

**NOTICE OF PREPARATION
And
COMMENT LETTERS**

ZONING/PERMIT PROCESSING
831/420-5100 • FAX 831/420-5101
INSPECTION SERVICES
831/420-5120 • FAX 831/420-5101



COMPREHENSIVE PLANNING,
HOUSING AND
COMMUNITY DEVELOPMENT
831/420-6250 • FAX 831/420-6458

PLANNING DEPARTMENT
809 Center Street • Room 206 • Santa Cruz, CA 95060 • cityplan@ci.santa-cruz.ca.us
JULIANA REBAGLIATI, DIRECTOR

November 3, 2008

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

RE: City of Santa Cruz Sphere of Influence Amendment

To Interested Agencies and Persons:

The City of Santa Cruz will be the lead agency and will prepare an Environmental Impact Report on the project described herein. Please respond with written comments regarding the scope and the content of the EIR as it may relate to your agency's area of statutory responsibility or your areas of concern or expertise. Your agency may need to use the EIR prepared by our agency when considering your permit or other approval for the project, if any is required. Responses are due within 30 days of the receipt of this Notice, as provided by State law. The contact person's name and address are listed below. Please include the name and phone number of a contact person at your agency in your response.

The project description, location and potential environmental effects are presented below. An Initial Study has not been prepared. In accordance with State CEQA Guidelines section 15060(d), the City has determined that an EIR will be required for the project, and the probable environmental effects of the project that will be evaluated in the EIR are described in paragraph 4 below.

- 1. Project Location.** The approximate 374-acre site is located on the University of California Santa Cruz (UCSC) campus north of the existing developed portion of the campus (see Figure 1). The site is located within the unincorporated area of Santa Cruz County contiguous to the City's jurisdictional limits. Known as the "North Campus" area, the site is primarily undeveloped with the exception of a network of UCSC constructed fire break gravel roads, underground water lines, a water system pump station, fire hydrants, and abandoned water tanks. In addition, portions of UCSC's Colleges 9/10 and Crown Merrill Apartment complex are located within the proposed sphere of influence area and are presently being served by the City's Water Department. Campus development and expansion is planned for this area in the University's 2005 Long Range Development Plan.
- 2. Project Description.** The proposed project consists of an application to the Santa Cruz Local Agency Formation Commission (LAFCO) to amend the City of Santa Cruz's Sphere of Influence (SOI) to include the 374-acre portion of the UCSC campus as shown on Figure 1 for the purpose of providing extraterritorial water and sewer services. The

City of Santa Cruz has submitted an application to LAFCO for the SOI amendment. Upon completion of environmental review, LAFCO will consider the SOI request from the City as well as the request for provision of extraterritorial services concurrently submitted by UCSC to LAFCO. The City of Santa Cruz was determined to be the lead agency for environmental review. LAFCO and the University of California are responsible agencies.

3. **Background.** On September 21, 2006, the University of California Regents adopted the *2005 Long Range Development Plan* (2005 LRDP) for the UCSC campus after certification of the 2005 LRDP EIR. The 2005 LRDP identifies campus goals and development objectives and provides a map of proposed campus land uses (see Figure 2). The plan anticipates a campus enrollment of 19,500 students by academic year 2020-2021, provision of 9,556 on-campus housing units/beds for students, faculty and staff, and includes a building program that would allow approximately 8,242,400 gross square feet of development by academic year 2020-2021.

The 2005 LRDP EIR was legally challenged by several entities, including the City of Santa Cruz. A ruling by the Santa Cruz County Superior Court in *City of Santa Cruz et al. v. Regents of the University of California et al.* (CV 155571, consolidated with Case No. CV155583) concluded that additional analyses relating to water supply, housing, and traffic mitigation were required. In August 2008 a "Comprehensive Settlement Agreement" was executed by all the parties and that resolved the lawsuits. The Settlement Agreement was entered as a final judgment of the Court, thereby superseding the previous court ruling.

The following key provisions of the settlement agreement will be implemented by UCSC and the City in connection with development under the 2005 LRDP:

- **Enrollment:** Full-time equivalent (FTE) on campus 3-quarter average (fall-winter-spring) enrollment for undergraduates will not exceed 17,500, and total on-campus combined graduate and undergraduate enrollment is projected to not exceed 19,480 in academic year 2020-2021.
- **Housing:** UCSC will provide 7,125 beds for student enrollment up to 15,000 and will provide additional housing to accommodate 67 percent of new-student enrollment above 15,000, resulting in a total of 10,125 available beds for an enrollment of 19,500. The 2005 LRDP originally called for UCSC to provide housing for 50 percent of undergraduates and 25 percent of graduate students during the life of LRDP for a total of 9,190 beds.
- **Water and Sewer Services:** The City and UCSC will concurrently apply to the Santa Cruz Local Agency Formation Commission (LAFCO) for a Sphere of Influence amendment (City application) and for extraterritorial water and sewer services (University application) for an area identified as the North Campus (shown on Figure 1) to allow for the development of 3,175,000 gross square feet of additional building space as described in the 2005 LRDP. In addition, UCSC

will pay a fee for increased water use (equivalent to the City's "system development charges") to cover its proportional share of the City's development of new sources of water supply. Additionally, UCSC will comply with any service area-wide water restrictions and mandatory use curtailment imposed by the City in response to a declaration of water shortage emergency and/or if the City establishes a service area-wide moratorium on new connections because of a water shortage emergency.

- *Traffic:* UCSC will pre-pay its proportional share of roadway infrastructure improvements associated with the addition of 3,900 average daily trips (ADT) to the main campus (for a total of 28,700), generated by the 2005 LRDP. UCSC will also pay for existing ADT related to its 2300 Delaware Avenue property, and for new ADT at the Marine Sciences campus as ADT generating development is approved at the rate then in effect. The ADT will be based on the City's Traffic Impact Fee program and will be equal to the fee paid by private developers.
- *2005 LRDP EIR:* UCSC will not rely on the 2005 LRDP EIR water or housing analyses for purposes of approving projects implementing the 2005 LRDP. (Because the housing-related concerns raised in the LRDP litigation involved only *off-campus* housing, the City understands this portion of the settlement only to prohibit reliance on the LRDP EIR housing analysis as it relates to off-site housing.) The adequacy of traffic mitigation is resolved by the Settlement Agreement.

4. **Probable Environmental Effects of the Project.** After completing a preliminary review of the project, as described in Section 15060 of the CEQA Guidelines, the City has determined that an EIR should be prepared to assess the potential environmental impacts of this project. Based on this preliminary review, the City has identified the following probable effects of the project, which will be addressed in the EIR, as described below: water supply, wastewater service, growth inducement and secondary impacts of development, as well as a review of project consistency with relevant LAFCO policies. The EIR will analyze these issues and provide a determination of impact significance. At present, the City lacks sufficient information to make conclusive determinations on significance. The City will consider the written comments received in response to this Notice of Preparation in determining the topics and scope to be assessed in the Draft EIR.

Water Supply. The EIR will analyze the impacts of project water demand on the City's water supply during normal and drought conditions. The analyses will draw from existing adopted City plans, including but not limited to the *Integrated Water Plan* and the *2006 Urban Water Management Plan*, and will take into account legal requirements set forth in recent court cases interpreting CEQA. The Cumulative Impacts section will consider other on-campus development, as well as off-campus UCSC development and other development/growth within the City's water service area.

Wastewater Service. The EIR will analyze the impacts of project wastewater generation associated with the project upon the City's wastewater treatment capacity.

Land Use. The EIR will include a review of project consistency with LAFCO policies as well as City policies, the 2005 LRDP, and the Settlement Agreement.

Growth Inducement and Secondary Environmental Impacts. Implementation of the proposed project would enable UCSC to move forward with plans to develop the North Campus as set forth in its adopted 2005 LRDP and as contemplated by the Settlement Agreement. Land use designations in the project area include: Colleges and Student Housing; Employee Housing; Physical Education and Recreation; Campus Support; Academic Core; Campus Resource Land; Campus Natural Reserve; and Protected Landscape (see Figure 2). As set forth in the Settlement Agreement, the project area would allow for development of 3,175,000 gross square feet of development as described in the 2005 LRDP. The secondary impacts of growth and development will be summarized for the topics listed below.

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazardous Materials
- Housing
- Hydrology and Water Quality
- Noise
- Public Services
- Transportation and Traffic

5. **Scoping Meeting.** The City of Santa Cruz will hold an EIR scoping meeting on November 19, 2008 to take oral comments on the EIR Scope of Work. The meeting will be held at 6:00 PM at the Santa Cruz Civic Auditorium, 307 Church Street, room ABC, Santa Cruz, CA 95060.

6. Contact Person Name and Phone Number.

Ken Thomas, City of Santa Cruz Planning and Community Development Department
809 Center Street, Rm. 206
Santa Cruz, CA 95060
Phone: 831 420-5148

Responses to this Notice of Preparation are due by December 2, 2008.

