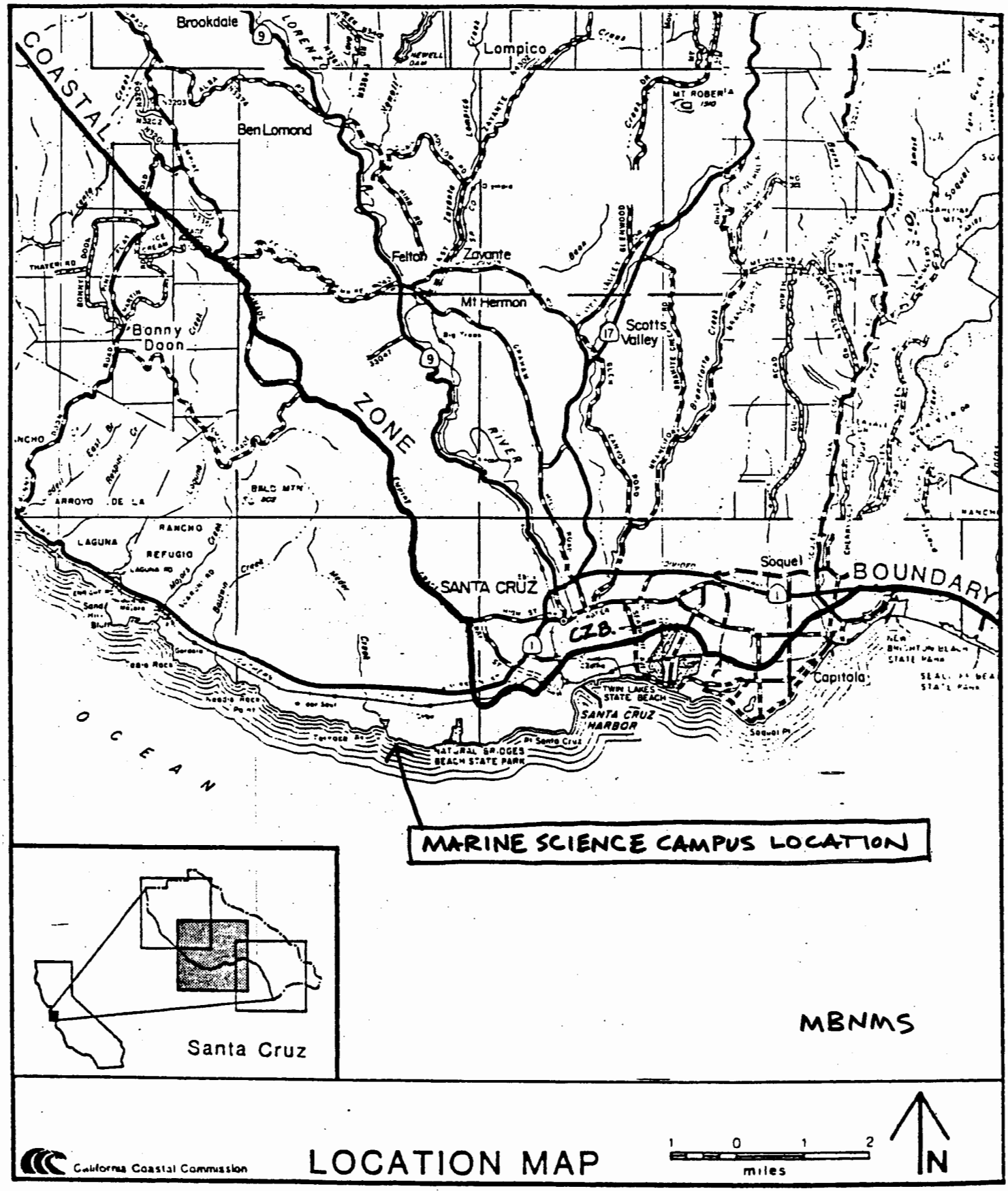
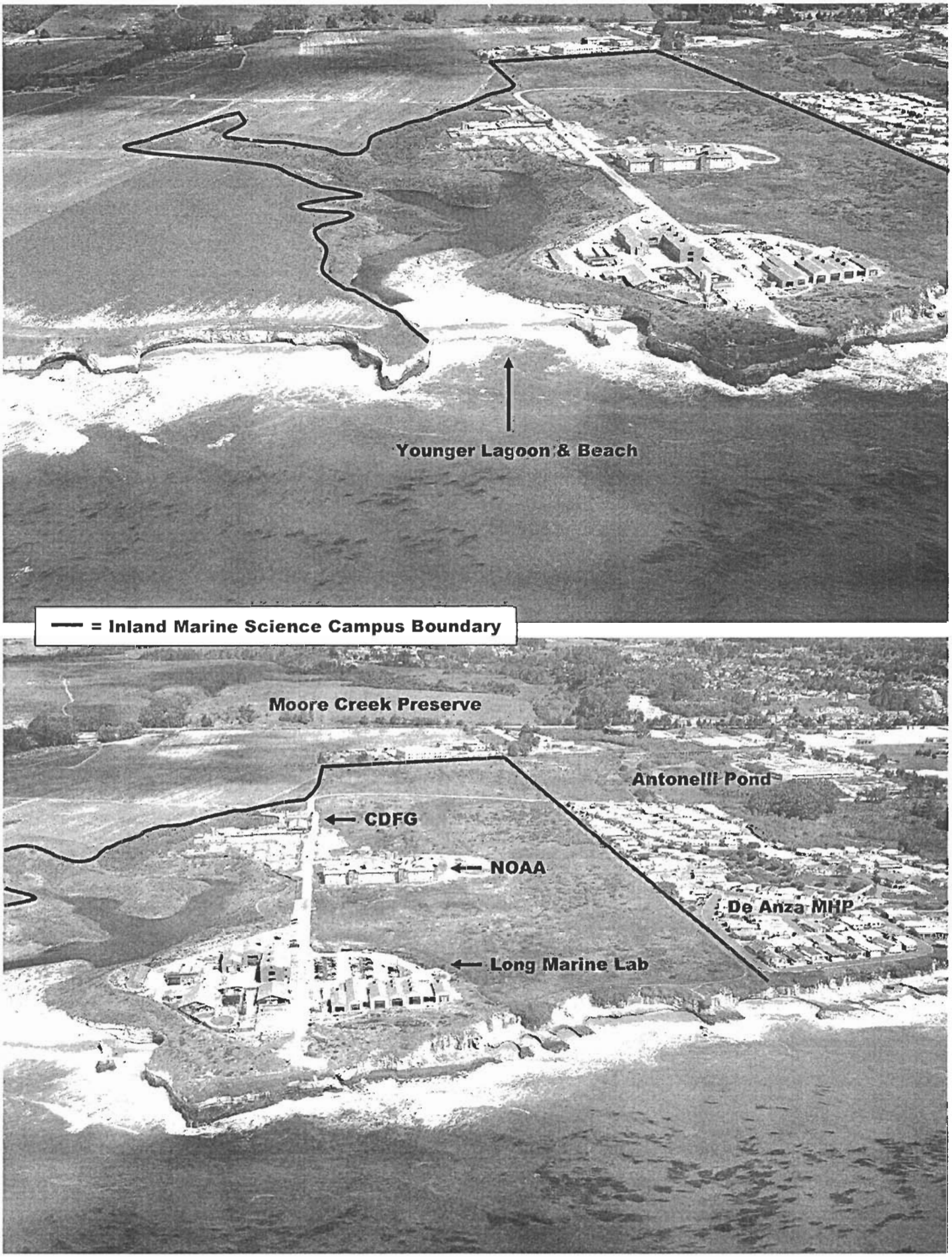


CCC Exhibit A
(page 1 of 2 pages)



CCC Exhibit A
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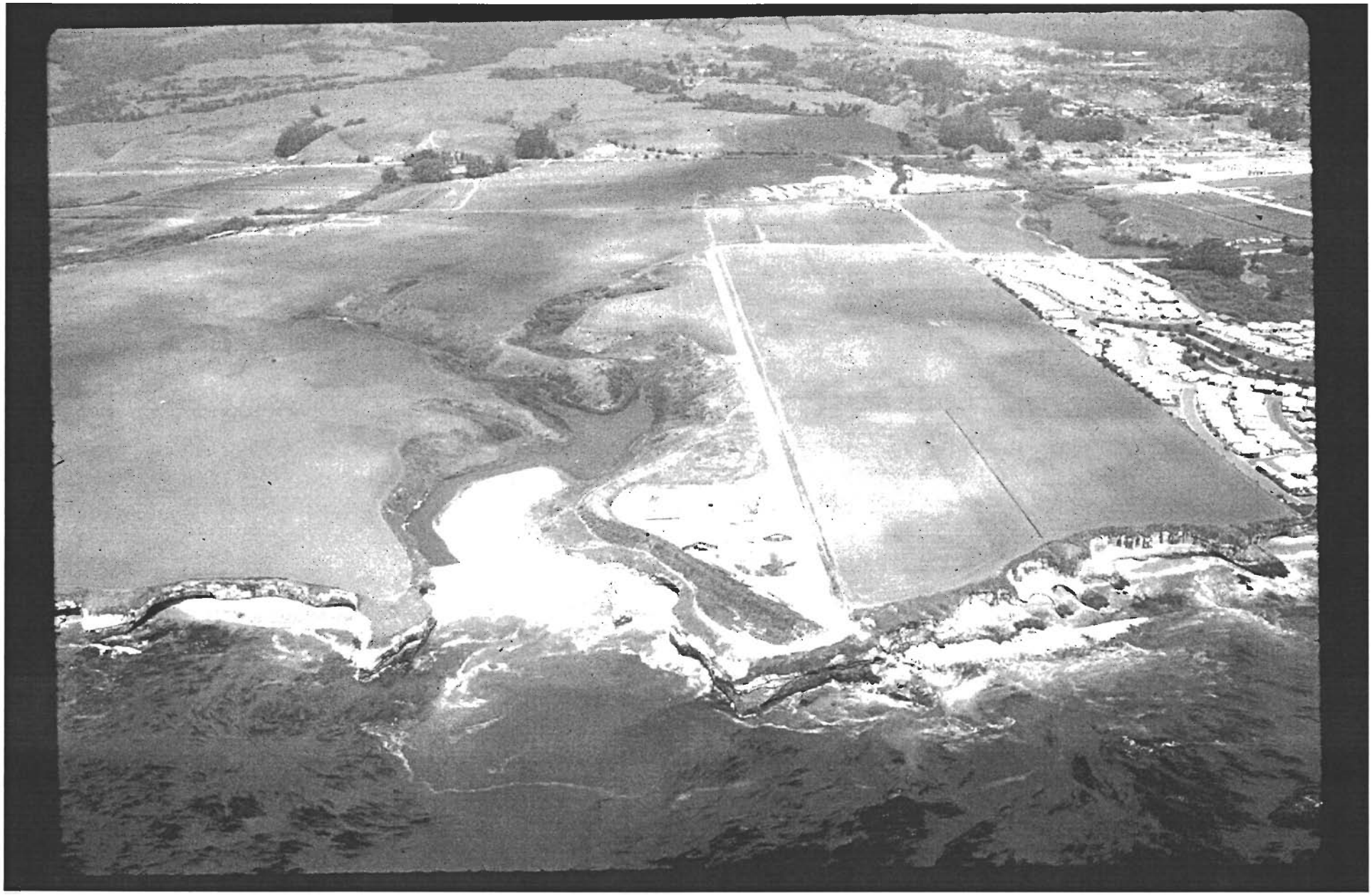
California Coastal Records Project Image 7220045

1972

CCC Exhibit B
(page 1 of 5 pages)



California Coastal Records Project Image 7930067

1979

CCC Exhibit B
(page 2 of 5 pages)

California Coastal Records Project Image 584

2002

CCC Exhibit B
(page 3 of 5 pages)

California Coastal Records Project Image 200401381

2004 (1 of 2)

CCC Exhibit B
(page 4 of 5 pages)

California Coastal Records Project Image 200401383

2004 (2 of 2)

CCC Exhibit B
(page 5 of 5 pages)

Proposed

Existing

View from Moore Creek Preserve (view towards south)

CCC Exhibit C
(page 1 of 8 pages)

Proposed

Existing

View from southbound Highway One (view towards southeast)

Proposed

Existing

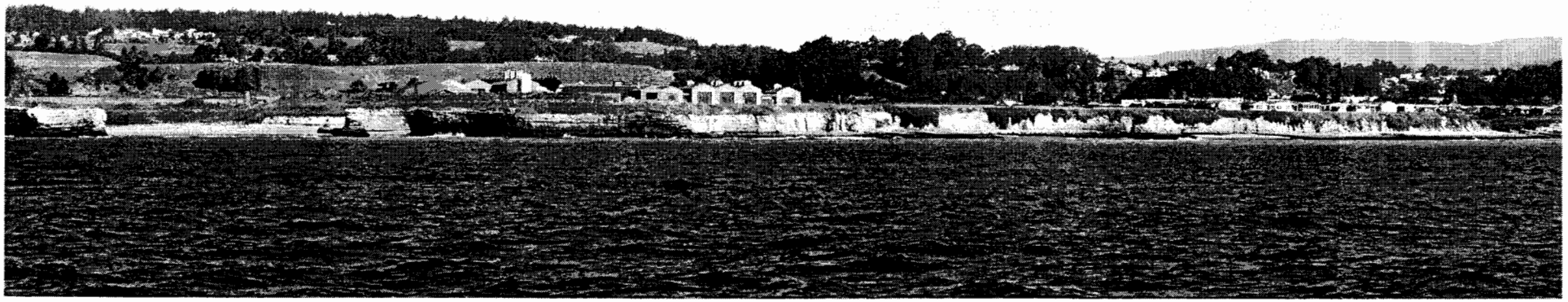
View from Wilder Ranch State Park beach trail (view towards east)

