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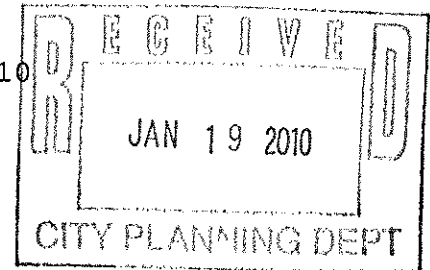
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January 19, 2010



Ken Thomas
City of Santa Cruz Planning and
Community Development Department
809 Center Street, Room 107
Santa Cruz, CA 95060

RE: DRAFT EIR - UCSC PROVISION OF EXTRATERRITORIAL SERVICES
AND CITY OF SANTA CRUZ SPHERE OF INFLUENCE AMENDMENT

Dear Mr. Thomas:

Thank you for the opportunity to provide comments on the above mentioned draft Environmental Impact Report (DEIR). This DEIR is one of the products of the successfully negotiated Agreement with the University of California Santa Cruz, the County of Santa Cruz, and the City of Santa Cruz. For the first time ever, the University of California has agreed to major concessions, providing mitigations for the impacts of traffic, water, and housing on the City and County of Santa Cruz. So far all parties have fulfilled their obligations under the Agreement and City, University and County staff have met several times to ensure a successful implementation of the Agreement. This application to LAFCO represents the University fulfilling a major component of the signed Agreement.

The DEIR contains a good deal of useful information. I do, however, have some concerns and questions regarding the DEIR. My hope is that in answering these questions and clarifying certain points, the DEIR will be a stronger document when it is considered by LAFCO. I look forward to the Final EIR responding to these concerns.

PROJECT DEFINITION AND DESCRIPTION

1

From the first page of the document and throughout much of it, the description of the project subject to the Draft EIR is not clearly or consistently stated. In addition, the provisions of the Comprehensive Settlement Agreement are not accurately presented or interpreted. As a full participant in the

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Comprehensive Settlement Agreement negotiations, I am very aware of both the content and intent of its provisions. I would suggest that the EIR be amended such that the project description and project objectives consistently follow the language on page 4.3-16, as follows:

"The City, as lead agency, has prepared this EIR in connection with the application the University has submitted to LAFCO for extraterritorial sewer and water service from the City area to an area in the UCSC North Campus planning area outside City limits and the City water/sewer boundaries, as well as a concurrent application filed by the City with LAFCO to amend the City's sphere of influence so as to facilitate the University's LAFCO application."

This language accurately describes the origin and objective of the project and is consistent with the language and intent of the Comprehensive Settlement Agreement.

The DEIR gives the impression, and at times states, that the purpose of the project is for the City to provide water and sewer services to the University in the North Campus area. This is misleading. The purpose of the project is to allow the University to apply to receive these services in order to serve its proposed development in the North Campus area. The City's involvement is secondary. Amending the City's Sphere of Influence (SOI) boundary assists the consideration of the University's application at LAFCO.

SPECIFIC COMMENTS

In my specific comments below, I will identify some of the sections of the DEIR that need to be amended.

- 2 - Page 1-1 - Project Overview - In the last paragraph, the DEIR states that the City agreed "to continue to provide water service to the campus to assist UCSC with achieving its on-campus housing commitment set forth in the Settlement Agreement." This is misleading. The DEIR leaves out the final phrase of this sentence, in Section 2.7.a. of the Agreement, which states "consistent with the other provisions of this Agreement."

The next section of the Agreement, 2.8, begins with this language: "UCSC will apply to LAFCO for extraterritorial water and sewer services" and then describes the amount of development to be served under the 2005 LRDP and lists the conditions that must be met.

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The City's willingness, then, to serve UCSC expansion into the North Campus area is dependent on the University applying for extraterritorial service at LAFCO. The language from page 4.3-16, cited above, provides a much more accurate way to introduce the project.

- 3 - Page 2-4 - Summary of Alternatives - The DEIR states as follows: "The primary objective of the proposed project is to implement City of Santa Cruz legal obligations to provide water and sewer service to the North Campus of UCSC set forth in the Comprehensive Settlement Agreement." As stated above, this statement is incorrect regarding both the objective of the project as well as the City's legal obligations. Again, the language from page 4.3-16 would be a more accurate description.
- 4 - Page 3-2 - Project Overview - The description of the project here inaccurately states that the project consists of the proposed SOI amendment for the purpose of providing services to the North Campus area. In fact, the project consists of the University's application to obtain extraterritorial services and the City's SOI amendment to facilitate this.
- 5 In the last paragraph on this page, the DEIR states that the maximum new development under the 2005 LRDP is for 3,175,000 gross square feet, "which may occur within the project area under provisions of the Comprehensive Settlement Agreement." The Final EIR should clarify that this square footage under the 2005 LRDP is the only extraterritorial service that is being applied for. In other words, development under future LRDPs in the SOI area would not be included. Please clarify this important distinction.
- 6 - Page 3-3 - Background - City Sphere of Influence and Service Areas - The DEIR in the first paragraph of this section states, in part: "In certain circumstances, State law allows LAFCO to authorize a city or district to provide a service outside the agency's boundaries." This language is somewhat misleading in the way it describes LAFCO's role in this process. The law doesn't simply "allow," it requires cities and districts to obtain LAFCO's approval before providing extraterritorial service.

Government Code Section 56133(a) states as follows:

"A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the commission in the affected county." (Emphasis added)

The Final EIR should clarify the State law requirements.

