

October 31, 2018

Lee Jaffe
124 Hagar Court
Santa Cruz, CA 95064
leejaffe54@gmail.com

Director of Campus Planning
Physical Planning & Construction
University of California, Santa Cruz

I wish to submit the following statement in response to the revised Draft Environmental Impact Report for the proposed Student Housing West project. To be specific, I wish to state my opposition to the proposal to develop the East Meadow.

I worked at UC Santa Cruz from 1987 until retiring in 2014. During my time on campus, I served on the building committees for the Science Library and the McHenry Renovation and Addition. I also served on a campuswide wayfinding working group which, in part, tried to address how to make the west entrance an attractive, coherent and effective introduction to the campus. I have lived on campus, near the site of the proposed Hagar component, for almost 20 years. For the last 10 years, I have been an avid bird watcher and nature photographer, centered on the natural habitat of the UC Santa Cruz campus.

My building committee experience gives me a realistic understanding of how construction projects are developed and implemented on campus. These projects are always a matter of compromise, at best, and sometimes are significantly diminished. At the same time, my longterm, day-to-day familiarity with the proposed Hagar site and surrounding area gives me a realistic understanding how the choice of this location will – or will not – serve the project's objectives, as well as what may be lost if it proceeds. There is nothing about the proposed East Meadow site – its location, terrain, adjacent facilities – that contributes to the project's objectives. In fact, there are significant drawbacks to the site that diminish the proposal's effectiveness. And, at the same time, the proposed construction poses a grave and irredeemable threat to a unique natural habitat. This view has been validated by responsible parties, including the campus's own Design Advisory Board.

In my informed and considered view, the Draft Environmental Impact Report (DEIR) overstates the case for locating the Family Student Housing and the daycare center on the East Meadow site.

- Expedient choice — The site selection was never a matter of preferred choice but of expediency, a last-minute change. Administrators readily acknowledge that the key benefits of moving part of the larger project to this location, rather than any of the alternative sites, was the timing and cost containment. The location itself was irrelevant to the program.
- Contradicts objectives — The choice of the East Meadow contradicts some of the project's original stated objectives, notably accessibility and integration with rest of the campus community.
- Inaccessibility — The site is very isolated from the core campus, especially on foot or bicycle. Even if the project fixes the crosswalks and paths to nearest bus stops, getting from this location to the rest of the campus, or off campus, will be difficult.
 - Buses and campus shuttles arriving on campus during peak times are usually overfull and refuse to pick up passengers at the Facilities stops. The response from TAPS is that is quicker to walk than wait for an available shuttle at these times.
 - There are currently no continuous paved walkways from the intersection of Hagar and Coolidge to the center of campus, nor to the campus entrance. The Hagar walkway ends at the East Remote parking lot. Pedestrians heading off campus often walk down the narrow, unpaved shoulder along Coolidge.
 - While one case for the East Meadow site is supposed to be that it is walking distance to West Lake School, there is not continuous paved pathway between those two locations.
 - The bike lane up Hagar also ends at the East Remote lot. Bicyclists can pick up a bike path by crossing the parking lot, but most continue along the road without benefit of a bike lane.
 - The best option for bicycles from this site is to head down to Ranch View Rd. and pick up the main bike path leading to the Performing Arts. This route, however, it prohibited to pedestrians.
- Diminished outcomes — If the project follows the usual pattern for construction on campus, the final product will be diminished by compromises. From past experience with major construction project, have no doubt that, due to cost and time considerations and unforeseen problems encountered along the way, the facilities delivered will be less than what we now see on paper. Or worse.
 - If the normal pattern holds true, the project will also be marred by construction errors, resulting in the usual leaky roofs, mold intrusion and other problems that could add significant costs, delay occupancy and even leave the buildings unusable for long periods. (I could list many cases of such problems in recent campus construction projects – several in student housing projects.)