Sincerely,



Ken Thomas
Principal Planner

Attachment: Figures

FIGURE 2 -- UCSC 2005 LRDP LAND USE MAP

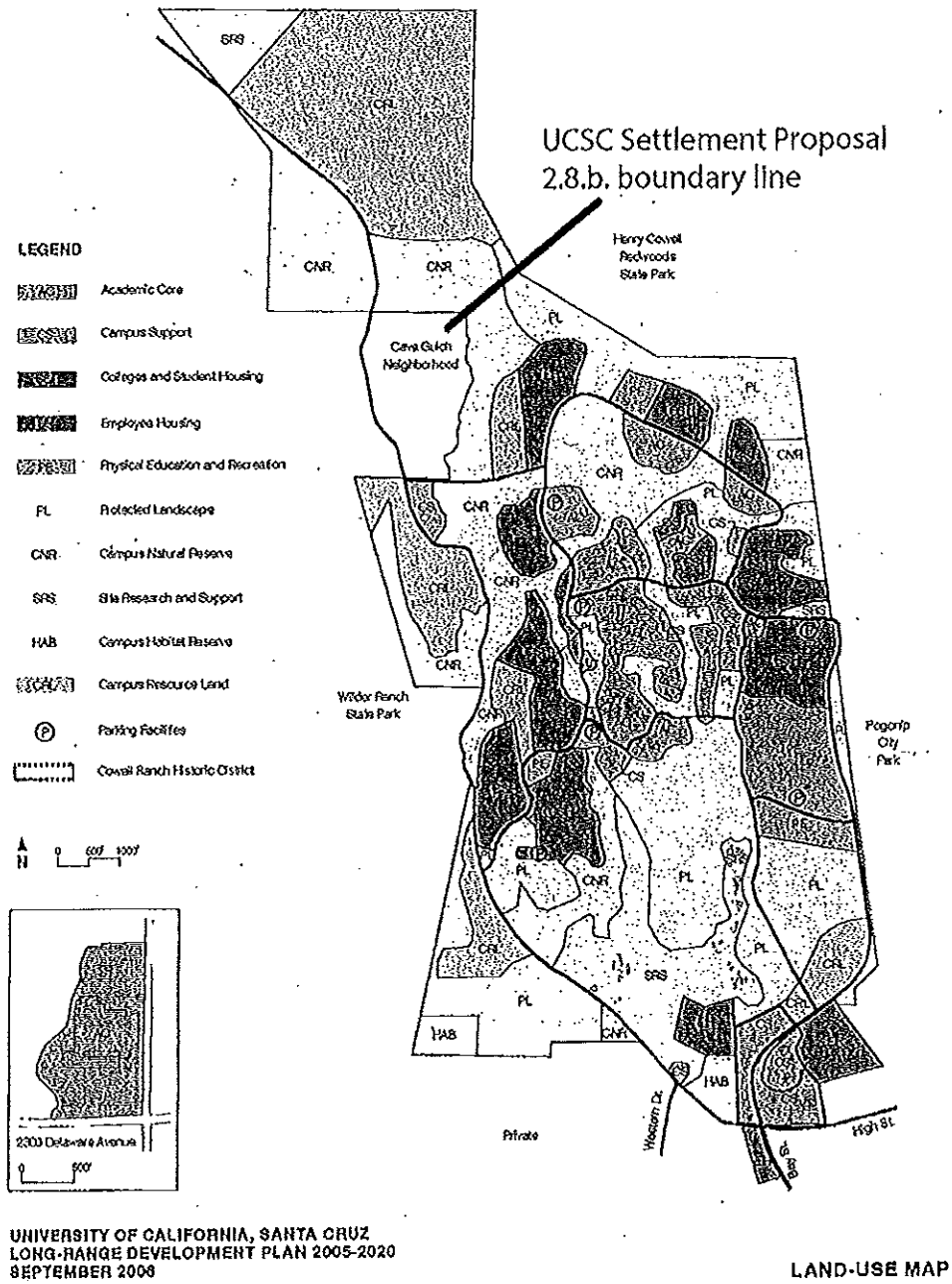
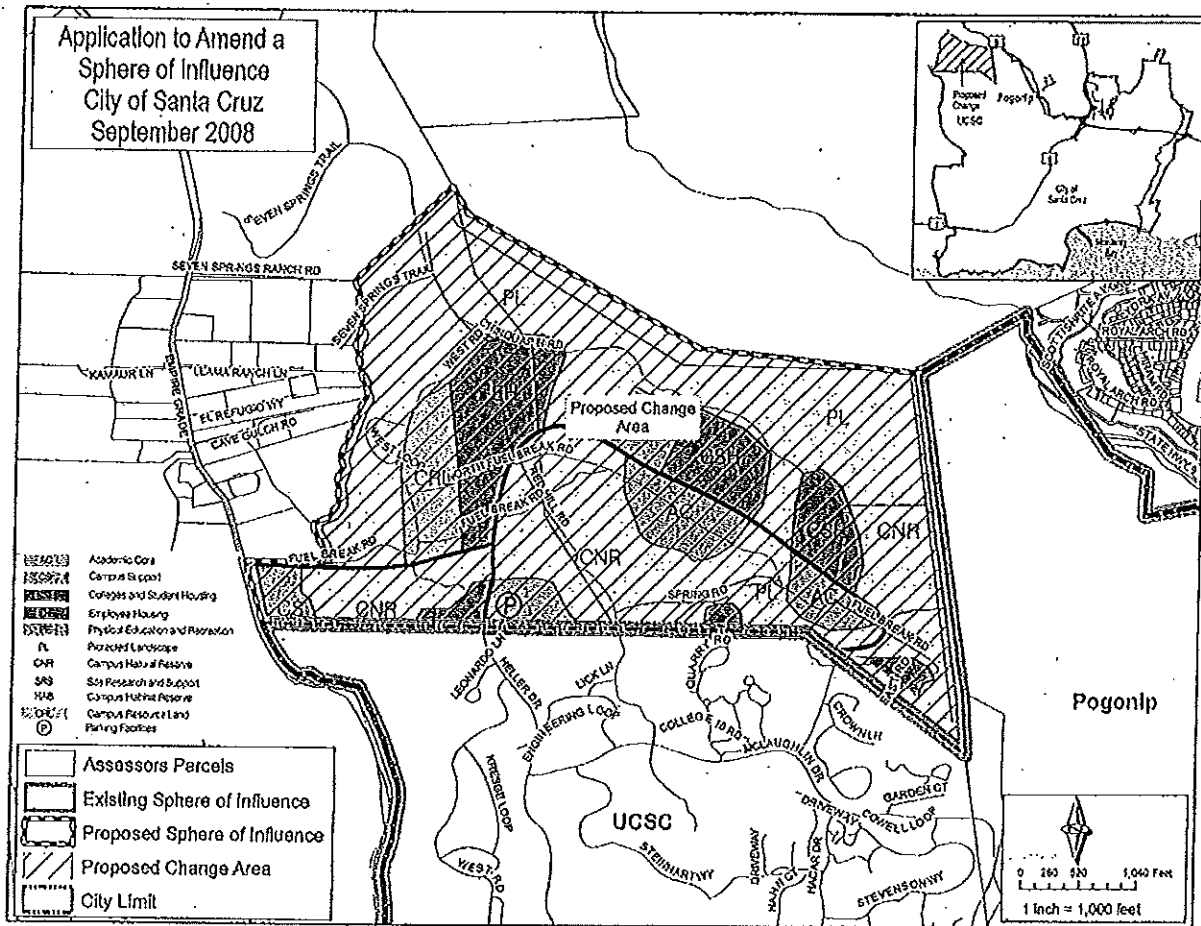


FIGURE 3 – SPHERE AMENDMENT AREA WITH 2005 LRDP LAND USE MAP



Stephanie Strelow

From: Ken Thomas [KThomas@ci.santa-cruz.ca.us]
Sent: Thursday, November 13, 2008 3:44 PM
To: steph@strelowconsulting.com; Dean Fitch
Subject: FW: UCSC Wetlands Delineation

Ken Thomas

Principal Planner
Planning and Community Development Department
City of Santa Cruz
(831) 420-5148

From: D'Avignon, Mark R SPN [mailto:Mark.R.D'Avignon@usace.army.mil]
Sent: Thursday, November 13, 2008 3:03 PM
To: Ken Thomas
Cc: don@bind.com; Kerns, Jack SPN; Brown, Gregory G SPN
Subject: FW: UCSC Wetlands Delineation

Mr. Thomas,

It has come to my attention that the University of California at Santa Cruz is planning a Long Range Development of the UCSC campus. The intention of this email is to provide you with some guidance regarding Corps jurisdiction.

For planning purposes, we usually recommend that a wetland delineation be verified by the Corps for the entire project area. If the University is planning to develop and place fill material within wetlands or other waters of the U.S., they will require a permit from the Corps of Engineers. You can obtain information on our permit process from our website. It makes sense from a planning and environmental prospective to have the entire project area mapped so that jurisdictional areas can be identified and avoided if possible. It will also help us assess adverse effects and compensatory mitigation should a Corps permit be required for the proposed development.

If you have questions, feel free to call me at the numbers below. The links below are to our website.

Best regards,

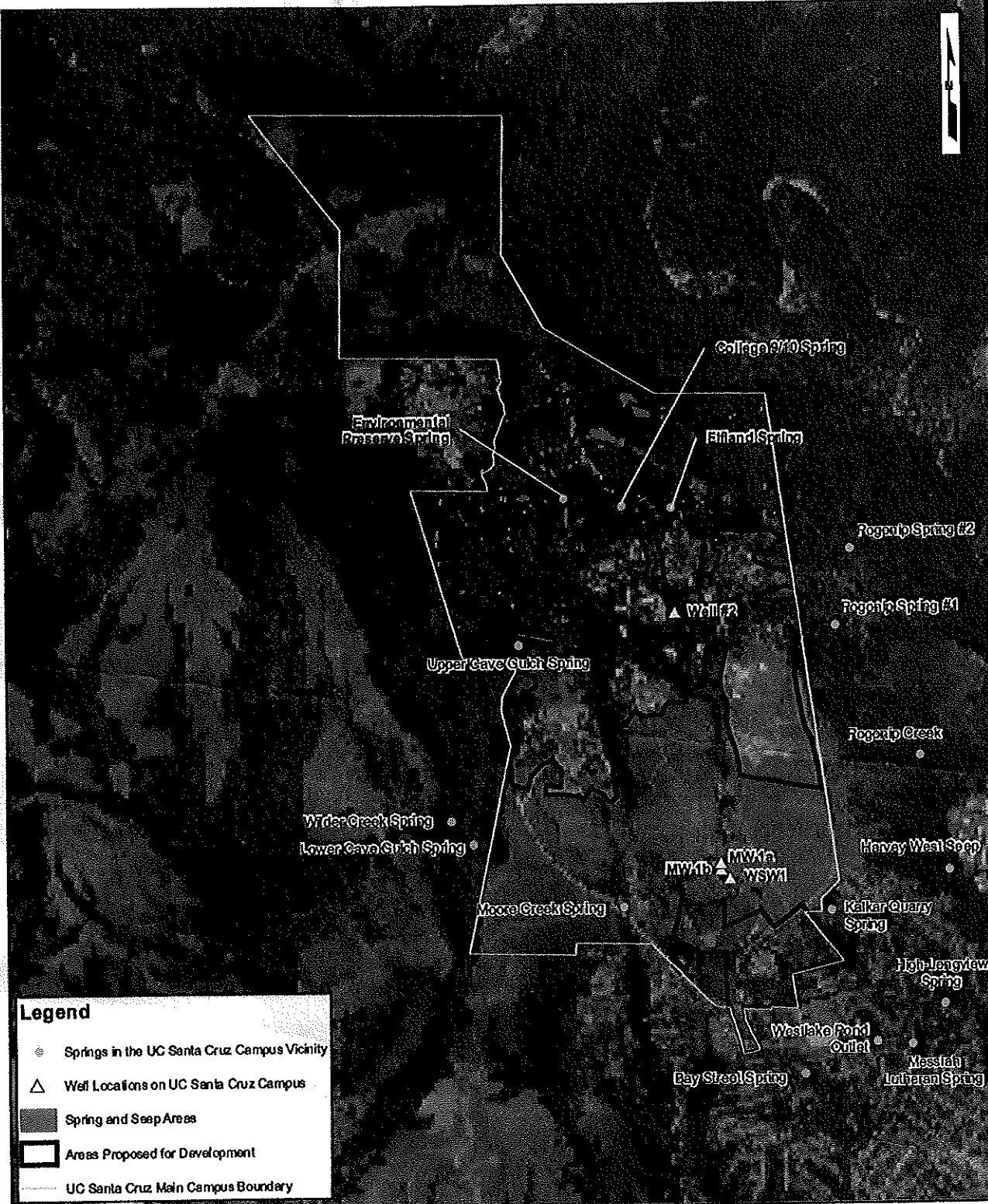
Mark

<http://www.spn.usace.army.mil/Permits/index.html>

Mark D'Avignon, South Branch Chief
U.S. Army Corps of Engineers
San Francisco District, Regulatory Division
1455 Market Street, 16th Floor
San Francisco, CA 94103
phone: (415) 503-6773, fax: (415) 503-6690

<http://www.spn.usace.army.mil/regulatory/>

8/3/2009



Legend

- Springs in the UC Santa Cruz Campus Vicinity
- ▲ Well Locations on UC Santa Cruz Campus
- Spring and Seep Areas
- Areas Proposed for Development
- - - UC Santa Cruz Main Campus Boundary

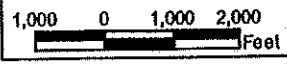
SPRINGS AND SEEPS ON AND SURROUNDING UC SANTA CRUZ AND ON-CAMPUS WELLS

October 2005
28649607

UC Santa Cruz LRDP EIR
Santa Cruz, California



FIGURE 4.8-4



URS Corporation L:\Projects\UC_Santa_Cruz_28649607\MXD\Current Working Document\10708\Figure_4_8-4_Springs_&_Seeps_in_the_UCSC_Campus_Vicinity.mxd Data\Time: 10/10/2005 4:04:57 PM Name: dhwright0



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003



IN REPLY REFER TO:
81440-2009-TA-0072

December 2, 2008

Ken Thomas, Principal Planner
City of Santa Cruz
Planning Department
809 Center Street, Room 206
Santa Cruz, California 95060

Subject: Notice of Preparation of an Environmental Impact Report Regarding the City of Santa Cruz Sphere of Influence Amendment at the University of California Santa Cruz, Santa Cruz County, California

Dear Mr. Thomas:

This letter is in response to the Notice of Preparation of an Environmental Impact Report, dated November 3, 2008, and received in our office on November 20, 2008, requesting our comments regarding the scope and content of the proposed environmental impact report (EIR). The City of Santa Cruz (City) has submitted an application to the Santa Cruz Local Agency Formation Commission (LAFCO) to amend the City's Sphere of Influence (SOI) to include a 374-acre portion (project area) of the University of California Santa Cruz (UCSC) campus for the purpose of providing extraterritorial water and sewer services. Upon completion of the environmental review, LAFCO will consider the SOI request from the City as well as the request for provision of extraterritorial services concurrently submitted by UCSC to LAFCO. Lands adjacent to the project area are known to support habitat and populations of the federally endangered Ohlone tiger beetle (*Cicindela ohlone*) and the threatened California red-legged frog (*Rana aurora draytonii*). The project area is within proposed critical habitat for the California red-legged frog (73 FR 53492).

The U.S. Fish and Wildlife Service's (Service) responsibilities include administering the Endangered Species Act of 1973, as amended (Act), including sections 7, 9, and 10. Section 9 of the Act prohibits the taking of any endangered or threatened species. Section 3(18) of the Act defines take to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Service regulations (50 CFR 17.3) define harm to include significant habitat modification or degradation which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harassment is defined by the Service as an intentional or negligent action that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species.