Proposed

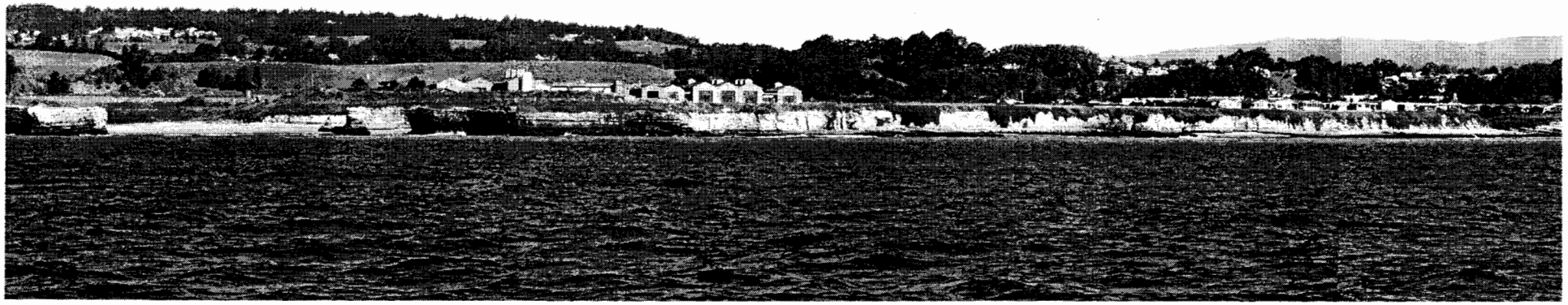
Existing

View from Wilder Ranch State Park parking lot (view towards southeast)

CCC Exhibit C
(page 4 of 8 pages)

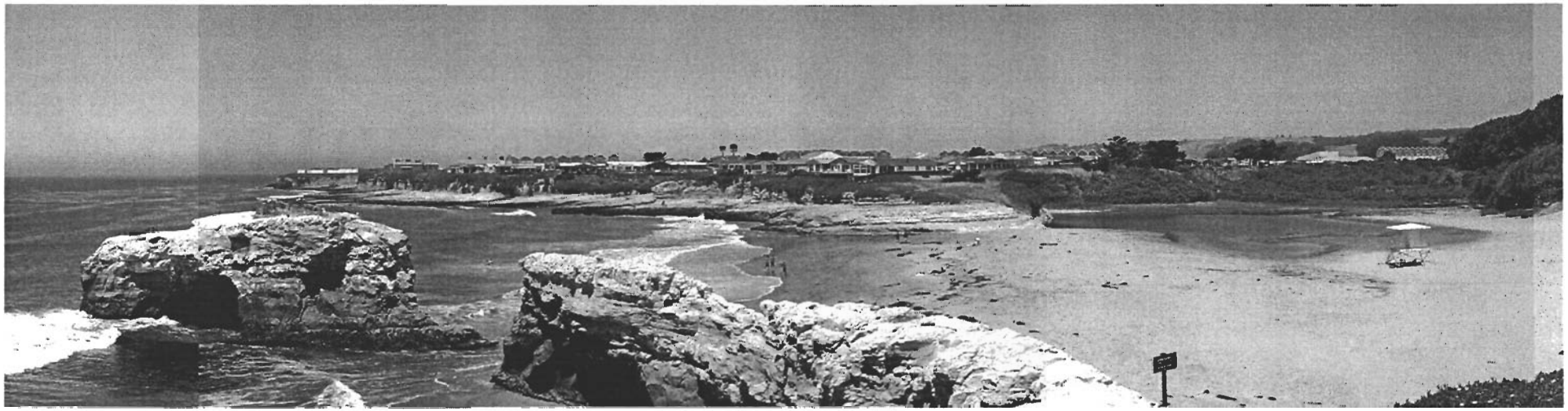


Proposed

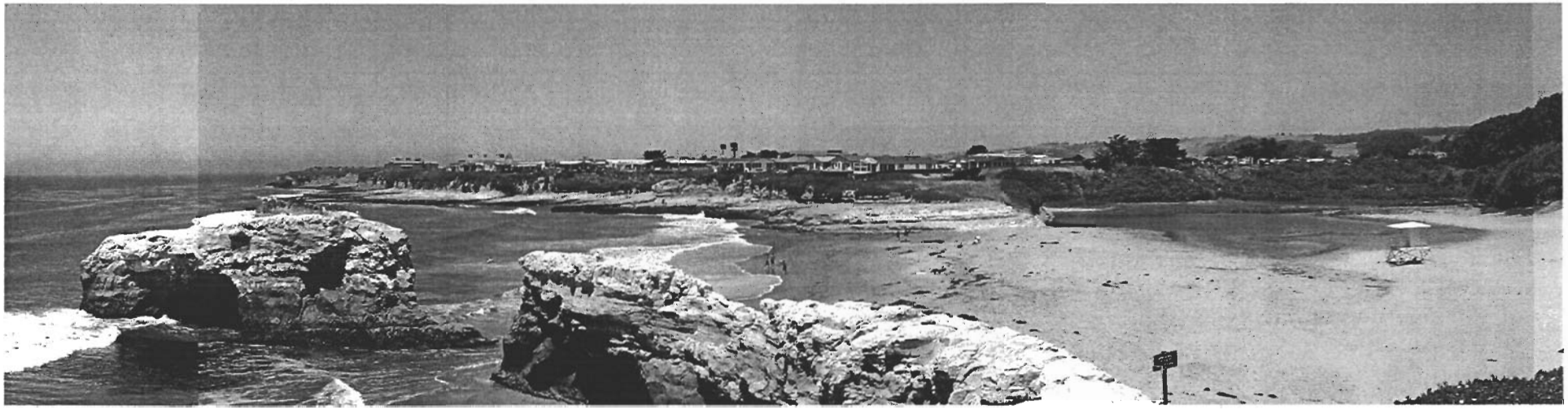


Existing

View from offshore (view towards north)

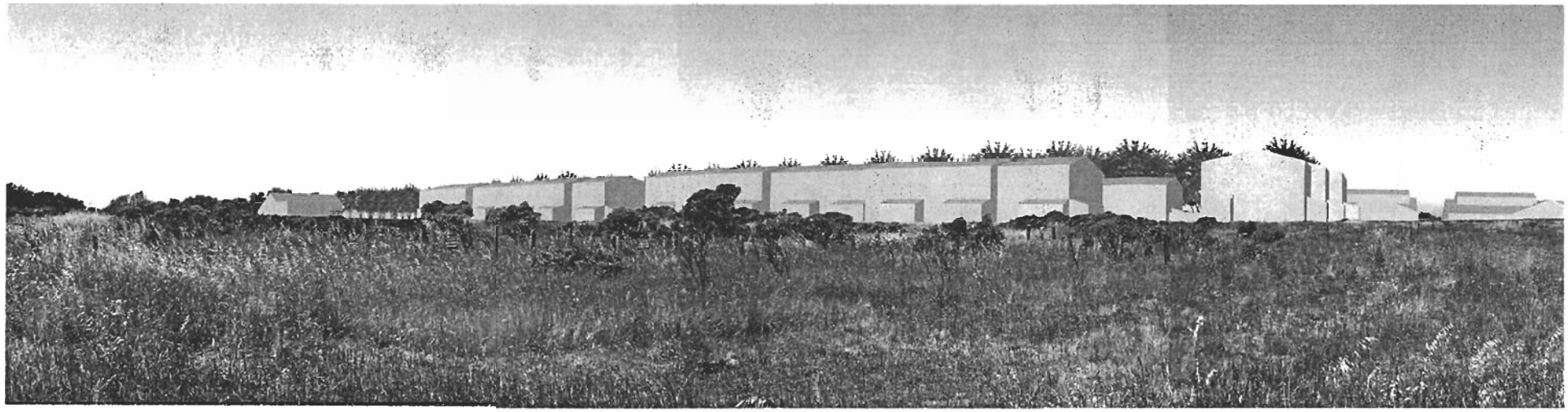


Proposed



Existing

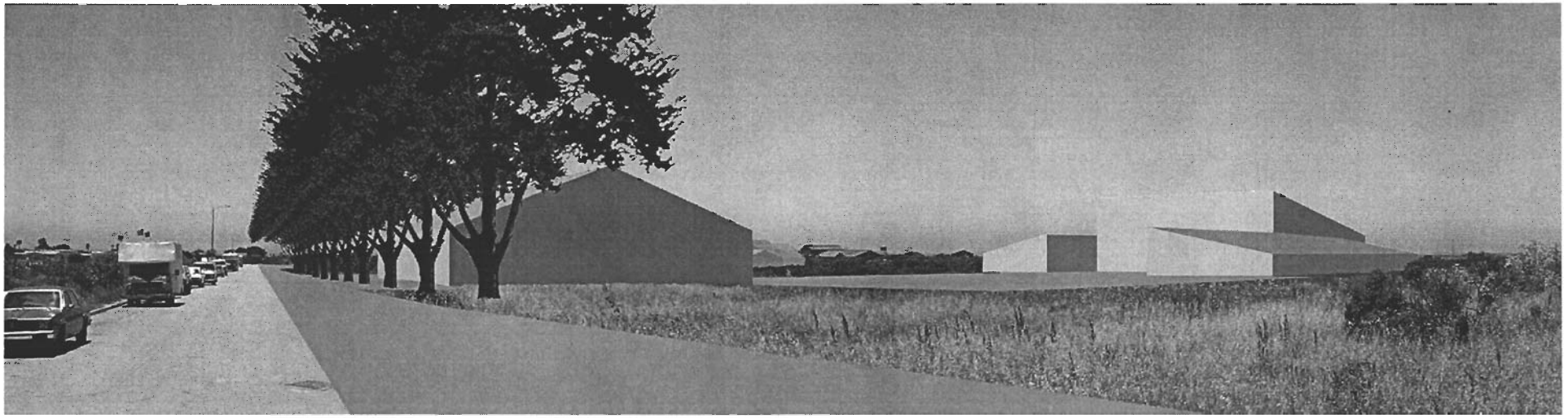
View from Natural Bridges State Park (view towards west)



Proposed

Existing

View from Campus entrance (at Delaware & Shaffer) (view towards southwest)



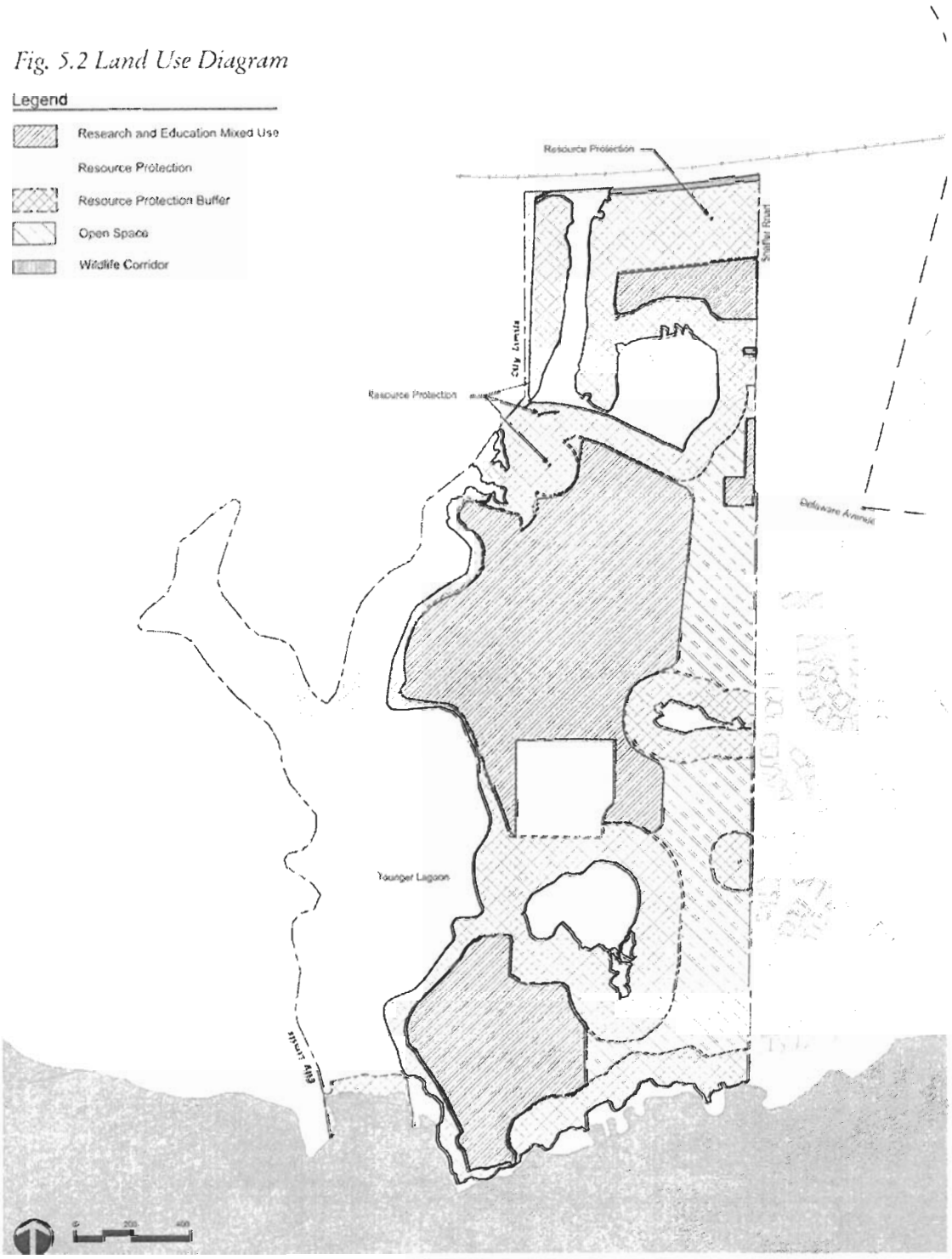
Proposed

Existing

View from Shaffer Road at railroad tracks (view towards southwest)

CCC Exhibit C
(page 8 of 8 pages)

Fig. 5.2 Land Use Diagram



CCC Exhibit D
(page 1 of 4 pages)

Fig 5.4 Development Subareas

Legend

#1 Development Subarea

Development Zone Boundary

(1) Subarea No.	(2) Subarea Size	Max. No. of Stories	Max. Height	(3) Max. Bldg. Footprint	(3) Max. Building Coverage
1	71,000	(4) 1	(4) 30	37,500	53%
2	32,000	1	(5) 18	9,600	30%
3	70,000	2	(6) 30	42,000	60%
4	105,000	2	(6) 30	63,000	60%
5	24,500	2	(6) 30	14,700	60%
6	73,000	1	(7) 24	29,200	40%
7	31,000	--	(8) 10	--	--
8	115,000	2	(4) 30	41,720	36%
9	29,000	2	24	11,600	40%
10	77,000	2	24	30,800	40%
11	62,500	2	(9) 24	25,000	40%
12	30,000	2	24	12,000	40%
13	23,000	1	15	9,200	40%
14	16,500	--	(10) 6	--	--
15	75,000	1	24	30,000	40%
16	12,000	--	12	(11) 125	--
	846,500			356,445	

Notes

(1) Building development outside of subareas is prohibited. Development outside of subareas shall be limited to at-grade development (e.g., streets, parking areas, etc.) unless it is an above-grade development explicitly identified as appropriate in this CLRDP (e.g., an earthen berm extension), where any associated above-grade elements (e.g., fencing, light standards, etc.) shall not exceed the scale, including the heights, established for such elements in the CLRDP.

