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Via email to eircomment@ucsc.edu

Dear Alisa Klaus and the Student Housing West (SHW) Team:

I am writing to provide comments on the Revised Draft Environmental Impact Report (RDEIR) for the Student Housing West (SHW) project. Unfortunately, many of my comments repeat the verbal and written comments that I made on the original DEIR.

I made verbal comments at the public hearing on May 2, 2018 where I made the following comments on deficiencies in the original DEIR:

A. Alternatives: The Hagar site has only 5% of the beds and the day care facility, and those components of the overall SHW project could go to many other sites (North Remote, East Remote, higher density). Yet none of the Alternatives considered moving only the Hagar site components—instead, the Alternatives all incorporate more complex combinations of housing types that prevent either the public or the UC Regents from seeing what the impacts would be of simply moving the Hagar site elements.

B. Aesthetics: Aesthetic impacts are not all the same; the qualitative impact of the specific Hagar site would be much greater than other impacts considered. The DEIR fails to analyze the degree of aesthetic impact associated with the Hagar site.

C. Cultural: Cultural resources do not include only archeological sites: the aesthetics of UCSC campus design and meadow condition are a cultural resource, too. Moreover, the historical significance of the Hagar site includes its role within the context of both the history of the site in ranching and its history in the design of UCSC itself.

D. Piecemealing: Developing the Hagar site is the proverbial Camel's nose under the tent: by modifying the Long Range Development Plan (LRDP) now in order to develop SHW on the Hagar site, the apparent incremental impacts of contiguous expansion from that site further into the meadow in the future will appear less than significant later. This violates CEQA because the DEIR fails to consider reasonably foreseeable development that is a consequence of both modifying the LRDP now and the SHW development itself on the Hagar site. Significant impacts now will make future impacts of much more

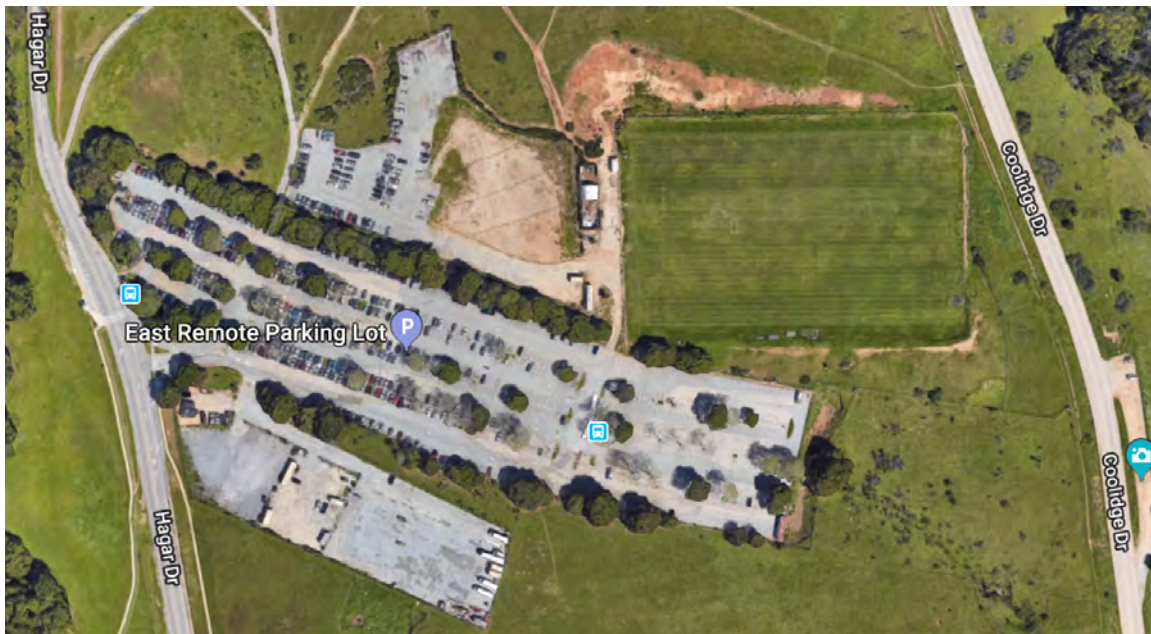
dramatic extension seem less than significant—which makes such expansion more likely.

E. Transportation: Due to the piecemealing issue above, further “less than significant” incremental contiguous expansion into the meadow will result in cumulatively significant effects. These have not been analyzed in the DEIR

Each of these deficiencies is discussed in more detail below in these written comments. I submitted the following written comments on the original Draft EIR on May 11, 2018. All direct quotes from the SHW DEIR are in *italics*; all underlined emphasis is mine.

