

STATE AGENCIES

The following subsection includes comments and responses to the following state agencies.

- SA-1 CalFire – California Department of Forestry and Fire Protection
- SA-2 Regional Water Quality Control Board
- SA-3 State Clearinghouse
- SA-4 University of California Santa Cruz, Physical Planning and Construction
- SA-5 University of California Santa Cruz, UCSC Natural Reserves



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246
 SACRAMENTO, CA 94244-2460
 (916) 653-7772
 Website: www.fire.ca.gov



Date: January 19, 2010
 DEIR, UCSC North Campus, SOI

Mr. Ken Thomas
 City of Santa Cruz Planning and Community Development Dept.
 809 Center Street, Room 107
 Santa Cruz, CA 95060
kthomas@ci.santa-cruz.ca.us

Dear Mr. Thomas:

The above referenced Draft Environmental Impact Report (DEIR) was reviewed by the Resource Management office of the San Mateo-Santa Cruz Unit of the California Department of Forestry and Fire Protection (CALFIRE). The following points of concern or agreement were generated in our review of this document.

- 1 • The DEIR is correct in its statements that a Timberland Conversion Permit and a Timber Harvest Plan will be required for this project where timber operations occur. This would also include any development of utility lines or facilities that require the conversion of timberland.
- 2 • The DEIR discusses the significance of the removal of Redwood and Timberland. The removal of "Dwarf" Redwood is also mentioned, but the amount of removal or its resource significance was not addressed. This is significant due to the relatively small amount of this resource found in both local and statewide habitat areas.
- 3 • On page 7 of the Greenhouse Gas Emissions Calculations (GHG) discussion by Donald Ballanti, the implication of the removal of 73 acres of Redwood trees by this project was quantified. After a review of past and current UCSC development projects, I observed that these projects have included the planting of numerous replacement Redwoods. Some projects have replanted trees to the same or even to a denser stocking levels then the previous forest cover. Did the author compensate for the (future) replacement carbon sequestration by these replacement trees?

If you need any assistance or information, please write or call my office at the above listed address or telephone number.

Sincerely,

Signed Original, on File

Richard Sampson
Forester II – Unit Forester
Unit Environmental Coordinator
RPF #2422

Cc:
State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812-3044

Allen Robertson
California Department of Forestry and Fire Protection
Environmental Protection,
P.O. Box 944246
Sacramento CA 94244-2460

LETTER SA-1 – DEPARTMENT OF FORESTRY & FIRE PROTECTION

- SA-1-1 Timberland Conversion Permits. Comment indicates that the DEIR is correct in its statements that a Timberland Conversion Permit and a Timber Harvest Plan will be required where timber operations occur, and is so noted. No response is necessary.
- SA-1-2 Dwarf Redwoods. See Master Response GI-2 – Forest Resources.
- SA-1-3 Greenhouse Gas Emissions (GHG). The GHG emissions calculations did not account for replanting of trees with future development since there are no specific proposals for development at this time. However, any additional trees planted as part of future development in the North Campus area would serve to replace some of the trees removed.



California Regional Water Quality Control Board

Central Coast Region

LETTER SA-2



Linda S. Adams
Agency Secretary

Internet Address: <http://www.waterboards.ca.gov/centralcoast>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold Schwarzenegger
Governor

January 26, 2010

Ken Thomas
City of Santa Cruz Planning
809 Center Street, Rm. 206
Santa Cruz, CA 95060

Dear Mr. Thomas:

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF SANTA CRUZ SPHERE OF INFLUENCE AMENDMENT

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the City of Santa Cruz Sphere of Influence Amendment (SOI) and Provision of Extraterritorial Water & Sewer Service submitted by the City of Santa Cruz Planning & Community Development Department (City). The DEIR evaluates the impacts related to increasing the City's SOI to provide extraterritorial water and sewer service to University of California Santa Cruz's (UCSC) North Campus. The project site is located in coastal Santa Cruz County, California.

- 1 On page 5-52, the DEIR states that in the Cave Gulch watershed, "significant new flows could be added to the drainages in the watershed which could result in substantial erosion. This EIR therefore conservatively concludes that even with mitigation, the impact would be significant." Please note that UCSC is currently enrolled under the General Phase II Municipal Storm Water Permit (General Permit), which requires UCSC to implement a Storm Water Management Plan that reduces the discharge of pollutants in storm water to the maximum extent practicable and protects water quality. UCSC's Storm Water Management Plan further specifies extensive measures for the control of erosion resulting from new development. Significant erosion in the Cave Gulch watershed is a threat to water quality and would likely cause UCSC to be in violation of the General Permit. For this reason, the DEIR should be modified to identify the mitigation measures that UCSC will implement to control all significant erosion in the Cave Gulch and other watersheds.

We look forward to seeing and commenting on any subsequent version of the EIR and request we be contacted when such documents are available. In addition, we may have additional and more detailed comments on the proposed project during any subsequent Water Board approval processes.