(2) Subarea boundaries are approximate within 10 percent plus or minus; actual boundaries will be field verified when development is proposed.

(3) Parking shall be allowed anywhere in the development zone provided it is consistent with all provisions of the CLRDP. Coverage associated with parking and with outdoor reasearch area, laydown, and storage does not apply towards maximum building coverage calculations. Maximum building footprint and maximum building coverage must also be understood in relation to maximum square footages in Section 5.2 that also apply, and in relation to other CLRDP provisions that might further limit development.

(4) A small portion of the warehouse (i.e. up to 20% of footprint) may be two stories high and a max of 39 feet in height.

(5) Above-grade development shall be concentrated to the south as much as possible.

(6) Building height may extend to 36 feet for buildings with ventilated lab space per IM 4.2.4; mechanical equipment enclosures may extend up to five feet above the maximum height in certain circumstances per IM 4.2.3.

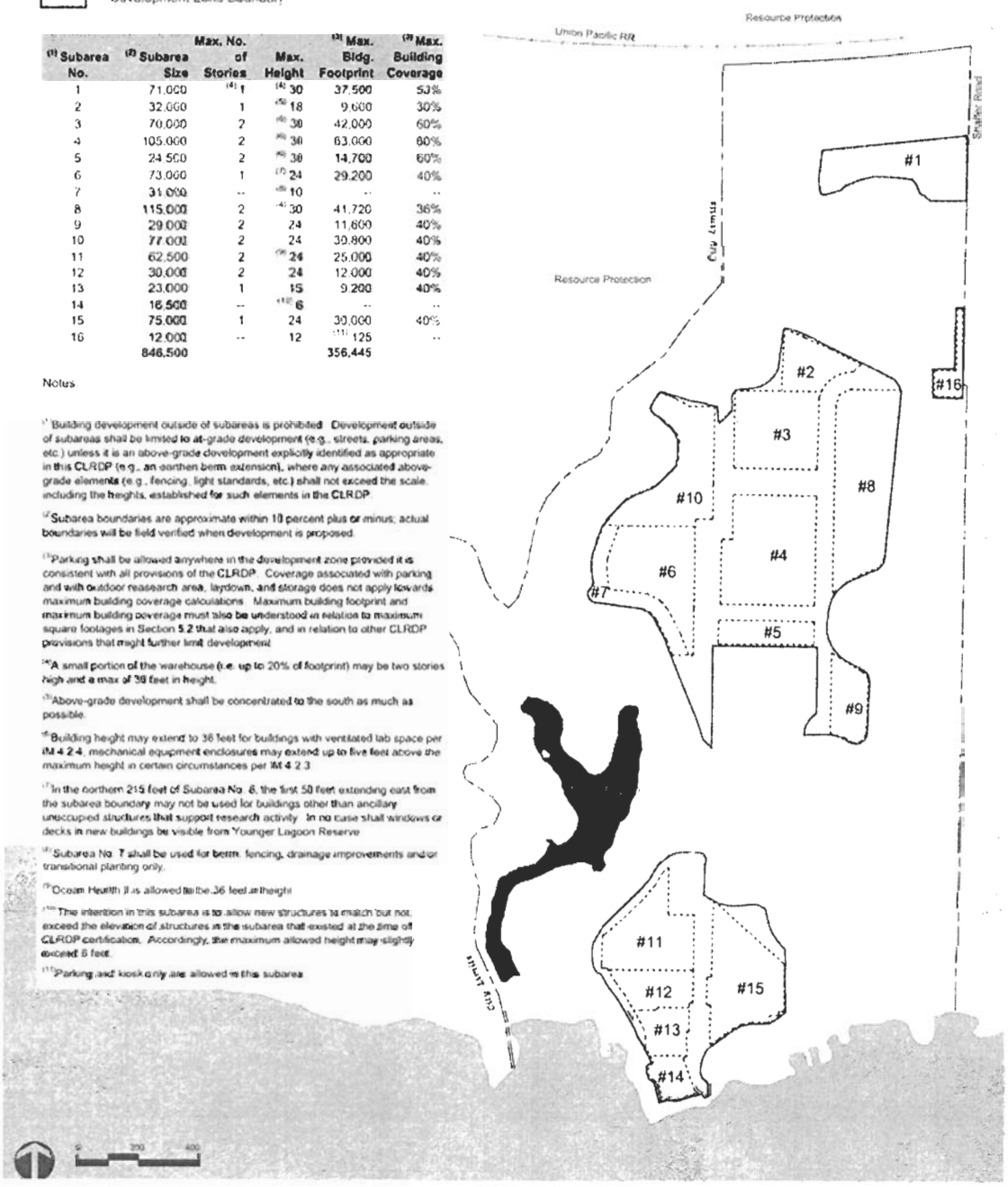
(7) In the northern 215 feet of Subarea No. 6, the first 50 feet extending east from the subarea boundary may not be used for buildings other than ancillary unoccupied structures that support research activity. In no case shall windows or decks in new buildings be visible from Younger Lagoon Reserve.

(8) Subarea No. 7 shall be used for berm, fencing, drainage improvements and/or transitional planting only.

(9) Ocean Health II is allowed to be 36 feet in height.

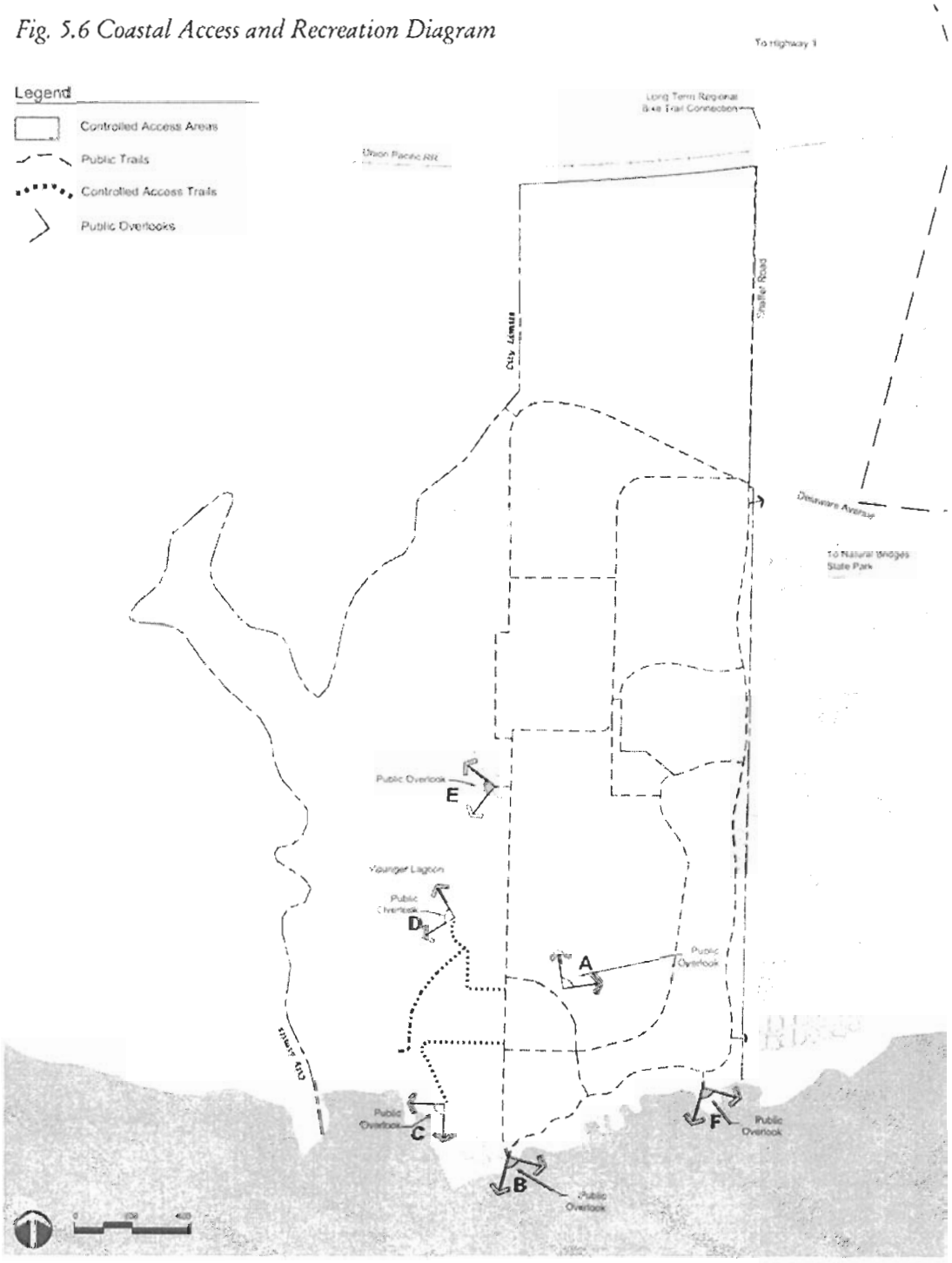
(10) The intention in this subarea is to allow new structures to match but not exceed the elevation of structures in the subarea that existed at the time of CLRDP certification. Accordingly, the maximum allowed height may slightly exceed 6 feet.

(11) Parking and kiosk only are allowed in this subarea.



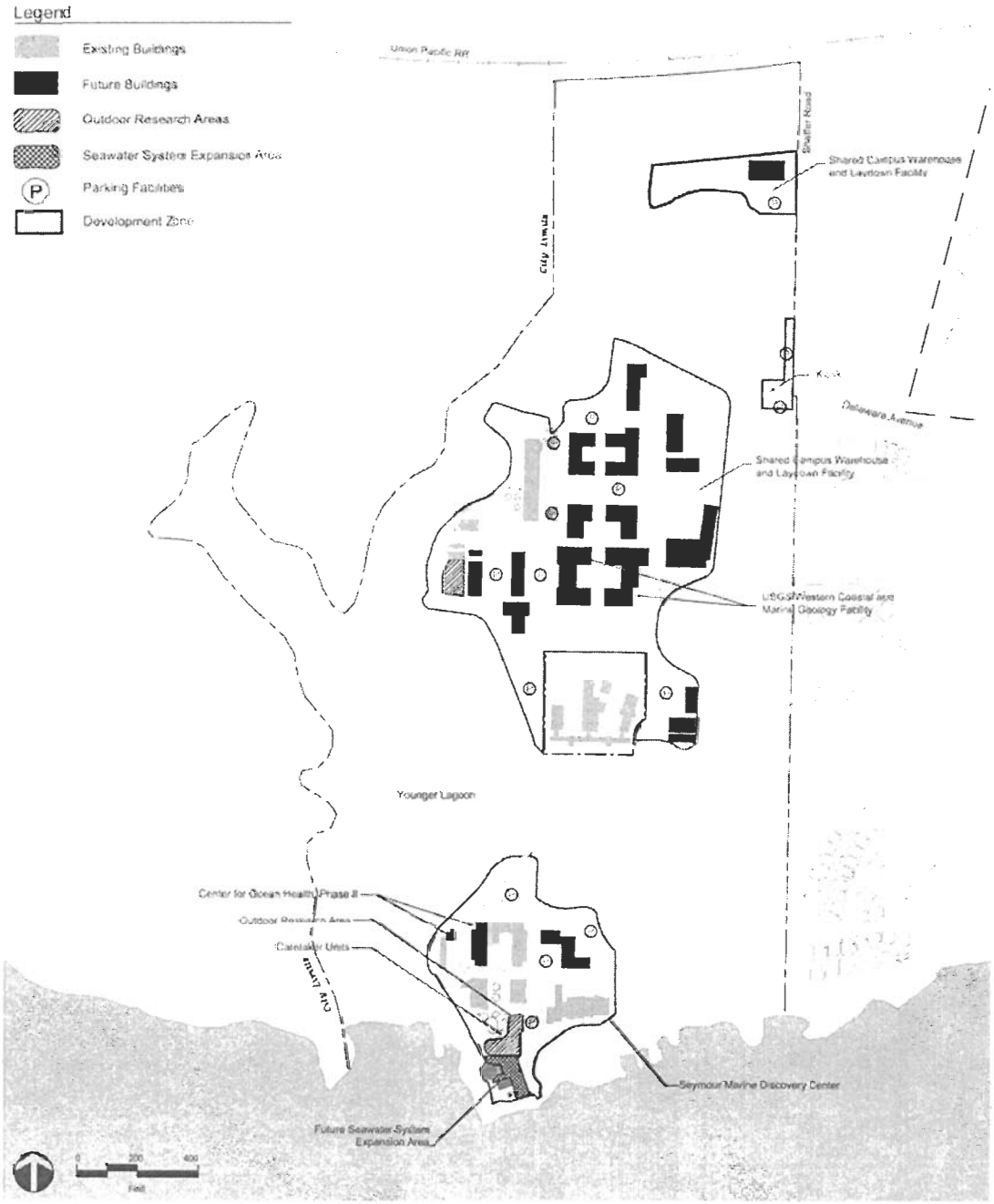
CCC Exhibit D
(page 2 of 4 pages)