A. Alternatives

The Alternatives analysis fails to consider any Alternative that simply moves the housing and day care center proposed for the Hagar site to another location. This failure is glaring, because only 5% of the beds are at the Hagar site yet it encompasses roughly half of the total development footprint for the combined Heller and Hagar sites. In particular, possible relocation of the Hagar site development to the area around the East Remote Parking structure and its associated parking lots and construction staging area was not considered or evaluated. The East Remote site (inclusive of the nearby parking and construction staging area; possibly including the soccer field in the photo below) appears to be sufficient to handle both existing parking needs (through construction of a multi-level parking structure) and all of the uses proposed for the Hagar site. Moreover, it would then be within walking distance of existing colleges and public transit access—without incurring any of the aesthetic, transportation, noise, or light and glare impacts of the Hagar site. The final EIR must include an analysis of this alternative to the Hagar site.



In addition, the North Remote site was never considered for relocation of the Hagar site uses. Instead, the North Remote Alternative in the DEIR is much more complex and involves greater impacts on the forest in the North Remote vicinity. Therefore, the EIR is deficient in failing to analyze simple relocation of the Hagar site uses to the North Remote site. The Final EIR must include an analysis of this alternative to the Hagar site.

Finally, there is no discussion of the reasons that these alternatives to the Hagar site were not evaluated. The UC staff stated in the Public Hearing on May 2, 2018 that the East Remote site is designated for photovoltaic (PV) solar development, but such a constraint is not a sufficient basis for transforming the Hagar site through an LRDP amendment. The LRDP as currently adopted does not allow development of the Hagar site for the SHW project—yet that was not considered a constraint on proposing development of the Hagar site. So a proposed PV facility should not be a constraint on placing the Hagar site SHW development on the East Remote site. Please provide a detailed discussion of (1) the criteria used to evaluate alternatives, and (2) all of the alternative sites considered.

B. Aesthetics

The analysis of Aesthetics in the DEIR is deficient, because it takes too narrow a view of the aesthetic impacts of the SHW project by failing to consider how the Hagar site will dramatically affect the context in which the entire campus is experienced and viewed. Moreover, development of the Hagar site will directly conflict with UCSC policies:

The DEIR cites the 2005 Long Range Development Plan (LRDP) in section 4.1.22:

The 2005 LRDP identifies several visual elements on the campus as valued elements of the visual landscape. According to the 2005 LRDP, the following views and vantage points are important to the campus community:

Long-range views from central campus vantage points that include Cowell College plaza, Baskin Visual Arts Center, University House, the knoll at Porter College, and the field at Oakes College.

Important vantage points looking across open space areas towards the upper campus include points along Empire Grade Road, Glenn Coolidge Drive, and Hagar Drive.

Other relevant policies from the 2005 LRDP include:

Land Use

- *Respect the natural environment and preserve open space as much as possible: Development will rely on careful infill and clustering of new facilities to promote efficient land use, retain valuable visual and environmental features, and encourage a pedestrian friendly campus. Within the overall context of infill and*

clustering, sites will include a reasonable "buffer" between new buildings and major roads where possible.

- *Integrate the natural and built environment: New development will respond to the aesthetic qualities of UC Santa Cruz's unique natural environment through siting, development patterns and architecture that are sensitive to the natural setting. In forested areas, buildings generally should not protrude above the surrounding tree canopy; in visually sensitive areas, interruption of prime viewsheds and viewpoints will be minimized.*
- *Encourage sustainability and efficiency in building layouts: Buildings shall be configured simply, to balance programmatic goals with sensitivity to the natural and/or built context. Efforts will be made to reduce building footprints and increase building height, where feasible.*

Natural and Cultural Resources

- *Respect major landscape and vegetation features: Development will be sensitive to preservation of UC Santa Cruz's distinctive physical features, including ravines, major grasslands, chaparral, and areas of redwood and mixed evergreen forests.*

The DEIR also cites the UC Santa Cruz Physical Design Framework for UCSC policies:

A companion piece to the 2005 LRDP, the UC Santa Cruz Physical Design Framework highlights the complex and dynamic physical environment found on campus. The Framework categorizes key landscape types, building types and circulation types throughout the campus, articulating related guidelines that are intended to actuate sustainable and mindful campus development. The predominant landscape types found at the project sites are Meadow Areas, Forest, Forest Edge. Guidelines specifically related to the proposed project are highlighted here.

Meadow Areas

- *Maintain the continuity and visual "sweep" of the meadow landscape across the lower campus, from the Pogonip east of the campus to Wilder Ranch State Park on the west.*
- *Do not permit new plantings or plant succession to change the overall visual character of the lower campus meadows. Avoid new fencing, except where necessary to manage meadows or grasslands.*
- *Preserve the integrity of meadows by maintaining a clear meadow boundary. Site development so as not to encroach on the meadow open space.*

General Building Siting + Design

- *Site buildings so as to protect visually and ecologically significant landscape features.*

Despite this detailed recitation of policies, however, locating any portion of the SHW at the Hagar site directly conflicts with every UCSC policy that I have underlined above.