In a letter from the Service on January 11, 2006 (attached), we commented on the Draft 2005 Long Range Development Plan (LRDP) Draft Environmental Impact Report (DEIR) for UCSC. We identified concerns in the DEIR which include: 1) underestimating the effects of various development projects on federally listed species, 2) UCSC land use designations regarding the conservation of federally listed species, and 3) the lack of a comprehensive management plan for listed species at UCSC. We believe that the issues illustrated in the attached letter are concurrently related to this project and are still valid; therefore, we recommend that the City take these concerns into account during the development of the EIR.

As stated earlier, California red-legged frogs and Ohlone tiger beetles occur in the vicinity of the project area. In order for the Service to determine if the proposed project would impact these species or their habitat, we recommend that protocol surveys be conducted. Additionally, the possibility exists that other listed species could potentially occur within the project area. If it is determined that additional species may occupy the project area, then additional surveys would be recommended. Information regarding listed species potentially occurring within the project area can be obtained through the California Department of Fish and Game's California Natural Diversity Database, as well as through the Service at your request.

Exemptions to the prohibitions against take in the Act may be obtained through coordination with the Service in two ways. If a project is to be funded, authorized, or carried out by a Federal agency and may affect a listed species, the Federal agency must consult with the Service, pursuant to section 7(a)(2) of the Act. If the proposed project does not involve a Federal agency, but may result in the take of a listed animal species, the project proponent should apply to the Service for an incidental take permit, pursuant to section 10(a)(1)(B) of the Act. To qualify for the permit, you would need to submit an application to the Service together with a habitat conservation plan (HCP) that describes, among other things, how the impacts of the proposed taking of federally listed species would be minimized and mitigated and how the plan would be funded. A complete description of the requirements for a HCP can be found at 50 CFR 17.32.

While it is recommended that surveys be conducted within the project area for the purposes of this EIR scoping, the Service also recommends that UCSC focus on developing a land management plan that takes into account the entirety of listed species located on UCSC property. The piecemeal approach that UCSC has taken in terms of implementing individual development projects over time makes it difficult for the Service to adequately assess cumulative impacts, which could delay or impede UCSC plans in regards to future development where take of listed species is involved. A campus-wide inventory of locations and habitat of listed species would provide UCSC, involved agencies, and the Service with a landscape level view of potential concerns.

Once an inventory of listed species within UCSC property is developed, the Service would be able to provide better recommendations on the appropriate course of action regarding the development of a HCP. We believe that UCSC, involved agencies, and the Service would benefit from the development of a campus-wide HCP by providing a streamlined and uniform approach to evaluating and permitting projects based upon the needs of UCSC and the City,

while providing needed protection for listed species. Therefore, we recommend that the City support the development of a campus-wide HCP.

Additionally, we offer the following information and recommendations that the Service believes should be thoroughly addressed in the EIR:

1. A complete discussion of the purpose and need for the project.
2. A description of the proposed project, including all feasible alternatives and the no action alternative. This alternatives analysis is important to the Service's evaluation of the project, as feasible alternatives often reduce effects to biological resources.
3. Specific acreage and detailed descriptions of the amount and types of habitat that may be affected by the proposed project or project alternatives. Of particular concern will be the acreage of wetland and riparian habitats to be affected. This number should be verified by the Army Corps of Engineers or Environmental Protection Agency. Maps and tables should be included to assist in the evaluation of project-related effects.
4. Quantitative and qualitative information concerning plant and animal species associated with each habitat type.
5. A list of sensitive species that are found at or near the project site including candidate, proposed, and federally listed species, State listed species, and locally declining or sensitive species. A detailed discussion of these species, focusing on their site-related distribution and abundance and the anticipated effects of the project on these species, should be included.
6. An assessment of the effects on biological resources, including those that are direct, indirect, and cumulative. All aspects of the project should be included in this assessment.
7. An analysis of the effects of the project on the hydrology of associated drainages and any other riparian or wetland communities within the sphere of influence of the project. The effects of alteration of natural flows within the affected creeks and rivers should be thoroughly examined.
8. Specific mitigation plans to offset project-related effects, including cumulative habitat loss, degradation, and modification resulting from the direct, indirect, and cumulative consequences of the action. The objective of the mitigation plan should be to offset qualitative and quantitative project-induced loss of habitat values. Avoidance of the effects through project modification is considered mitigation. In particular, the Service recommends that impacts to wetlands, riparian corridors, and grasslands, which provide an important habitat to many species of wildlife, be avoided.
9. Identification of construction methods to be employed to prevent soil erosion, along with specific erosion and sedimentation control plans to be carried out throughout the life of the project.

Ken Thomas

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Thank you for the opportunity to participate in the scoping process for the EIR. We look forward to providing you with further technical assistance regarding the conservation and protection of listed species at UCSC. If you have any questions regarding these comments, please contact Chad Mitcham of my staff at (805) 644-1766, extension 335.

Sincerely,

A handwritten signature in black ink, appearing to read "D. M. Pereksta", with a long horizontal flourish extending to the right.

David M. Pereksta
Assistant Field Supervisor



California Regional Water Quality Control Board

Central Coast Region



Linda Adams
Secretary for
Environmental
Protection

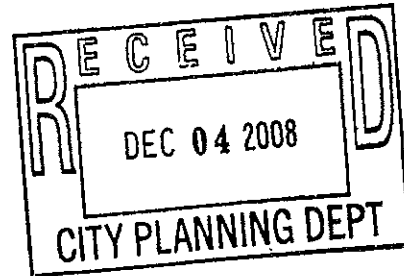
Arnold Schwarzenegger
Governor

Internet Address: <http://www.swrcb.ca.gov/rwqcb3>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
Phone (805) 549-3147 • FAX (805) 543-0397

December 1, 2008

Mr. Ken Thomas
City of Santa Cruz
Planning and Community Development Dept.
809 Center Street, Room 206
Santa Cruz, CA 95060
KThomas@ci.santa-cruz.ca.us

BY EMAIL AND REGULAR MAIL



Dear Mr. Thomas:

CITY OF SANTA CRUZ SPHERE OF INFLUENCE AMENDMENT, NOTICE OF PREPARATION OF ENVIRONMENTAL IMPACT REPORT

Thank you for the opportunity to review and comment on the above referenced Notice of Preparation of an Environmental Impact Report (EIR). The Central Coast Regional Water Quality Control Board (Water Board) is a responsible agency under the California Environmental Quality Act (CEQA). Water Board staff understands that an EIR will be developed for the City of Santa Cruz's proposed amendment to its sphere of influence in order to include a 374-acre portion of the University of California, Santa Cruz (UCSC) North Campus for the purpose of providing extraterritorial water and sewer services.

Previous environmental analyses of UCSC's proposed development for the North Campus have not identified the anticipated size of impacts to wetlands and other waters expected to result from the proposed North Campus development. Instead, UCSC has stated that it will assess these resources on a project by project basis. However, such an approach could lead to inadequate assessment of cumulative impacts to these resources. To address this potential shortfall, the City of Santa Cruz should consider incorporating into the pending EIR a full assessment of the wetlands and other waters present at the North Campus, as well as an assessment of the size of impacts to these resources that could result from the proposed development. A wetland delineation of the proposed development area of the North Campus can be useful for such an assessment. Identification of the resources present and the potential impacts can also be beneficial for avoiding and minimizing impacts during planning processes.

Please note that the Water Board, under Clean Water Act section 401, must certify any permit issued by the U.S. Army Corps of Engineers pursuant to Clean Water Act section 404 for the discharge of dredge or fill material to waters of the United States. In addition, where the U.S. Army Corps of Engineers determines they have no jurisdiction, the Water Board may issue Waste Discharge Requirements or conditional waivers of

California Environmental Protection Agency



Waste Discharge Requirements to address discharges to waters of the State pursuant to the Porter-Cologne Water Quality Act.

We look forward to seeing and commenting on the Draft EIR and request we be contacted when the document is available. If you have questions, please contact **Phil Hammer** at (805) 549-3882 or **Matt Thompson** at (805) 549-3159.

Sincerely,

M Thompson

for Roger W. Briggs
Executive Officer

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MONTEREY BAY

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

AIR POLLUTION CONTROL OFFICER
Douglas Quetin

24580 Silver Cloud Court • Monterey, California 93940 • 831/647-9411 • FAX 831/647-8501

November 25, 2008

Mr. Ken Thomas
City of Santa Cruz
Planning and Community Development Department
809 Center Street, Room 206
Santa Cruz, CA 95060

Sent Electronically To:
cityplan@ci.santa-cruz.ca.us
Original Sent by First Class Mail

SUBJECT: NOP FOR SPHERE OF INFLUENCE AMENDMENT – UCSC
NORTH CAMPUS

Dear Mr. Thomas:

The Air District submits the following comments for your consideration:

Project's Cumulative Air Quality Impact on Regional Ozone

The District uses consistency with the 2008 Air Quality Management Plan (AQMP) for the North Central Coast Air Basin to determine a project's cumulative impact on regional air quality (ozone levels). Please request a formal consistency determination from AMBAG and include it in the Draft EIR.

Project's Localized Air Quality Impact on Carbon Monoxide Levels

Localized impact is evaluated by determining if project build-out would create or substantially contribute to carbon monoxide "hotspots" (where federal or State ambient air quality standards are exceeded). If project or cumulative traffic would cause LOS to decline from D or better to E or F, dispersion modeling should be undertaken to determine if carbon monoxide concentrations would violate ambient air quality standards at sensitive receptor locations.

Odors, Nuisances and Sensitive Receptors

If the project might result in development of odors, nuisances on sensitive receptors in adjacent land uses, the Draft EIR should include an assessment of those impacts. District Rule 402, Nuisances, should be reviewed for applicable requirements. I have enclosed a copy for your reference.

DISTRICT BOARD MEMBERS

CHAIR:
Reb Monaco
San Benito County

VICE CHAIR:
Simon Salinas
Monterey County

Lou Calcagno
Monterey County

Tony Campos
Santa Cruz County

Dennis Donohue
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Doug Emerson
San Benito County Cities

Gary Wilmot
Monterey Peninsula Cities

Ellen Pirie
Santa Cruz County

Ila Mattee-McCulchon
Monterey County

Sam Storey
Santa Cruz County Cities

George Worthy
South Monterey County Cities

Extension of City Sewer Service to UCSC North Campus

Please review Air District Rule 216, Permit Requirements for Wastewater and Sewage Treatment Facilities, which is attached for your reference. Any extension of wastewater or sewage treatment by the City would require a consistency determination from AMBAG. Please consult with David Roemer to discuss applicable requirements.

Projects Impacts

The District has established the following thresholds of significance for individual projects: 137 lbs/day for VOC or NO_x, 82 lbs/day for PM₁₀, 150 lbs/day for SO_x, a significant decline in LOS, and a cancer risk greater than 10 per 1,000,000 people. (Please refer to Table 5-3 on page 5-6, and page 9-3 of the District's CEQA Air Quality Guidelines, February 2008).

The District's CEQA Air Quality Guidelines may be found on the District's website at www.mbuapcd.org under "Air Quality Plan".

Mitigation Measures

Mitigation measures should be identified for any significant impacts on air quality. The Draft EIR should quantify the emission reduction effectiveness of each measure, identify the agencies responsible for implementation and monitoring, and determine whether mitigation measures reduce impacts to a less-than-significant level.

Thank you for the opportunity to review the document.

Sincerely,

Jean Getchell
Supervising Planner
Planning and Air Monitoring Division

cc: David Roemer, AMBAG

Attachment

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

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

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.

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.

* * * * *



December 1, 2008

000560

Mr. Ken Thomas
City of Santa Cruz
Planning and Community Development Department
809 Center Street, Room 206
Santa Cruz, CA 95060

Subject: Notice of Preparation of an Environmental Impact Report

Dear Mr. Thomas:

Thank you for sending the Local Agency Formation Commission of Santa Cruz County (LAFCO) a Notice of Preparation of an Environmental Impact Report, dated November 3, 2008, regarding the City of Santa Cruz Sphere of Influence Amendment. LAFCO is a responsible agency since it has received two related applications. Application No. 928 is the City of Santa Cruz's application to amend its Sphere of Influence to include a portion of the North Campus. Application No. 929 is the University of California's application to receive water and sewer services from the City of Santa Cruz to a portion of the North Campus outside the City Limits.

