuesday, October 24, 2000. The Council is expected to act on the matter on October 31, 2000, and most likely certify the EIR at that time. The Notice of Determination is expected to be filed five days later, on November 6, 2000. Under the California Environmental Quality Act (CEQA) requirements, a legal challenge must be filed within thirty days of the posting of the Notice of Determination.

In my view, given the major impacts the proposed project will have on Santa Cruz County and the serious flaws in the EIR, I think the County should challenge in court the approval of the EIR in its current form, should the City of San Jose decide to ignore the reasonable concerns raised regarding the document's inadequacies. Obviously, a project of this magnitude is very complex and, as the comments submitted by the County and others have pointed out, there are a large number of problems with the EIR.

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Since the amount of time provided for a legal challenge under CEQA is so short, I think it is important that the County Counsel's office begin now to prepare the County's case and start consulting with other concerned agencies in anticipation of the likely approval on October 31, 2000, of the project by the San Jose City Council. Normally, I would prefer to wait until the decision on the project is made by the City Council. However, because the project is so massive and the time so limited, I think we must start now, assuming the worst.

Therefore, I recommend that the Board of Supervisors take the following actions regarding the Coyote Valley Research Park:

1. Direct the County Counsel to begin preparing to challenge the adequacy of the project's EIR should the City of San Jose approve the project without amending the EIR and recirculating it based on the County's comments;
2. Direct the County Counsel to cooperate and coordinate with other agencies in carrying out this task; and
3. Direct the County Counsel to report back to the Board on this matter in closed session at the Board's November 7, 2000, meeting.

Sincerely,



MARDI WORMHOUDT, Supervisor
Third District

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cc: County Counsel
Planning Director
AMBAG

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