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- 7 - Page 3-5 - Comprehensive Settlement Agreement - Water and Sewer Services - Again the DEIR omits the key provision of Section 2.7.a. which ties the City's requirement to provide water and sewer services in the North Campus area to the other provisions of the Agreement, particularly the requirement that UCSC apply for extraterritorial service. The language from page 4.3-16 should be substituted.
- 8 The DEIR is also misleading when it states that the University is "excused" from its housing commitment under the Agreement if it does not receive LAFCO approval (Section 2.8.e). The next sentence in this section of the Agreement states that the housing commitment will be "reinstated" if the University is able to find another way to develop in the North Campus area. The Final EIR should correct this oversight.
- 9 - Page 3-7 - Project Characteristics - Project Objectives - As discussed above, the description in this section of the DEIR does not accurately reflect the terms of the Comprehensive Settlement Agreement and instead expands on the inaccurate conclusions made earlier. This section should be revised in the Final EIR not only to reflect the language on page 4.3-13, but also to include the University's objectives for the project. Both this section and the next, Project Description, fail to mention the fact that the University is a co-applicant at LAFCO and that the EIR covers both projects.
- 10 - Page 3-8 - Need for Services - The first sentence of the second paragraph, referring to the City's commitment to assist the University's expansion, should be rephrased to more accurately reflect the City's role in this process. The rest of the paragraph, which describes the University's plans and requirements, is accurate and clearly outlines why the project is needed.
- 11 - Page 4.1-16 - Conservation - The second paragraph of this section states that approximately 153 MGY in conservation savings had been achieved by the agency by 2005. The next sentence states that the program that has produced the most savings provides plumbing retrofits. However, the savings listed for this program is only 11 MGY. What other programs have provided the other 142 MGY, or is the "11" a typo?
- 12 Page 4.1-17 - Supplemental Water Supply - Desalination - The DEIR states that the potential expansion of the desalination plant is "intended only for drought protection that could be exacerbated by future growth." I think this is somewhat misleading. According to the Integrated Water Plan, the

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first 2.5 MGY of desalination was for drought protection and any subsequent expansion would be required because of growth in demand during normal years that exceeded the City's normal year supply. This should be clarified in the Final EIR.

- 13- Page 4.1-18 - The last paragraph of this section states that the permanent desalination facility "is expected to be constructed" by 2015. I think it would be more accurate to state "may be constructed" by that date.
- 14- Page 4.1-25 - Existing and Future UCSC Water Demand - The heading of this section is misleading as written and instead should read "Existing and Future UCSC On Campus Water Demand."
- 15- Page 4.1-26 - Table 2-3: UCSC Existing and Future Water Demand - The total UCSC 2020 water demand is estimated to be 345 MGY. However, Table 2-4 on page 4.1-32 estimates the total 2020 water demand as 338 MGY. Please explain the discrepancy.
- 16- Page 4.1-34 - Dry Years/Conclusion - The second paragraph of the Dry Years section states that implementation of the proposed project accounts for 6% of dry year supply shortfalls. Yet, in the conclusion, the DEIR states that the project accounts for only 1% of the dry year supply shortfall in 2030. Does the 6% refer to 2020, rather than 2030? The presentation of numbers in this chapter is generally confusing as so many different studies and plans are used.
- 17- Page 4.1-35 - The first paragraph seems to refer to peak season demand and the fact that, during a dry year, the project's 64 MG demand could force the City into a more severe curtailment stage. With the proposed mitigations, the dry season demand would be reduced to 53 MG. According to the DEIR, this "could result in additional per connection curtailments of 11 gpd than it otherwise would have reached." What does this mean? Is the DEIR saying that the 53MG would not require the City to move into a more severe curtailment stage? This should be clarified in the Final EIR.
- 18- Page 4.1-40 - Potential UCSC Water Sources - The DEIR states that University studies of potential on campus water sources have not been reviewed by the City. Wouldn't the State have to approve any additional water supply developed on campus? The Final EIR should clarify the permits needed before on campus water could be provided.
- 19- Page 4.2-7 - Relevant Project Elements - Again, the definition of the project should be clarified to more accurately reflect the lead role played by the University's application (see language from page 4.3-16 above).

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- 20 - Page 4.3-5 - LAFCO Policies & Review Standards - Provision of Extraterritorial Services - Again, the language stating that State law "allows" LAFCO to authorize extraterritorial service should be changed to more accurately reflect the provisions of Government Code Section 56133(a) (see above).
- 21 - Page 4.3-13 - Relevant Project Elements - Again, the initial description of the project in this section should be changed using the language from page 4.3-16 (see above).
- 22 - Page 5-1 - Growth Inducement - Regional Population - Is it really the case that only 20% of the jobs in the county are located in the City of Santa Cruz? Given the commute traffic on Highway 1 during peak hours, this number seems too low.
- 23 - Page 5-6 - Student Beds - Footnote 6 contains two troubling pieces of information. First, it states that under the Comprehensive Settlement Agreement, the University is only required to house 52% of the students on campus. I thought it was 58%. Since the 2005 LRDP requires the University to house 50% of the students on campus, it would appear that the additional housing achieved under the Comprehensive Settlement Agreement is not particularly significant. This should be clarified in the Final EIR.
- 24 - Second, the footnote states that the University assumes a 95% occupancy rate and this seems to be used in calculating total number of on campus beds the University will provide. This is clearly contrary to the Comprehensive Settlement Agreement. There is no provision allowing the University to reduce their on campus housing commitment based on occupancy assumptions. This should be clarified in Final EIR.
- 25 - Page 5-20ff - Transportation and Traffic - The DEIR provides almost no information regarding the traffic impacts of the proposed project but simply relies on the traffic analysis from the 2005 LRDP and subsequent studies looking at the entire campus. Since the 2005 LRDP identified a number of significant and unavoidable impacts at several off-campus intersections (page 5-22), the EIR for this project should analyze the potential impacts of just this project on these intersections.
- 26 - Page 5-24 - The DEIR states that the traffic impact of the proposed new campus entrance on Empire Grade will be "minimal." This is not adequate. The estimated amount of traffic generated by the proposed project on this intersection should be analyzed.
- 27 - Page 5-31ff - Forest Resources - Consistent with the proposed amendments to the CEQA Guidelines, the DEIR includes a discussion of the project's impact on forest lands. However,