LAFCO concurs that an environmental impact report is the proper document to prepare for this project in order to comply with the California Environmental Impact Report. As a responsible agency, LAFCO will use the EIR that the City is preparing to review the two pending applications: No. 928 Sphere Amendment and No. 929 Extraterritorial Water and Sewer Service. Thus, LAFCO's first comment is to request that the project description be clarified to include the extraterritorial water and sewer service application.

Operating under State law, LAFCO's principal authority is to regulate the boundaries and service areas of cities and special districts. In addition to the policies in the Local Government Reorganization Act, LAFCO will use the following local policies when reviewing the two pending applications:

- Sphere of Influence Policies and Guidelines (attached)
- Policies and Regulations for Agencies to Provide Services to Private Parties Outside Agency Boundaries (attached).

The EIR would be most useful to LAFCO if the data were arranged in a manner that quantifies impacts (amount of water usage, amount of sewage generated, traffic, etc.) both inside the current city and outside the current city limits. In that manner, LAFCO will have data specific the two applications pending at LAFCO.

LAFCO concurs with the list of probable environmental effects and secondary impacts as stated in the Notice of Preparation. Since LAFCO is not a resource agency, it will carefully consider the potential impacts and mitigations as identified by the resource agencies.

Looking forward to potential environmental impacts, policy issues, and mitigation measures, LAFCO requests consultation during the drafting of the EIR on the following matters:

1. Annexation of existing residential halls

The County Elections Office reports that the City boundary bisects student residential buildings at the northern tips of the Crown/Merrill Apartments and College 9. This requires extra work by the Elections Office to split each residential complex into different voting precincts, and inconveniences the voters who are separated from the rest of the UC precincts. The draft EIR should identify and evaluate one alternative of annexing the existing residential buildings.

2. Drought mitigations

As recognized in the Notice of Preparation, the City of Santa Cruz has a water supply problem during droughts. The Notice has identified potential mitigation measures that the University would pay certain water fees, would follow use restrictions, and abide by any drought-related connection moratoria. Another potential mitigation to consider concerns enrollment growth during any moratoria. Other possible mitigations should be considered that would prevent increases in off-campus water demand.

3. Coolidge Drive

Coolidge Drive, the arterial that runs from the main entrance on High Street up the east side of the campus is currently a County-maintained road. Since Coolidge Drive solely serves the University, and almost all of the drive is located beyond the UCSC guard station, another potential mitigation measure to consider is that the University take over maintenance of Coolidge Drive.

4. Forest loss

The Environmental Impact Report prepared for the Long Range Development Plan identified elimination of up to 73 acres of forest as potentially resulting from the full implementation of the Long Range Development Plan. The EIR should consider establishing either a threshold of significance for the cumulative loss of forest lands, or another means of addressing the cumulative loss of forest.

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I am sending these comments on behalf of LAFCO within the timeline specified in your Notice of Preparation. I will place this letter on the next LAFCO agenda (December 8, 2008; 9:30 a.m.; 809 Center Street, Santa Cruz) and will send a follow-up letter soon after that meeting if the LAFCO Commission wishes to revise LAFCO's comments.

Please contact me if you have any questions about this letter, and when you are ready for consultation during the development of the draft EIR.

Very truly yours,



Patrick M. McCormick
Executive Officer

cc: Richard Wilson, Santa Cruz City Manager
Thomas Vani, UCSC Chancellor's Office

Attachments


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SANTA CRUZ LOCAL AGENCY FORMATION COMMISSION

SPHERES OF INFLUENCE POLICIES AND GUIDELINES

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I. Legislative Authority

The Knox-Nisbet Act of 1963 (former Government Code Section 54773 et seq.) established the Local Agency Formation Commission to promote the orderly development of local government agencies in the County and discourage urban sprawl. The law was subsequently combined with other laws regarding boundary changes and recodified as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000-57550).

Among its objectives, LAFCO is authorized to perform studies which will contribute to the logical and reasonable development of local governments to provide for the present and future needs of each county and its communities. (Government Code Section 56301). State law further provides that, in order to carry out its responsibilities for planning and shaping the logical and orderly development of local government agencies, the Local Agency Formation Commission shall develop and determine the sphere of influence of each local governmental agency within the county. (Government Code Section 56425). 'Sphere of Influence' means a plan for the probable physical boundaries and service area of a local government agency. (Government Code Section 56076).

In determining a sphere of influence, the Commission is required to consider and state its findings regarding at least eight factors, including:

- a. The maximum possible service area of the agency based upon present and possible service capabilities of the agency.
- b. The range of services the agency is providing or could provide.
- c. The projected future population growth of the area.
- d. The type of development occurring or

planned for the area, including, but not limited to, residential, commercial, and industrial development.

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e. The present and probable future service needs of the area.

f. Local governmental agencies presently providing services to such area and the present level, range, and adequacy of services provided by such existing local governmental agencies.

g. The existence of social and economic interdependence and interaction between the area within the boundaries of a local governmental agency and the area which surrounds it and which could be considered within the agency's sphere of influence.

h. The existence of agricultural preserves in the area which could be considered within an agency's sphere of influence and the effect on maintaining the physical and economic integrity of such preserves in the event that such preserves are within a sphere of influence of a local governmental agency."

Spheres of influence are to be adopted by the Commission following a public hearing and are to be reviewed and updated every five years. After adoption, the sphere of influence "shall be used by the Commission as a factor in making regular decisions on proposals over which it has jurisdiction. The Commission may recommend governmental reorganizations to particular agencies in the county, using the sphere of influence as a basis for such recommendations...(Government Code Section 56425)."

The purpose of a sphere of influence study is to provide the Commission information needed to determine an agency's sphere of influence and to make recommendations for local government reorganizations.

II. Definitions

1. Sphere of Influence - "A plan for the probable physical boundaries and service area of a local government agency (Government Code Section 56076)." A sphere of influence will reflect the limits of

probable future growth of an agency during the applicable general plan period or twenty years, whichever is more appropriate. A sphere "plan" may also include recommendations for:

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- a. Annexation or detachment of territory, or both.
- b. Incorporation of a new city.
- c. Merger of a special district with a city.
- d. Consolidation of a special district with one or more districts.
- e. Formation of a new district.
- f. Dissolution of an agency.

2. Urban Services - Services necessary to support urban development, including such services as water, sewer, fire and police protection.

3. Urban Service Area - An area within a sphere of influence which is either (1) already urbanized and receiving a combination of urban services, or (2) designated by the applicable general plan for urban development and capable of being provided with urban services within the next five years. Such areas may be considered candidates for annexation within the next five years.

4. Urban Area - An area with residential development at a density which requires a combination of urban services, and commercial or industrial development which serves as a significant business or activity center.

5. Factors to Determine a Sphere of Influence - The eight factors enumerated in Government Code Section 56668, plus topography, street and road patterns, school and other jurisdictional boundaries, adopted policies to preserve agricultural lands and open space, and public comment from affected agencies, community groups, and interested citizens.

III. Policy Guidelines

1. The Local Agency Formation Commission will use spheres of influence to discourage inefficient development patterns and to encourage the orderly expansion of local government agencies. Spheres of influence will be used to:

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- a. Provide long-range guidelines for the efficient provision of services and timely changes of governmental organization.
- b. Discourage duplication of services by two or more local government agencies.
- c. Guide the Commission in considering individual proposals for changes of organization.
- d. Identify the need for specific reorganization studies.

2. The Local Agency Formation Commission recognizes the planning accomplishments of local agencies in the County. In developing spheres of influence, the Local Agency Formation Commission will support those adopted plans, and policies of local governments which encourage staged, cost-effective development patterns and the efficient provision of services.

3. City and County general plans will be a significant factor in determining spheres of influence. Where a City's and the County's general plan for the same area are inconsistent, the Local Agency Formation Commission should encourage the affected agencies to resolve any inconsistencies. In the event the inconsistency cannot be resolved, by law the final decision for the Sphere of Influence must remain with LAFCO.

4. Because of the importance of general plans in determining a sphere of influence, the Local Agency Formation Commission will normally not allocate territory to a city sphere of influence which is not included in that city's adopted general plan. A Sphere of Influence may not include all territory within a city's general plan area which bears some relation to the city's planning but which at this time, is not anticipated to require a combination of urban services.

5. The Local Agency Formation Commission recognizes the limited usefulness of long-term projections. Spheres of influence will identify probable boundaries for an agency's expansion. Spheres will be periodically revised and updated to reflect changing conditions and circumstances.

6. Once established, an agency's sphere of influence will be a primary guide to the Commission in its decisions on individual proposals affecting that agency. Before the Commission may approve a change of organization inconsistent with the adopted

sphere of influence, the Commission shall amend the sphere of influence.

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7. Although an adopted sphere of influence is an important long-range guideline, annexation of territory within a sphere of influence is not automatic. The Commission will consider specific proposals for changes in organization on an individual basis as required by law.

8. The Local Agency Formation Commission will encourage the elimination or consolidation of small, single-purpose special districts when a more efficient alternative exists for providing the necessary services. Whenever a combination of urban services is required, general purpose governments or multi-services districts will be preferred to single-purpose districts.

9. When more than one agency could serve an area, the agencies' services capabilities, costs for providing services, and the desires of the affected community will be key factors in determining a sphere of influence.

10. An agency may be allocated a "zero sphere of influence" where the Local Agency Formation Commission determines that the service responsibilities and functions of the agency should be reassigned to another local government, and that the agency assigned a "zero sphere of influence" should be dissolved.

11. Proposals for urban development within a city's sphere of influence should first be considered for annexation to that city, unless such annexation would create a "leapfrog" pattern of expansion with respect to existing city boundaries.

12. In an effort to promote cooperation among the land use agencies with jurisdiction over lands in the Coastal Zone, any application to LAFCO for a sphere of influence amendment regarding land in the Coastal Zone shall contain the following information:

- (1) A statement that the staffs of the Coastal Commission and other land use agencies with jurisdiction over the land which is the subject of the application have reviewed and jointly discussed the sphere of influence amendment application with respect to consistency with applicable general plans, the Coastal Act, and local coastal programs. The statement should also memorialize the results of the review.

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(2) A preliminary review and comments from the Coastal Commission staff as to potential issues of Coastal Act consistency.

(3) Review and comments from any other land use agency with jurisdiction, through a Local Coastal Program or otherwise, over the land which is the subject of the application including an analysis of consistency of the proposed amendment with its general plan.

LAFCO will consider consistency with the Coastal Act and the relevant general plans in making its Sphere of Influence determination.

IV. Procedural Guidelines

1. The Local Agency Formation Commission will develop and determine a sphere of influence for each local government agency in the County.

2. Spheres of influence will be developed in the following order:

- a. Incorporated cities.
- b. Unincorporated, urbanized areas.
- c. Special districts serving non-urbanized areas of the County.

3. Local government agencies will be requested to provide information which will permit the Commission to consider the factors for determining a sphere of influence. Such information will include:

- a. The limits of the area viewed by the agency as its "sphere of influence" and the rationale.
- b. Information to identify and describe the agency's existing services and the agency's plans for providing services both within its existing boundaries and to any additional areas.
- c. Information to establish a need for the agency's services in additional areas, based upon anticipated population growth, land use plans, or other factors.
- d. Relationship of an agency's service

plans to the applicable city or County general plan.

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4. The Executive Officer will prepare a report to the Commission which provides the following:

- a. Description of existing services and service capabilities.
- b. Information on existing land uses, adopted land use plans and policies, and projected growth in the affected area.
- c. An analysis of the anticipated need for services and capability of the affected agencies to provide those services.
- d. Recommendations for spheres of influence.
- e. Recommendations for specific reorganization studies or proposals.

5. The Local Agency Formation Commission will adopt or amend a sphere of influence following a public hearing. The Executive Officer will provide the notice of hearing required by law to each affected local agency and the County, and to any interested person who has requested such notice. Notice of hearing will also be published in a newspaper of general circulation in the area affected by the proposed sphere of influence.

6. The Local Agency Formation Commission will periodically review and update adopted spheres of influence. Spheres of influence may be amended by the Commission on its own initiative or at the request of an affected agency by resolution of its legislative body. In either case, the Commission will consider amendment of a sphere of influence following a noticed public hearing held for that purpose.

701 Ocean St. Room 318-D • Santa Cruz • CA • 95060 • Phone (831)454-2055 • Fax (831)454-2058

info@SantaCruzLAFCO.org

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SANTA CRUZ LAFCO
POLICIES AND REGULATIONS FOR AGENCIES TO PROVIDE SERVICES
TO PRIVATE PARTIES OUTSIDE AGENCY BOUNDARIES

Adopted by Resolution No. 97-W, June 9, 1994
Amended through Resolution No. 2007-1, February 8, 2007

1) AUTHORITY

000570

These regulations are authorized by Government Code Sections §56375 (i) and (k).