Fig. 5.6 Coastal Access and Recreation Diagram



CCC Exhibit D
(page 3 of 4 pages)

Fig. 7.2 Illustrative Campus Buildout Site Plan



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PHYSICAL PLANNING AND CONSTRUCTION

SANTA CRUZ, CALIFORNIA 95064

November 21, 2007

Charles Lester, Senior Deputy Director
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Dear Mr. Lester:

RE: Additional Data in Response to October 12, 2007 Letter from Don Stevens and November 9, 2007 Letter from Stephan Volker Concerning the UCSC Marine Science Campus Coastal CLRDP

Dear Mr. Lester:

With reference to and in support of our letter of November 14, 2007 responding to the above-referenced letters, we would like to provide Commission staff with the Water Well Drillers Report for the LML well drilled in 1977 (attached). This report confirms that the well was 315 feet deep and that the water level stabilized at a depth of 295 feet after pumping for 2.5 hours at a rate of 52 gallons per minute (Maggiora Bros. Drilling, Inc. 1). The well was screened from 240 feet to 300 feet below ground surface, in Santa Margarita Sandstone or possibly the lower portion of the Santa Cruz Mudstone. The driller's report is consistent with the information we provided in our earlier letter.

Please include this information in the administrative record for this project. Feel free to call me, at (831) 459-2170, if you need further information information.

Sincerely,

John Barnes
Director of Campus Planning

Enclosure

CC: Frank Zwart, Campus Architect
Kelly Drumm, UCOP General Counsel
Steve Davenport, Marine Science Campus
Gary Griggs, Director, Institute of Marine Sciences

THE RESOURCES AGENCY

DEPARTMENT OF WATER RESOURCES

WATER WELL DRILLERS REPORT

No. 45827

...to with DWR

...ice # Intent No.

Permit No. or Date 1999?

State Well No.

Other Well No. 11S/2W-22

(1) OWNER: Name Univ. of CA - Santa Cruz
Office of Campus Facilities
...dress Santa Cruz, CA Zip 95064

(2) LOCATION OF WELL (See instructions):
...unty Santa Cruz Owner's Well Number 59-101-07
...ll address if different from above
...wnship Range Section
...tance from cities, roads, railroads, fences, etc. ½ m. W. on Delaware Avenue from Shaffer Rd -- 20' S. off road

N
S
SHAFFER RD
DELAWARE AVE
½ m
20' ⊗
WELL LOCATION SKETCH

(3) TYPE OF WORK:
New Well ☒ Deepening ☐
Reconstruction ☐
Reconditioning ☐
Horizontal Well ☐
Destruction ☐ (Describe destruction materials and procedures in Item 12)

(4) PROPOSED USE:
Domestic ☒
Irrigation ☐
Industrial ☐
Test Well ☐
Stock ☐
Municipal ☐
Other ☐

(5) EQUIPMENT:
...r ☒ Reverse ☐
... ☐ Air ☐
... ☐ Bucket ☐

(6) GRAVEL PACK:
Yes ☒ No ☐ Size #8 Sand
...meter of bore 15"
...cked from 0 ft. to 325 ft.

CASING INSTALLED:
☐ Plastic ☒ Concrete ☐

...m ft.	To ft.	Dia. in.	Gage or Wall	From ft.	To ft.	Slot size
0	50	16	¼	240	300	50
0	315	8	160			

(7) PERFORATIONS:
Type of perforation or size of screen: Factory Screen

WELL SEAL:
...urface sanitary seal provided? Yes ☒ No ☐ If yes, to depth 50 ft.
... strata sealed against pollution? Yes ☐ No ☒ Interval ft.
...d of sealing Grout

WATER LEVELS:
... of first water, if known ft.
...ing level after well completion 80 ft.

WELL TESTS:
...well test made? Yes ☒ No ☐ If yes, by whom? Maggiora Bros
... of test Pump ☒ Bailer ☐ Air lift ☐
... to water at start of test 236 ft. At end of test 295 ft
...arge 51.6 gal/min after 2½ hours Water temperature
...ical analysis made? Yes ☐ No ☒ If yes, by whom?
...dic log made? Yes ☒ No ☐ If yes, attach copy to this report

(12) WELL LOG: Total depth 325 ft. Depth of completed well 315 ft.
from ft. to ft. Formation (Describe by color, character, size or material)

0 - 3 Clay
3 - 14 Gray & Green Shale
14 - 30 Green Shale
30 - 50 Black Shale & Clay
50 - 105 Black Shale
105 - 110 Black & Brown Shale
110 - 195 Brown Clay & Gravel
195 - 325 Brown Sandy Clay

USGS LONG MARINE LABS WELL

Work started 5-25 19 77 Completed 5-28 19 77

WELL DRILLER'S STATEMENT:
This well was drilled under my jurisdiction, and this report is true to the best of my knowledge and belief.
SIGNED (Well Driller)
NAME Maggiora Bros. Drilling, Inc.
(Person, firm, or corporation) (Typed or printed)
Address 595 Airport Boulevard
City Watsonville, CA Zip 95076
License No. 249957 Date of this report Sept. 19, 1977

DWR 188 (REV. 7-76) IF ADDITIONAL SPACE IS NEEDED, USE NEXT CONSECUTIVELY NUMBERED FORM

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(page 2 of 20 pages)

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PHYSICAL PLANNING AND CONSTRUCTION

SANTA CRUZ, CALIFORNIA 95064

November 14, 2007

Charles Lester, Senior Deputy Director
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Dear Mr. Lester:

RE: Response to October 12, 2007 Letter from Don Stevens and November 9, 2007 Letter from Stephan Volker Concerning the UCSC Marine Science Campus Coastal CLRDP

Dear Mr. Lester:

This letter responds to the above-referenced letters by Don Stevens and Stephan Volker commenting on the Coastal Long Range Development Plan ("CLRDP") for the University of California, Santa Cruz ("UCSC") Marine Science Campus. Mr. Stevens's letter is organized into five issue areas, which are addressed in the following order, below: (1) changed circumstances since the CLRDP EIR was certified in 2004; (2) traffic mitigation measures; (3) housing impacts; (4) water supply impacts; and (5) combined impacts of the CLRDP and the University's 2300 Delaware Avenue Project. Mr. Volker's letter raises substantially the same issues, with the exception of 2300 Delaware Avenue, and is answered by the responses, below, to Mr. Stevens's letter.

In summary, Mr. Stevens's letter does not raise any issues that are not adequately covered in the 2004 CLRDP EIR, the 2006 Addendum, and other submittals by UCSC to the Commission (cf. letter to Charles Lester from Mary Hudson, July 23, 2007), with the exception of the degree of specificity provided in Section II of this response regarding the University's proposed fair share mitigation methodology for off-campus traffic impacts. The University has proposed a methodology for calculating UCSC's fair share costs and implementing fair share mitigation measures for significant traffic impacts, which will apply to all traffic fair share mitigations to which the campus has committed in CEQA documents, including the CLRDP EIR. There have been no changes in circumstances that implicate new significant effects on the environment or substantially more severe significant effects on the environment that were not analyzed in the 2004 CLRDP EIR and 2006 Addendum. Since 2004, the CLRDP was changed to reduce the scale of development and associated water demand for the Marine Science Campus, and the projected 2020 normal-year water demand for UCSC as a whole is below the amount assumed in the City's water planning. Additional discussion of possible supplementary water supply for the Marine Science Campus is provided below in Section IV of this letter. There is no relationship between the Marine Science Campus and the 2300 Delaware Avenue project that would result in the creation of cumulatively significant parking impacts. The court in the 2005 LRDP litigation

did not find fault with either the University's cumulative traffic analysis or the analysis of the 2300 Delaware Avenue project. Detailed discussion of these issues is presented below.

DISCUSSION

I. Changed Circumstances Since 2004

There have been no changes in circumstances since 2004, or since 2006 when the University adopted an addendum to the CLRDP EIR, which implicate new or substantially more severe significant effects on the environment that would require major revisions to the CLRDP EIR. (*See* CEQA Guidelines § 15162(a).) As discussed in more detail in Parts II through V of this letter, there have been no substantial changes with regard to cumulative development. For example, a recent traffic study completed by the City of Santa Cruz ("City") for the proposed Safeway project confirms that West Side traffic counts in 2007 are not significantly different from the conditions identified in the 2004 CLRDP EIR and the 2006 Addendum. (City of Santa Cruz 9/26/2007, p. 31 [excerpt attached]). With regard to housing, the AMBAG projections for regional growth have, in fact, *decreased* since the CLRDP EIR was certified.

Mr. Stevens's letter implies that the trial court's decision in litigation regarding the EIR for the 2005 Long Range Development Plan ("2005 LRDP"), which is the long range development plan for the main campus and not the Marine Science Campus, indicates that there are flaws in the CLRDP EIR. That is not the case. While the court found that the traffic fair share mitigation measures adopted by the University were insufficiently specific, the court did not conclude that the traffic analysis was flawed. This issue is addressed in more detail in Part II, below. As explained below in Part III, the court's ruling on the 2005 LRDP housing analysis is not applicable to the CLRDP EIR, which used a different analytical approach. No significant impact was identified with respect to housing or population in the CLRDP EIR or in the Addendum, which are certified, adopted documents that were not challenged. The conclusion of the water supply analysis in the CLRDP EIR is similar to the conclusion in the 2005 LRDP EIR; the need for a new water supply in the long term was identified, and the impact of the CLRDP in conjunction with other anticipated development, with respect to water supply, was concluded to be cumulatively significant. This issue is discussed further in Part IV, below. The cumulative analyses of the CLRDP and the 2300 Delaware Avenue project are discussed in Part V.

In summary, there are no changed circumstances that would require subsequent environmental review by the University or the Commission.

II. Traffic Mitigation

Both the CLRDP EIR and the 2005 LRDP EIR for the main campus identified that the two campuses' contribution to unacceptable levels of service at certain, identified off-campus intersections would be a significant impact. In addition to adopting measures to reduce the number of vehicle trips generated by the UCSC community, UCSC has committed in both the CLRDP EIR and the 2005 LRDP EIR to pay its fair share of the cost of improvements needed to maintain or improve the level of service at these intersections. The EIRs for the CLRDP and the 2005 LRDP, as well as environmental

documents for individual development projects under the 2005 LRDP, identify the significantly affected intersections and the percentage of traffic at each intersection that is attributable to campus construction and development activities under the CLRDP or LRDP, respectively.

The campus currently is engaged in litigation related to the 2005 LRDP EIR. The Santa Cruz County Superior Court has ordered UCSC to develop specific performance criteria for determining the University's fair share of the costs of traffic improvements identified in the 2005 LRDP EIR, and to develop and disclose an enforceable mechanism for payment of the University's fair share. UCSC has proposed a fully enforceable mechanism, described below, which involves calculating, accruing, and paying the University's fair share of the cost of mitigation of intersection level of service impacts to which UCSC contributes, which would apply to any UCSC development for which a traffic fair share mitigation commitment has been made, including development under the CLRDP. This mechanism is described in UCSC's Cowell Health Center Expansion and Renovation Project Draft Initial Study/Proposed Mitigated Negative Declaration, which presently is being circulated for public and agency review (UCSC 2007). Resolution of the LRDP litigation ultimately may result in adoption of criteria and a mechanism for payment that differ from and would supersede the methodology described below. If so, the revised mitigation method also would apply to the fair share traffic mitigation adopted for other UCSC projects, including the mitigation of CLRDP-related traffic impacts.

> ***Proposed Fair Share Mitigation Method:*** The campus' share of the cost of a particular improvement (its "fair share") is defined as a percentage equal to the campus's contribution of traffic at the affected intersection, as established by traffic distribution modeling, divided by the total traffic at the intersection, as established by periodic traffic counts at potentially affected intersections. This method of fair share calculation ensures that any prior unmitigated effects of campus traffic are taken into account in determining the campus's fair share of improvement costs. In addition, to ensure that the fair share contributions take into account campus traffic generated by enrollment growth and the incremental contributions of small projects, the campus verifies the actual number of trips generated by campus growth through semi-annual (fall and spring) counts of vehicles entering the campus, as well as intersection counts every three years. The campus has established a dedicated traffic improvement account for the collection of funds to be available to the City for its use in constructing improvements to intersections to which campus-related traffic contributes significantly. Upon notification by the City of Santa Cruz that a contract for such intersection improvements has been awarded, the University will pay its share of the cost, as determined using the methodology described above, from the dedicated account.