Section 4.1.4 of the DEIR defines IMPACTS AND MITIGATION MEASURES:

4.1.4.1 Significance Criteria

The impacts on aesthetics from the implementation of the proposed project would be considered significant if they would exceed the following significance criteria, in accordance with Appendix G of the State CEQA Guidelines, the UC CEQA Handbook, and the 2005 LRDP EIR:

- *have a substantial adverse effect on a scenic vista;*
- *substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway;*
- *substantially degrade the existing visual character or quality of the site and its surroundings; or*
- *create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area. As stated in the 2005 LRDP EIR, a scenic vista is defined as an expansive view of a highly valued landscape, as observable from a public accessible vantage point. According to the 2005 LRDP EIR, important scenic vistas for the campus include views of the Monterey Bay as viewed from Cowell College plaza, Baskin Visual Arts Center, University House, the knoll at Porter College, Stevenson College knoll, and the field at Oakes College; and views across the campus and wooded backdrop as viewed from locations along Empire Grade Road between Western Drive and the campus west entrance, Glenn Coolidge Drive between Hagar Drive and Cowell College, and Hagar Drive between Glenn Coolidge Drive and the East Remote parking lot. The 2005 LRDP EIR also defines scenic resources on the campus to include Cowell Ranch Historic District buildings and structures, rock exposures in the main entrance area, and all of the meadows on the lower campus, including Great Meadow, East Meadow, and the meadow west of Empire Grade Road. Meadows on the central campus (Kerr, Crown, Porter) are not considered scenic resources because these are not of a significant scale or part of a scenic vista.*

Section 4.1.4.2 also states that “[w]ith regard to the Hagar site, that site was not envisioned for any development under the 2005 LRDP.” This statement is critical: although the LRDP designated it as “Campus Resource Land,” development was not contemplated. The entire 2005 LRDP process was based on non-development here. Changing the LRDP designation for this site is tantamount to changing the entire LRDP—because development at the Hagar site will induce reasonably foreseeable development throughout the East Meadow once it has been degraded significantly. Further development of the East Meadow through incremental contiguous development is

a likely consequence of developing the Hagar site. Therefore, the cumulative impacts of such development must be assessed in the DEIR. Otherwise, this is “piecemealing.”

The SHW DEIR also states that “[t]he site is prominently located at the intersection of Hagar and Glenn Coolidge Drives, and is visible along both streets in close proximity to the site” (*Views of the Hagar Site from On-Campus Viewpoints*) and that “[t]he Hagar site is located within an area previously identified in the 2005 LRDP EIR as highly visible from off-campus viewpoints” (*Views of the Hagar Site from Off-Campus Viewpoints*). It is therefore unsurprising that the DEIR finds that “[i]mplementation of the proposed project would have a substantial adverse effect on a scenic vista.” (*SHW Impact AES-1*). The impact is described as “Significant; Significant and Unavoidable.”

However, this conclusion is based upon inadequate analysis that significantly understates the likely impact of the Hagar site project on Aesthetics. The reason for this deficiency is that the DEIR fails to analyze the Aesthetic impact of the Hagar site development on the overall experience of encountering the meadow vista for the first time in all of its visual “sweep,” which frames one’s experience of the entire campus by establishing the setting as one climbs Coolidge and emerges onto the marine terrace at the Ranch View Road intersection. The UC Santa Cruz Physical Design Framework has a goal to “Maintain the continuity and visual “sweep” of the meadow landscape across the lower campus.” But there is no analysis in the SHW DEIR on the impact of the Hagar site on this clear goal:

To evaluate the impacts of the proposed project on scenic vistas, this EIR examines the potential change to views of the Monterey Bay from valued vantage points on the campus. In addition it evaluates changes to views across the campus meadows to its wooded backdrop on central and upper campus as viewed from Empire Grade Road between Western Drive and the West Entrance; Glenn Coolidge Drive between Hagar Drive and Cowell College; and Hagar Drive between Glenn Coolidge Drive and the East Remote parking lot, as views from these roadway segments are also considered scenic vistas pursuant to the 2005 LRDP.

Comments received on the NOP identified a number of locations in the immediate vicinity of the Hagar site as potential viewpoints that would be adversely affected by the proposed development. Several of the viewpoints identified, specifically the East Playing Field, the entry to CASFS, Cowell Ranch Historic Hay Barn, bike path that runs through the Great Meadow, and the Music Center entry court, Hagar Court, and Parking Lot 116, are not valued vantage points. Furthermore, the Hagar site would not be visible from most of these locations due to intervening topography and vegetation, as well as elevation change. The commenter also identified locations along Hagar Drive and Coolidge Drive as likely to be affected. As portions of both roadways are identified in the 2005 LRDP as providing valued views, impacts from scenic vistas from viewpoints along both roadways are analyzed below.