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it determines that the removal of 73 acres of timberland is not a significant impact because it is not "substantial in comparison to the acres remaining on campus, in the County and throughout the State." Under this logic, it would be very difficult to ever find the removal of forest resources to be a significant impact.

A better approach would be to compare the amount of forest lands lost to the total size of the project. In this case, the 73 acres of forest represent approximately 20% of the 374 acre project area. In my view, this should be considered a significant impact and should be mitigated.

- 28- Page 5-63 - Wildland Fires - The DEIR identifies the significant risk of wildland fires from development in the project area but simply refers to the 2005 LRDP in evaluating the impact and proposing mitigations. Given that the major campus fire danger is in the project area, this analysis is insufficient, especially in terms of the mitigations.

Preparation of a fire management plan prior to North Campus development, as called for in the 2005 LRDP, is not adequate, if only because it provides no performance standards to be met. The project area proposes to house both students and faculty. Student access to private transportation is also restricted by campus parking, thereby making a possible evacuation of North Campus students difficult during a wildfire. In light of the recent fires in the vicinity of the campus in 2008 and 2009, I am concerned about access and emergency evacuation plans and procedures for the project area. A more appropriate mitigation would be to require construction of the new access road to and from campus prior to any development along the new Fuelbreak Road. I think the Final EIR should study this suggestion.

- 29- Page 6-1 - Significant Unavoidable Impacts - In this section, only one unavoidable significant impact is identified. However, since the DEIR uses the analysis from the 2005 LRDP EIR and seems to incorporate the relevant impact analysis and mitigations from that document, the significant and unavoidable impacts from that document should be listed in this section.

A number of these are listed on page 6-29, although the traffic impact should include the impacts at the relevant off campus intersections. In addition, the DEIR identified a significant and unavoidable impact in the Population section, page 5-10.

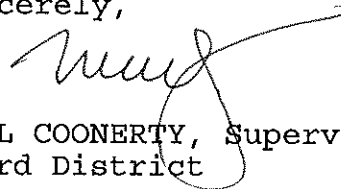
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- 30 - Page 6-29 - Project Objectives - This section repeats the problems discussed a number of times above, giving the impression that the City is driving the project forward rather than the University. The language from page 4.3-16 is appropriate here.
- Page 6-29 - Alternatives - The description of the project objectives also has a very negative effect on the consideration of alternatives. The alternatives analysis neglects the fact that there are two separate projects analyzed in the DEIR and both are going before LAFCO. While the City is the lead agency for purposes of the EIR, the University is a co-applicant before LAFCO.
- 31 - Page 6-36 - Meeting Project Objectives - The first sentence states that the no project alternative would not meet the basic project objective to implement the City's obligation under the Comprehensive Settlement Agreement to provide water service to the North Campus area. Again, this statement misreads the Agreement. The City's obligation is inextricably tied to the University receiving LAFCO's approval of its application for extraterritorial service.

I appreciate the opportunity to comment on this very important environmental document and hope these comments result in a stronger Final EIR. I look forward to the Final EIR addressing the above comments and suggestions.

Sincerely,



NEAL COONERTY, Supervisor
Third District

NC:ted

cc: Chancellor Blumenthal
Santa Cruz City Council
John Aird, CLUE

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LETTER LA-1 – COUNTY OF SANTA CRUZ BOARD OF SUPERVISORS

Neal Coonerty, Supervisor, Third District

LA-1-1 Project Description. The comment indicates that a paragraph in the LAND USE (Chapter 4.3) section of the Draft EIR more accurately describes the project as the applications submitted to LAFCO. This paragraph, however, provides a description of project actions as related to review of project consistency with city ordinances. See Master Response PD-1 – Project Overview, Purpose and Objectives for further clarification of the project description – applications and implementing actions.

LA-1-2 Comprehensive Settlement Agreement Provisions. The Comprehensive Settlement Agreement reference (section 2.7a) cited in the comment is a summary as part of a general overview of the project and is not meant to recite the Agreement verbatim. However, the DEIR text has been revised to add the final clause of the referenced Settlement Agreement section that indicates the City will continue to provide water to UCSC and that it may use the water to support development in its 2005 LRDP, consistent with other provisions of the Agreement. See the “Introduction” & “Project Description” subsections of the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.

Section 2.8 of the Settlement Agreement indicates that UCSC will apply to LAFCO for extraterritorial water and sewer services, and section 2.8.b indicates that the City will propose a Sphere of Influence amendment concurrent with UCSC’s LAFCO application and goes on to say that UCSC shall initiate its LAFCO application concurrently with the City’s Sphere of Influence application. Thus, the two applications are intended to be concurrent. The DEIR indicates that the project consists of the two applications to LAFCO, and that implementation will result in a change of the City’s Sphere of Influence boundaries and provision of extraterritorial water and sewer services. See Response to Comment LA-1-1 and Master Response PD – Project Overview & Purpose for further clarification of the project description – applications and implementing actions.