2) PURPOSE

The purpose of these regulations is to explain to the public, cities, and districts the procedures by which the Commission will review requests to authorize a city or district in Santa Cruz County to provide one or more services outside its jurisdictional limits pursuant to Government Code Section §56133.

3) COMMISSION APPROVAL REQUIRED FOR NEW OR EXTENDED SERVICES

Except for the specific situations exempted by Government Code Section §56133, a city or district shall not provide new or extended services to any party outside its jurisdictional boundaries unless it has obtained written approval from the Local Agency Formation Commission.

4) LIST OF PRE-EXISTING SERVICES

Upon adoption of these regulations, the executive Officer shall ask each city and district to provide a list or map of parcels to which it was providing extraterritorial service of the effective date of Government Code Section §56133. The Executive Officer subsequently shall file his report on these extraterritorial services with the Commission. The commission shall consider as a regularly agendized item and vote on confirming the list of "grandfathered" services. After confirmation, the Executive Officer shall maintain the list of "grandfathered" services as public information.

5) AREAWIDE APPROVALS

Upon the initiative of either a public agency or the Commission, the Commission shall consider an areawide approval as a regularly agendized item and may grant approval for subsequent services to be provided by a city or district within a mapped area as specified by the

Commission. The approval may include conditions. The Commission shall specify a time period not greater than ten years for which the areawide approval shall be valid. The Commission may, upon its own initiative or at the request of a public agency, renew with or without amendments, an areawide approval for a period not to exceed ten years.

Before granting an areawide approval, the Commission shall determine that the city or district is able to provide the service in a manner that does not negatively affect the services provided within the agency's boundaries and sphere of influence, and in a manner that does not negatively affect the resources in the area. Also, before granting an areawide approval, the Commission shall determine that the approval is consistent with the requirements of law and LAFCO policies.

6) INDIVIDUAL REQUESTS

Individual requests for extraterritorial service shall be filed with the Executive Officer on a prescribed application form. The applicant shall pay the costs of processing the application as specified in the Commission's Schedule of Fees and Deposits. Upon adoption of these regulations, the application deposit is \$550; the deposit may be subsequently changed in future revisions of the Schedule of Fees and Deposits.

The Executive Officer shall not file the application unless the affected public agency has submitted a written endorsement indicating its willingness to provide the service if the Commission approves the request.

The Commission shall consider the request after it has been placed on an agenda of a Commission meeting.

7) ENVIRONMENTAL REVIEW

All matters that are reviewable pursuant to these regulations are subject to the applicable provisions of the California Environmental Quality Act.

8) COMMISSION ACTION

The Executive Officer shall prepare a report and place the request for extraterritorial service on the Commission's agenda. The Commission shall provide an opportunity for any interested individual or party to address it. The Commission may call a subsequent public hearing in

order to receive additional public testimony before acting upon a request. The Commission acts on the request by majority vote. Subsequently, the Executive Officer shall notify the applicant in writing of the Commission's action. If the Commission denies a request, a similar application cannot be re-filed for one year unless the Commission grants an exception to this rule.

9) POLICIES

The Cortese-Knox Local Government Reorganization Act of 1985 and this Commission's adopted policies to implement that act stress the primacy of spheres of influence in coordinating services and protecting resources. Therefore, the Commission intends to reinforce that the standard manner in which services will be extended is by annexation (and sphere of influence amendment, if necessary). The Commission shall limit its extraterritorial service authorizations to public health emergencies and circumstances where:

- a) Facilities are already in place, and
- b) Annexation would not be practical, and
- c) Extraterritorial service is determined by the Commission to be consistent with the policies adopted in and pursuant to the Cortese-Knox Act.

STEPHAN C. VOLKER
JOSHUA A.H. HARRIS
BRIDGET A. ROBERTS
CAITLIN S. SISLIN

STEPHAN C. VOLKER
436 14th STREET, SUITE 1300
OAKLAND, CALIFORNIA 94612
Phone 510/496-0600 ❖ Fax 510/496-1366
e-mail: svolker@volkerlaw.com



December 2, 2008

VIA EMAIL, FACSIMILE, AND U.S. POST

email: KThomas@ci.santa-cruz.ca.us

Fax: (831) 420-5101

Mr. Ken Thomas
City of Santa Cruz
Department of Planning and Community Development
809 Center Street, Room 206
Santa Cruz, CA 95060

Re: Scoping comments of CLUE on City of Santa Cruz Sphere of Influence
Amendment, Notice of Preparation of Environmental Impact Report

Dear Mr. Thomas:

On behalf of Coalition for Limiting University Expansion (CLUE), we submit the following comments on your Notice of Preparation of an EIR on the City's application to the Local Agency Formation Commission to provide extra-territorial water and sewer service to 374 acres within the North Campus area of UC Santa Cruz and to amend the City's sphere of influence boundary map accordingly. CLUE is a grass-roots organization of concerned citizens residing within the City and adjacent areas concerned about the adverse impacts on water supply, housing, traffic, and other environmental factors from continued expansion of the UC Santa Cruz campus. In accordance with the California Environmental Quality Act Guidelines (14 C.C.R.) sections 15082(b), 15083, and 15084(c), CLUE requests that the following issues and questions be studied and answered in the City's Draft EIR on this project:

1. As requested by the California Regional Water Quality Control Board for the Central Coast Region (Regional Board) by letter dated December 1, 2008, please conduct and include in the Draft EIR "a full assessment of the wetlands and other waters present at the North Campus, as well as an assessment of the size of impacts to these resources that could result from the proposed development." To this end, it will be necessary to prepare a wetland delineation of the North Campus which is integrated with a detailed survey of the surrounding lands and waters within the affected watersheds. These analyses are also necessary for the Regional Board and the U.S. Army Corps of Engineers (ACOE) to conduct the reviews required under the Clean Water Act (33 U.S.C.

§ 1251 *et seq.*) and the California Porter-Cologne Water Quality Act (Water Code §§ 13000 *et seq.*) on UC Santa Cruz's proposed development.

2. Please examine all cumulative hydrologic impacts of the proposed North Campus development, including the following:

a. Impacts on the hydrologic and biological resources of Wilder Creek, including its endangered species such as steelhead trout and red-legged frogs, as much of the North Campus area drains into Cave Gulch Creek, a major tributary to Wilder Creek.

b. The impacts of North Campus development on the City's present and future water supply. Please note that the City's application estimates that this project's total anticipated water demand will be 152 million gallons per year. The City's application reveals that this quantity is over half of the 300 million gallons per year of remaining water supply capacity of existing sources and operations during "normal rainfall years." According to the City's application, the City anticipates "a deficit of approximately 100 to 545 million gallons during a single dry year based on cumulative growth projections." Please provide a full examination of all current and projected water supply constraints as well as projected water demand for all foreseeable water year types, including multiple drought years equivalent to the most severe on record, that affect the water supply on which this project would depend.

c. Please provide a complete wetlands delineation for all areas that would be effected by the proposed North Campus development as requested by the Regional Board.

d. Please identify all potential reductions in water supply as a result of the pending Habitat Conservation Plan for endangered salmonids that is currently under negotiation between the City and the California Department of Fish and Game (CDFG), and assess how these reductions affect the supply on which this project would depend.

e. Please identify and discuss the relationship between the foreseeable water demand of the North Campus development and the City's 2005 Urban Water Management Plan, Integrated Water Plan and EIR, and General Plan.

f. Please address the possibility that UC Santa Cruz will be more likely to pump water from existing (or additional) wells in the Karst aquifer underlying the campus if the proposed 3.175 million square feet of new North Campus development is approved. In particular, please conduct studies as

necessary to assess how additional pumping of groundwater by the University might effect water supply both in existing City wells and wells in the Cave Gulch neighborhood, as well as on Karst-fed spring flows into both groundwater and surface waters on surrounding lands both within and outside the City.

g. Please identify and analyze the potential adverse impacts of the proposed North Campus development on the Monterey Bay Marine Sanctuary, including the potential adverse impacts of City reliance on desalination of Monterey Bay waters as well as reduced in-flow into Monterey Bay from streams and rivers effected by North Campus development.

h. Please identify and analyze the potential adverse impacts of North Campus development on flora and fauna within existing habitat in the North Campus and adjacent areas, directing your attention in particular to threatened, endangered, and special status species.

3. Please identify the potential adverse impacts on air quality from the North Campus development. Previously, UC Santa Cruz has stated that implementation of its Long Range Development Plan would violate the Monterey Bay Unified Air Pollution Control District's Air Quality Management Plan. Please consult with the MBUAPCD respecting the proposed North Campus development air emissions due to the transport of students, faculty, and staff, as well as construction and operation materials and water, from sea level to elevations of 750 to 950 feet above sea level. Please calculate the global warming impacts of this expenditure of energy, and propose mitigation measures and alternatives that would reduce the air emissions and global warming impacts of the proposed North Campus development.

4. Please identify all potential impacts of the North Campus development on global warming, and propose alternatives and mitigation measures (including less development, clustering, greater on-campus student housing, and relocation of proposed development to lower elevations) that would reduce the "carbon footprint" of the proposed North Campus development.

5. Please identify and analyze the potential adverse impacts of the North Campus development on police, fire, and other emergency services, including impacts on the existing road network within UC Santa Cruz as well as adjacent streets such as Empire Grade during an emergency such as wildfire or earthquake.

6. Please identify and analyze the potential adverse impacts on bicycle and pedestrian safety of the proposed North Campus development, both within the University's existing transportation network, and on adjacent roads such as Empire Grade.

Mr. Ken Thomas
City of Santa Cruz
December 2, 2008
Page 4

7. Please examine the potential cumulative impacts of North Campus development, including growth induction in the Cave Gulch, Bonny Doon, and surrounding neighborhoods. Please examine these impacts on water supply, housing, traffic, wildlife habitat, hydrology and watershed resources, air pollution, noise, and public health and safety.

8. Please identify and analyze a reasonable range of project alternatives, including relocation of the proposed North Campus development to other sites including other campuses of the University of California, new University campuses, and infill development within the existing UC Santa Cruz campus facilities.

9. Please consult with all appropriate local, state, and federal agencies with expertise and regulatory authority regarding the resources potentially affected by the proposed North Campus development, including the County, U.S. Fish and Wildlife Service, ACOE, CDFG, MBUAPCD, Regional Board, and United States Environmental Protection Agency.

10. Please examine this project's consistency with all applicable regional, general, and specific plans.

We also incorporate herein by reference the comments submitted by members of CLUE.

Thank you for your consideration of our comments.

Very truly yours,



Stephan C. Volker
Attorney for Coalition for Limiting University
Expansion

SCV:taf

VIA EMAIL

email: KThomas@ci.santa-cruz.ca.us

Mr. Ken Thomas
City of Santa Cruz
Department of Planning and Community Development
809 Center Street, Room 206
Santa Cruz, CA 95060

Re: Scoping comments on City of Santa Cruz Sphere of Influence Amendment, Notice of Preparation of Environmental Impact Report

Dear Mr. Thomas:

On behalf of the Rural Bonny Doon Association,, we submit the following comments on your Notice of Preparation of an EIR on the City's application to the Local Agency Formation Commission to provide extraterritorial water and sewer service to 374 acres within the North Campus area of UC Santa Cruz and to amend the City's sphere of influence boundary map accordingly.

In accordance with the California Environmental Quality Act Guidelines (14 C.C.R.) sections 15082(b), 15083, and 15084(c), the RBDA requests that the following issues and questions be studied and answered in the City's Draft EIR on this project:

1. Please make a full assessment of the wetlands and other waters present at the North Campus, as well as the size of impacts to these resources that could result from the proposed development, by preparing a wetland delineation of the North Campus which is integrated with a detailed survey of the surrounding lands and waters within the affected watersheds.
2. Please examine all the cumulative hydrologic impacts of the proposed North Campus development, including:
 - a. Impacts on the hydrologic and biological resources of Wilder Creek, including its endangered species such as steelhead trout and red-legged frogs, as much of the North Campus area drains into Cave Gulch Creek, a major tributary to Wilder Creek.
 - b. Please provide a complete wetlands delineation for all areas that would be effected by the proposed North Campus development as requested by the Regional Board.
 - c. Please identify all potential reductions in water supply as a result of the pending Habitat Conservation Plan for endangered salmonids that is currently under negotiation between

the City and the California Department of Fish and Game (CDFG), and assess how these reductions affect the supply on which this project would depend.