There are several deficiencies in this analysis. First, the approach from Ranch View Road to the intersection of Coolidge and Hagar is neither analyzed nor simulated for public review. Instead, approaching the intersection is analyzed from above the intersection rather than below it—yet the opening up of the first view onto the meadow occurs as one crests the hill near Ranch View Road, so that segment is also important. Second, static images of the visual changes associated with the Hagar site project do not capture how a driver, passenger, bicyclist or pedestrian would actually experience moving along that segment. The sudden appearance of the open meadow and “the continuity and visual “sweep” of the meadow landscape across the lower campus” are important visual resources that directly affect Aesthetics. My former UC-Berkeley colleague Peter Bosselman demonstrated in the Environmental Simulation Laboratory that the experience of moving through a space is very different than simply seeing a static image of that space. Third, the conclusory statement that “[s]everal of the viewpoints identified... are not valued vantage points” is not supported by any evidence in the DEIR. In fact, that claim is directly contradicted by the explicit goal in the UC Santa Cruz Physical Design Framework to “[m]aintain the continuity and visual “sweep” of the meadow landscape across the lower campus.” The EIR must therefore explicitly evaluate these impacts.

The DEIR then goes on to minimize the Aesthetic impact of the Hagar site development:

Development of the new FSH complex on this site would disrupt views from both roadways but as the complex would only be two-stories high and would be located at the lowest point of the East Meadow, the view across most of the East Meadow would still be available from the majority of points along the designated segments of Hagar Drive and Glenn Coolidge Drive. However, the proposed housing would be visible in the foreground of views from both roadways, which would alter the scenic vistas from both Hagar Drive and Glenn Coolidge Drive near the intersection with Hagar Drive.

But whether a minority or “majority” of viewpoints is impacted is not relevant: the overall disruption of visual continuity of the meadow is the critical and significant impact. The Final EIR must be clear about this: any development at the Hagar site that disrupts the visual sweep—even if only from a minority of viewpoints—is significant.

The DEIR incorrectly concludes that there is no feasible mitigation for these “unavoidable” impacts, yet it has not analyzed the Alternatives discussed above:

As these simulations show, the proposed development is clustered in the southern portion of the East Meadow and although it is low rise, it would obstruct a portion of the expansive meadow view. The landscaping would soften the appearance of the housing development but would not eliminate the obstruction of this view. Therefore, the change in views due to the Hagar site housing and childcare center would be substantial and adverse. The impact of the Hagar site development on scenic vistas is considered significant.

Mitigation for the impact on scenic vistas from the Hagar and Glenn Coolidge Drive intersection is not feasible because the project is already sited and designed to be as low as possible in its vertical profile.

Mitigation Measures: No mitigation is feasible.

Significance after Mitigation: The impact on scenic vistas would be significant and unavoidable.

But these conclusions—that “*no mitigation is feasible*” and that therefore the impacts are “*unavoidable*”—are based upon a premise that the Hagar site is the only possible location for the portion of the SHW project that is proposed to be located at the Hagar site. The discussion of “Alternatives” above shows that it is feasible to mitigate the impacts and therefore avoid these significant impacts by locating the Hagar development elsewhere. These impacts are “unavoidable” only if the DEIR can show that Alternatives (such as the East Remote and North Remote sites, when analyzed only to accommodate the development proposed for the Hagar site) are infeasible. And the DEIR does not do that.

This same logic applies to all of the following conclusions regarding Aesthetic impacts:

SHW Impact AES-2: Implementation of the proposed project would substantially damage scenic resources. (Significant; Significant and Unavoidable)

SWH Impact AES-3: Implementation of the proposed project would substantially degrade the visual character or quality of the Hagar site. (Potentially Significant; Significant and Unavoidable)

Moreover, the DEIR incorrectly concludes that the following impacts are “Less than Significant” due to a flawed analysis of the particular impact (each explained below):

SHW Impact AES-4: Implementation of the proposed project would not result in a substantial adverse effect related to light and glare. (Less than Significant)

Hagar Site

The Hagar site is currently undeveloped and no light or glare is currently generated at the site. Construction of the new FSH complex would increase light and glare compared to existing conditions. However, the scale of development and the low-rise housing proposed for this site would not generate substantial new light....Therefore, the impact from any glare produced by the panels at the Hagar site would be less than significant.

Mitigation Measures: No mitigation is required.

The DEIR has no analysis of actual increase in levels of light from combination of

buildings, parking, traffic, and pathway lighting to support this conclusory statement. Moreover, there is no assessment of the impact of that increase in light levels on the sense of solitude in the meadow landscape at night. The criteria for determining whether any increase is “substantial” are not clear and are not based upon actual user survey data. The Final EIR must include user surveys of residents and others who actually use the site—including questions about the sense of isolation and solitude going to and from the Lower Campus bus stop for residents who live in Faculty/Staff housing near the Hagar site. Their subjective experience of how increases in light may affect the experience of the night sky at the base of the meadow is relevant to determining significance criteria.

Finally, in Section 4.1.6 CUMULATIVE IMPACTS AND MITIGATION MEASURES

SHW Impact C-AES-1: Implementation of the proposed project would not result in significant cumulative visual impacts. (Less than Significant)

The cumulative impact of campus development under the 2005 LRDP along with other development in the City of Santa Cruz on scenic vistas is analyzed in the 2005 LRDP EIR under LRDP Impact AES-7. The cumulative impact of campus development under the 2005 LRDP along with other development in the City of Santa Cruz on visual character and quality is analyzed under LRDP Impact AES-8, and the cumulative impact on light and glare is addressed in LRDP Impact AES-9. All of the cumulative impact evaluations in the 2005 LRDP EIR addressed changes to views of the campus as a result of LRDP development from off-site locations combined with changes to the same views from other reasonably foreseeable development.