LA-1-3 Summary – Alternatives & Project Objectives. The comment cites the DEIR SUMMARY OF IMPACTS (Chapter 2.0) section with regards to a summary of the project objectives. See also Response to Comment LA-1-1 and Master Response PD – Project Overview & Purpose regarding the project purpose. As indicated, the project includes the City and UCSC concurrent applications to LAFCO, submitted in fulfillment of each agency’s mutual commitments set forth in the Settlement Agreement, for the purpose of changing the City’s Sphere of Influence boundary to provide extraterritorial water and sewer service to a portion of the UCSC campus.

LA-1-4 Project Description. See Master Response PD 1 – Project Overview & Purpose.

- LA-1-5 Comprehensive Settlement Agreement Provisions. Section 2.8 of the Settlement Agreement does indicate that UCSC's application to LAFCO for extraterritorial services is for the development of 3,175,000 gross square feet of additional building space under the 2005 LRDP for the service area below the line shown on the map attached to the Settlement Agreement. Section 2.7(a) of the Settlement Agreement further states that the "City will continue to provide water service to the Campus through the five existing connections, and UCSC may use the water to support development implementing the 2005 LRDP, including the development of housing in the North Campus, consistent with the other provisions of this Agreement." The City agrees that the Settlement Agreement does not contemplate the provision of extraterritorial service to any other areas of University property not currently already served by the City.
- LA-1-6 LAFCO Law. The EIR text has been revised to clarify that LAFCO must approve provision of extraterritorial services. See the "Project Description" subsection of the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.
- LA-1-7 Project Description – Comprehensive Settlement Agreement. Text has been clarified; see the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.
- LA-1-8 Project Description – Comprehensive Settlement Agreement. The referenced DEIR text (page 3.5) does not say that UCSC will be "excused" from its housing commitment, but says that UCSC's increased housing commitment will "revert" to the 2005 LRDP commitment. The DEIR text has been clarified to use the specific wording in the Settlement Agreement which states that the housing commitment will be "suspended" under specified conditions. See the "Project Description" subsection of the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.
- LA-1-9 Project Objectives. The referenced paragraph regarding project objectives does not cite provisions of the Settlement Agreement as suggested in the comment. The paragraph describes the project objectives that include implementation of the City's legal commitments set forth in the Settlement Agreement regarding submittal of an application to LAFCO, and specifically to seek amendment of the Sphere of Influence boundaries in order to provide extraterritorial water and sewer services to a portion of UCSC. Thus, both actions are stated. See Response to Comment LA-1-1 and Master Response PD 1 – Project Overview & Purpose regarding suggested project description wording changes. See Response to Comment LA-1-3 regarding project objectives.
- LA-1-10 Project Description – Need For Services. See Response to Comment LA-1-2. The DEIR text for page 3-8 has been clarified; see the "Project Description" subsection of the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.

- LA-1-11 Water Supply – Conservation. The DEIR reference to an 11-MGY conservation savings due to the plumbing retrofit program was erroneously cited for the years 2000-2005, but actually was only for the year 2005 as reported in the City Water Department Annual Report to the City Council (February 27, 2006). According to the City’s adopted Urban Water Management Plan, the conservation savings due to residential plumbing retrofit programs totaled approximately 71 MG. The remaining 103 MGY in savings that had been achieved by the year 2005 were a result of landscape water conservation; clothes washer rebates; and commercial, industrial and institutional programs. The EIR text has been corrected; see the “Water Supply” subsection of the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.
- LA-1-12 Purpose of Desalination Plant. The cited DEIR reference does refer to the desalination plant capacity of 2.5 mgd that would be for drought protection , and future expansion would also be for drought protection. However, the following sentence states that the UWMP indicates that after the year 2015, desalination may be needed on a regular basis as a supplemental water supply. See Master Response WS-3 – Purpose of Proposed Desalination Project for further clarification of the purpose of the desalination project.
- LA-1-13 Desalination Plant Schedule for Operation. The DEIR text has been clarified to indicate that the City’s current schedule anticipates that facility construction and operation by the year 2015. See the “Water Supply” subsection of the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.
- LA-1-14 UCSC Water Discussion. The referenced subsection describes the existing water demand on the UCSC campus, as well as future water demand estimates projected in the University’s 2005 LRDP EIR. As such the subsection heading of “Existing and Future UCSC Water Demand” does describe the contents of the subsection. For additional clarity, the sub-heading has been revised to “Existing and Future Projected Water Demand on the UCSC Campus.” See the “Water Supply” subsection of the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.
- LA-1-15 UCSC Water Demand. The total future UCSC water demand (all facilities) is identified on Table 2-3 as 345 MGY based on water demand estimated in the University’s 2005 LRDP Final EIR, which is about 7 MGY higher than reported on Table 2-4, which reflects the independent analysis of the WSA and this EIR. As shown on Table 2-3, the LRDP FEIR identified a total campus water demand of 338 MGY (including Summer Session). This estimate was based on a technical study prepared for the University (ARUP, August 2006) in which new development was projected to result in a water demand of approximately 122 MGY. (This is summarized in the Water Supply Assessment (WSA), which is included as Appendix B of the Sphere of Influence DEIR.) The ARUP study added the estimated

future demand (122 MGY) to an existing demand of 206 MGY for a total estimated campus water demand of 328 MGY. It appears that the “existing” demand of 206 MGY in the ARUP study was for the LRDP EIR base year 2003. This total estimated demand would decrease to 322 MGY with implementation of conservation measures and construction of new on-campus housing as set forth in provisions of the Settlement Agreement.