III. Housing

The Population and Housing analysis in Section 4.12 of the CLRDP EIR uses the standards of significance in Appendix G, Section XIII of the CEQA Guidelines, to assess whether population growth associated with the CLRDP would result in significant environmental impacts; i.e., whether the CLRDP would induce substantial population growth; displace substantial numbers of existing housing, necessitating the construction of additional housing elsewhere; or displace substantial numbers of people, necessitating the construction of additional housing elsewhere. (2004 CLRDP EIR, p. 4.12-1.) The 2004 CLRDP EIR identified no significant population and housing impacts associated with

implementation of the CLRDP despite a conservative analysis, which assumed that *all* of the enrollment and employment increases associated with the CLRDP would require in-migration of students and workers.

Population growth associated with the CLRDP would result in an increase of less than 0.3 percent in the population of Santa Cruz County, and only about 1.6 percent in the population of the city of Santa Cruz, based on projected population distribution. (UCSC 2006 [CLRDP EIR Addendum], p. 64; AMBAG 2004) This increase is not considered to be substantial. While the CLRDP was amended, in response to Coastal Commission comments, to eliminate 80 units of proposed new housing on the Marine Science Campus, and while this would increase the demand for housing off campus due to the CLRDP, as discussed in the CLRDP EIR the distribution of new population tends to be determined at a local level by the residential capacity that is available in the community. While it is assumed that CLRDP-associated persons would tend to prefer to reside close to their workplaces, to the extent that housing is not available in the City of Santa Cruz, these people would reside in other communities that have housing to offer and that are within reasonable commuting distance of the Marine Science Campus. (CLRDP EIR, p. 4.12-24; CLRDP EIR Addendum 2006, p. 65, fn. 27.)

As explained on page 62, footnote 26 of the 2006 Addendum to the CLRDP EIR,

> "Following certification of the 2004 CLRDP FEIR, the University published the UCSC 2005 LRDP Final EIR for the main UCSC campus. The UCSC 2005 LRDP EIR is a program level analysis of the 2005 LRDP land use plan and analyzes the main campus enrollment to 19,500 by 2020-21, including associated increases in building square footage and faculty and staff. The 2005 LRDP DEIR included the following different standard of significance for its population and housing analysis that was **not** [emphasis added] used in the CLRDP EIR: 'The proposed project would have a significant impact on population and housing if it would significant impact on population and housing if it would . . . contribute substantially to a cumulative demand for housing that could not be accommodated by local jurisdictions.' This standard is not included in the list of standards provided in CEQA Guidelines, Appendix G, which is used by many agencies . . . as the basis for defining significance thresholds in an EIR. Nor has this standard been adopted by the University for general application in project review under CEQA. The University chose to use the additional standard in connection with the main campus LRDP DEIR in response to concerns raised by community members about the scope of the planned expansion of the main campus and the potential effect on housing resources in Santa Cruz. In scoping for, and comment on the 2004 CLRDP FEIR, there was no comparable expression of concern about housing impacts. Accordingly, there was no basis at the time the 2004 CLRDP FEIR was prepared for augmenting the Appendix G thresholds to include an additional standard based on cumulative demand for housing. No such standard is required under CEQA and, in light of the history of this FEIR and the character of the changes to the CLRDP, no such standard has been applied in connection with this addendum."

As also stated in the 2006 Addendum on pages 65 to 66,

"In its updated report entitled: *2004 AMBAG Population, Housing Unit & Employment Forecasts* (AMBAG, 2004), AMBAG adjusted the population forecast for Santa Cruz County substantially downward. According to the 2004 AMBAG report, Santa Cruz County's 20-year growth forecast (using the years 2005 to 2025)[1] shows that Santa Cruz County's 2005 population of 267,544 persons would increase to 298,773 persons by 2025 (an annual average growth rate of 0.55 percent). Even within the context of this lowered 2004 AMBAG forecast, the 728 persons associated with the Marine Science Campus building program would be within the margin of error for the 20-year forecast and if added to the total forecasted population increase would not be substantial.

"The new AMBAG projection for Santa Cruz County is a substantially slower rate of growth than projected for the three-county AMBAG Region (1.32 percent), a slower rate than projected for California as a whole (1.27 percent),[2] a slower rate than the historical growth rate of Santa Cruz County between 1996 and 2005 (0.72 percent),[3] and finally a slightly higher rate (by 5/100ths of a percent) than the 0.50 percent annual growth rate set by the County Board of Supervisors for unincorporated Santa Cruz County.[4] In short, Santa Cruz County population growth appears to be neither unusual, unexpected, nor out of proportion to growth in the surrounding region or the state.

"Additional new information available since certification of the 2004 CLRDP FEIR is UCSC's adoption of the 2005 LRDP for the UCSC main campus. In it, UCSC proposed to increase the student population associated with the UCSC main campus to 19,500. The 2004 CLRDP FEIR analyzed cumulative conditions based on a projected UCSC main campus student population of 19,000—500 students less than proposed in the adopted LRDP. But while the new LRDP changes cumulative conditions with regard to population, the contribution made to cumulative population growth by the Marine Science Campus building program is not substantially different or greater than that analyzed in the 2004 CLRDP FEIR. Nor does the change in off-campus population associated with the elimination of 80 units of support housing from the CLRDP Building Program change the contribution to cumulative population growth made by the CLRDP."

The CLRDP EIR and Addendum have twice fully analyzed this issue, including following issuance of the 2005 LRDP EIR, and have concluded that the CLRDP will not have a significant effect on housing supply; no further analysis is required.

IV. Water Supply

---

[1] The 20-year period between 2005 and 2025 most closely corresponds to the CLRDP planning horizon.

[2] State of California, Department of Finance, *Population Projections by Race/Ethnicity for California and Its Counties 2000–2050*, Sacramento, California, May 2004); this analysis used 2000 through 2020 because a 2005 through 2025 projection was unavailable.

[3] State of California, Department of Finance, *Revised Historical City, County and State Population Estimates, 1991-2000, with 1990 and 2000 Census Counts*. Sacramento, California, March 2002. Also, State of California, Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties and the State, 2001-2006, with 2000 Benchmark*. Sacramento, California, May 2006

[4] See Appendix D, *2004 AMBAG Population, Housing Unit & Employment Forecast*.

The 2004 CLRDP EIR projected that CLRDP development would increase water demand by 19.8 million gallons per year ("mgy") (0.45 percent of system demand at the time). The EIR cited a November 2002 personal communication with Bill Kocher, Director of City of Santa Cruz Water Department, for the conclusion that this increase would not be considered a significant increase in water demand (CLRDP EIR, p. 4.14-16).

After certification of the CLRDP EIR, the CLRDP was amended in response to Coastal Commission comments. As noted above, this included elimination from the plan of 80 units of housing, which would reduce projected water demand from the CLRDP by approximately 5.6 MGY. Another modification to the plan, implementation of a Restoration Management Plan, would entail irrigation, which would partially offset the reduction in water demand. These changes, which were approved by the University following adoption of the 2006 Addendum, resulted in a net reduction in water demand due to the CLRDP of about 3.8 mgy when the 19.8 mgy estimated in the 2004 CLRDP EIR was recalculated in the 2006 Addendum to be 16 mgy of total new demand from full implementation of the CLRDP.

The Draft 2005 LRDP EIR for the main campus estimated that by 2020, total UCSC water use (including the Marine Science Campus) would be 399 mgy. The City's 1998 water demand projections, which were used (with some revisions) through 2005 in City water planning documents, projected a total UCSC demand of 408 mgy by 2010, with no subsequent increases. Therefore, during the period between 1998 and 2005, the City was taking into account in its planning all of the increased water demand projected by UCSC in its Draft 2005 LRDP, with a planning horizon of 2020.

The City's 2005 Urban Water Management Plan (UWMP, City of Santa Cruz Water Department 2006), identified potential UCSC water demand of almost 400 mgy by 2020, and explicitly took this projection into account in formulating the demand scenarios assessed in the 2005 UWMP. The 2005 UWMP compared projected demand with projected normal-year supply based on existing water sources through 2020, taking into account existing and planned conservation programs. This comparison (found in Table 5-3 of the UWMP) shows supply exceeding demand through 2015, with a normal year supply shortfall occurring sometime between 2015 and 2020 such that existing supply would not support additional development. The UWMP, therefore, concluded that a new source of water could be needed in normal water years sometime between 2015 and 2020. A conservative estimate in the UWMP, and recent environmental document prepared by the City of Santa Cruz, estimate the remaining capacity in the system at this time of about 300 mgy (City of Santa Cruz Water Department 2006: 5-10).

Based on the findings of the UWMP, the City of Santa Cruz prepared an Integrated Water Plan and EIR, in 2005, which evaluated a range of alternative means through which the City could augment its water supply. This study identified a desalination plant as the only feasible alternative to meet the projected demands of the system. According to environmental documents prepared by the City for several recently proposed projects (e.g. New Leaf Market Initial Study/ Mitigated Negative Declaration, City of Santa Cruz 2007), the City anticipates having a desalination plant in operation by 2015 to augment water supply during drought, with the capacity for expansion to provide additional supply during normal years. The City acknowledges, however, that there is some uncertainty regarding the timing of this development, since the project is still in design, and regulatory approvals will be required.

Thus, there is some uncertainty about the long term availability of water supply to serve the development envisioned in the CLRDP in the event that water demand exceeds supply as projected in the UWMP, and that the desalination plant does not come on line as presently envisioned by the City. Consistent with a recent Court ruling that if there is "uncertainty regarding actual availability of the anticipated future water sources, CEQA requires some discussion of possible replacement sources or alternatives to the use of the anticipated water, and of the environmental consequences of these contingencies" (*Vineyard*, p 835), UCSC has considered potential alternative water sources that could serve the demand of the CLRDP, described below.

There is good potential for an alternative water supply to be developed at the Marine Science Campus that could support some or all of the water demand of the campus, should City supplies be insufficient to serve CLRDP development sometime between 2015 and 2020. While the need for this ground water source has not been demonstrated at this time, in theory using this source would not have a significant effect on the environment following mitigation (which would be confirmed based on environmental review). A well drilled at the Marine Science Campus in 1977 was used for Long Marine Lab (LML) domestic water supply and irrigation until 1997 when the City began to supply water from its system to the campus and the well was filled and built over. Prior to the development of the LML, crops on the site had been irrigated from another on-site well (which has since been filled) (Steve Davenport, Long Marine Lab, personal communication). The domestic water supply well at the Long Marine Lab had a sustained yield of 50 gallons per minute (which is equivalent to about 26 mgy)(UCSC 1993:11), although the well was never used at this capacity. The LML domestic well was about 320 feet deep, and was probably screened in the Santa Margarita formation. This formation is overlain by Santa Cruz mudstone, which serves as an aquiclude. The Santa Margarita formation crops out north of Highway 1 with a down gradient toward the ocean, which allows for recharge by rainfall and creates a groundwater flow gradient toward the ocean. The formation potentially could crop out under the ocean; thus, there is some potential for seawater intrusion, but seawater intrusion was not a problem during the long period of well use and could be mitigated based on CEQA analysis should a new water supply well be needed. The continuing rain water recharge of the formation and the gradient toward the ocean would tend to counteract the potential for seawater intrusion as long as pumping does not exceed recharge. Redevelopment of this water supply would entail drilling a new well, and installation of a small pump facility and probably water storage tanks, which could be appropriately screened. If this source of water is needed at some time in the future, the facilities could be accommodated within the planned uses on the site, in areas designated for support facilities, and would be subject to the same types of environmental analyses and restrictions that would apply to any proposed project on the site. There would be no potential for adverse effects on surface water or shallow ground water resources (such as Antonelli Pond, Younger Lagoon or on-site wetlands) because of the depth of the aquifer that would be used and the thick section of impermeable Santa Cruz Mudstone overlying the aquifer.

V. Combined Impacts of CLRDP and 2300 Delaware

The traffic analysis in the 2300 Delaware EIR took into account both traffic associated with the CLRDP and traffic associated with the 2005 LRDP in its analysis of project level and cumulative traffic impacts in the West Side and elsewhere in Santa Cruz. UCSC development at 2300 Delaware was not foreseen in the CLRDP EIR, but the projected population growth at the main campus that was used to

construct the cumulative analyses in the CLRDP EIR very closely projected the future population at the main campus. The CLRDP EIR assumed 19,000 students and 5,250 employees at the main campus, for a total population increase of 24,250. The 2005 LRDP plans for 19,500 students and 5,074 employees, for a total population increase of 24,574. These two nearly identical growth figures form the basis of the cumulative traffic analyses in both EIRs.

Significant cumulative traffic impacts are identified in the 1988 LRDP EIR, EIRs tiered from the 1988 LRDP EIR, the 2005 LRDP EIR, and the CLRDP EIR. The CLRDP EIR identified significant impacts at the intersections of Mission/Bay and Mission/Chestnut. The EIR for 2300 Delaware Avenue, which took into account CLRDP development, identified significant impacts at the intersections of Empire/Western and Mission/ Bay. All of these impacts will be addressed through the fair share traffic mitigation measure discussed above. Moreover, the Court did not find any flaws in the cumulative traffic analysis or the cumulative analysis data used in either the 2005 LRDP EIR or the 2300 Delaware Avenue EIR.

Neither the CLRDP EIR nor the 2300 Delaware Avenue EIR identified a significant parking impact, either at the project level or cumulatively. Parking will be provided on site at the Marine Science Campus for all CLRDP development. The 2300 Delaware Avenue property also provides adequate parking for its users. The 2300 Delaware EIR includes mitigation measures to be implemented in the event that campus TDM measures prove ineffective in avoiding on-street parking impacts; these measures would ensure that no significant parking impact will result. Parking for access to the adjacent Natural Bridges State Park would not be impacted by the CLRDP, 2300 Delaware or both projects cumulatively.