...these changes would not substantially increase the amount of campus development and light and glare that would be visible from off-campus areas, as analyzed in the LRDP EIR cumulative impact assessment... Therefore, the cumulative impacts on scenic vistas, visual character and quality, and light and glare analyzed in the 2005 LRDP EIR would still be less than significant.

Mitigation Measures: No mitigation is required.

This conclusion ignores the fact that “reasonably foreseeable development” changes dramatically with development of the Hagar site, because the multiple significant impacts associated with its development will then mean that incremental development of other parts of the East Meadow would be deemed less than significant. The likely extension of the Hagar site SHW project development footprint through repeated yet incremental contiguous development is a reasonably foreseeable consequence of allowing any development on the meadow at all, so full development of the meadow should be analyzed in the cumulative impacts section. Also, impact “as visible from off-campus areas” is not the only cumulative impact—the Final EIR must analyze impacts on all visual resources (including those visible from anywhere on campus able to see the

project). Such an analysis is likely to show: (1) the cumulative impact on Aesthetics are significant; and (2) mitigation is feasible and the impact avoidable by changing the site.

C. Cultural

The DEIR takes a very narrow view of cultural resources, focusing on archaeological sites and those historic structures or artifacts that have been listed in historic registries:

Cultural resources include historic and prehistoric archaeological sites and features, historic structures and buildings, historic districts, and other prehistoric and historic objects and artifacts. Paleontological resources include (vertebrate, invertebrate, and plant fossils, and fossil localities). California Environmental Quality Act (CEQA) Guidelines also include “unique geologic resources” under the category of cultural resources. Under the category of cultural resources, CEQA also considers impacts to human remains, including Native American burials found in the context of an archaeological site.

Within the Hagar site, there is one previously mapped archaeological site and one feature. There is one historic district mapped in its associated utility corridor (Table 4.4-2). These cultural resources include historic site CA-SCR-277H, historic isolate P-UCSC-012H, and the Cowell Lime Works Historic District (CA-SCR-198H) (ARG 2005a; ARG and Pacific Legacy, Inc. 2005b; Calciano and Collet 1973a; Edwards and Simpson-Smith 1986; Maley 2007; Podzorski and Toenjes 1978; Reese 2005b, 2009a, b; UCSC 2007). The Cowell Lime Works Historic District (CA-SCR-198H) is an historic resource listed on the National Register of Historic Places (NRHP) (NPS 2007; UCSC 2007), and as such, it is automatically listed in the California Register of Historic Resources (CRHR). Historic site CA-SCR-277H is recorded as the location of a destroyed Mission-period agricultural site (Edwards and Simpson-Smith 1986; Edwards and Kimbro 1986). Distinctive plow marks were visible in aerial photographs in 1931 but recorders in 1986 observed no artifacts or non-artifactual constituents on the ground (Calciano and Collet 1973b; Edwards and Simpson-Smith 1986; Edwards et al 1978; Kimbro, n.d; Kimbro 1978). Historic isolate P-UCSC-012H is located on the Hagar site; but as an isolate, it is not eligible for the NRHP.

Mr. Dexter conducted a 15-meter-spaced transect survey of the entire Hagar site, including the proposed utility corridor that extends east of the intersection of Hagar and Glenn Coolidge Drives and northeast of Glenn Coolidge Drive into the boundary of the Cowell Lime Works Historic District (CA-SCR-198). Surface visibility during the survey was very poor -- approximately 5 percent due primarily to dense grasses; however, visibility was good closer to Glenn Coolidge Drive. While the utility corridor associated with the Hagar site extends into the Cowell Lime Works Historic District (CA-SCR-198), Mr. Dexter determined that there would be no impacts to any of the structures, buildings, or features that comprise the district. Mr. Dexter did not observe site CA-SCR-094 within the Hagar site. Mr. Dexter noted no physical trace of site CA-SCR-277 in the field in 2017. Any remnant of a plowed agricultural field within the Hagar site is eroded and/or

destroyed, despite UC Santa Cruz using the field only for cattle grazing.

4.4.3.8 Historical Resources

The Cowell Lime Works Historic District is an historic property under Section 106 of the National Historic Preservation Act (NHPA) and an historical resource under CEQA §15064.4(a)(3), (NPS 2007; UCSC 2007). The utility corridor extends within approximately 100 feet of the closest building, the historic Powder House. However, the proposed project would not cause an adverse effect on the significance of the historical district, as only the proposed utility corridor would enter the far eastern boundary of the district. The University of California at Santa Cruz plans to place the utility corridor below the surface, so there would be no lasting visual or aesthetic effects to the historic district. Outside of the utility corridor, the Hagar Site does not contain any historical resources.