Table 2-4 on page 4.1-32 of the DEIR provides an updated analysis of UCSC water demand based on existing use and other changes as identified in the Water Supply Assessment (see Master Response WS-2 – Project Water Demand for further clarification of project water demand.) Both the WSA and DEIR analyses started with the future estimated demand of 122 MGY for new campus development as identified for the LRDP FEIR and added this amount to the more current existing water demand of 200 MGY based on usage in the year 2007. The updated future on-campus demand as detailed on Table 2-4 is 316 MGY, which is 6 MGY less than the 322 MGY total on Table 2-3. The year 2007 had a lower campus water use than in 2003 by 6 MGY. This 6.0 MGY difference between 2003 and 2007 appears to be the reason for the discrepancy between the numbers shown on Tables 2-3, which are from the 2005 LRDP Final EIR, and the numbers shown on Table 2-4, which represent the independent analysis conducted in the WSA for this EIR.

The rounding up of numbers on Table 2-4 accounts for the remaining 1 MGY difference. It appears that water demand at the UCSC Marine Campus should have been rounded up to 10 MGY instead of 9 MGY bringing the total to 339 MGY, which is 6.0 MGY less than the LRDP EIR estimate of 345 MGY presented in Table 2-3 with the difference reflected in use of different baseline years as described above. Table 2-4 has been corrected, which brings total estimated UCSC demand to 339 MGY instead of 338 MGY. This correction does not change the water analyses or WSA conclusions.

LA-1-16 Water Supply Impact – Dry Year Conclusions. The DEIR text (page 4.1-34, second paragraph) accurately states the WSA conclusion to indicate that the proposed project water demand represents 6% of dry year supply shortfall (100 MGY out of 1,656 MGY). However, the sentence in the last paragraph erroneously stated 1%. The DEIR text has been corrected; see the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.

LA-1-17 Water Supply Impact – Potential Additional Curtailment. The DEIR text has been clarified to indicate that even with its required curtailment of water use during dry years, the project demand could result in an increased demand that may require additional curtailments for existing connections within the entire service area that would not otherwise be required without the project. While any increase in summer demand puts the service area at risk of further use curtailment, unless the increase is

considerable, as was conservatively assumed with the proposed project (as discussed in Response to Comment SA-4a-5), it will have virtually no tangible impact on the rest of the service area. See the “Water Supply” subsection of the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document for clarification.

- LA-1-18 Potential UCSC Water Sources & Required Approvals. See Master Response WS-4 – UCSC Campus Water Sources for further discussion on potential UCSC water supplies and permits required if future sources are pursued by the University.
- LA-1-19 Project Description. See Response to Comment LA-1-1 and see Master Response PD-1 – Project Overview, Purpose & Objectives.
- LA-1-20 LAFCO Law. The EIR text has been revised to clarify that LAFCO must approve provision of extraterritorial services. See the “Land Use” subsection of the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.
- LA-1-21 Project Description. See Response to Comment LA-1-1 and Master Response PD-1 – Project Overview, Purpose & Objectives.
- LA-1-22 City Employment. The “Monterey Bay Area 2008 Regional Forecast” adopted by the AMBAG Board of Directors on June 11, 2008 reports total employment in Santa Cruz County in the year 2005 as 116,320 with employment in the City of Santa Cruz as 34,016. Based on these numbers, the City’s portion of the total County employment is approximately 30%, and the text on page 5-1 of the DEIR has been corrected. See the “Growth Inducement” subsection of the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.
- LA-1-23 UCSC On-Campus Housing. The UCSC 2005 LRDP includes an on-campus housing goal of 50% for undergraduate students, 25% for graduate students, 25% of faculty, and 3% of staff. The 2005 LRDP Final EIR reports that on-campus housing in the year 2020 will serve 9,190 students. The Comprehensive Settlement Agreement indicates that the University will provide 7,125 beds for an enrollment up to 15,000 students and will provide new on-campus student beds to accommodate 67% of the enrollment above 15,000 students if enrollment reaches 19,500 (section 2.1), which is approximately 3,000 beds. Thus, a total of 10,125 student beds would be provided under provisions of the Settlement Agreement and if an enrollment of 19,500 is reached. The total number of beds represents 52% of the total anticipated enrollment of 19,500. It is not known where the cited 58% on-campus housing is from as this is not a percentage used in the 2005 LRDP, 2005 LRDP EIR or Settlement Agreement.
- LA-1-24 UCSC Housing Occupancy Rate. In the discussion of secondary off-campus population growth, the DEIR noted the University’s assumption of a 95% occupancy rate for on-campus housing as a worst-case scenario in analyzing potential off-

campus population growth. According to the University, this 95% campus housing occupancy assumption is based on UCSC's historical occupancy statistics. On average, UCSC on-campus housing occupancy has been occupied at about 95% of capacity, as discussed in the 2005 LRDP EIR, although this figure fluctuates annually, depending on fluctuations in the off-campus housing market and other factors. Thus, for the purpose of CEQA analyses, the 95% average occupancy rate was used to determine potential off-campus population growth and housing demands. A 100% occupancy would further reduce off-campus housing impacts discussed in the DEIR, which were not found to be significant.