- d. Please address the possibility that UC Santa Cruz will be more likely to pump water from existing (or additional) wells in the karst aquifer underlying the campus if the proposed 3.175 million square feet of new North Campus development is approved. In particular, please conduct studies as necessary to assess how additional pumping of groundwater by the University might effect water supply both in existing City wells and wells in the Cave Gulch and other Bonny Doon neighborhoods, as well as on Karst-fed spring flows into both groundwater and surface waters on surrounding lands..
 - e. Please identify and analyze the potential adverse impacts of North Campus development on flora and fauna within existing habitat in the North Campus and adjacent areas, directing your attention in particular to threatened, endangered, and special status species.
3. Please identify the potential adverse impacts on air quality from the North Campus development. Please consult with the MBUAPCD respecting the proposed North Campus development air emissions due to the transport of students, faculty, and staff, as well as construction and operation materials and water, from sea level to elevations of 750 to 950 feet above sea level. Please calculate the global warming impacts of this expenditure of energy, and propose mitigation measures and alternatives that would reduce the air emissions impacts of the proposed North Campus development.
 4. Please identify and analyze the potential adverse impacts of the North Campus development on police, fire, and other emergency services, including impacts on the existing road network within UC Santa Cruz as well as adjacent streets such as Empire Grade during an emergency such as wildfire or earthquake.
 5. Please identify and analyze the potential adverse impacts on bicycle and pedestrian safety of the proposed North Campus development on adjacent roads such as Empire Grade.
 6. Please examine the potential cumulative impacts of North Campus development, including growth induction in the Cape Gulch, Bonny Doon, and surrounding neighborhoods. Please examine these impacts on water supply, housing, traffic, wildlife habitat, hydrology and watershed resources, air pollution, noise, and public health and safety.
 7. Please consult with all appropriate local, state, and federal agencies with expertise and regulatory authority regarding the resources potentially affected by the proposed North Campus

development, including the County, U.S. Fish and Wildlife Service, ACOE, CDFG, MBUAPCD, Regional Board, and United States Environmental Protection Agency.

8. Please examine this project's consistency with all applicable regional, general, and specific plans.

Respectfully yours,
Ted Benhari
Chairman, Rural Bonny Doon Association

Ken Thomas, City of Santa Cruz Planning and Community Development
Department
809 Center Street, Rm. 206
Santa Cruz, CA 95060
email: KThomas@ci.santa-cruz.ca.us
Fax: (831) 420-5101

December 2, 2008

Re: City of Santa Cruz Sphere of Influence Amendment

Dear Mr. Thomas,

Thank you for the opportunity to comment on the proposed EIR study that the City of Santa Cruz will be submitting to LAFCO in connection with the Sphere of Influence Amendment and the UCSC proposed development in the subject area. I am submitting this letter on behalf of Habitat And Watershed Caretakers (HAWC). HAWC is a grass-roots organization of citizens concerned about the health and protection of environmental resources, particularly sensitive species habitats and watersheds.

There are a number of issues that HAWC would like studied and questions answered that are of concern to us that I hope will be addressed in the EIR.

UCSC's 2005 EIR for the 2005-2020 LRDP concluded that there would be significant and unavoidable erosion and degradation of the water quality to all major watersheds, including Cave Gulch. Yet the Central Coast Regional Water Quality Control Board (CCRWQCB) commented on the UCSC EIR that significant degradation of the watersheds was not acceptable. We are very concerned that if the City of Santa Cruz changes its Sphere of Influence to enable the proposed UCSC development in the North Campus, it will harm the watershed. Please study/address the following questions and concerns in your EIR:

1. Is the City of Santa Cruz aware of the CCRWQCB comments and concerns? Please refer to the Water Boards previous 2005 EIR comment letters to UCSC, identify potential negative impacts of the proposed project on Cave Gulch Creek and, in light of those negative impacts, determine whether it is consistent with CCRWQCB policies and requirements. Please explain how any inconsistencies will be resolved.

2. How will the UCSC development impact the Cave Gulch watershed? Please identify and examine all adverse impacts.
3. Will the City request that UCSC conduct a supplemental EIR to resolve the contradiction between the UCSC EIR and the CCRWQCB comments before completing its own EIR?
4. Will the City be legally liable for degradation of the Cave Gulch watershed by applying for the Sphere of Influence Amendment with the knowledge that the UCSC 2005 EIR predicts significant degradation of the watershed? Please identify project alternatives that can minimize or eliminate such degradation and describes the feasibility and necessity of each.
5. Cave Gulch Creek is a major tributary to Wilder Creek that contains endangered species, including steelhead trout and red-legged frogs. Please study possible negative impacts to these species and their habitats.
6. The City should consult with appropriate government agencies such as US Fish & Wildlife Service, California DFG, USACOE, and CCRWQCB about impacts to the watershed and associated species and habitats.

We are concerned about potential impacts to the numerous wetlands in the North Campus area and their relationship to the overall water balance to springs, streams, and seeps that feed Cave Gulch and other watersheds and take note that the USACOE advised you in an 11-13-08 NOP email/letter:

“For planning purposes, we usually recommend that a wetland delineation be verified by the Corps for the entire project area. If the University is planning to develop and place fill material within wetlands or other waters of the U.S., they will require a permit from the Corps of Engineers. You can obtain information on our permit process from our website. It makes sense from a planning and environmental prospective to have the entire project area mapped so that jurisdictional areas can be identified and avoided if possible. It will also help us assess adverse effects and compensatory mitigation should a Corps permit be required for the proposed development.”

We agree with the USACOE and believe that a wetland delineation for the entire project area should be completed and verified before the approval of such a large project and believe that CEQA compliance requires it. Please note that when UCSC applied to the California Coastal Commission, which performs a CEQA equivalent review, for a 15-year development plan on

Terrace Point, UCSC was required to complete detailed wetland delineation for the entire project area before the CCC would consider the development application.

7. The City should require that UCSC complete a wetlands delineation and verification with USACOE before completing its own EIR in order for the EIR to be as complete as possible. This will enable a more focused assessment of the wetlands as well as a review of the University's wetlands delineation. Whether a UCSC wetlands delineation is done independently or not, a complete wetlands delineation and study all of the cumulative project impacts to wetlands of the entire project and consultation with USACOE to verify conformance to the current guidelines and requirements should be completed before the City's EIR can be adequately done.

8. Please address how the City and public will know the extent of impacts to wetlands if no delineation is completed.

We have concerns about water supply issues for this project. Since water supply is such a crucial issue in our area, please provide the most detailed answers possible to the following concerns:

9. Define the range of possible quantities of water from the City that the UCSC project will require. Define the degree of uncertainty in these estimates. Show the basis of the estimates and the sources of all data used.

10. What is the City's current remaining supply? Provide annual projections for the entire term of the LRDP – through 2021. Identify the major factors that can affect the estimates and either result in more or less available supply.

11. Identify the City's anticipated future reduction in its current total supply because of the pending Habitat Conservation Plan for endangered salmonids that is under negotiation between the City and CDFG? Provide the greatest possible specificity as to how this HCP will affect total remaining water supply. Identify the critical variables and the sources of all data.

12. Conduct an analysis of how global warming may affect future water supplies and update current assumptions about what the actual current annual water supply is. Provide the range of possible impacts of CC on future water supplies over the course of the LRDP and beyond and identify the critical variables. Describe the City's response to problems that may

occur under the worst-case scenarios and how the City will address the environmental issues associated with them.

13. Is the City committing to supply water for the entire UCSC project? If not, what is the City's commitment in terms of the project or in terms of water supply in quantities per unit time on an annualized and a seasonal basis.

14. What is the degree of certainty that the City will actually have such supply? What are the contingency plans in the event that the assumed or project supply falls short of the demand? Be specific as to the plans in the case of the City's current customers, future customers beyond the boundaries of the project, and the UCSC campus. Also, estimate the additional contribution to the City's greenhouse gas emissions as a result of more frequent or potentially constant use of the desalination plant and the economic impact of heavier reliance on desal water.

15. Will other future developments in the water district need to be restricted if UCSC is supplied with water for its development? To what extent are restrictions anticipated and how will they be implemented? What will be the environmental impacts of such restrictions? Analyze all of the impacts to the community including fiscal impacts to the tax base.

16. Was supplying water for this UCSC project considered in the 2005 Urban Water Management Plan? How will this Plan be affected by the Sphere of Influence Amendment? What is the status of the plan and when will it be updated to reflect the UCSC project? Describe likely impacts of the necessary amendments to that plan in the EIR.

17. Did the water supply assumptions used in the Urban Water Management Plan take into account global warming? Please study whether those assumptions should be revised in light of changing weather patterns and whether the definition of a "normal" rain year should be revised. Also, please study and review whether the Urban Water Management Plan relied on an accurate scientific definition of a "normal" rain year, whether it is consistent with State law, and whether the real water supply has been overestimated.

18. Will UCSC be more likely to pump water from existing wells in the karst aquifer as a result of new development? Please study how that might effect water supply in existing City wells and wells in the Cave Gulch neighborhood. Please identify the impacts on karst fed spring flows and the associated impacts on groundwater and surface water as well as water quality in the Monterey Bay including but not limited to its Marine Sanctuary and Neary's Lagoon.

Other questions/concerns for study:

19. It appears that the UCSC project will preclude the City from being able to comply with State Law AB32 related to carbon footprints. How will amending the Sphere of Influence affect the City's ability to comply with State Law AB32? Identify traffic-associated GHG emissions, water supply-associated impacts (pumping, withdrawal, seawater intrusion into wells in the local area and wider area of the Santa Cruz County, especially the north coast and the agricultural zone of the Pajaro River including northern Monterey County.)

20. UCSC states that their project will violate the Monterey Bay Unified Air Pollution Control District's Air Management Plan. Please study whether this is consistent with existing local and State laws and ordinances, including those of LAFCO. Consult with the MBUAPCD on the impacts of the development on the Upper Campus including transport of water, materials, and people from sea level to elevations of 750 to 950 feet above sea level. A simple calculation of the work required and the energy needed to perform that work, primarily by motor vehicles and pumping stations should be the basis of the analysis. Also identify mitigations that might be required by the MBUAPCD for the project including but not limited to the emissions associated with additional pumping of water an additional 150 to 350 feet in elevation, the motor vehicle exhaust of the additional vehicle trips to the upper campus with the energy penalty for climbing the additional elevation including but not limited to the construction and the long-term service and supply to facilities on the upper campus. Consider the alternative of development on the lower campus or within the area already highly developed for academic and housing facilities at 600 to 650 foot elevation and compare to the development at the higher altitudes of the Upper Campus in terms of net emissions of GHG and of other air pollutants including but not limited to VOCs and NOx and to the formation of ozone. Consider that ozone formation is enhanced by a warming climate and that the contributions of the development will contribute to a larger inventory of ozone emitting sources in the MBUAPCD.

21. Identify how the Sphere of Influence Amendment will affect traffic. Identify all negative impacts and proposed mitigations and consistency with CalTrans requirements.

22. Identify the impacts of the project on emergency and fire evacuation plans and impacts from the new proposed UCSC development in the North Campus. This should include traffic flow along Empire Grade during an emergency with all of the new UCSC traffic traveling toward and

onto Empire Grade over the proposed new bridge in Cave Gulch. Will safety of existing County residents be adversely affected? If so, how? What mitigations can be implemented to improve safety for the Cave Gulch neighborhood and the entire Bonny Doon region?

23. Will the City require UCSC to complete a Habitat Conservation Plan for the Sphere of Influence Amendment area as recommended by the US Fish & Wildlife Service before the City completes its EIR? If not, identify the impacts of the project and effectiveness of proposed mitigations to endangered species and whether they are consistent with existing federal and state laws and appropriate agency policies such as USFWS and CDFG. If so, review these studies and incorporate their findings into the baselines for the EIR.

24. Identify how the proposed bridge over Cave Gulch of the UCSC project will adversely impact wetlands or the Cave Gulch watershed. Identify the mitigations for these impacts and alternatives to the proposed bridge.