However, CEQA does not take such a narrow view. CCR § 15064.5 (Determining the Significance of Impacts to Archaeological and Historical Resources) states:

(a) For purposes of this section, the term “historical resources” shall include the following:

(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CCR, Section 4850 et seq.).

(2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code, § 5024.1, Title 14 CCR, Section 4852) including the following:

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(B) Is associated with the lives of persons important in our past;

(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

(b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.

(1) Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.

(2) The significance of an historical resource is materially impaired when a project:

(A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or

(B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the

requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

(C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

(3) Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.

(4) A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.

(5) When a project will affect state-owned historical resources, as described in Public Resources Code Section 5024, and the lead agency is a state agency, the lead agency shall consult with the State Historic Preservation Officer as provided in Public Resources Code Section 5024.5. Consultation should be coordinated in a timely fashion with the preparation of environmental documents.

Note that the definition of what qualifies as an historic resource includes “any...site, area, place...which a lead agency determines to be historically significant or significant in the...economic, agricultural, educational, social, political...or cultural annals of California may be considered to be an historical resource...in light of the whole record.” In this case, the Hagar site and greater East Meadow qualify for at least two reasons:

(1) As a site that offers important insights into the history of ranching during both the Mexican period and the first century of the state of California, before the UC campus was established; and (2) as a critical example of the design approach to the UC-Santa Cruz campus itself when the UC Regents selected it and it was first developed in the 1960s.

The DEIR does not address the impact of the Hagar site SHW development on these historical resources. This is a glaring deficiency in the DEIR. There is substantial evidence, though, that the East Meadow qualifies under historical resource criteria:

- (A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- (B) Is associated with the lives of persons important in our past;
- (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- (D) Has yielded, or may be likely to yield, information important in prehistory or history.

The UC Regents must therefore make findings—based on substantial evidence—that building on the Hagar site will not violate CEQA by “alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.” The final EIR must analyze these impacts on historical resources.

D. Piecemealing

A reasonably foreseeable consequence of approving the SHW development at the Hagar site is the likely extension of the Hagar site SHW project development footprint through repeated yet incremental contiguous development, so full development of the meadow should be analyzed in the cumulative impacts section. Otherwise, UC is guilty of “piecemealing” the project in ways that avoid full compliance with CEQA by failing to inform the public and the UC Regents of the full magnitude of foreseeable impacts. Amending the LRDP to allow the Hagar site to be developed will open the floodgates to future encroachments upon the East Meadow, which will have cumulatively significant effects on every aspect of the campus environment. Those must be analyzed in this EIR.

E. Transportation

The DEIR fails adequately to address the transportation impact of the SHW project in at least two ways: (1) by failing to compare the impacts of the Hagar site to alternatives that simply relocate the Hagar site components of the project to the East Remote or North Remote sites, and (2) by failing to address the cumulative impacts of reasonably foreseeable development of the rest of the East Meadow if the Hagar site is built. The Final EIR must address both of these transportation impacts directly to be adequate.

Fixing the SHW DEIR

For these reasons, the DEIR is inadequate and deficient in three ways that are in direct conflict with CEQA's goals: (1) legally, the DEIR has the specific deficiencies noted above; (2) politically, the DEIR fails to inform the relevant public (the greater Santa Cruz community, UCSC alumni, and UCSC students/staff/faculty) about the impacts of the project—thwarting public engagement in the decision-making process; and (3) the DEIR fails to inform the relevant decision-makers, the UC Regents, of the impacts of the project and the feasible alternatives to it that would avoid some significant impacts. These deficiencies mean that the SHW project will be mired in litigation if not fixed.

But the DEIR can be fixed if (1) it is modified to develop alternatives to the Hagar Site; (2) higher densities and less parking are considered at those alternative sites; (3) it sufficiently analyzes aesthetic, cultural resource, noise and light impacts and the cumulative transportation impacts based on the reasonably foreseeable consequence of modifying the LRDP and allowing SHW development at the Hagar site—which is incremental contiguous development of the East Meadow over the coming decades to transform the campus. Otherwise, the UC Regents will make decisions on the SHW project with incorrect and misleading information and the SHW project will be delayed further in litigation. Such a strategy serves neither the genuine housing needs of UCSC students nor the community of local residents and UCSC alumni/students/staff/faculty.

UC's Assets vs. Liabilities

UC faculty, staff, and students are its greatest asset—but UC has not drawn on most of those assets in this design process. More deliberative engagement of the UC community through a planning process would have taken the Hagar Site off the table very early in the process, which would have saved UC considerable time, money, and controversy. UC should actually use its assets—including faculty like myself, who have extensive professional knowledge and academic expertise—or else they will become liabilities.

I have been a UC faculty member for the past 27 years—the past nine years at UCSC in Environmental Studies and the previous 18 years at UC-Berkeley, where I taught environmental planning and policy in the Department of City and Regional Planning, Department of Landscape Architecture and Environmental Planning, and the Energy and Resources Group. UCSC campus designer Tommy Church was a graduate of Cal's Landscape Architecture program and taught briefly there; some of my colleagues knew him personally. Two of my other Cal colleagues (Richard Bender and Elizabeth Deakin) helped to develop the shuttle bus and bridge system at UCSC when campus planners originally proposed a massive increase in parking to accommodate students who were driving between classes and their colleges. Innovative design ideas come from UC faculty and students and staff; these same resources can solve the SHW design problem. Including UCSC alumni/students/staff/faculty as a resource more directly would help to

move many of those opposed to the SHW project toward helping to see SHW built.