The Comprehensive Settlement Agreement (subsection 2.1) stipulates the amount of beds that the University will make available (see Response to Comment LA-1-23 above). Subsection 2.2 requires UCSC to provide an annual report on the status of construction and occupancy rates of student housing. UCSC agreed to make campus housing available for 67% of students enrolled beyond 15,000, for a total of 10,125 campus beds at the time enrollment reaches 19,500 students. The Settlement Agreement carefully defines how beds will be counted, and regulates accounting for off-campus UCSC housing and internal changes in capacity (such as converting a double room to a triple room). These provisions will ensure that increased capacity equates with the actual number of bed spaces that will be available to enrolled students. Thus, the campus is legally bound to provide sufficient campus housing capacity to accommodate 67% of students enrolled above the 15,000 enrollment benchmark, and the footnote to which the commenter refers does not contradict the commitments of the Comprehensive Settlement Agreement.

- LA-1-25 Traffic Impacts. Secondary effects of campus development and growth are addressed in the GROWTH INDUCEMENT (Chapter 5.0) section of the DEIR. As discussed on page 5-12, the UCSC 2005 LRDP EIR analyses were considered unless otherwise rejected by the Superior Court of Santa Cruz County and/or modified in the Comprehensive Settlement Agreement. Traffic impacts are addressed on pages 5-20 to 5-25. The DEIR analysis identifies potentially impacted intersections and mitigation measures. The University has paid traffic impact fees for new development. (See DEIR traffic impact text clarifications in the "Growth Inducement" subsection of the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.)

The 2005 LRDP EIR considered impacts related to development of 3,175,000 square feet of building space, including on-campus housing. The Settlement Agreement indicates that the University's application to LAFCO for extraterritorial services will be for development up to 3,175,000 square feet, although it is likely that development in the North Campus area will be less than the specified amount, as a number of buildings have been approved or are under construction in the lower campus. Nonetheless, the 2005 LRDP EIR does analyze the traffic impacts of the

level of development identified in the Settlement Agreement as summarized in the DEIR on pages 5-22 and 5-23.

- LA-1-26 UCSC New Empire Grade Intersection Impacts. The LRDP EIR analyzed potential traffic impacts of development of a new north campus road/entrance with a new intersection on Empire Grade Road. It was assumed that this intersection would be controlled with a stop sign on the campus entrance road. Level of Service (LOS) analysis (LRDP EIR Tables 4.14-14 and 15) concluded that the intersection would operate at an acceptable level of service (LOS B) with campus development. A review of the trip assignment indicates that approximately 30% of the total LRDP AM peak hour trips and 17% of the total LRDP PM peak hour trips were assigned to this new intersection (University of California Santa Cruz, September 2006, 2005 LRDP Final EIR, Volume II, Figure 4.14-10c). While technically all future UCSC development could occur in the North Campus area based on language contained in the Settlement Agreement (see Response to Comment LA-1-25 above), this is not a likely scenario. The University has identified a number of sites for potential infill sites within the existing campus (e.g., in the Arts Area Plan, Science and Engineering Area Plan, and in the vicinity of existing Student Affairs facilities in the east campus), and two infill projects have already been approved (Biomedical Sciences facility and East Campus Infill). Nonetheless, future development proposals will be subject to site-specific consideration under CEQA, and any deviation from the traffic analyses considered in the LRDP EIR will require additional environmental review by the University. Additionally, the Comprehensive Settlement Agreement also indicates that UCSC will perform additional environmental review and consider limiting the access to egress and emergency access only, if and when there is a proposal for a bridge over Cave Gulch (section 6.3).
- LA-1-27 Forest Resources. See Master Response GI-2 – Forest Resources.
- LA-1-28 Wildland Fires. The North Loop road is included in the 2005 LRDP, partly to provide for emergency access and evacuation. The timing of construction of this road will depend on the timing and location of specific development projects.
- LA-1-29 Significant Unavoidable Impacts. See Master Response CC -1 – Significant Unavoidable Impacts.
- LA-1-30 Project Objectives. See Response to Comment LA-1-1 and Master Response PD-1 – Project Overview, Purpose & Objectives for further clarification of the project description – applications and implementing actions.
- LA-1-31 Project Alternatives. See Master Response PD-1 – Project Overview, Purpose & Objectives. As noted in the Master Response and elsewhere in the DEIR, the project analyzed in this EIR are the reciprocal commitments agreed to by the City and the University in

the Comprehensive Settlement Agreement, to prepare and submit complementary applications to LAFCO, which, if approved, would enable the provision of water and wastewater service to the North Campus area and thereby support the future development planned for that area as analyzed in the 2005 LRDP EIR and conditioned in the Comprehensive Settlement Agreement. Under that Agreement the City agreed to pursue approval of its application in good faith. The DEIR's conclusion that the no project alternative would not meet the basic project objective of enabling the City to fulfill its commitments under the Agreement is an accurate statement.



County of Santa Cruz

HEALTH SERVICES AGENCY

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ENVIRONMENTAL HEALTH

www.co.santa-cruz.ca.us/eh/ehhome.htm

January 15, 2010

Mr. Ken Thomas
City of Santa Cruz Planning and Community Development Dept.
809 Center Street, Room 107
Santa Cruz, CA 95060

Subject: Comments on City of Santa Cruz - UCSC Sphere of Influence Environmental Impact Report

Dear Mr. Thomas:

I am writing to submit comments on behalf of the County of Santa Cruz regarding the subject EIR. These comments were reviewed and discussed with the Board of Supervisors on January 12, 2010.