CONCLUSION

The foregoing information addresses the issues raised in Mr. Stevens's and Mr. Volker's letters. As noted above, there have been no changes circumstances that implicate new significant effects on the environment or substantially more severe significant effects on the environment that were not analyzed in the 2004 CLRDP EIR and 2006 Addendum. Changes to the CLRDP since 2004 in response to comments from Coastal Commissioner have reduced the scale of development and associated water demand for the Marine Science Campus, and the Marine Science Campus has good potential to augment its water supply. The University has proposed a methodology for calculating UCSC's fair share costs and implementing fair share mitigation measures for significant traffic impacts, which will apply to all traffic fair share mitigations to which the campus has committed in CEQA documents, including the CLRDP EIR. The court in the 2005 LRDP litigation did not find fault with either the University's cumulative traffic analysis or the analysis of the 2300 Delaware Avenue project. Finally, there is no relationship between the Marine Science Campus and the 2300 Delaware Avenue project that would result in the creation of cumulatively significant parking impacts.

Please take the information above into account in preparing your staff report regarding the approval of the UCSC CLRDP. Please call me, at (831) 459-2170, if you wish to discuss any of these issues.

Sincerely,

John Barnes

John Barnes
Director of Campus Planning

CC: Gary Griggs, Director, Institute of Marine Sciences
Steve Davenport, Assistant Director, Institute of Marine Sciences
Frank Zwart, Campus Architect
Kelly Drumm, UCOP General Counsel

References

Association of Monterey Bay Area Governments (AMBAG)
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2007 Safeway Expansion Initial Study/ Mitigated Negative Declaration. September.

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2006 2005 Urban Water Management Plan. February.

Davenport, Steve
2007 Personal communication about the history of well use at the Long Marine Lab from Steve Davenport, Asst. Director and manager, Long Marine Laboratory.

University of California Santa Cruz (UCSC)
1993 UCSC Institue of Marine Science Long Marine Laboratory Master Plan. Prepared for UCSC by Bull, Stockwell and Allen, Architects; Keller, Mitchell Caronna, landscape Architects; and Brian, Kangas, Foulk, Civil Engineers.

UCSC
2004 Coastal Long Range Development Plan Environmental Impact Report.

UCSC
2006 UCSC 2005 Long Range Development Plan Final EIR. September.
UCSC Coastal Long Range Development Plan Environmental Impact Report Addendum 1. November 29.

UCSC
2007 Cowell Health Center Expansion and Renovation Initial Study/ Proposed Mitigated Negative Declaration. November 1.

Attachment 1

Excerpt from Safeway Expansion Initial Study regarding unchanged conditions for traffic analysis between 2003 and 2007 (City of Santa Cruz, 9/26/07:31):

> "A 2005 traffic study evaluated intersections conditions [in Westside Santa Cruz]...based on traffic counts conducted during summer and fall of 2003. Because the counts are now over three years old and some were taken during the summer when UCSC is not in session, the City requested that updated counts be reviewed and considered in the analysis. Peak hour traffic counts were collected for the City in May 2006 and December 2006. The review found that the Mission Street intersections with Swift, Almar and Bay all had lower volumes than the 2003 counts.... Additional counts were taken in March 2007, but again were similar or lower than the 2003 counts. Thus, the 2003 counts and resulting traffic analysis were determined to reflect the worst case traffic condition from which to evaluate the project".

Mary L. Hudson

ATTORNEY AT LAW

TRANSMITTED BY FACSIMILE AND E-MAIL

July 23, 2007

Charles Lester, Senior Deputy Director
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Dear Mr. Lester:

University of California, Santa Cruz, planning director John Barnes has asked me to provide an analysis concerning the CEQA-based rule against segmenting a project description as that rule applies to the environmental impact report (EIR) on the University's Marine Science Campus coastal long-range development plan (CLRDP). He requests the analysis focus on the EIR segmenting issue as it relates to the University's plans for use of existing facilities at 2300 Delaware Avenue in Santa Cruz (previously known as the Texas Instruments or TI facility). The analysis is provided below.

I. ISSUE

The issue is whether CEQA's segmentation rule requires that the CLRDP EIR include the planned uses of the 2300 Delaware property as part of the project covered by the CLRDP EIR.

II. CONCLUSION

The CLRDP EIR complies with CEQA's rule against project segmentation. Circumstances of the acquisition and planned use of the 2300 Delaware property clearly establish that it cannot properly be considered to be part of the project covered by the CLRDP. This conclusion is fully consistent with judicial applications of the rule. A contrary conclusion could not be supported by relevant provisions of the CEQA Guidelines or by court decisions involving the segmenting issue.

1505 Bridgeway, Suite 206, Sausalito, California 94965 ▫ (415) 331-7712 ▫ Fax (415) 331-7702

III. DISCUSSION

Under the CEQA Guidelines, the "project" that is subject to environmental review must be the "whole of an action." 14 Cal. Code of Regulations section 15378 (a).[1] This rule serves to assure that projects are not chopped up into smaller segments, resulting in piecemealing of environmental review and masking the full scope of project impacts.

The California Supreme Court provided guidance on the segmentation issue in deciding Laurel Heights Improvement Association v. Regents of University of California ("Laurel Heights I") (1988) 47 Cal.3d 376. That case involved the University's proposed use of a portion of a building for biomedical research. The project covered by the EIR excluded the eventual full occupation of the building based on uncertainty about precisely when and how it would be used. The court found this to be inadequate:

> "We hold that an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects."

Since the draft EIR had acknowledged that the University would eventually use the entire facility, the Court found that University's eventual full occupation of a building for biomedical research was a reasonably foreseeable consequence of a decision to occupy part of the building and would likely change the environmental effects. Accordingly, the future occupation of the building had to be included in the project description and impact analysis.

The two-part test of Laurel Heights I has been applied by courts in a wide range of factual settings. Here is a sampling:

> An EIR for a temporary expansion of prison was inadequate because the record showed that longer-term occupation of the "temporary" facilities was reasonably foreseeable and should have been included in the project description. City of Santee v. County of San Diego (1990) 214 Cal.App.3d 1438, 1454.

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[1] **Section 15378. Project.** (a) "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:

(1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700....

An EIR for a convention center did not have to cover provisions for expanded parking to avoid segmentation because the City had not yet determined which parking mitigation measure to use; until specific parking measures were adopted, their effects would remain abstract and speculative. Sacramento Old City Association v. City Council (1991) 229 Cal.App.3d 1011, 1024.

Impacts from future expansion of a church did not have to be included in EIR when county approval did not allow future expansion. Lucas Valley Homeowners v. County of Marin (1991) 233 Cal.App.3d 130, 161.

An EIR for a 1.8-mile stretch of highway need not include other possible roadway expansions in nearby areas because they were subject to other contingencies and were thus not reasonably foreseeable. Del Mar Terrace Conservancy v. City Council (1992) 10 Cal.App.4th 712, 731.

An EIR for county landfill expansion, which excluded other landfill projects in the area including one privately developed under contract to the county, was not improperly segmented because the record did not show that these were part of a contemplated larger project. Christward Ministry v. County of San Diego ("Christward II") (1993) 13 Cal.App.4th 31, 42.

An EIR for a large residential development was inadequate because the project description omitted reference to a wastewater treatment plant that would be necessitated by the project and without which, the residential project could not be developed. San Joaquin Raptor Center v. Stanislaus County (1994) 27 Cal.App.4th 713, 729-734. (The additional sewer capacity was a "crucial element" without which the proposed project could not go forward." *Id.* at 732.)

In National Parks and Conservation Association v. County of Riverside (1996) 42 Cal.App.4th 1505, the court rejected a segmenting claim, concluding that materials recovery facilities were not " 'crucial elements without which the proposed [landfill] project cannot go forward' [citing San Joaquin Raptor] because . . . the design of the landfill treats them as separate projects, not elements of the project." (*Id.* at 1519.)

Tentative reservation of waste disposal sites did not make them a reasonably foreseeable consequence of county integrated waste management plan, requiring their inclusion in the EIR; only full reservation creates a "commitment" to develop the site. Pala Band of Mission Indians v. County of San Diego (1999) 68 Cal.App. 4th 556, 562.

In an airport expansion EIR, other anticipated projects at the airport were not part of the project because they were not shown to be a foreseeable consequence of the airport expansion. Berkeley Keep Jets Over the Bay Commission v. Board of Port Commissioners (2001) 91 Cal.App.4th 1344, 1362 (three runways were not

considered to be segmented from the larger airport expansion because they were not "inseparable" from or "linked to" the rest of the expansion; the runways were, therefore, properly analyzed as a cumulative project.).

These and other decisions on the segmentation issue emphasize the factual relationship between the original project and the activity claimed to have been improperly omitted. The courts inquire: Is the latter really a later phase of former, as in Laurel Heights and Santee? Or do the two merely contribute to the same pool of cumulative impacts, as in Christward Ministry? Is the later project clearly the inevitable consequence of the earlier one, as in San Joaquin Raptor, or does the record fail to support such an assertion, as in Berkeley Jets? Are too many contingencies in play to allow the "reasonably foreseeable consequence" determination, as in Del Mar and Pala Band? Is the later project integral to, or a crucial part of the earlier project, as in San Joaquin Raptor, or does it fail to meet those standards, as in National Parks and Berkeley Jets? In all cases, the factual record is critically important in determining whether there has been improper segmentation of the project description and analysis.

In the case of the CLRDP EIR, the factual record shows unambiguously that the TI project, now known as the 2300 Delaware project, is not, and never has been considered to be part of the Marine Science Campus project. Instead, it has been earmarked from the start for use in support of the UCSC Main Campus, as is reflected in the 2005 long-range development plan (2005 LRDP) for the Main Campus.

The distinction is shown in the sequence of events as well as relevant CEQA documents. The draft EIR for the proposed CLRDP was published in January 2004, at a time when UCSC was just beginning to consider acquisition of the TI property. The draft EIR does consider the alternative of off-site location of campus functions such as storage and laydown areas somewhere in the city's Westside area, but the alternative is rejected as contrary to objectives of functionality and efficiency of campus operations. The discussion notes that if any Westside property were purchased, it would be likely to be used to consolidate the academic and administrative functions of the UCSC Main Campus then housed in leased facilities in the Westside area. (Draft EIR for CLRDP, p. 5-10.)

In May 2004, in connection with the proposed acquisition of the TI property, the University prepared an initial study and notice of exemption which indicated that the University intended to use two of the three TI buildings for office space and the third building for storage, all associated with the Main Campus. There was no indication in the initial study or notice of exemption that Marine Science Campus uses were envisioned for the TI site.

When commenters on the draft EIR for the CLRDP questioned whether the TI site could be used for some Marine Science Campus functions, responses in the CLRDP's final EIR rejected the idea, noting that TI property had been acquired in order to

consolidate UCSC administrative office space already housed in off-campus leased buildings primarily on the west side of the city. Some relocation of staff from overcrowded facilities on the Main Campus was also being considered. (CLRDP Final EIR, pp. 4-133 and 4-130.)

This factual record provides no basis for considering the 2300 Delaware project to be part of the project covered by the CLRDP EIR. Nothing in the record indicates that acquisition of the Delaware property was the reasonably foreseeable consequence of the Marine Science Campus project. That project was fully formed before acquisition of the Delaware property even became a possibility. And from its inception, the Delaware project was identified with objectives that had nothing to do with the Marine Science Campus. Further, the EIR for the Marine Science Campus consistently rejected the idea of using off-site facilities as inconsistent with operational needs. For all these reasons (and in contrast to the facts in the City of Santee case), there can be no reasonable expectation that in the longer term, 2300 Delaware will be occupied by Marine Science Campus uses.

In short, the record shows no connection between the two projects other than their common linkage to the University and their location in the same general area of the city. As shown in the cases cited above, these factors do not meet the "reasonably foreseeable consequence" test adopted by the California Supreme Court in Laurel Heights I. The CLRDP EIR has met CEQA requirements for avoiding segmentation of the project description and piecemealing of environmental impact analysis.

Finally, I note that the TI / Delaware project *was* properly included in the 2005 EIR for the Main Campus LRDP, where it was analyzed as a near-term project. It was projected to meet space needs of the Main Campus -- primarily consolidation of existing administrative uses now in leased facilities in the Westside area. The project was included in the EIR's analysis of cumulative environmental effects including those on traffic, population, housing, and water supply.

Please feel free to contact me if you have any further questions on these or related issues.

Sincerely,

Mary L. Hudson, for
University of California, Santa Cruz

cc: John Barnes
Gary Griggs
Kelly Drumm

CCC Exhibit E
(page 14 of 20 pages)

UNIVERSITY OF CALIFORNIA, SANTA CRUZ

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SANTA CRUZ, CALIFORNIA 95064

19 September 2007

Chair Kruer and Members
of the California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 92415

Re: University of California, Santa Cruz
Marine Science Campus Coastal Long Range Development Plan

Dear Chair and Commissioners:

I respectfully ask the California Coastal Commission to allow UC to keep the upper beach of the Younger Lagoon Reserve (YLR) closed to unsupervised public access on a permanent basis instead of requiring the UCSC/NRS to resubmit Notices of Impending Development (NOID) every 5 years. Younger Lagoon Reserve and LML staffs accept the responsibility of submitting a NOID within a year to ask approval of the physical and logistic plans for YLR beach tours and monitoring.

I am extremely grateful to CCC staff for all the work they have done towards respecting the need to keep the beach closed to general public access in support of NRS protection of the natural resources. I am also grateful that we have achieved a measure of respect for the fact that YLR programs, including use of the beach, do provide public access albeit in a manner consistent with protection of the beach as a natural resource, a buffer to the inner habitats of YLR, and as a UC/NRS reserve dedicated to preserving natural habitats in the interests of the public for public education, university teaching, and research. But I believe it to be in the best interests of all involved to extend that protection from 5-year segments to long-term at this time and as long as NRS continues to operate a natural reserve at Younger Lagoon.