- These points are important because they touch on the “benefit” side of the equation. Those proponents of the project have focused on the rosy promises pictured in the proposal. Reduce the project in any dimension – a smaller footprint forcing smaller or fewer rooms, smaller childcare facilities, less space between buildings, fewer parking spaces ... – and the delivered site will be less viable and attractive.
- Further, it is often the case with campus construction that components may be removed during the process, even if they were key features that helped sell the project in the first place. These deleted features can be anything from attractive amenities to safety features. Though the DEIR may promise, for instance, fencing, paving adjacent walkways and improved pedestrian crosswalks as measures to protect children on the site, once the project is approved these can be dropped without further review. Based on my experience with these matters, there is no guarantee that any features not mandated by law will be implemented if time or money are a factor.
- Alternatives — I also find that the DEIR makes only the thinnest, suspect case in support of the current plan against the alternatives considered.
 - The DEIR lays out seven viable alternatives to construction on the East Meadow but then provides objections, many of them superficial and contradictory.
 - I note that the earlier DEIR addressed fewer alternatives and that the expanded list was prompted by comments received in response to the earlier draft.
 - Many of the objections to the alternatives focus on the urgency of the campus housing crisis and the added time and costs the planners claim would be incurred. Yet the campus has not been forthcoming about projected costs, either of the proposed plan or of the alternatives.
 - While the desperate plight of students seeking housing is a key argument for the East Meadow component, the campus has had a short-term solution in-hand for almost 10 years. The East Campus Infill project, approved in 2008, could be launched and ready for occupancy in very short order, relieving the housing needs for hundreds of students. Though this does not answer all the needs the SHW project attempts to address, it would address some immediate needs of the current crisis. And could play a role in staging the larger project that would take pressure off the East Meadow component.

In summary of the above, the DEIR’s case in support of the project, specifically the case for construction on the East Meadow, depends upon overselling the benefits to be realized. As proposed, even if built precisely as promised in the document, the project is a mediocre contribution to the campus’s built environment, a minor and uninteresting initiative. It gains nothing from the East Meadow setting, selected out of last-minute desperation.

At the same, the DEIR greatly underestimates the damage that will result from the proposed construction on the East Meadow. The document, and statements made by campus administrators in its support, minimize and dismiss the sincere concerns raised by many campus and community stakeholders. People who have held positions of authority on campus and worked for much of their lives on behalf of UC Santa Cruz have challenged or opposed this plan outright. Many others who support and care for the future of the campus have expressed their dismay about the plan. It is impossible to ignore that moving forward with building on the East Meadow will break a bond with communities upon whose goodwill the university depends.

My own first-hand experience and interest the DEIR centers on its dismissive assessment of the value of and the potential harm to the natural environment – particularly native bird species – and the alarming “mitigations” proposed.

- Valuable Habitat — The East Meadow is a crucial bird habitat in the Monterey Bay region.
 - It is listed as “hotspot” by the Cornell Lab of Ornithology, with more than 80 species identified there. <https://ebird.org/hotspot/L2716357>
 - According to Alex Rinkert, the County Bird Record Keeper, “At least 15 species of raptors have been recorded in the East Meadow, and for many of these the East Meadow serves as important foraging and wintering habitat. Also noteworthy is that the East Meadow is preferred by raptors over other adjacent grassland. This is especially true for the breeding pair of Golden Eagles...”
 - I have personally sighted rarities such as Ferruginous Hawks, Golden Eagles and Burrowing Owls on the Meadow, as well as the more common – and protected species – Red-tailed Hawks, Red-shouldered Hawks, Cooper’s Hawks, Northern Harriers, American Kestrels, Peregrine Falcons, and White-tailed Kites. Plus multitudes of swallows, sparrows, bluebirds, blackbirds and meadowlarks.
 - For the past three years, I have been part of the team that surveys the campus for Audubon’s annual Christmas Bird Count. Each time, our team has sighted species not seen elsewhere in the count area, including the resident Golden Eagles.
 - *The Natural History of the UC Santa Cruz Campus* (2nd edition, 2008) provides is an extensive discussion of the East Meadow as a bird habitat (p. 245-250) with a special insert about Burrowing Owls. Here are some of the highlights:
 - This moor-like slope is the best known of UCSC’s several great fields, because it greets the visitor who comes onto the campus by the main entrance...Its birdlife is active all day and even at night, when various owls search there for prey. ... All of the campus’s

grasslands are raptor country, splendid places to sit and watch birds of prey soar by. Raptors are here in both abundance and diversity. ... The lower East Meadow occasionally boasts a special treat: Golden Eagles that hunt ground squirrels there. ... Owls are also active in the East Meadow. After dusk, Great Horned and Barn owls hunt for ground squirrels there. ... Burrowing Owls are declining in central California but a few still winter in the East Meadow. Tolerant as they are human disturbance ... they seem skittish here, and so one should use discretion when near these birds....

