PUREWater Soquel

Agenda Item 7.2

November 17, 2020
Legal Background and Purpose

- District is not being asked to re-certify the existing EIR or to re-approve the original Pure Water Soquel Project.
- Scope of action tonight is more narrow and includes whether to approve minor modifications to the previously approved PWS Project.
- Where an agency proposes to modify a project after approval, environmental review in the form of an “Addendum” is common.
- An Addendum sets forth why project modifications do not result in new significant impacts or a substantial increase in previously identified significant impacts.
- Because detailed analysis and extensive public review has already been done for the PWS Project through an EIR process, CEQA confirms that an Addendum does not have to be circulated for advanced public review.
Addendum to the EIR

Background and Purpose of Addendum

Project Definition

Environmental Setting, Checklist, and Discussion of Impacts
Factual Background and Purpose

- District certified Pure Water Soquel Project EIR and approved Project December 18, 2018
- Project Planning and Design conducted in 2019 and 2020 identified potential modifications to approved Project:
  - A parcel adjacent to the Chanticleer site became available, with existing building and parking
  - Purchase of parcel would replace the need to build a new operations and education center
  - Treatment process and facility layout refinements made at SC WWTF and Chanticleer sites
- Modified Project subject to the mitigation measures adopted for the approved Project
Property at 2455 Chanticleer Avenue, SC

Proposed New Parcel: APN 029-013-57 (2455 Chanticleer Ave)

Existing approved project parcel

Existing structure can be repurposed to fit Pure Water Soquel needs
Treatment Process and Facility Modifications

- Nitrifying Biological Aerated Filters (nBAF) Pretreatment
  - Located at SC WWTF
  - Addition will remove nitrite and ammonia from the source water
  - Improves long-term optimization and efficiency of the AWPF treatment processes
  - Required updates to facility layouts approved in certified EIR

- Sewer Lift Station at AWPF
  - Located at north west corner of AWPF site.
  - Additional 200 feet of pipeline to connect to County sewer at 17th Ave. and Soquel Ave.
Project Layout Modification: Santa Cruz Wastewater Treatment Facility (SCWWTF) Site Plans
Project Layout Modifications: Chanticleer Site Plans
Project Change Analysis

- All CEQA resource topics considered. Key topic discussions:

  - **Air Quality**: Total NOx construction emissions still requires mitigation, but is reduced from approved project; construction cancer risk remains well below impact threshold
  
  - **Energy and Greenhouse Gas Emissions**: operational energy need would increase, but would remain less than significant, and would be from clean and renewable sources
  
  - **Groundwater Quality**: Quality of advanced purified wastewater would be of the same or better quality as under the approved Project
  
  - **Noise**: remains less than significant for SC WWTF; construction phase mitigation still required for Chanticleer and remains less than significant for operational phase

Thus: *None of the modifications to the approved Project result in new significant effects or substantial increase in severity of significant effects, an addendum is the appropriate form of additional CEQA*
**Resolution 20-25 and the Purchase Sale Agreement**

**EXHIBIT C OF OPTION AGREEMENT**

**PURCHASE AND SALE AGREEMENT**

This PURCHASE AND SALE AGREEMENT (this "Agreement") is made and entered into as of the day of [Effective Date], 2020 (the "Effective Date"), by and between [Seller] and [Buyer].

**REPRESENTATIONS AND WARRANTIES**

**Seller** represents and warrants that:

A. Seller is the owner of the Seller's Property, free and clear of any liens, encumbrances, or other defects.

B. Seller has the right to sell the Seller's Property and has the authority to execute this Agreement.

C. The Seller's Property is in good condition and is free from any material defects.

**Purchaser** represents and warrants that:

D. Purchaser is a competent and qualified buyer.

E. Purchaser has the financial ability to purchase the Seller's Property.

**AGREEMENT**

1. **PURCHASE AND SALE**
   - The Purchaser agrees to purchase the Seller's Property, subject to the terms and conditions set forth in this Agreement.
   - The Purchase Price shall be [Amount] dollars ($[Amount]).
   - The Purchase Price shall be due and payable in full on [Date].

2. **DEFINITIONS**
   - **Agreement** means this Agreement.
   - **Effective Date** means [Date].
   - **Property** means the property described in the Purchase Agreement.
   - **Seller** means [Seller].
   - **Purchaser** means [Buyer].

3. **PRICING AND PAYMENT**
   - The Purchase Price shall be due and payable in full on [Date].
   - The Purchaser shall pay the Purchase Price in [Method of Payment].

4. **CLOSING**
   - The closing shall occur on [Date].
   - The Seller shall deliver possession of the Property to the Purchaser on the closing date.

5. **ASSURANCE OF TITLE**
   - The Seller shall deliver to the Purchaser a warranty deed conveying good and marketable title to the Property.

6. **CONDITIONS**
   - The Agreement is subject to the Seller obtaining all necessary permits and approvals.

7. **AMENDMENTS**
   - This Agreement may be amended in writing by the parties.

8. **GOVERNING LAW**
   - This Agreement shall be governed by and construed in accordance with the laws of [State].

9. **SEVERABILITY**
   - If any provision of this Agreement is deemed invalid or unenforceable, the remaining provisions shall remain in full force and effect.

10. **INTENTION**
    - The parties intend to enter into a binding contract by executing this Agreement.

[Signature] [Signature]

Purchaser's Representative

[Date]

Seller's Representative

[Date]
Tonight:

- Receive Public Comment
- Consider Possible Board Actions

1. By MOTION, and roll call vote, adopt Resolution 20-25 (approving the adoption of an addendum to the previously certified Environmental Impact Report (EIR), and approving the purchase and sale agreement of 2455 Chanticleer Avenue, and approve treatment process and facility layout modifications); and

   By MOTION, approve the wording and terms in the Purchase and Sale Agreement and with additional minor (not material) modifications if needed; and

   By MOTION, direct the authorized District representative (i.e. the Board President) to sign the Purchase and Sale Agreement to Purchase Real Property for APN 029-013-57; and

   By MOTION, direct staff to move forward with the associated actions to purchase the Real Property for APN 029-013-57; or

2. Take no action.