California Environmental Protection Agency



Recycled Paper

If you have any questions regarding this letter, please contact Phil Hammer at (805) 549-3882.

Sincerely,



for

Roger W. Briggs
Executive Officer

S:\CEQA\Comment Letters\Santa Cruz County\UCSC Sphere of Influence EIR Jan2010.doc



LETTER SA-2 – REGIONAL WATER QUALITY CONTROL BOARD
Central Coast Region

SA-2-1 Cave Gulch Erosion. See Master Response GI-3 – Cave Gulch Erosion.



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

LETTER SA-3



CYNTHIA BRYANT
DIRECTOR

January 21, 2010

Ken Thomas
City of Santa Cruz
809 Center Street, Rm 107
Santa Cruz, CA 95060

Subject: City of Santa Cruz Sphere of Influence Amendment & Provision of Extraterritorial Water and Sewer Service
SCH#: 2008102108

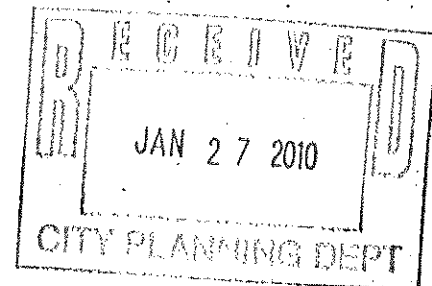
Dear Ken Thomas:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on January 19, 2010, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Acting Director, State Clearinghouse



Document Details Report
State Clearinghouse Data Base

LETTER SA-3

SCH# 2008102108
Project Title City of Santa Cruz Sphere of Influence Amendment & Provision of Extraterritorial Water and Sewer Service
Lead Agency Santa Cruz, City of

Type EIR Draft EIR
Description NOTE: Review Per Lead

The project consists of an amendment to the City of Santa Cruz Sphere of Influence (SOI) to include a 374 acre portion of the UCSC "North Campus" for the purpose of providing extraterritorial water and sewer services to the area. Implementation of the proposed project would adjust the City's probable physical boundaries and service area for water and sewer service to include the project area in which UCSC proposes development as set forth in its adopted 2005 LRDP and in the Comprehensive Settlement Agreement.

Lead Agency Contact

Name Ken Thomas
Agency City of Santa Cruz
Phone (831) 420-5148
Fax
email
Address 809 Center Street, Rm 107.
City Santa Cruz **State** CA **Zip** 95060

Project Location

County Santa Cruz
City Santa Cruz
Region
Cross Streets Empire Grade
Lat / Long
Parcel No. 061-321-40 and 062-041-49
Township **Range** **Section** **Base**

Proximity to:

Highways 1
Airports
Railways
Waterways
Schools UC Santa Cruz
Land Use Undeveloped / Public Facilities / Public Facilities (Santa Cruz County) and designated UCSC Development in City of Santa Cruz General Plan

Project Issues Public Services; Sewer Capacity; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 3; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 5; Department of Health Services; Resources, Recycling and Recovery; State Water Resources Control Board, Division of Financial Assistance; Regional Water Quality Control Board, Region 3; Native American Heritage Commission

Date Received 11/18/2009 **Start of Review** 11/18/2009 **End of Review** 01/19/2010

**LETTER SA-3 – CALIFORNIA GOVERNOR’S OFFICE OF PLANNING &
RESEARCH, STATE CLEARINGHOUSE**

The letter acknowledges that the City of Santa Cruz complied with the State Clearinghouse review requirements for review of draft environmental documents.



January 19, 2010

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

**Re: Draft Environmental Impact Report for Sphere of Influence Amendment
 City of Santa Cruz, California
 State Clearinghouse #2008102108**

The University of California, Santa Cruz (UCSC) has reviewed and provides the following comments on the Draft Environmental Impact Report in support of the City of Santa Cruz Sphere of Influence Amendment and provision of Extraterritorial Water and Sewer Service (SOI DEIR) to an area of the UCSC campus commonly referred to as the North Campus. With a few exceptions described below, the document accurately describes the development of UCSC's North Campus as envisioned in UCSC's 2005 Long Range Development Plan (2005 LRDP) and accurately characterizes the anticipated environmental impacts of that development as identified in UCSC's 2005 LRDP Environmental Impact Report (2005 LRDP EIR, UCSC 2006). However, we believe the following issues should be addressed in the final EIR.