The County's primary concerns with the increased water use from the proposed project would be to ensure that impacts are evaluated and mitigated to the greatest extent possible in three areas: impacts on existing water users, water availability for new community development in unincorporated areas, and impacts on streamflow and aquatic habitat in streams affected by City water diversions. The Draft EIR was reviewed for these concerns by both Planning and Environmental Health staff. Environmental Health Water Resources staff believes that the draft EIR and supporting documents generally characterize the project and its impacts in a thorough and accurate manner. However, staff has three general comments and two specific comments which we believe need to be further addressed in the final EIR:

- 1 1. During a drought year, the incremental use provided to this project (100 MGY) would represent 2-3% of the total annual demand, requiring existing users to curtail their use by at least an additional 2-3% to accommodate the project use. The amount of additional drought curtailment required of existing users as a result of this project should be more clearly specified.
- 2 2. Based on historical or potential annual growth rates of 0.4-0.8%, water demand from new development in the unincorporated areas would be expected to increase by 90-180 MGY by 2025. This would be accommodated along with the proposed University project under current City projections and policies. However, this development potential could be limited if projected supplies are reduced, if the supplemental supply from the desal project was delayed or precluded, and/or if the City Council deemed it necessary to implement a connection moratorium to provide greater dry year protection for existing users.

Comments on City of Santa Cruz - UCSC Sphere of Influence Environmental Impact Report
- Page 2 -

- 3 3. Any additional impacts on summer stream flow resulting from this project or increased cumulative water demand would not be expected to be significant beyond existing impacts. The City already utilizes its diversions from the North Coast streams and the San Lorenzo River to the maximum extent allowed based on water rights and available flow, with additional supply made up from groundwater pumping and reservoir storage in Loch Lomond. However, increased demand would likely result in some incremental reduction of streamflow in late spring and early summer before the current limits are reached. On the other hand, negotiations with the resource agencies that are currently underway will likely result in more formal protection of minimum streamflows, and reduction in available annual water supply. Although it is impossible to predict the outcome of those negotiations, it would be useful to run a scenario of their potential effect on annual supply available for this project.
- 4 4. The amount of water the City expects to be able to use from Loch Lomond would be reduced if San Lorenzo Valley Water District (SLVWD) exercises its right to an allocation of 104 MGY. The Draft EIR indicates that the amount of water calculated to be available to the City from Loch Lomond includes that unexercised SLVWD allocation (p. 4.1-6). In a footnote on that page, it is stated that SLVWD has not taken any steps to utilize their allocation. In fact, SLVWD recently completed their draft water master plan (May 2009), which includes a recommendation to take steps to utilize that allocation. That amount should be deducted from the amount projected to be available to the City, which would make the total available water supply 4200 MGY in a normal year, or 3700 MG in a single dry year. This adjustment should be carried into all of the related analyses. This would result in reducing the amount of water currently available for new development during a normal year by 25% from 400 MGY to 300 MGY (p. 4.1-7). This could potentially result in normal year water supply capacity being exceeded earlier than 2025.
- 5 5. Additional discussion is needed regarding the potential impacts of climate change (p. 4.1-13). Changes in precipitation patterns from climate change may reduce groundwater recharge and resulting summer streamflow, further reducing the amount that the City could divert from its present sources during the summer. Increased average temperature could increase summer demand for irrigation, although climate change could also result in increased summer fog along the coast, reducing demand.

Thank you for considering these comments.

Sincerely,



John A. Ricker
Water Resources Division Director

cc: Board of Supervisors
Planning Department
LAFCO

LETTER LA-2 – COUNTY OF SANTA CRUZ HEALTH SERVICES AGENCY

- LA-2-1 Drought Year Curtailment. The DEIR addresses potential additional amounts of water use curtailment that may be necessary during drought periods as a result of the proposed project on page 4.1-35 and revised in response to Comment LA-1-17. (See the “Water Supply” subsection in the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.) Water curtailment restrictions would be imposed during the 7-month dry period from April through October, which represents 214 days. Thus, it is not accurate to consider an annual rate and percentage reduction. As discussed, the proposed project would result in an additional water use curtailment on the average of 10.5 gpd per connection.
- LA-2-2 Potential Water Supply Reductions. See Master Response WS-1 – Water Supply Adequacy & Potential Reductions regarding potential reductions to existing water supplies and see Master Response WS-3–Desalination Project Purpose & Impacts regarding the desalination plant.
- LA-2-3 Potential Changes in Stream Flows. The comment indicates that the City already utilizes its North Coast and San Lorenzo River diversions to the maximum extent allowed based on water rights and available flow, and, thus, any additional impacts on summer flow resulting from the project or cumulative water demand would not be expected to be significant beyond existing conditions. Comment is noted. The commenter also indicates that increased demand would likely result in some incremental reduction of stream flow in the late spring and early summer, but negotiations with resource agencies will likely lead to a more “formal” protection of minimum stream flows. See Master Response WS-1 – Water Supply Adequacy & Potential Reductions regarding potential reductions to supply due to ongoing negotiations with resource agencies.
- LA-2-4 SLVWD Use of Loch Lomond. See Master Response WS-1 – Water Supply Adequacy & Potential Reductions.
- LA-2-5 Effects of Climate Change on Water Supplies. See Master Response WS-1 – Water Supply Adequacy & Potential Reductions regarding potential effects of climate change on City water supplies.