25. Identify the impact of additional traffic to and from the new bridge via Empire Grade. Study impacts to bicycle safety and road stability as well as to motor vehicle safety. Include vehicle trips by heavily loaded vehicles with lower travel speeds and with higher distance requirements for breaking in estimating accident rates and associated fatalities and morbidity. Also identify the travel time impact for northbound traffic with the addition of heavily loaded trucks during construction and of other delivery vehicles northbound to service the construction and the completed expansion.

26. The proposed UCSC development will be on property that is in the County of Santa Cruz, but is not consistent with County zoning laws. Please study impacts to the surrounding Cave Gulch neighborhood and explain why LAFCO should approve the City Sphere of Influence Amendment when the project does not conform to current County zoning laws.

27. Please identify project alternatives including one or more or various combinations of the following:

a) No project – this might involve redirecting qualified applicants for admission as either undergraduate or graduate students to other existing campuses of the University of California or construction of one or more new campuses to accommodate future UC system wide enrollment growth; and further review of project population growth and its relation to projected future demand;

b) Development of water resources on campus to provide for the increased demand in water resulting from the growth;

c) Development of rainfall water capture, storage, treatment and use to offset the need for additional water; and,

d) Development of graywater management and treatment and re-use to address increased water demand caused by the project.

e) Deepening the water conservation programs on the existing campus along with deep water conservation programs on new facilities for which the SOI is necessary

28. Revisit the rainfall data used in the UCSC EIR to determine the actual amounts on the North Campus for all purposes in preparing the EIR. Rainfall measured in the Cave Gulch area is approximately twice that in downtown Santa Cruz and considerably more than that measured on the lower campus or the existing developed parts of the campus. These rainfall differences can have major impacts on other aspects of the project and must be accurately estimate with a true range from the very wet years when rainfall in Cave Gulch neighborhood has exceeded 100 inches per year for three years running during the 1990s to the low end of the projections which would be closer to 35 to 40 inches per year in that area. Unless other validated data are available, these values should be used for rainfall on the Upper Campus

29. Please identify global warming impacts from the extensive logging required for the project.

30. Please consult with CalFire about whether UCSC has allowed for adequate buffer around anticipated projects. Our understanding is CalFire commented that 100-foot buffers around buildings are required, rather than much smaller and variable size buffers that UCSC indicated.

31. We are aware that the City has adopted Ordinance No. 2008-18 pertaining to expansion of water and sewer service areas and specifies that " ... the City Council shall not initiate an expansion of the City's water service area or sewer service area with the State of California Local Agency Formation Commission unless authorized to do so by the approval of a ballot measure to this effect by City voters at a general or special municipal election." We are concerned that no such vote has taken place. Please study and explain this apparent contradiction between the current application to LAFCO and the requirements of the new ordinance.

Thank you very much for your attention.

Sincerely,

Don Stevens
Habitat And Watershed Caretakers
320 Cave Gulch
Santa Cruz, CA 95060

Stephanie Strelow

From: Ken Thomas [KThomas@ci.santa-cruz.ca.us]
Sent: Monday, December 01, 2008 8:39 AM
To: steph@strelowconsulting.com
Subject: FW: please don't provide resources to allow UC to expand

Ken Thomas

Principal Planner
Planning and Community Development Department
City of Santa Cruz
(831) 420-5148

From: Alex Anderson [mailto:h.alex.anderson@gmail.com]
Sent: Friday, November 28, 2008 1:02 PM
To: Ken Thomas
Cc: City Council
Subject: please don't provide resources to allow UC to expand

Dear Mr. Thomas and City Council,

Please follow the will of the voters of Santa Cruz and don't allow UC expansion. We don't have to provide services for a near doubling of the size of the University especially when the impact on people in town will be so significant. I really object that the the University wants to expand to relatively wild land when they could do more infill building on campus. Once the development is done there is no amount of money that can replace loss to the environment of the upper campus area and the impact on quality of life of the people in Santa Cruz. Please follow the will of the voters and to not provide additional service to the campus.

Thank you,

Alex Anderson
231 John St.
Santa Cruz

Stephanie Strelow

From: Ken Thomas [KThomas@ci.santa-cruz.ca.us]
Sent: Monday, December 01, 2008 8:39 AM
To: steph@strelowconsulting.com
Subject: FW: UCSC expansion

Ken Thomas

Principal Planner
Planning and Community Development Department
City of Santa Cruz
(831) 420-5148

From: Tony Aprile [mailto:tonyaprile@pacbell.net]
Sent: Friday, November 28, 2008 11:05 AM
To: Ken Thomas
Subject: UCSC expansion

Hello Ken, I am strongly against this issue! Please consider this a vote against it.
Sincerely,
Tony Aprile

Stephanie Strelow

From: Ken Thomas [KThomas@ci.santa-cruz.ca.us]
Sent: Monday, December 01, 2008 1:20 PM
To: steph@strelowconsulting.com
Subject: FW: UCSC development concerns

Ken Thomas

Principal Planner
Planning and Community Development Department
City of Santa Cruz
(831) 420-5148

From: onepushybroad@gmail.com [mailto:onepushybroad@gmail.com]
Sent: Monday, December 01, 2008 11:10 AM
To: Ken Thomas
Cc: City Council
Subject: UCSC development concerns

Please do not expand city services to the upper campus of UCSC. The expanded campus would be too much of a drain on city resources. Thanks, Winona Hubbard 231 John St, Santa Cruz

Stephanie Strelow

From: Ken Thomas [KThomas@ci.santa-cruz.ca.us]
Sent: Monday, December 01, 2008 8:40 AM
To: steph@strelowconsulting.com
Subject: FW: Upper CAMPUS

Ken Thomas
Principal Planner
Planning and Community Development Department City of Santa Cruz
(831) 420-5148

-----Original Message-----

From: Jodi Koumouitzes-Douvia [mailto:jl_kd@yahoo.com]
Sent: Sunday, November 30, 2008 11:05 AM
To: Ken Thomas
Subject: Upper CAMPUS

Dear Sir,

I have plans to move back to Santa Cruz in the next 7-10 years, and I want it to look like some piece of what it was when I left in 1996 and this past summer of 2008.

Therefore, I strongly urge you to save Upper Campus.
Let it be. If folks want to expand, send them elsewhere. This area is precious to me and I want to take my son hiking there when he is older.

Please look in the mirror, and do what you know is right.

Thank you for your time,
Jodi Koumouitzes-Douvia

Stephanie Strelow

From: Ken Thomas [KThomas@ci.santa-cruz.ca.us]
Sent: Monday, December 01, 2008 8:38 AM
To: steph@strelowconsulting.com
Subject: FW: EIR to expand City Services to upper UCSC campus

Ken Thomas

Principal Planner
Planning and Community Development Department
City of Santa Cruz
(831) 420-5148

From: Natasha Kowalski [mailto:tasha12123@yahoo.com]
Sent: Friday, November 28, 2008 9:17 AM
To: Ken Thomas
Cc: City Council
Subject: EIR to expand City Services to upper UCSC campus

I am very discouraged to hear that an EIR is being proposed to allow expansion on the upper campus of UCSC. I ask you to please follow the will of Santa Cruz City voters and do not expand city services to the upper campus of UCSC. 80% of voters approved Measure J, sending a very strong message about how we feel about UCSC growth.

If you continue with the proposed EIR, I believe it should study how 3 million square feet of development and logging in the Upper Campus will impact water supplies, erosion, wildlife habitats, increased traffic in westside neighborhoods as well as a county as a whole, and the bigger issue of global warming.

I was out of town on Nov. 18th for the public hearing, but would have attended and spoke if I had been in town.

Thank you for your time and consideration,
Natasha Kowalski
316 Alta Vista Dr.
Santa Cruz, CA 95060

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

December 2, 2008

Re: City of Santa Cruz Sphere of Influence Amendment

Dear Mr. Thomas,

Thank you for the opportunity to comment on the proposed EIR study that the City of Santa Cruz will be submitting to LAFCO in connection with the Sphere of Influence Amendment and the UCSC proposed development in the subject area.

I am very concerned that if the City of Santa Cruz changes its Sphere of Influence to enable the proposed UCSC development in the North Campus, it will harm the watershed, the air quality, exacerbate traffic and housing problems, increase greenhouse gas emissions, utilize energy and water resources unnecessarily and excessively, impose noise and aesthetic blight on the surrounding areas and the community at large, increase geological and groundwater problems, increase traffic on the very dangerous stretch of Empire Grade from the West Entrance to the north, and many other impacts that are cumulative on unmitigated impacts of growth from the developments under the 1988 LRDP. Please address the following questions and concerns in your Draft EIR:

There many issues that I believe need to be addressed including the above issues that are of concern to me.

How will the UCSC development impact the Cave Gulch watershed? The riparian rights of neighbors in the Cave Gulch neighborhood to the east of the project area who share boundaries with Cave Gulch Creek or the watershed will be adversely affected. Please delineate these impacts and the measures that are contemplated to mitigate these impacts.

The City should request that UCSC conduct a supplemental EIR to resolve the contradiction between the UCSC EIR and the Central Coast Regional Water Quality Control Board comments before completing its own EIR.

It appears that the City will be legally liable for degradation of the Cave Gulch watershed by applying for the Sphere of Influence Amendment with the knowledge that the UCSC 2005 EIR predicts significant degradation of the watershed. Please identify project alternatives that can minimize or eliminate such degradation and describes the feasibility and necessity of each and criteria for its successful implementation.

Cave Gulch Creek is a major tributary to Wilder Creek that contains endangered species, including steelhead trout and red-legged frogs and possibly others. Negative impacts to these species and their habitats must be fully addressed in the EIR.

The City should consult with appropriate government agencies such as US Fish & Wildlife Service and California DFG about impacts to the watershed and associated species and habitats. It should also seek a review from the Office of the Attorney General on the greenhouse gas emissions associated with the project in light of AB32 and the implementing regulations of the California Air Resources Board.

I am quite concerned about potential impacts to the numerous wetlands in the North Campus area and their relationship to the overall water balance to springs, streams, and seeps that feed Cave Gulch and other watersheds. The US Army Corps of Engineers (USACOE) has advised you that a wetlands delineation for the entire project area should be completed and I believe they should be fully verified before the approval of such a large project.

The City should require that UCSC complete a wetlands delineation and verification with USACOE before completing its own EIR. This will enable a more focused assessment of the wetlands as well as a review of the University's wetlands delineation. Whether a UCSC wetlands delineation is done independently or not, it a complete wetlands delineation and study all of the cumulative project impacts to wetlands of the entire project and consult with USACOE to verify conformance to the current guidelines and requirements.

Please describe the means by which the City and public will know the extent of impacts to wetlands if no delineation is completed.

Define the range of possible quantities of water from the City that the UCSC project will require. Define the degree of uncertainty in these estimates. Show the basis of the estimates and the sources of all data used.

Identify and describe the City's current remaining water supply. Provide annual projections for the entire term of the LRDP – through 2021. Identify the major factors that can affect the estimates and result in either more or less available supply.

Identify the City's anticipated future reduction in its current total water supply because of the pending Habitat Conservation Plan for endangered salmonids that is under negotiation between the City and CDF&G. Provide the greatest possible specificity as to how this HCP will affect total remaining water supply. Identify the critical variables and the sources of all data.

Conduct an analysis of how global warming may affect future water supplies and update current assumptions about what the actual current annual water supply is. Provide the range of possible impacts of CC on future water supplies over the course of the LRDP and beyond and identify the critical variables. Describe the City's response to problems that may occur under the worst case scenarios and how the City will address the environmental issues associated with them.

If the City is committing to supply water for the entire UCSC project, delineate the impact on the remaining water supply resources and the impact on other development proposals in the City during the next 15 years. If not, what is the City's commitment in terms of the project or in terms of water supply in quantities per unit time on an annualized and a seasonal basis? How will this impact other development proposals as well as existing customers?.

What is the degree of certainty that the City will actually have the assumed water supply? What are the contingency plans in the event that the assumed or project supply falls short of the demand? Be specific as to the plans in the case of the City's current customers, future customers beyond the boundaries

of the project, and the UCSC campus. Also, estimate the additional contribution to the City's greenhouse gas emissions as a result of more frequent or potentially constant use of the desalination plant and the economic impact of heavier reliance on desal water.

Will future developments in the water district need to be restricted if UCSC is supplied with water for its development? To what extent are restrictions anticipated and how will they be implemented? What will be the environmental impacts of such restrictions? Analyze all of the impacts to the community including fiscal impacts to the tax base.