- 1) **1) Need for the Sphere Of Influence Amendment (SOI):** The SOI DEIR Project Description, p 3-8, inaccurately characterizes the need for the SOI, as follows:
"The project would enable UCSC to move forward with plans to develop the North Campus as set forth in its adopted 2005 LRDP and as set forth in the Comprehensive Settlement Agreement."
 Elsewhere in the SOI DEIR Alternatives analysis (p 6-35) the document accurately recognizes that UCSC likely would pursue other strategies to accommodate growth either on the North Campus or the central campus if the SOI is denied. We therefore request that the SOI DEIR be revised to reflect that implementation of the project would adjust the City's probable physical boundaries and service area for water and sewer service to include the area in which UCSC proposes development in its adopted 2005 LRDP and as set forth in the Comprehensive Settlement Agreement. Specifically, UCSC's 2005 LRDP designates the project area for a mix of college, housing, physical education, academic facilities, campus reserve, and protected landscape/resource land uses, which are further described in the LAND USE (Chapter 4.3) section of the SOI DEIR.
- 2) **2) Alternative Analysis:** The SOI DEIR describes the Reduced Project alternative as excluding portions of the North Campus from the proposed SOI, "...to tighten the line to include those areas designated for future development (and limited intervening lands designated for Natural Reserve), and thus, provision of services." The Reduced Project alternative excludes a small development area adjacent to Empire Grade Road that is designated in the 2005 LRDP land use plan for Campus Support and lands designated on the 2005 LRDP land use map as Campus Natural Reserve and Protected Landscape which, under the 2005 LRDP land use plan, are not subject to development in any case. The discussion of impacts of the alternatives suggests that some Campus Resource Lands

Mr. Ken Thomas
 DEIR for Sphere of Influence Amendment
 January 19, 2010
 Page 2

(which are lands set aside for potential future development) would be eliminated from potential development under the alternative. In fact, the Reduced Project does not exclude any areas designated as Campus Resource Land under the 2005 LRDP and, on this account, there is no justification for identifying the Reduced Project as the Environmentally Superior Alternative. There is no discernable environmental benefit in excluding the Campus Support area on Empire Grade, other than eliminating a potentially significant aesthetic impact (AES-5) of campus support development there, which was reduced to a less-than-significant level by a mitigation measure (AES-5E) adopted in the 2005 LRDP EIR and therefore included in the 2005 LRDP.

In addition to including the Campus Support area on Empire Grade, the alternative description should state that the Empire Grade road connection and Cave Gulch bridge envisioned in the 2005 LRDP would be included in the development area, since these are important elements of campus circulation, as described in the 2005 LRDP.

3) Recommended corrections to the SOI DEIR's analysis of impacts associated with implementation of the 2005 LRDP:

- **SOI EIR Impact 1-1:** LRDP growth is characterized as "growth to 2020". It would be more accurate to characterize this as "growth to an enrollment of approximately 19,500".
- **UCSC Contribution to Cumulative Water Supply impact:** UCSC's contribution to cumulative water supply impacts has been reduced to a point that it is not cumulatively considerable based on UCSC's payment to the City of new connection and service fees, and UCSC's commitment to develop alternative water supplies and to comply with the City's water conservation and new connection moratorium requirements in the event of a drought, as required by the Comprehensive Settlement Agreement.
- **Secondary impacts of growth:**
 - **Cultural resources:** For the North Campus the significant unavoidable cultural resources impact identified in the 2005 LRDP EIR applies to the potential to impact an as-yet undiscovered archaeological site that is so significant that impacts could not be mitigated to a less-than-significant level through data recovery. However, there is no potential for a significant unavoidable impact to historic structures, as there are none on the North Campus. This clarification should be added to the explanation of the bulleted SU cultural resource impact on page 6-29.
 - **Traffic:** Payment by UCSC to the City as specified in the Comprehensive Settlement Agreement for 3,900 new average daily trips mitigated UCSC's contribution to significant impacts identified in the LRDP EIR (TRA-2) at 7 of the 10 intersections. Feasible improvements would not achieve acceptable LOS at three intersections; Bay St/Mission St, King St./Union St/ Mission St, and Mission St/Chestnut St. The LRDP impact to these three intersections therefore would remain significant as reasoned in the LRDP DEIR, p 4.14-46. Impact TRA-6 (freeway operations impacts) as identified in the LRDP EIR would remain significant and unavoidable since no payment has been made by UCSC or any other user which could contribute to mitigating freeway impacts. The text in the bullet identifying SU secondary traffic impacts should be amended with these clarifications.

Mr. Ken Thomas
 DEIR for Sphere of Influence Amendment
 January 19, 2010
 Page 3

4) Factual corrections:

- 8 • Figure 12, on p. 8-12 purports to show UCSC on-campus water system improvements but, in fact, includes some off-campus City water lines.
- Figure 13, on p. 8-13, shows "Proposed Utility Lines," but some of those shown are existing lines.
- 9 • p. 3-5, 1st paragraph, incorrectly characterizes the Comprehensive Settlement Agreement as limiting enrollment to 19,480 by 2020-21. In fact, the Settlement Agreement says: "...for purposes of planning implementation of infrastructure development to accommodate enrollment growth, UCSC projects...19,480 total enrollment in 2020-21."
- 10 • p 3-5, 2nd paragraph: "225 beds" should read "225 **new** beds"
- p 3-5, 4th paragraph: UCSC will pay a fee for increased water use [ADD] **over 206 mgy**
- p 3-8, 1st paragraph: Existing water service connection serve portions of Colleges 9/10 and Crown-Merrill Apartments [ADD] **and other portions of campus.**
- 11 • p 5-40: 2005 LRDP EIR mitigation measures BIO-7A and -7B restricting bicycle use in Marshall Field have been eliminated by agreement with USFWS, as it was established that bicycles actually help keep the ground bare, which improves Ohlone Tiger Beetle habitat.
- 12 • P 5-57, last paragraph: LRDP Mitigation AIR-5B is incorrectly characterized as requiring that UCSC's cogeneration plant be tested and replaced within 3 years of LRDP approval. The mitigation measure actually reads: "If the Campus does not replace the existing cogeneration system with a new system with lower emissions within three years, the Campus shall conduct source tests for acrolein for the Central Plant emergency generator and the Delaval engine, and recalculate the hazard index for acute exposure (HIA) using the results of those tests. If the HIA is greater than 1.0 with Mitigation AIR-5A, the Campus shall reduce emissions from the emergency generator either by: (1) replacing the generator, (2) replacing the engine with a more efficient one, or (3) installing a catalytic oxidizer or other emissions controls."

Thank you for the opportunity to comment on the SOI DEIR and if you have any questions regarding these comments please contact Sally Morgan of my staff at 831.459.2170.

Sincerely,



John Barnes
 Director of Campus Planning

cc: D. Fitch
 S. Morgan

LETTER SA-4a – UNIVERSITY OF CALIFORNIA SANTA CRUZ
Physical Planning and Construction

SA-4a-1 Project Description. The DEIR text has been clarified to indicate that the implementation of the project would adjust the City's Sphere of Influence (and, thus, its probable physical boundaries) and would provide extraterritorial water and sewer service to a portion of the UCSC North Campus in which UCSC proposes development in its adopted 2005 LRDP and as set forth in the Comprehensive Settlement Agreement. See the "Project Description" subsection in the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.

The proposed applications and activities, however, do not technically change the City's "service area" or water and sewer service. As described on page 4.3-10 of the DEIR, in November 2006, LAFCO granted the City "Areawide Approval" to provide water service to the areas depicted on a map submitted by the City to LAFCO. This "Areawide Approval" will expire on November 1, 2016.

SA-4a-2 Alternative 2. The DEIR text indicates that Alternative 2 would exclude both lands designated as "Protected Landscape" (PL) and "Campus Natural Reserve" (CNR). Excluded CNR lands include an area along the eastern boundary of the North Campus area, as well as an area adjacent to the designated "Campus Support" area next to Empire Grade that extends northward. These areas are clearly depicted on Figure 10 in the DEIR, but on Figure 18, the CNR label for the western area with this designation was cut off so that it is not clearly visible.

According to the adopted 2005 LRDP, CNR designation applies to lands that "would remain in its natural state except as required for maintenance, as teaching and research reserve," and construction in these areas is prohibited except for teaching and research or the limited construction of utilities, roads, and paths. The PL designation is applied to lands to maintain special campus landscapes for their scenic value and to maintain special vegetation and wildlife continuity zones, and the LRDP seeks to retain these areas to the extent feasible, "in an undeveloped state as the campus grows." Thus, it does appear that exclusion of these areas from the Sphere would provide some strengthened protection of these areas, which are already slated for protection. It is acknowledged, however, that protection is not guaranteed in perpetuity as indicated in Comment SA-5-1. DEIR has been clarified; see the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document). Thus, the DEIR conclusion regarding identification of Alternative 2 as the environmentally superior alternative (for purposes of CEQA) remains unchanged. See also Comment RA-1-9.

- SA-4a-3 Alternative 2 – Campus Support Area. The 2005 LRDP indicates that some “facility and operational corporation yard functions” would be relocated to the designated Campus Support (CS) area adjacent to Empire Grade in the North Campus. As indicated on page 5-19 of the EIR, the campus agreed not to develop a corporation yard at this location as part of the August 2008 Comprehensive Settlement Agreement (section 6.3). The 2005 LRDP does not specify what other types of uses may be located in this designation that covers approximately 8 acres, however, with the elimination of the corporation yard, the DEIR assumed, perhaps erroneously, that this North Campus area would not be intensively developed. It is acknowledged that other structures/facilities may be located to this area. According to the LRDP EIR, the CS designation is provided to accommodate support facilities such as the central heating and cogeneration plants, maintenance shops, and equipment storage areas; building that house campus support departments, including Physical Plant, Purchasing, University Police and Fire Departments; and other support and service facilities. Additionally, a new campus road from Empire Grade (with bridge) would be constructed in this area. As indicated on pages 6-36 and 6-37 of the DEIR, Alternative 2 did not assume that any future development potential in North Campus would be eliminated under this alternative. Therefore, inclusion of this 8-acre area would not result in substantial changes to the Alternative 2 analysis and would not result in new impacts or severity of impacts. Figure 18 has been corrected to include the small Campus Support area; see the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.
- SA-4a-4 LRDP Growth. The 2005 LRDP indicates that it “accommodates an increase in student enrollment on campus to a fall-winter-spring three-quarter average of 19,500 FTE by the year 2020. However, the wording of Impacts 1-1, 2-1 and 2-2 have been revised as shown in the SUMMARY OF IMPACTS (Chapter 2.0) section of this document.
- SA-4a-5 Cumulative Water Demand. UCSC does not think its contribution is cumulatively considerable with payment of City fees, “commitment to develop alternative water supplies” and compliance with City requirements during periods of water moratoriums/droughts. It is acknowledged that the University has agreed to pay a fee equivalent to the City’s System Development Charges (SDC) for increased water use over the baseline usage of 206 MGY pursuant to the Comprehensive Settlement Agreement (section 3.1.a). The Settlement Agreement also indicates that “it is the intention of the parties that the amount of UCSC’s SDC equivalent payments will be proportionate to UCSC’s share of use of City developed new water source capacity” (section 3.1.a). Furthermore, pursuant to section 3.2 of the Settlement Agreement, UCSC agrees to comply with service area-wide water restrictions or mandatory curtailment that the City may impose. It is agreed that UCSC payment of the SDC equivalent fees will contribute to funding UCSC’s portion of new water source capacity. However, the SDCs within the City’s service area will fund only a portion of the City-proposed desalination plant. Additionally, the water fees are used for