I have also served on the boards of a non-profit affordable housing organization (Common Ground Communities) that built 34 units of sweat-equity affordable housing in my hometown of Nevada City, California. That project used innovative clustered design to protect open space and environmental values while still providing affordable housing at the same average density as nearby neighborhoods. This is not a case, as some have argued, of opponents being opposed to housing. Instead, it is an insistence that the core values and stated policies of UCSC be honored when addressing the housing crisis. That is not only not too much to ask, but it is essential if UCSC is to maintain its legacy as a place that is willing and able to do what is harder to protect what is important. Building on the Hagar site will jeopardize that legacy. And that is far too high a price to pay.

I urge the UC staff, the senior administration of UCSC, and the UC Regents to revise the DEIR in accordance with these and other public comments to produce both an altered SHW design that avoids development of the Hagar site and sufficiently analyzes the impacts of such development to inform the public and the UC Regents what the true impacts of developing the Hagar site would be compared to feasible alternatives.

New Comments on the Revised DEIR

I have included the written comments above—originally submitted as comments on the original DEIR—because the core critique of the DEIR remains valid for the RDEIR even if the specifics of the analysis and the page numbers have changed. That critique is simple and has not been adequately addressed through the revisions in the RDEIR:

1. The RDEIR fails adequately to consider several feasible alternatives;
2. The RDEIR fails adequately to assess the impacts of the Hagar site on aesthetics, historical and cultural resources; and
3. The RDEIR fails adequately to assess the reasonably foreseeable impacts of developing the Hagar site, which includes further build out of the East Meadow.

I address each of these specific inadequacies in the RDEIR in my new comments below:

1. *The RDEIR fails adequately to consider several feasible alternatives;*

Many commenters on the DEIR suggested that the Hagar site development could be moved to other locations on campus while continuing with the Heller site development as proposed. Specifically, I proposed evaluation of the East Remote Parking site in my comments. Yet the RDEIR has conducted no analysis of the feasibility of developing the East Remote Parking site, simply stating that the site was “not studied further as [a] potential site[] for the FSH complex” because it would result in a “loss of parking”:

5.4.4 Alternative Sites for Family Student Housing Only

A number of comments received on the Draft EIR suggested that the Campus consider building only the new family student housing (FSH) complex, both with and without the childcare center, at other sites on the campus. The suggested sites include: East Remote parking lot, facilities yard (resource recovery yard) near the CASFS Farm, land near West Remote parking lot near Rachel Carson College, West Remote parking lot (with a parking structure to replace parking displaced by the FSH complex), Granary site, Chancellor's house, Crown Merrill parking lot, and the Village. Some suggested that FSH be located on the North Remote site or the East Campus Infill site. Most of these sites were not studied further as potential sites for the FSH complex for a variety of reasons: displacement of other existing uses (newly developed resource recovery yard north of the CASFS Farm, undergraduate living-learning program in the Village; loss of parking at the East and West Remote parking lots); impacts to CRLF habitat (land near the West Remote parking lot); potential impacts to Cowell Lime Works Historic District (Granary site); proximity to undergraduate housing, and/or ease of vehicle access (Crown Merrill parking lot, North Remote and East Campus Infill sites, and Chancellor's House site). The use of the North Remote site and the East Campus Infill site for undergraduate housing are incorporated into alternatives evaluated in detail below. (underling highlighting summary dismissal in RDEIR)

This summary dismissal of the East Remote parking lot as a feasible alternative—indeed, the summary dismissal of all of these sites—fails the substantial evidence test that CEQA requires. I will repeat the request that made in my written comments to the DEIR: “Please provide a detailed discussion of (1) the criteria used to evaluate alternatives, and (2) all of the alternative sites considered.” The paragraph above does not constitute an analysis.

As the RDEIR notes, an adequate EIR must give decision makers a range of alternatives:

“According to the State CEQA Guidelines, the discussion of alternatives, in addition to considering a “no project” alternative, should focus on alternatives to a project or its location that can avoid or substantially lessen the significant effects of the project, while feasibly attaining most of the basic project objectives. The State CEQA Guidelines indicate that the range of alternatives included in this discussion should be sufficient to allow decision makers to make a reasoned choice. The alternative discussion should provide decision makers with an understanding of the merits and disadvantages of these alternatives.” (5.5-16)

Yet the decision-makers in this case, the UC Regents, are not being given a range of alternatives that is sufficient to allow them to make a reasoned choice. The RDEIR is therefore legally deficient and likely to fail the substantial evidence test if litigated.