Was supplying water for this UCSC project considered in the 2005 Urban Water Management Plan? How will this Plan be affected by the Sphere of Influence Amendment? What is the status of the plan and when will it be updated to reflect the UCSC project? Describe likely impacts of the necessary amendments to that plan in the EIR.

Did the water supply assumptions used in the Urban Water Management Plan take into account global warming? Please study whether those assumptions should be revised in light of changing weather patterns and whether the definition of a "normal" rain year should be revised.

Will UCSC be more likely to pump water from existing wells in the karst aquifer as a result of new development? Please study how that might effect water supply in existing City wells and wells in the Cave Gulch neighborhood. Please identify the impacts on karst fed spring flows and the associated impacts on groundwater and surface water as well as water quality in the Monterey Bay including but not limited to its Marine Sanctuary.

Other questions/concerns for study:

It appears that the UCSC project will preclude the City from being able to comply with State Law AB32 related to carbon footprints. How will amending the Sphere of Influence affect the City's ability to comply with State Law AB32? Identify traffic-associated GHG emissions, water supply-associated impacts (pumping, withdrawal, seawater intrusion into wells in the local area and wider area of the Santa Cruz County, especially the north coast and the agricultural zone of the Pajaro River including northern Monterey County.)

UCSC states that their project will violate the Monterey Bay Unified Air Pollution Control District's Air Management Plan. Please study whether this is consistent with existing local and State laws and ordinances, including those of LAFCO. Consult with the MBUAPCD on the impacts of the development on the Upper Campus including transport of water, materials, and people from sea level to elevations of 750 to 950 feet above sea level. A simple calculation of the work required and the energy needed to perform that work, primarily by motor vehicles and pumping stations should be the basis of the analysis. Also identify mitigations that might be required by the MBUAPCD for the project including but not limited to the emissions associated with additional pumping of water an additional 150 to 350 feet in elevation, the motor vehicle exhaust of the additional vehicle trips to the upper campus with the energy penalty for climbing the additional elevation including but not limited to the construction and the long-term service and supply to facilities on the upper campus. Consider the alternative of development on the lower campus or within the area already highly developed for academic and housing facilities at 600 to 650 foot elevation and compare to the development at the higher altitudes of the Upper Campus in terms of net emissions of GHG and of other air pollutants including but not limited to VOCs and NOx and to the formation of ozone. Consider that ozone formation is enhanced by a warming climate and that the contributions of the development will contribute to a larger inventory of ozone emitting sources in the MBUAPCD.

Identify how the Sphere of Influence Amendment will affect traffic. Identify all negative impacts and proposed mitigations and consistency with CalTrans requirements.

Identify the impacts of the project on emergency and fire evacuation plans and impacts from the new proposed UCSC development in the North Campus. This should include traffic flow along Empire Grade during an emergency with all of the new UCSC traffic traveling toward and onto Empire Grade over the proposed new bridge in Cave Gulch. Will safety of existing County residents be adversely affected? If so, how? What mitigations can be implemented to improve safety for the Cave Gulch neighborhood and the entire Bonny Doon region.

Will the City require UCSC to complete a Habitat Conservation Plan for the Sphere of Influence Amendment area as recommended by the US Fish & Wildlife Service before the City completes its EIR? If not, identify the

impacts of the project and effectiveness of proposed mitigations to endangered species and whether they are consistent with existing federal and state laws and appropriate agency policies such as USFWS and CDFG. If so, review these studies and incorporate their findings into the baselines for the EIR.

Is the City of Santa Cruz aware of the CCRWQCB comments and concerns? Please identify potential negative impacts of the proposed project on Cave Gulch Creek and, in light of those negative impacts, whether it is consistent with CCRWQCB policies and requirements. Please explain how any inconsistencies will be resolved.

Identify how the proposed bridge over Cave Gulch of the UCSC project will adversely impact wetlands or the Cave Gulch watershed. Identify the mitigations for these impacts and alternatives to the proposed bridge.

Identify the impact of additional traffic to and from the new bridge via Empire Grade. Study impacts to bicycle safety and road stability as well as to motor vehicle safety. Include vehicle trips by heavily loaded vehicles with lower travel speeds and with higher distance requirements for breaking in estimating accident rates and associated fatalities and morbidity. Also identify the travel time impact for northbound traffic with the addition of heavily loaded trucks during construction and of other delivery vehicles northbound to service the construction and the completed expansion.

The proposed UCSC development will be on property that is in the County of Santa Cruz, but is not consistent with County zoning laws. Please study impacts to the surrounding Cave Gulch neighborhood and explain why LAFCO should approve the City Sphere of Influence Amendment when the project does not conform to current zoning laws.

Please identify project alternatives including one or more or various combinations of the following:

a) no project – this might involve redirecting qualified applicants for admission as either undergraduate or graduate students to other existing campuses of the University of California or construction of one or more new campuses to accommodate future UC systemwide enrollment growth; and further review of project population growth and its relation to projected future demand;

- b) development of water resources on campus to provide for the increased demand in water resulting from the growth;
- c) development of rainfall water capture, storage, treatment and use to offset the need for additional water; and,
- d) development of graywater management and treatment and re-use to address increased water demand caused by the project.
- e) deepening the water conservation programs on the existing campus along with deep water conservation programs on new facilities for which the SOI is necessary

Revisit the rainfall data used in the EIR to determine the actual amounts on the North Campus for all purposes in preparing the EIR. Rainfall measured in the Cave Gulch area is approximately twice that in downtown Santa Cruz and considerably more than that measured on the lower campus or the existing developed parts of the campus. These rainfall differences can have major impacts on other aspects of the project and must be accurately estimate with a true range from the very wet years when rainfall in Cave Gulch neighborhood has exceeded 100 inches per year for three years running during the 1990s to the low end of the projections which would be closer to 35 gto 40 inches per year in that area. Unless other validated data are available, these values should be used for rainfall on the Upper Campus

Thank you very much for your attention.

Sincerely,
Hal Levin
2548 Empire Grade
Santa Cruz, CA 95060

Stephanie Strelow

From: Ken Thomas [KThomas@ci.santa-cruz.ca.us]
Sent: Monday, December 01, 2008 8:40 AM
To: steph@strelowconsulting.com
Subject: FW: upper campus expansion

Ken Thomas
Principal Planner
Planning and Community Development Department City of Santa Cruz
(831) 420-5148

-----Original Message-----

From: Tom Maimon [mailto:tmaimon@ucsc.edu]
Sent: Sunday, November 30, 2008 2:05 PM
To: Ken Thomas
Subject: upper campus expansion

dear ken,
it is my understanding that the city is moving to expand infrastructure in the upper campus forest against the expressed wishes of students and community members who have made their voice heard loud in the courts, on ballots, and in the trees. our environment is already stressed. we do not need 5000 more students. we already have no water. please, consider others. grow a soul. look forward to future generations not just your pocketbooks.
we cannot keep working this way. stop tearing up our forest.

thanks,
Tom Maimon
santa cruz
california

Stephanie Strelow

From: Ken Thomas [KThomas@ci.santa-cruz.ca.us]
Sent: Monday, December 01, 2008 1:21 PM
To: steph@strelowconsulting.com
Subject: FW: EIR

Ken Thomas

Principal Planner
Planning and Community Development Department
City of Santa Cruz
(831) 420-5148

From: Fred Mc Pherson [mailto:fredwood@mail.cruzio.com]
Sent: Monday, December 01, 2008 12:11 PM
To: Ken Thomas
Subject: EIR

Dear Mr. Thomas:

I am concerned about the proposed expansion of the City's water and sewer service area with an application to the Local Agency Formation Commission (LAFCO) to amend their Sphere of Influence area for City services and the concurrent UCSC application to LAFCO for permission to get these services.

I understand that the City is the lead agency and will conduct an Environmental Impact Report (EIR) for both applications. I want to express my concerns about water issues and ask that they be addressed in the up coming EIRs.

Please address the following issues:

1. Is their adequate water supply. If the water for this project(s) will come from local ground water sources, how will that affect the local aquifer that supplies water to local water districts and private wells? How will it affect the year round flow of water in local creeks? If the water will be taken from the city of Santa Cruz present water sources, will there be enough water available to supply this project and other city and San Lorenzo River Watershed needs in extended drought years like the ones predicted with increasing pressures from global climate change?

2. Sewage disposal. Will waste water from the project be put back into the ground on sight or elsewhere on campus? If so how will it be treated and could it affect the water quality of the local ground water aquifer?

I am a member of the San Lorenzo Valley Water District Board of Directors and our Board has not taken up this issue in time to present official written input, but I want to assure you that I and other board members and local citizens are concerned about these issues. I ask, as a local concerned citizen, living within the proposed affected watershed, that my concerns be thoroughly addresses.

8/3/2009

Thank you,

Fred Mc Pherson

Box 544
Boulder Creek, CA 95006

338-2097

Stephanie Strelow

From: Ken Thomas [KThomas@ci.santa-cruz.ca.us]
Sent: Wednesday, December 03, 2008 7:45 AM
To: steph@strelowconsulting.com
Subject: FW: Notice of Preparation/EIR, City of Santa Cruz Sphere of Influence Amendment

Ken Thomas
Principal Planner
Planning and Community Development Department City of Santa Cruz
(831) 420-5148

-----Original Message-----

From: Celia Scott [mailto:twinks2@cruzio.com]
Sent: Tuesday, December 02, 2008 4:41 PM
To: Ken Thomas
Subject: Notice of Preparation/EIR, City of Santa Cruz Sphere of Influence Amendment

Ken Thomas, Principal Planner
City of Santa Cruz Community & Planning Development Dept.
809 Center St., Rm. 206
Santa Cruz, CA 95060

December 2, 2008

Re: Comments on NOP/EIR, City of Santa Cruz Sphere of Influence Amendment

Dear Ken,

Thank you for the opportunity to comment on the Notice of Preparation for the EIR on the City of Santa Cruz Sphere of Influence Amendment Application to the Local Agency Formation Commission and the concurrent application by the University of California Santa Cruz (UCSC) for extraterritorial services to the 374 acre portion of the UCSC north campus now outside the City limits, Sphere of Influence, and water/sewer service areas of the City of Santa Cruz.

1. The EIR should address consistency with the current adopted City of Santa Cruz General Plan (1990-2005) and impacts on adjacent public open space lands, such as the Pogonip, Henry Cowell State Park, and Wilder Ranch State Park, in addition to the probable environmental effects listed in Section 4 of the NOP. Impacts on these open space resources from the UCSC Campus already exist, are significant, and should be reduced or eliminated, not increased.

2. The EIR should address, in addition to the No Project Alternative, a reasonable range of alternatives to the proposed SOI, such as:

a. A reduced project alternative (less than 374 acres) that excludes from an expanded SOI those lands designated in the UCSC 2005 LRDP as Campus Resource Land, Campus Natural Reserve, and Protected Landscape, caps the amount of development that can occur on the North Campus to a level that reduces all environmental impacts to a less than significant level, and provides a permanent no-extension limit to any further extension of services from the City.

b. A revised project alternative that limits extraterritorial services to water only, and requires the use of alternative sewage disposal systems, such as the Living Machine system now in use at various US educational facilities (such as the Adam J. Lewis center at Oberlin College in Ohio, and the Marine Environmental Research and Training Station campus in Oregon) as described in the August/Sept. 2008 issue of Planning (Journal of the American Planning Institute).

c. A reduced project alternative that limits the proposed SOI expansion and provision of extraterritorial services from the City to the UCSC upper campus to those

areas proposed for development that are immediately contiguous to the existing City limits, and excludes services that must physically pass through (skip out over) lands designated in the 2005 LRDP as Campus Natural Reserve and Protected Landscape.

3. The EIR should clarify the role of the City of Santa Cruz as lead agency, inasmuch as the City does not have the independent authority to approve the proposed project, i.e., expansion of its current Sphere of Influence. The Settlement Agreement between UCSC and the City of Santa Cruz is not binding on LAFCO, nor is the UCSC LRDP. The EIR should reflect the independent authority of LAFCO to approve, modify or disapprove the City's application for expansion of its Sphere of Influence, and the UCSC application for extraterritorial services from the City outside the City limits, and fully analyze all applicable LAFCO policies, including Resolution No. 97-W (1994), as amended by Resolution No. 2007-1 (2007), relating to provision of services outside agency boundaries.

Thank you for consideration of these comments. Please acknowledge receipt by Dec. 2, 2008.

Yours truly,

Celia Scott
1520 Escalona Drive
Santa Cruz, CA 95060