What ground squirrels confront on the ground with raptors, small insects face in the air with swifts and swallows. Both Vaux's and White-throated swifts feed over campus grasslands in the warmer months.... Swallows, much more familiar aerial insectivores than swifts, are mostly spring and summer birds here.

Improving Burrowing Owl Habitat

...

Short grass and ground squirrel burrows seem to be central to these owls' preference for just a few parts of our fields. Grasslands may all look roughly alike from afar, but actually they differ according to how they are managed. Even well-intended land management programs (such as UCSC's) carry subtle but substantial environmental consequences, in this case ones that attract or repel Burrowing Owls. For us, our open slopes are simply beautiful. For these owls, they are rare vestiges of an ecologically apt place to live. **If we alter them beyond what Burrowing Owls seek at least as winter home, they will leave us entirely.** [emphasis added]

- Domestic pets — In my response to the earlier draft, I raised concerns about domestic pets that could be introduced to the area once the site is occupied by student families and a daycare center. This draft responds that the campus “will enforce its existing pet policy which does not allow students to have pet cats and dogs on the campus, and will enforce policies that restrict the feeding of feral cats at the Heller and Hagar sites.” The campus effectively has no pet policy.
 - The five adjacent staff & faculty housing complexes all allow pets within the complex with the proviso that dogs are kept on leash and cats remain indoors. A visit to the area readily shows that cats prowl outdoors, dogs are frequently off-leash and sometimes exercised in protected areas of the campus.
 - I can easily imagine scenarios where dog owners on the other side of Coolidge and Hagar will bring their permitted pets to the East Meadow

complex when they pick up their children at daycare or their children visit friends living in Family Student Housing.

- I cannot imagine a scenario where housing managers, who may need to deal with other pressing issues, will be willing to become the “pet police,” especially when visiting neighbors bring their pets into the East Meadow complex and vicinity.
 - I have never encountered a childcare center without pet hamsters, guinea pigs, weasels, ferrets, snakes, frogs, rabbits, an assortment of insects ... or one that hasn’t “lost” said animals.
 - You cannot guarantee that this project will not introduce dangerous non-native and invasive species into this natural habitat.
-
- Mitigations — Mitigations are, by definition, supposed to be a means of preventing or minimizing harm. The mitigations offered by the DEIR in response to potential harm to native species present on the East Meadow are superficial, short-term, counter-productive and, in at least one case, missing outright. To put it plainly, the DEIR does not effectively address the damage that will be caused by the construction, in the short term, or by the human occupancy on the site over the long-term. As this is the primary purpose of any EIR, this failure should be grounds for summary rejection.
 - Though the DEIR notes the presence of some protected bird species on the East Meadow and acknowledges that nests of native birds are protected, it offers little information about any mitigations to be used.
 - There are currently two Burrowing Owls occupying a burrow approx. 100 yds. from the proposed East Meadow construction. This finding has raised the hope that this may be the first instance of this species breeding in Santa Cruz County since the mid-1980s.
 - The DEIR says “If western burrowing owls are found during the breeding or nonbreeding season, Mitigation BIO-8B will be implemented.” However, I cannot find Mitigation BIO-8B described anywhere in the DEIR.
 - The DEIR does outline specific steps to protect active nests, those with eggs or young, of any protected bird. However, such measures as fencing, meant to keep people away from a nest, might also cause “skittish” Burrowing Owls to abandon the nest.
 - For nests in-progress, absent necessary documentation in the DEIR, a field biologist has told me that the “standard mitigation” requires disrupting (i.e., destroying) the nest to avoid having an active nest in or near the construction site.
 - The idea that a “mitigation” might effectively result in interrupting breeding is repugnant and completely contrary to the purpose of the EIR. The idea that this project may interfere with a historic breeding event, the first recorded instance of Burrowing Owls breeding more than 30 years, is unforgivable.