UCSC commits to providing increased public education at YLR and to initiate tours to the beach area to interpret the special ecology of the beach interface between terrestrial and marine systems. We will commit to a regular program of monitoring the condition of the beach and providing such data as part of the annual CLRDP report to CCC. We will provide user data, specific data on the tours, and monitoring data to include the condition of the beach strand vegetation, presence/absence of the endangered tidewater goby, and use of the beach by wildlife (especially birds and mammals). To do this effectively we need to concentrate our time and funds on these efforts. If we have to struggle to satisfy a NOID process every 5 years the quality of our programs will suffer and the public will be less well served.

But even more important than straining our limited resources, is the problem of jeopardy to the NRS reserve operation. It has been suggested that we will need to provide evidence that our program does protect the beach ecology by comparison with some other reference beach. It has also been suggested that if the level of use by our programs does not show damage to the beach, then we might be required to increase our public tour program. The situation is that we will be required to increase our use until damage occurs. That is diametrically opposed to the NRS goal of protecting its reserves from damage. It takes continuous effort to protect a natural resource but it takes only one bad incident to cause a level of destruction that will not be reversed for decades. Science can only prove damage once damage has occurred; the NRS goal is to prevent damage.

My spring class in Environmental Field Methods (ENVS104A) just completed 2 initial studies at the YLR beach. One, a study on bird uses of the beach in the off-season, demonstrated a significantly higher diversity of birds using the YLR beach as compared with Natural Bridges, Cowell, and Wilder State beaches. The second study demonstrated that, on that portion of the beach targeted for public use and considered insignificant vegetation by CCC staff, there are over 230 individuals of native plant species of the coastal strand and some of these are flowering and setting seed. It is well known that individuals living on the edge of populations are under strong selection and in the years when they do contribute pollen or seed to the general population they are highly significant in maintaining the genetic diversity of the population. Loss of genetic diversity is a major concern with small, isolated populations. Therefore sound conservation principles dictate that protection of this portion of the vegetation is essential. These data not only support beach closure but also demonstrate how UCSC students contribute to reserve management while getting credit towards their own degrees.

I have made arguments in the past to the effect that allowing open public access to that beach will lead to severe damage to the rest of YLR (declared to be ESHA by CC staff) and will contradict the identity of YLR as a University of California Natural Reserve in my letters of January 15, 2006, and again in my letter of April 5, 2006. In addition we submitted a report on the need for protection of YLR and its beach along with the interim access plan in March 2000, citing extensive reference to the negative effects of disturbance on species. This literature is growing and is fully consistent with the premise that disturbance is expected to result in loss of populations and species from native habitats. I believe it is time for the Commission to uphold its previous decisions that the beach should be allowed supervised access only and make this a permanent condition.

UC/NRS shares 2 responsibilities with the Commission; ONE to protect natural resources and TWO to provide appropriate public uses. I ask the commission not only to fully support the recommended closure of this beach but also to support that NRS is providing both protection to the natural resource in a manner commensurable with its and the Commission's mission and to support UCSC in providing the highest quality of public programming for YLR and its beach by not diverting efforts to endless political battles over a case that has already been more than adequately demonstrated.

Thank you for your consideration,

Margaret H. Fusari

Margaret H. Fusari
Director, UCSC Natural Reserves

cc: S. Thorsett
G. Griggs
D. Croll
J. Barnes
S. Davenport
V. Nakayama
P. Douglas
C. Lester
D. Carl

CCC Exhibit E
(page 20 of 20 pages)

CITY OF
SANTA CRUZ

MAYOR AND CITY COUNCIL

809 Center Street, Room 10, Santa Cruz, CA 95060 • (831) 420-5020 • Fax: (831) 420-5011 • citycouncil@ci.santa-cruz.ca.us

April 6, 2006

Mr. Dave Potter
County of Monterey
Board of Supervisors
Monterey Courthouse
1200 Aguajito Road, Suite 1
Monterey, CA 93940

RE: UCSC Marine Science Campus Coastal Long Range Development Plan (CLRDP), Item W15c. California Coastal Commission, April 12, 2006 Public Hearing

Dear Commissioner Potter: Dave

I am writing to request your support for the improvement of Shaffer Road as part of the approval of the proposed UCSC Marine Science Campus CLRDP. Certification of the proposed CLRDP will be before the Coastal Commission at the April 12, 2006 hearing in Santa Barbara.

The City of Santa Cruz considers the improvement of Shaffer Road as an essential, secondary access to the Marine Science Campus site to help ensure public health and safety in the event of an emergency situation. The City felt so strongly about this issue that we flew down City representatives to your February 10, 2006 public hearing on this matter in Chula Vista to emphasize in person to the Coastal Commission the City's concern regarding the need for improvement of Shaffer Road.

The current Coastal Commission staff recommendation for the proposed CLRDP includes deferring consideration for the improvement of Shaffer Road on the UCSC property until a separate Local Coastal Program (LCP) amendment is submitted by the City of Santa Cruz. As the primary emergency responder to the site, we are in strong disagreement with this recommendation. The requirement for the improvement of Shaffer Road as part of this CLRDP is critical in order to adequately serve the new campus in emergency situations. There is no

timetable for a separate LCP amendment on the property to the east of Shaffer Road, and the improvement of Shaffer Road does not depend on this property.

Existing access to the site is limited to Delaware Avenue. The City has long identified the improvement and connection of Shaffer Road to State Route 1 (Mission Street), rather than Delaware Avenue, as primary access to the proposed Marine Science Campus and other sites located in the far west side of the City. With the proposed build-out of the Marine Science Campus, the City feels that now is the time for improvement of Shaffer Road, not the future. Delaware Avenue serves an industrial area on the west side as well as residential neighborhoods. Delaware Avenue, as discussed in detail below, is subject to potential disruption which could inhibit rapid exiting of the public from the new campus.

The Marine Science Campus site includes 162,000 sq. ft. of existing buildings for visitor serving/education, research, laboratory, and wildlife rescue uses. The proposed plan calls for an additional 377,850 sq. ft. of net new building space with marine research/education and housing uses, and 152,000 sq. ft. for outdoor research, storage, and maintenance uses. At build-out, the campus will contain approximately 692,000 sq. ft. of uses populated with students, visitors, residents, and employees.

As recommended by Coastal Commission staff, the site will only be served by Delaware Avenue, which is an existing two-lane road. The City of Santa Cruz is responsible for providing fire, medical, police, and other emergency response services to the site, and it would be irresponsible for it not to expect secondary access to be provided to this planned development, especially considering the amount of building square footage and daytime/nighttime population proposed under this CLRDP.

Delaware Avenue is not a reliable access to the subject area during times of flooding or seismic events. As shown on the attached maps a section of Delaware Avenue crosses Moore Creek near the entrance of the proposed Marine Science Campus. A large drainage culvert system passes under Delaware Avenue. A failure of the culvert may close the road for an extended period of time. This section of Delaware Avenue is also located in a high-hazard flood zone and liquefaction zone, and the highest hazard tsunami inundation zone. In the event of a flood and/or seismic event, Delaware Avenue could be impassable for emergency vehicles to access the site or to evacuate the public from the area.

Natural Bridges State Park is located on the southern side of Delaware Avenue near the Marine Science Campus. This area has a large vegetation component, which is immediately adjacent to Delaware Avenue. A fire in this area may also impede travel of emergency vehicles to the new campus. Additionally, tall trees bordering Delaware Avenue could deem the road impassable if one or more should fall.

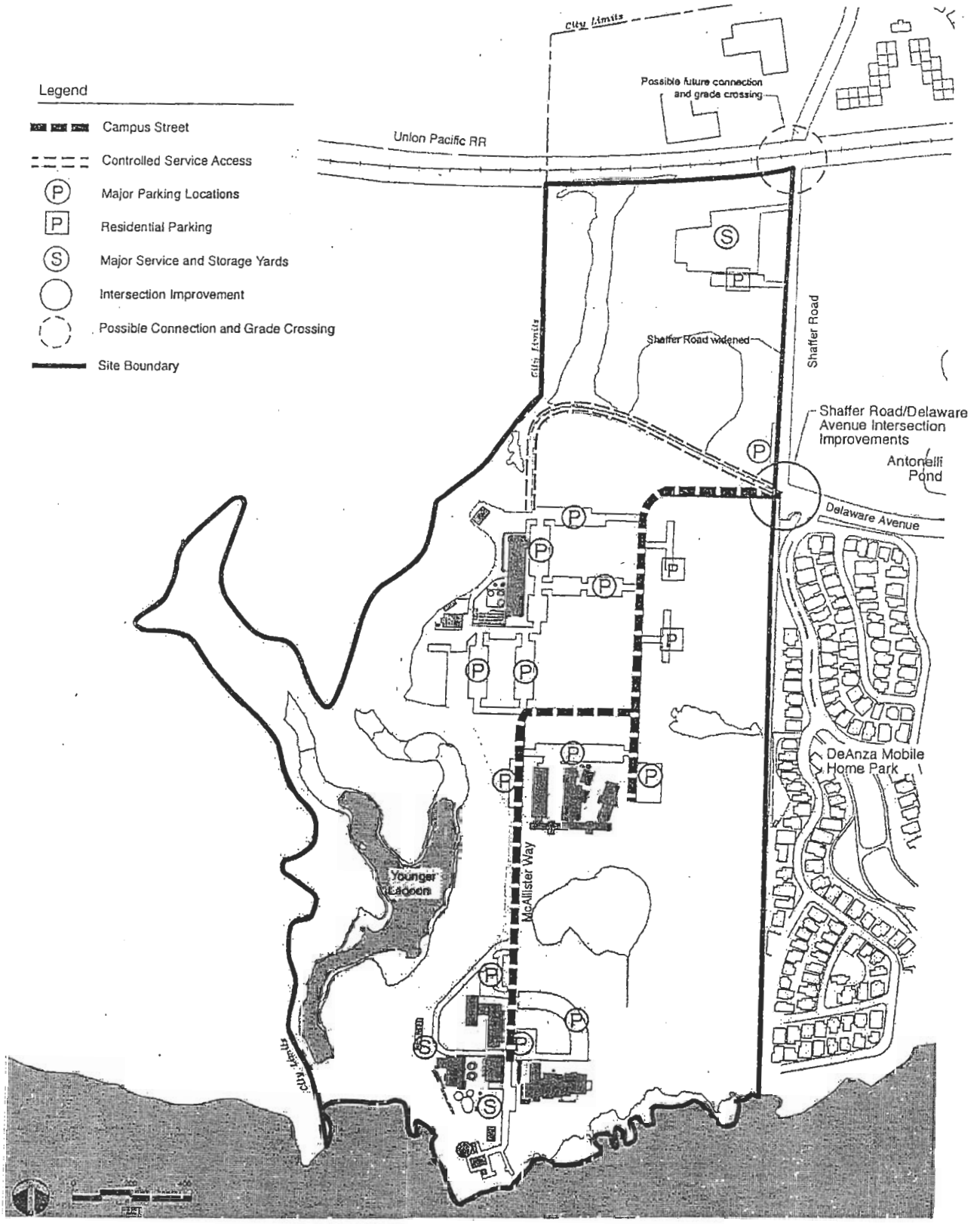
In summary, the City of Santa Cruz is not against the UCSC Marine Science Campus proceeding as recommended by Coastal Commission staff. However, the City feels the recommendation is faulty without a provision for the secondary access of Shaffer Road. Thank you for your consideration of this important public safety matter.

Sincerely,

Cynthia Mathews
Mayor

cc: Emily Reilly, Vice Mayor
Ryan Coonerty, Councilmember
Tim Fitzmaurice, Councilmember
Tony Madrigal, Councilmember
Ed Porter, Councilmember
Mike Rotkin, Councilmember
Peter Douglas, Executive Director, California Coastal Commission
John Barnes, Director of Campus Planning, University of California at Santa Cruz

Attachments: Site Plan
FEMA Flood Hazard Areas
Tsunami Inundation Areas
Liquefaction Hazard Areas
Santa Cruz City Fire Map
General Provisions for Safety (California Fire Code)



SOURCE: Draft CLRDP

Figure 3-8
Circulation and Parking Diagram

CCC Exhibit F
(page 4 of 10 pages)

FEMA Flood Hazard Areas

City of Santa Cruz

FEMA Flood Zones based on Digitized FEMA Flood Insurance Rate Maps(FIRMs). Zones shown include A, Areas of 100 year flood, B Areas between the limits of the 100 year flood and the 500 year flood,and V, Areas of 100-year coastal flood with velocity (wave action).

Features in FEMA Flood Zones

- 2,413 Parcels
- 109 Named Roads
- 11 Unnamed Road
- 2,253 Structures
- 1 Fire Station

Value of Improvements and Personal Property Based on Assessment Roll (12/22/04): $571,543,411

Legend

- FEMA Flood Zones (A, B, and V)
- City of Santa Cruz

0 1 Miles

206-04 Santa Cruz County GIS Draft 12/22/04

CCC Exhibit F (page 5 of 10 pages)

Tsunami Inundation Areas

City of Santa Cruz

Tsunami Inundation Areas are based on 2 foot contour data in urban areas and 10 foot contour data in rural aeras. Wave intensity and direction was not included in this analysis.

Features within 15 meter run-up:

- 5,979 Parcels
- 240 Named Roads
- 33 Unnamed Roads
- 6665 Structures
- 2 Public Schools
- 1 Fire Station

Value of Improvements and Personal Property based on Assessment Roll (12/22/04): $1,119,093,199

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Inundation Levels

- 0 - 5 meter
- 5 - 10 meter
- 10 - 15 meter
- 15 - 20 meter
- 20 - 25 meter
- Over 25 meter

0 1 Miles

206-04 Santa Cruz County GIS Draft 10/22/04

Liquifaction Hazard Areas

City of Santa Cruz

Liquefaction data based on map titled "Geology and Liquefaction Potential of Quaternary Deposits in Cruz County" by William R. Dupre' 1975.