**MONTEREY BAY**

Unified Air Pollution Control District
serving Monterey, San Benito, and Santa Cruz counties

Air Pollution Control Officer
Richard Stedman

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December 15, 2009

Mr. Ken Thomas
City of Santa Cruz
Planning and Community Development
809 Center Street, Room 107
Santa Cruz, CA 95060

Sent Electronically to:

kthomas@ci.santa-cruz.ca.us

Original Sent by First Class Mail

SUBJECT: SANTA CRUZ SPHERE OF INFLUENCE AMENDMENT AND
PROVISION OF EXTRATERRITORIAL WATER AND SEWER SERVICE

1

Extension of Wastewater Treatment to UCSC

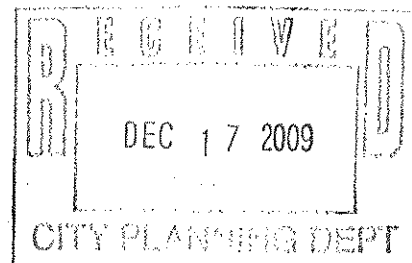
Please see District Rule 216, which is attached for your reference. If you have any questions, please contact Lance Ericksen, Manager of the District's Engineering Division.

Thank you for the opportunity to comment on the project.

Sincerely,


Jean Getchell
Supervising Planner
Planning and Air Monitoring Division

cc: L. Ericksen



MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT

**RULE 216 -- PERMIT REQUIREMENTS FOR WASTEWATER AND SEWAGE
TREATMENT FACILITIES***(Adopted 10-29-86) (Revised 01-21-87, 06-14-89, and 10-16-02)*

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to provide that the projected served population of a Wastewater or Sewage Treatment facility is consistent with the Air Quality Plan as approved by the Monterey Bay Unified Air Pollution Control District Board of Directors for addressing the current State Implementation Plan requirements for attaining and maintaining federal ambient air quality standards and consistent with the Plan to attain and maintain the State Ambient Air Quality Standards.

1.2 Applicability

10/16/02

Rule 216
(Permit Requirements for Wastewater and Sewage Treatment Facilities)
1

The provisions of this Rule shall apply to any person seeking to obtain an Authority to Construct or a Permit to Operate for a Wastewater or Sewage Treatment facility.

1.3 Exemptions

Reserved.

1.4 Effective Dates

This Rule, as most recently revised, is effective on October 16, 2002.

1.5 References

Other related or referenced District rules or regulations include: Rule 101 (Definitions); Rule 200 (Permits Required); Rule 201 (Sources not Requiring Permits); Rule 207 (Review of New or Modified Sources).

PART 2 DEFINITIONS

2.1 Anthropogenic Pollutant

Air pollution which results directly or indirectly from human activities.

2.2 Indirect Source

Any structure, building, facility, equipment, installation or operation (or aggregation thereof) which is located on one or more bordering properties within the District and which is owned, operated or under shared entitlement to use by the same person.

2.3 Modification

means any physical change in, change in method of, or addition to an existing facility, any change in the direct or indirect growth inducing capacity of the subject facility including, but not limited to, changes in population projections used in prior Nonattainment Plan consistency determinations, except that routine maintenance or repair shall not be considered to be a physical change

10/16/02

Rule 216
(Permit Requirements for Wastewater and Sewage Treatment Facilities)

2

2.4 Population Projections

Population forecasts contained in the latest Air Quality Management Plan as approved by the MBUAPCD Board of Directors.

PART 3 REQUIREMENTS

3.1 Permit

A governmental agency or district, including joint powers agencies or organizations shall not initiate, modify, construct or operate any wastewater or sewage treatment facility or conveyance mechanism or pipeline which will directly or indirectly through population or industrial growth inducement cause the emission of any anthropogenic air pollutant for which there is a State or national ambient air quality standard without first obtaining an Authority to Construct or a Permit to Operate from the Air Pollution Control Officer.

3.2 Application Content

Before granting or denying an Authority to Construct or a Permit to Operate for any new facility or modification thereto subject to the requirements of this rule, the Air Pollution Control Officer shall:

- 3.2.1 Require the applicant to submit information sufficient to specifically describe the nature and amounts of emissions, location, design, construction and operation of the facility, emitted directly or indirectly through population, industrial growth and/or the induced expansion of existing emission sources;
- 3.2.2 Require the applicant to submit the projected expansion plans for the facility for the ten-year period subsequent to the date of the application for the permit;
- 3.2.3 Require an analysis of the new facility or modification on air quality. Such analysis shall consider expected air contaminant emissions and the impact on air quality in the vicinity of the facility, or modification as well as within the total Air Basin; and
- 3.2.4 Require that the projected served population of the facility, or modification, related indirect growth of industry and induced growth external to the service area to be fully consistent with the Population Projections.

10/16/02

Rule 216
(Permit Requirements for Wastewater and Sewage Treatment Facilities)

3

PART 4 ADMINISTRATIVE REQUIREMENTS

4.1 Permit Denial

The Air Pollution Control Officer shall deny a permit for any new wastewater or sewage treatment facility or conveyance mechanism or pipeline or modification which he determines will cause a violation or contribute to the continued violation of any State or national ambient air quality standard.

4.2 Permit Conditions

The Air Pollution Control Officer shall impose conditions on the permit as necessary to ensure the subject facility or modification will be operated in the manner assumed in making analysis required by this rule.

* * * * *

10/16/02

Rule 216
(Permit Requirements for Wastewater and Sewage Treatment Facilities)

4

LETTER LA-3 – MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT

- LA-3-1 Air District Rule 216. The District did not provide a comment on the DEIR, but attached a copy of the District's Rule 216 for the City's reference. The Rule is described on page 4.2-2 of the DEIR, and was determined not to be applicable to the proposed project as no new or expanded wastewater treatment is proposed to serve the project.