many things related to growth, e.g. funding a portion of conservation projects, upsizing water mains, etc.

It is also agreed that the University would cut back its water use during periods of use curtailment that may be imposed throughout the city-wide water service area, which will reduce its peak dry-year demand. However, the project use would still represent a large demand – larger than any other single customer. Because by itself, the project demand represents such a large amount of water, the analysis concluded that spread out over the service area, the additional demand might conceivably push the City into the next level of increased curtailment. 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), it will have virtually no tangible impact on the rest of the service area. See also Comments and Responses LA-1-17 and LA-2-1.

It is unclear, however, what the University’s “commitment” is to develop alternative water supplies. The 2005 LRDP EIR mitigation measures indicate that UCSC will study reclaimed water sources, and prepare a plan as to how such options could be utilized in new development (Mitigation UTIL9-G), as well as use of groundwater in Jordan Gulch for non-potable uses during a drought. However, there does not appear to be a formal schedule for implementation. As indicated on pages 4.1-40 and 4.1-41, demand on the City’s water system would be reduced if UCSC implements other measures, but the City has no control over UCSC development and water use and does not consider these non-potable potential alternative water systems to be reasonably foreseeable at this time. See also Master Response WS-4 – UCSC Campus Water Sources. Thus, the DEIR conservatively concludes that the project’s impact on water supplies during drought conditions is significant, and the project’s incremental effect on the significant cumulative water impact is cumulatively considerable.

SA-4a-6 Cultural Resources. The LRDP impact referenced in the comment pertains to historical resources or an “unique” archaeological resource (LRDP Impact CULT-3). The analysis does indicate that there are no existing structures in the North Campus, which is also noted on page 5-45 of the DEIR. However, since the LRDP EIR indicates that the impact may be significant and unavoidable due to a rare occasion where a historical or unique archaeological resource may be found and does not specifically exclude the North Campus other than for historical resources, the Sphere of Influence DEIR also summarized the finding as a significant unavoidable impact on pages 5-45 and 6-29 of the DEIR.

SA-4a-7 Traffic. The DEIR traffic text has been clarified to identify off-campus intersections that are impacted and indicates that 3 of the 10 intersections would remain at unacceptable levels of service even with improvements, and the summary of

significant unavoidable impacts has been corrected to include off-campus intersections. The revised text also notes that no fee program has been established for state highways. However, the LRDP EIR indicates that the impact to off-campus intersections remains significant because the improvements are outside the University's control regarding implementation. The City agrees, however, that if the improvements are funded and implemented as required by the Settlement Agreement, the impacts to seven of the ten impacted intersections would be reduced. See the "Growth Inducement" and "CEQA Considerations" subsections in the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.

- SA-4a-8 DEIR Figures. It is agreed that Figure 12 shows minor off-campus water lines, although the title indicates UCSC Water System Improvements, but except for one minor location does and is intended to show the existing improvements on the UCSC campus, especially with respect to the project area. Figure 13 is an attachment to the University's application to LAFCO for extraterritorial services; however, it is agreed that the figure shows some existing utility lines
- SA-4a-9 Enrollment Set Forth in Settlement Agreement. Section 1.1 of the Settlement Agreement does indicate that undergraduate enrollment will not exceed 17,500, but it is agreed that the other enrollment figures are characterized for the purpose of planning implementation of infrastructure as stated in the comment. The DEIR text has been clarified; see the "Project Description" subsection in the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.
- SA-4a-10 Settlement Agreement Clarifications. Recommended text clarifications identified for pages 3-5 of the DEIR text have been made. See the "Project Description" subsection in the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document. The first paragraph of page 3-8 cited in the comment discusses only the existing development within the project area and notes that water and sewer services currently are provided to this area. No revision to this sentence seems necessary.
- SA-4a-11 LRDP Biological Resource Mitigation Measures. The comment indicates that the 2005 LRDP EIR Mitigation Measures BIO-7A and BIO-7B restricting bicycle use in Marshall Field have been eliminated by agreement with the U.S. Fish and Wildlife Service (USFWS). In response to this comment, the City requested documentation and received from UCSC, a response consisting of a request by UCSC to the USFWS (dated December 12, 2005) to amend its HCP (related to the campus Ranch View Terrace development) to eliminate the current practice of closing meadow trails with temporary fencing during Ohlone tiger beetle flight season pursuant to recommendations by the University's consulting entomologist. The letter includes a signed concurrence by the USFWS. On the basis of this change to the Ranch View Terrace HCP, the Campus also discontinued the fencing of trails in Marshall Field (Klaus, University of California Santa Cruz, personal communication, March 2010).