Features in High and Very High Liquifaction Hazard Areas

- 3627 Parcels
- 176 Named Roads
- 30 Unnamed Roads
- 4015 Structures
- 1 Public School
- 1 Fire Stations

Value of Improvements and Personal Property based on Assessment Roll (12/22/04): $824,897,480

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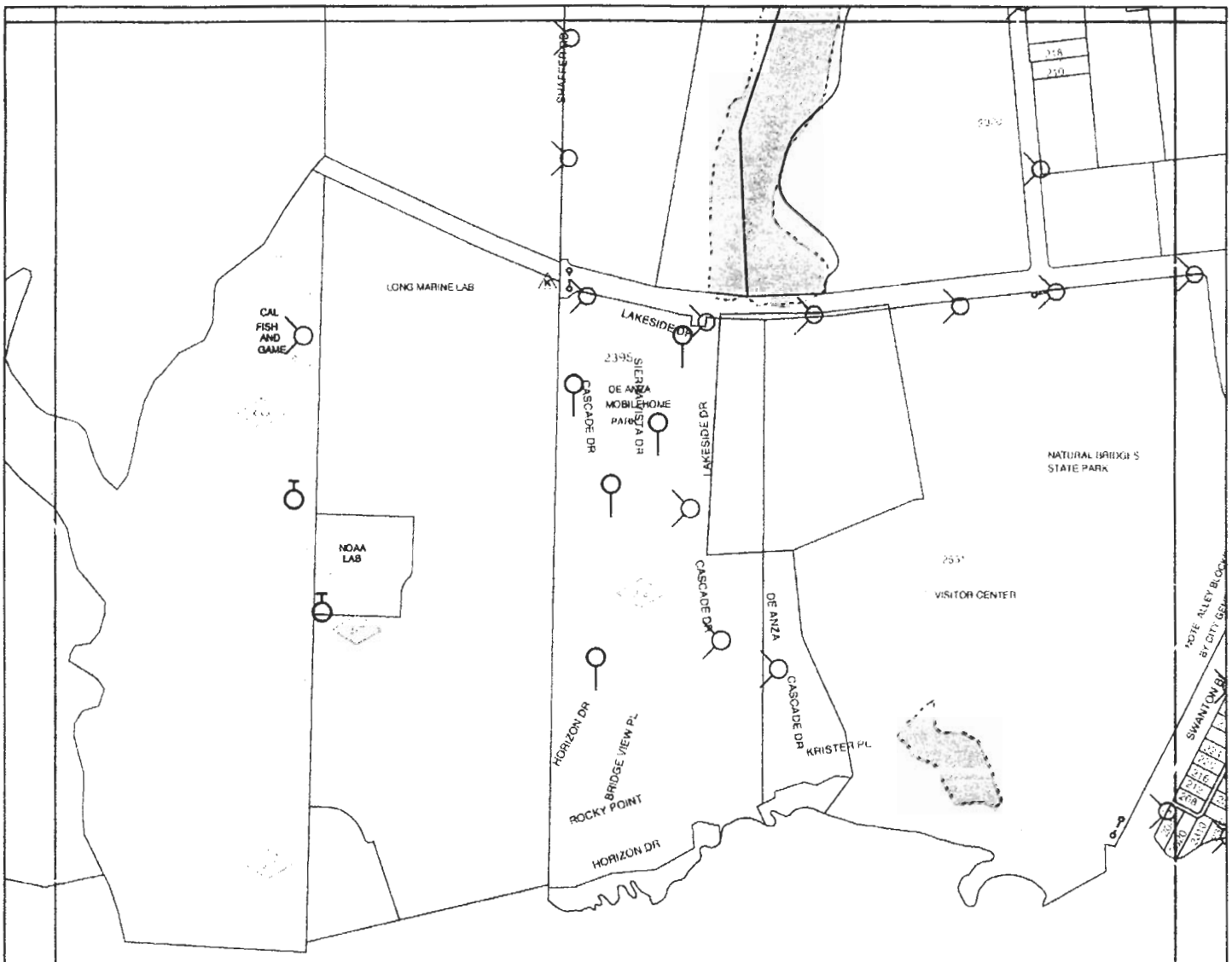
0 1 Miles

206-04 Santa Cruz County GIS Draft 12/22/04

Liquifaction Potential

- Very High
- Moderate
- High
- Low



CCC Exhibit F
(page 8 of 10 pages)

N

U18

SANTA CRUZ CITY FIRE

U18

Oct 16, 2002

S17	S18	S13
T17	T18	T19
U17		U19

PART III

GENERAL PROVISIONS FOR SAFETY

ARTICLE 9 — FIRE DEPARTMENT ACCESS AND WATER SUPPLY

SECTION 901 — GENERAL

901.1 Scope. Fire department access and water supply shall be in accordance with Article 9.

For firesafety during construction, alteration or demolition of a building, see Article 87.

901.2 Permits and Plans.

901.2.1 Permits. A permit is required to use or operate fire hydrants or valves intended for fire-suppression purposes which are installed on water systems and accessible to public highways, alleys or private ways open to or generally used by the public. See Section 105, Permit f.1.

EXCEPTION: A permit is not required for persons employed and authorized by the water company which supplies the system to use or operate fire hydrants or valves.

901.2.2 Plans.

901.2.2.1 Fire apparatus access. Plans for fire apparatus access roads shall be submitted to the fire department for review and approval prior to construction.

901.2.2.2 Fire hydrant systems. Plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

901.3 Timing of Installation. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.

EXCEPTION: When alternate methods of protection, as approved, are provided, the requirements of Section 901.3 may be modified or waived.

901.4 Required Marking of Fire Apparatus Access Roads, Addresses and Fire-protection Equipment.

901.4.1 General. Marking of fire apparatus access roads, addresses and fire-protection equipment shall be in accordance with Section 901.4.

901.4.2 Fire apparatus access roads. When required by the chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.

901.4.3 Fire-protection equipment and fire hydrants. Fire-protection equipment and fire hydrants shall be clearly identified in an approved manner to prevent obstruction by parking and other obstructions.

When required by the chief, hydrant locations shall be identified by the installation of reflective markers.

See also Section 1001.7.

901.4.4 Premises identification. Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

901.4.5 Street or road signs. When required by the chief, streets and roads shall be identified with approved signs.

901.5 Obstruction and Control of Fire Apparatus Access Roads and Fire-protection Equipment. See Sections 902.2.4 and 1001.7.

901.6 Fire Protection in Recreational Vehicle, Mobile Home and Manufactured Housing Parks, Sales Lots and Storage Lots. Recreational vehicle, mobile home and manufactured housing parks, sales lots and storage lots shall provide and maintain fire hydrants and access roads in accordance with Sections 902 and 903.

EXCEPTION: Recreational vehicle parks located in remote areas shall be provided with protection and access roadways as required by the chief.

SECTION 902 — FIRE DEPARTMENT ACCESS

902.1 General. Fire department access roads shall be provided and maintained in accordance with Sections 901 and 902.

For access to residential developments of three or more dwelling units, the chief may be guided by Appendix III-E.

902.2 Fire Apparatus Access Roads.

902.2.1 Required access. Fire apparatus access roads shall be provided in accordance with Sections 901 and 902.2 for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45 720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility. See also Section 902.3 for personnel access to buildings.

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic fire sprinkler system, the provisions of Sections 902.2.1 and 902.2.2 may be modified by the chief.

2. When access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades or other similar conditions, the chief is authorized to require additional fire protection as specified in Section 1001.9.

3. When there are not more than two Group R, Division 3, or Group U Occupancies, the requirements of Sections 902.2.1 and 902.2.2 may be modified by the chief.

More than one fire apparatus road shall be provided when it is determined by the chief that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

For high-piled combustible storage, see Section 8102.6.1.

For required access during construction, alteration or demolition of a building, see Section 8704.

902.2.2 Specifications.

902.2.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

EXCEPTION: Vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance when approved.

903.4.2 Required installations. The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises or both to be protected as required and approved. See Appendix III-B.

Fire hydrants shall be accessible to the fire department apparatus by roads meeting the requirements of Section 902.2.

903.4.3 Protection, marking and obstruction of hydrants. Fire hydrants subject to possible vehicular damage shall be adequately protected with guard posts in accordance with Section 8001.11.3. For marking, see Section 901.4.3. For obstruction, see Section 1001.7.

903.4.4 Maintenance and use of hydrants. See Sections 1001.5 and 1001.6.2.

Stephan C. Volker
Joshua A.H. Harris

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10.38-C.01

November 9, 2007

Dr. Charles Lester, Senior Deputy Director
Dan Carl, Coastal Planner
California Coastal Commission
Central Coast District Office
725 Front Street
Santa Cruz, CA 95060

Re: UC Santa Cruz Marine Sciences Coastal Long Range Development Plan

Dear Dr. Lester and Mr. Carl:

We write on behalf of our client, the Coalition for Limiting University Expansion (CLUE) to point out that the 2004 EIR for the Marine Sciences CLRDP does not provide an adequate basis for the California Coastal Commission, as a responsible agency, to adequately assess the impacts of and potential mitigation measures for this plan. CEQA Guidelines section 15096(b) requires that a responsible agency must "insure that the documents it will use [in reviewing a project] will comply with CEQA." Guidelines section 15096(e) directs that where, as here, an EIR is demonstrably deficient, an responsible agency should prepare a subsequent EIR under CEQA Guidelines section 15162 or assume the lead agency role under CEQA Guidelines section 15052(a)(3).

The Marine Sciences CLRDP EIR suffers from the same deficiencies which caused the Santa Cruz County Superior Court to set aside the EIR for UC Santa Cruz's 2005 Long Range Development Plan. That ruling points out that the 2005 LRDP EIR fails to properly identify and assess the water supply and housing impacts of the growth proposed in the 2005 LRDP, contrary to the Supreme Court's recent ruling in *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 428-435, 438-445. Additionally, the Court's ruling finds that the 2005 LRDP EIR failed to identify mitigation measures that were sufficiently specific and enforceable to assure that the traffic impacts of the growth permitted by the 2005 LRDP would in fact be mitigated, contrary to CEQA Guidelines section 15126.4(a)(2).

As our client has demonstrated in previous comments to the California Coastal Commission, the Marine Sciences CLRDP EIR likewise fails to identify and assess the water supply and housing impacts of the growth proposed by the CLRDP. The water supply analysis in the CLRDP EIR is virtually identical to the defective analysis presented in the 2005 LRDP EIR which the Superior Court has set aside. The housing impact analysis for the CLRDP EIR similarly fails, as did the University's LRDP EIR, to explain where and how adequate housing will be provided to absorb the population growth that will result from the 2005 LRDP.

Although the CLRDP EIR admits that there will be significant traffic impacts, it fails to present specific traffic mitigations that are sufficiently enforceable to assure that these impacts will be reduced to insignificance, in violation of CEQA Guidelines section 15126.4(a)(3). The identical deficiency in the LRDP EIR prompted the Superior Court to set aside the latter document.

For the foregoing reasons, we urge the California Coastal Commission to decline to accept and rely upon the Marine Sciences CLRDP EIR, and instead to require the University to either (1) prepare a Subsequent or Supplemental EIR for this project as required under CEQA Guidelines sections 15096(e)(3), 15162 and 15163, or (2) prepare an entirely new CLRDP EIR, consistent with Judge Burdick's ruling in the 2005 LRDP EIR litigation.

Very truly yours,

Stephan C. Volker,
Attorney for Coalition to Limit
University Expansion

SCV:taf

CCC Exhibit 9
(page 2 of 4 pages)

October 12, 2007

Dr. Charles Lester and Dan Carl
California Coastal Commission
Central Coast District Office
725 Front St.
Santa Cruz, CA 95060

Re: UC Santa Cruz CLRDP

Dear Dr. Lester and Mr. Carl,

I am writing to you with concerns I have about the proposed UCSC CLRDP.

As you many know, since the 2004 EIR for the CLRDP was certified by the UC Regents, UCSC has proposed a large growth plan for its main campus. The 2005 LRDP EIR was opposed in Court by the City and the County of Santa Cruz. On September 21, 2007 the Santa Cruz County Superior Court de-certified the EIR for the main campus on the grounds that it is deficient with respect to water supply, traffic mitigations, and housing.

I am concerned about the Terrace Point CLRDP because of the changed circumstances since 2004 and the fact that the 2004 EIR for this project suffers from nearly identical flawed analysis and lack of enforceable mitigations that prevailed in the now de-certified 2005 EIR for the main campus.

For example, it is clear from the CLRDP EIR that there will be significant traffic impacts, yet the traffic mitigations proposed by UCSC are not binding or enforceable. As a CEQA equivalent agency, the Coastal Commission should require binding and enforceable traffic mitigations that are consistent with the ruling of the Santa Cruz County Superior Court.

There will also be significant housing impacts and yet there is no specificity in the EIR about where this housing will be provided and thus a lack of analysis of the environmental impacts that would result from such housing. Again, this was determined to be inadequate by the court.

The water supply analysis is also flawed because it is nearly identical to the analysis used for the main campus where the court determined there was not enough water for UCSC growth, of which this is a part.

Finally, the 2005 EIR for UCSC property at 2300 Delaware Avenue, which is under Coastal Commission jurisdiction, was rejected by the court as well for the reasons cited above. In particular, the combined impacts, due to their close proximity, on traffic and parking by the 2300 Delaware project and Terrace Point are much more significant than

what was analyzed by UCSC in the CLRDP EIR, including access to Natural Bridges State Park.

In summary, I strongly urge you to require UCSC to include binding and enforceable mitigations for the CLRDP that are consistent with the recent court ruling.

Thank you very much for your attention.

Sincerely,
Don Stevens
320 Cave Gulch
Santa Cruz, CA 95060