- I note that administrators have verbally referred to construction of a fence that would prevent intrusion by residents, guests (and their pets) into the protected section of the East Meadow once the project is completed – at best a minimal response to the hazards presented– but I can find no reference to such a fence within the DEIR.
 - Further, the DEIR makes it clear that these mitigations, even if effective, apply only during the construction period. It does not address the ongoing impact on adjacent native habitat caused by the presence of hundreds of residents and visitors once the project is completed.
- **Shrinking Habitat** — The DEIR does not address how the East Meadow construction relates to loss of habitat in other parts of the campus, especially in nearby open space. The current project is, in fact, only the latest in a series of development and “enclosures” that effectively increases value of the East Meadow within the total remaining habitat space.
- The East Meadow has already been reduced once with the addition of a “temporary” construction yard appended to the East Remote lot.
 - Before the new “south” field of the Farm was fenced and enclosed, it was prime hunting habitat for the campus’s resident Golden Eagles.
 - <https://flic.kr/p/d4GEph>
 - <https://flic.kr/p/fhwa7C>
 - The “corporation yard” constructed in the field between the back of the Farm and the Arboretum was a hunting and nesting habitat for Northern Harriers.
 - <https://flic.kr/p/7CQP9T>
 - <https://flic.kr/p/7CQMUG>
 - Trees cut down along the bike path were used as roosts and potential nesting sites for American Kestrels and Red-shouldered Hawks.
 - Each loss of available habitat forces species to compete for the remaining diminished space. This forces prey animals into a smaller space where they are more vulnerable to predators – the “last watering hole” syndrome – and concentrates predators – protected raptors – into a smaller space where they must compete for shrinking territory.
 - The loss of “only thirteen acres” on the East Meadow cannot be assessed in isolation but has to be factored as yet another loss to part of a complex system.

To summarize, the East Meadow is a unique and crucial natural habitat that supports a wide variety of native specials that have fewer and fewer places available. Both the construction project and then the ongoing occupancy of even a fraction of the larger meadow removes that portion as viable habitat and will have significant adverse consequences for the whole of the East Meadow.

The DEIR greatly underestimates the value of this site and is irresponsibly dismissive of the potential harm the proposed construction will cause. Here I wish to take exception with Chancellor Blumenthal's statement quoted in the *Los Angeles Times* (Aug 12, 2018) that the site is a "cow patch" as an example of the misguided approach the campus has employed to further its construction agenda. Yes, there are cattle on the East Meadow. But they are there at the campus's impetus, ostensibly for wildfire abatement. And, whether it is intended or not, the cattle play a role in making the East Meadow viable and attractive for some species threatened by shrinking habitat. It may be a "cow patch" but it is still a viable habitat. The DEIR does nothing to address that nor does its promised "mitigations" provide the protections necessary to preserve it.

Last, this is not a question of lack of compassion for students struggling with a dire housing crisis. I've heard the heartbreaking stories and the administrative critique of the situation and I am completely sympathetic. That is why I am glad that there are alternatives at-hand that can answer these needs. Some of these alternatives would put some new housing in place in a shorter time frame than the project with the East Meadow component. It is clear to me that the need for added housing can be met, as well as or better, without causing irretrievable damage to the campus environment.

I don't think one can overestimate the value of this campus's natural environment, how it helps shape the unique character of UC Santa Cruz. From other responses you have received, you know that the natural environment and a sense of stewardship are points of pride for our alumni. That unique character – embodied in the campus's natural environment – continues to be an important factor in bringing new students to the campus. Those of who oppose the proposed construction on the East Meadow are trying to make sure that we pass along to those future students a campus as unique and as engaged with its environment as the one that has brought students to this campus for the last 50 years.