SA-4a-12 LRDP Air Quality Mitigation Measures. The DEIR text has been clarified as indicated in the comment; see the “Growth Inducement” subsection in the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.



PHYSICAL PLANNING AND CONSTRUCTION

SANTA CRUZ, CALIFORNIA 95064

January 25, 2010

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

**Re: Draft Environmental Impact Report for Sphere of Influence Amendment
 City of Santa Cruz, California
 State Clearinghouse #2008102108**

The University of California, Santa Cruz (UCSC) has reviewed the Santa Cruz Local Agency Formation Commission (LAFCO) staff report and draft comment letter on the City of Santa Cruz Sphere of Influence Amendment and provision of Extraterritorial Water and Sewer Service (SOI DEIR) presented at the January 6, 2010 LAFCO meeting.¹ UCSC provides the following to assist the City in responding to comments raised in LAFCO's letter in the order presented therein.

1. Request for analysis of project alternative – annexation to the City of Santa Cruz of existing UCSC residential facilities Outside the City's jurisdictional boundary.

LAFCO's observation that the City's jurisdictional boundary bisects two existing UCSC student residential areas (Crown/Merrill Apartments and College 9/10 Apartments) is correct. LAFCO requests that the SOI DEIR "identify and evaluate one alternative of annexing the existing residential buildings" to eliminate the split in voter precincts caused by the location of the City's jurisdictional boundary.

CEQA requires that an EIR must identify alternatives that could avoid or substantially lessen the project significant environmental effects and also attain the project's basic objectives. (CEQA Guidelines §15126.6(a).) The alternative proposed by LAFCO does not do either. First, the annexation alternative does not reduce or avoid any of the project's significant environmental effects. Second, the annexation alternative does not attain the project's basic objectives because it is unrelated to the proposed sphere change and extraterritorial water and sewer services that are the topic of the SOI DEIR. Moreover, these properties are already within the City's service area boundary. Accordingly, it is not an appropriate alternative to the proposed project and should not be included in the SOI DEIR. Nevertheless, UCSC is not opposed to the annexation of the aforementioned property to resolve the voter precinct issue should the City wish to initiate annexation in the future.

¹ The LAFCO staff report and draft comment letter can be found in full at <http://www.santacruzlafco.org/pages/agenda/20100106materials/Dec%202009%20UCSC%20DEIR%20comments.pdf>.

2. Request for inclusion of additional drought mitigations.

LAFCO suggests adding new mitigation measures limiting enrollment growth during City declared water connection moratoriums and preventing increases in off-campus water demand generated by UCSC growth to address the significant impact conclusion reached in the SOI DEIR regarding water supply during drought conditions. The proposed additional mitigation measures are neither more effective nor considerably different from mitigation measures 1-1 and 1-2 identified in the SOI DEIR, which are also judicially enforceable under the Comprehensive Settlement Agreement between the University, the City, the County, and local community groups and members resolving litigation involving UCSC's 2005 LRDP.

Specifically, the SOI DEIR includes mitigation measures that commit UCSC to reduce or restrict water demand by:

- complying with service area-wide water restrictions or mandatory use curtailments imposed by the City during a water shortage emergency on all University-owned properties (i.e., main campus and off-campus sites including 2300 Delaware Ave., the Marine Science Campus); and
- not increasing water demand on the City water system from any University-owned (on- or off-campus) properties during a City water connection moratorium;

These commitments to reduce and restrict water demand apply whether or not enrollment increases during a water shortage emergency or moratorium period. In fact, enrollment has little relationship to water demand. For example, during the 2009 area-wide water restrictions, the campus reduced water demand by nearly 30%, over the past 5 year average, while on-campus average enrollment was at its highest level in history.

Moreover, the enrollment-based mitigation measure proposed by LAFCO would be impractical and legally infeasible. First, as recognized in the Comprehensive Settlement Agreement, enrollment planning is undertaken six months prior to the start of the new fall term based on a projected "take rate" (i.e., the percentage of students that accept an offer of admission), and once an offer of enrollment is made it cannot be rescinded. Also, retention/graduation rates fluctuate. Thus, the timing of enrollment planning (which may not correspond with a City declared water shortage emergency or moratorium period) and the lack of nexus between enrollment and water demand makes an enrollment-based mitigation measure a less effective method of reducing campus water demand.

Second, the addition of an enrollment based mitigation measure would be less effective than the measures currently included in the SOI DEIR and would be legally infeasible because it could hinder UC's ability to meet the higher education mandate of the state (*see* Master Plan for Higher Education and California Education Code section 66202.5). For these reasons, the mitigation measures proposed by LAFCO should not be included in the EIR.

Finally, it is noteworthy that the judicially enforceable Comprehensive Settlement Agreement commits UCSC to reduce existing water demand by implementing on-campus water conservation projects.

3. Request for analysis of project alternative – UCSC control and maintenance of Coolidge Drive.

Glenn Coolidge Drive, which is owned and maintained by the County of Santa Cruz serves UCSC, but also provides access to the gated entry to the City's Pogonip property. UCSC has, for many years, discussed maintenance responsibilities of the roadway with the County of Santa Cruz. During the 1990s many of those discussions included the City of Santa Cruz due to the proximity of the roadway to Pogonip City Park. UCSC remains willing to engage in further discussions with the County of Santa Cruz to address maintenance obligations and awaits direction from the County on how it wishes to proceed.

However, LAFCO's proposal to have the University take over maintenance of Glen Coolidge Drive as a project alternative is not appropriate. As stated above, CEQA requires that an EIR should identify alternatives that could avoid or substantially lessen the project's significant environmental effects and also attain the project's basic objectives. The SOI DEIR does not identify any environmental effects associated with Glen Coolidge Drive that need to be mitigated. Furthermore, the roadway is not even geographically within or adjacent to the project area. Rather, it is below, and southeast of the project area as reflected on the map attached to LAFCO's comment letter in an area already served by City water and sewer services. For these reasons, it is not relevant to the Sphere of Influence Amendment and provision of Extraterritorial Water and Sewer Service and should not be included as an alternative to the project.

4. Proposed reconsideration of SOI DEIR impact conclusion regarding forest loss.

Timberland conversion impacts in the proposed project area were previously analyzed in the 2005 Long-Range Development Plan Environmental Impact Report (2005 LRDP EIR). The 2005 LRDP EIR concluded that forest loss as a result of development in the North Campus would be a less than significant environmental effect.² The 2005 LRDP EIR was certified by The Regents in September 2006, and the timber conversion impact conclusions reached in that document were upheld by the Santa Cruz Superior Court in September 2007. In the absence of new information or changed circumstances relating to the implementation of the LRDP, the conclusions in the 2005 LRDP EIR regarding timber conversion are presumed to be in compliance with CEQA. As a result, reconsideration of the impact is unnecessary.

5. Request for analysis of project alternative – annexation of proposed project area.

Although a purpose of sphere of influence is to plan for the probable service area of a local government agency, there are no provisions in the Cortese-Knox-Hertzberg Act that require annexation within a set period of time following adoption of a sphere of influence. (Government Code §56076.) The request for a sphere of influence amendment and extraterritorial service are consistent with the Cortese-Knox Hertzberg Act and previous guidance from LAFCO.

LAFCO has previously stated in a letter to UCSC commenting on the 2005 LRDP EIR that utility service area expansion can be accomplished through extraterritorial service authorization and suggested that "...a coordinated plan for expanding services..." between the City of Santa Cruz

² The relevant sections can be found beginning on page 4.4-68 of Volume 1 of the 2005 LRDP EIR (<http://lrdp.ucsc.edu/Draft2005EIR/2005deir-4.4-bioresources.pdf>) and in response to comments received on the 2005 LRDP draft EIR, Volume 5, Response SA-7 (<http://lrdp.ucsc.edu/Final2005EIR/2005feir-V-5.3-resp-indiv.pdf>).

and the University take place.³ The City and UCSC have committed to the utility service planning suggested by LAFCO as documented in the Comprehensive Settlement Agreement and have initiated the planning by concurrently submitting applications to LAFCO for Sphere of Influence Amendment and provision of Extraterritorial Water and Sewer Service, which is the subject of the SOI DEIR. The City and the University are pursuing the sphere change and extraterritorial service approach because the full range of services that accompanies annexation is not required by UCSC to implement its LRDP. For example, UCSC currently employs its own police and fire departments, maintains its own roadways and streetscape, and operates its own maintenance and facilities organization, among other services. This approach by the City and UCSC is also consistent with Santa Cruz LAFCO's Policies and Regulations for Agencies to Provide Services to Private Parties Outside Agency Boundaries which specifically recognizes that services may be extended by a sphere of influence amendment. For this reason, annexation does not meet the project objectives and it is not appropriate be included as an alternative in the EIR.

6. Request for clarification of estimated water use associated with project.

LAFCO is correct in its comment that the SOI DEIR projected water demand associated with the proposed project differs from the demand projection set forth in UCSC's LAFCO application for extraterritorial services. UCSC's application relied on water demand projections in year 2020 as set forth in the 2005 LRDP EIR (Vol 4, page 2-16, table 2-9). Since that time UCSC has implemented on-campus conservation measures as required by the Comprehensive Settlement Agreement and has quantified the associated water savings on City water supplies. The City's SOI EIR accurately reflects the projected water demand associated with the project. UCSC will correct or file an amendment to its LAFCO application to reflect that water demand is projected to be 100 MGY.

7. Support for the SOI DEIR Environmentally Superior Alternative.

Please refer to UCSC's January 19, 2009 letter on the SOI DEIR for its response to LAFCO's comment relating to the scope and effect of the Reduced Project Alternative.

UCSC requests that this letter be included as part of the administrative record for the SOI EIR. If you have any questions regarding these comments please contact me at 831.459.2170.

Sincerely,



John Barnes
Director of Campus Planning

cc: T. Vani, Vice Chancellor
C. Rossi, Chief Campus Counsel
K. Drumm, Senior Counsel
D. Fitch, Senior Planner

³ See LAFCO's January 11, 2006 comment letter on the 2005 LRDP draft EIR located in Volume 5 of the 2005 LRDP EIR, letter LA-5, which can viewed at <http://lrdep.ucsc.edu/Final2005EIR/2005feir-V-5.3-resp-indiv.pdf>.

LETTER SA-4b – UNIVERSITY OF CALIFORNIA SANTA CRUZ
Physical Planning and Construction

A letter from UCSC was received by the City after the close of the DEIR public review-comment period. The letter provides responses to comments in response to the letter of DEIR comments submitted to the City from LAFCO (Letter RA-1) and are so noted. Where relevant, reference to UCSC comments are made in other response to comments and are noted as according to the numbers in the letter.

UNIVERSITY OF CALIFORNIA, SANTA CRUZ

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

Ken Thomas, City of Santa Cruz Planning
809 Center Street, Rm. 206, Santa Cruz, CA 95060

Re: Draft EIR for the Sphere of Influence Amendment

January 19, 2010

Dear Mr. Thomas,

1 I am writing to provide some information on the protection status of lands at the main UCSC campus. With the exception of approximately 13 acres (designated as Habitat Reserve) on the main UCSC Campus all other land use designations pertaining to open space and/or resource protection (e.g. Campus Natural Reserve, Protected Landscape, Campus Resource Land, etc.), as per the 2005 CLRDP, are not protected long-term. That is, these land designations are a result of various Long Range Planning efforts over the years aimed at fulfilling the University of California's mission to support research, education, and public outreach.

As you are aware, each LRDP has a limited life (15 years for the 2005 LRDP) after which a new planning effort is initiated and an updated LRDP is created. Within the life of a given LRDP land use designations can be changed by UC Regents actions. I point this out because the sentiment of the EIR seems imply much of the undeveloped land on campus is protected in perpetuity or for the long-term. For example, the final sentence of the first paragraph under "City of Santa Cruz Policies and Regulations" on page 4.3-15 states: "*The project further appears consistent with Policy CD1.3.4, which encourages open space preservation on the UCSC campus, in that about half or more of the SOI-North Campus area is designated for open space and resource protection uses in the 2005 LRDP.*" This statement is absolutely correct; however, the key word is "*encourages.*" Additionally, in the first paragraph on page 5-37 the EIR states that in addition to the goals outlined in the 2005 LRDP, pertaining to protection of biological resources, that "*biological resources are protected by four land use designations.....These include Campus Natural Reserve, Protected Landscape, Campus Resource Land, and Campus Habitat Reserves, which together comprise approximately 1,068 acres of the 2,020-acre main campus.*" However, with the exception of 13 acres, there is no perpetual protection of these undeveloped lands.

An important point to note is that Campus Natural Reserve is currently not part of the UC Natural Reserve System and thus does not have the same protective measures that the University of California Natural Reserve designation provides. If you have any questions about the UC Natural Reserve System please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Gage Dayton".

Gage Dayton
Administrative Director, UCSC Natural Reserves

LETTER SA-5 – UNIVERSITY OF CALIFORNIA SANTA CRUZ
UCSC Natural Reserves

SA-5-1 LRDP Open Space / Landscape Designations. The comment indicates that LRDP open space-related designations noted in the DEIR (Campus Natural Reserve, Protected Landscape, Campus Resource Land) are not permanently protected in the long-term as LRDP designations can change. The comment is noted, and the DEIR text has been so clarified in the “Alternatives” analysis. DEIR has been clarified; see the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document). The reference to DEIR text (page 5-37) that indicates that biological resources are protected on lands with these designations was cited from the 2005 LRDP DEIR (Volume I, page 4.4-36). Since the designations have limited land use development potential (see Response to Comment SA-4a-2), at least for the timeframe of the 2005 LRDP, such conclusions would seem reasonable.