2. The RDEIR fails adequately to assess the impacts of the Hagar site on aesthetics, historical and cultural resources

The Revised DEIR acknowledges that the following issues were raised in comments on the original DEIR, all of which are included in the written comments I filed on the DEIR:

- “• *Hagar site development is not consistent with the Physical Design Framework guideline that instructs the campus to “Maintain the continuity and visual ‘sweep’ of the meadow landscape across the lower campus, from the Pogonip east of the campus to Wilder Ranch State Park on the west.”*
- *Hagar site development would alter iconic views as seen upon entering the campus as well as from viewpoints on the central campus looking out to the city and the ocean.*
- *Hagar site development would result in significant light and glare impacts and mitigation measures should be set forth to address the impacts.*
- *Hagar site development would be close to the Cowell Lime Works Historic District and therefore the consistency of the project design should be evaluated against the guidelines in the Physical Design Framework for areas near the historic district.” (4.1-2)*

However, the analysis in the RDEIR to address these impacts is inadequate. In general, it continues to limit the frame of analysis to static assessments of the visual impact of the Hagar site development on a narrow list of scenic viewpoints identified in the LRDP. There is an important improvement in that the RDEIR expands on the DEIR’s assessment of the visual impact of the Hagar site development on the Hagar and Coolidge road views, but the analysis remains static and fails to address how the experience of moving onto the marine terrace exposes one to the sweep of the East Meadow and the grandeur of the campus (including the fringe of forest above the sloping East Meadow) landscape. At least the RDEIR now recognizes that the impact on the expansive view is significant:

“Nonetheless, the proposed development would change the view of the site from that of an expansive meadow, and conflict with the UC Santa Cruz Physical Design Framework goal to “Maintain the continuity and visual “sweep” of the meadow landscape across the lower campus.” The impact is considered significant.” (4.1-25).

Yet, despite that recognition, there is no serious consideration of feasible alternative sites (including the East Remote Lot) that would mitigate this impact to less than significance. Instead, the RDEIR incorrectly characterizes these impacts as “unavoidable” by defining the limits of possible mitigation within a constraint that only the Hagar site is “feasible”:

“Mitigation for the impact on scenic vistas from points near or adjacent to the Hagar site is not feasible because the project is already sited at the lowest point on the East Meadow and has been designed to be as low as possible in its vertical profile.

Mitigation Measures: *No mitigation is feasible.*

Significance after Mitigation: *The impact on scenic vistas would be significant and unavoidable.” (4.1-27)*

I could repeat this critique for each of the related SHW Impacts AES-2 and AES-3: in both cases, the incorrect statement that “[n]o mitigation is feasible” leads to the incorrect conclusion that the impacts are “unavoidable.” But the logic of this sequence is fundamentally flawed: all of these impacts are avoidable, because alternatives are feasible that would not require mitigation because the impact of those alternatives would not be significant. It is the failure to consider alternatives that drives the conclusory statements.

My comments on the DEIR also remain valid regarding the RDEIR for Impact AES-4:

SHW Impact AES-4: Implementation of the proposed project would not result in a substantial adverse effect related to light and glare. (Less than Significant)

The RDEIR has no analysis of actual increase in levels of light from combination of buildings, parking, traffic, and pathway lighting to support this conclusory statement. Moreover, there is no assessment of the impact of that increase in light levels on the sense of solitude in the meadow landscape at night. The criteria for determining whether any increase is “substantial” are not clear and are not based upon actual user survey data. The Final EIR must include user surveys of residents and others who actually use the site—including questions about the sense of isolation and solitude going to and from the Lower Campus bus stop for residents who live in Faculty/Staff housing near the Hagar site. Their subjective experience of how increases in light may affect the experience of the night sky at the base of the meadow is relevant to determining significance criteria.

Finally, I raised concerns in my comments on the original DEIR regarding the impact of the Hagar site development on cultural resources. The RDEIR acknowledges these issues:

“The boundary of the historic district was established not only to identify an assembly of historic buildings and structures, but also to relate to the history of use, circulation, and natural landscape elements that shaped the human activities that occurred on this site. Development of the Hagar

site has the potential to affect the historic district.

The Draft EIR takes a very narrow view of cultural resources, focusing on only archaeological sites or historic resources listed in historic registries. The aesthetics of the campus and the meadow condition are a cultural resource. The definition of what qualifies as a historic resource includes “any... site, area, place... which a lead agency determines to be historically significant or significant in the ...economic, agricultural, educational, social, political... or cultural annals of California may be considered to be an historical resource... in light of the whole record.” The historical significance of the Hagar site includes its role within the context of both the history of the site in ranching and its history in the design of UCSC itself when it was first developed in the 1960s. There is substantial evidence that the East Meadow qualifies under historical resource criteria.” (4.4-1 and 4.4-2)

However, the RDEIR does not analyze the impact of developing the Hagar site in the context proposed by my DEIR comments and paraphrased in the RDEIR quotes above. Therefore, the RDEIR inadequately informs the decision-makers about the actual impacts of the Hagar site development on cultural resources and their significance under CEQA.

The RDEIR is therefore woefully inadequate as a matter of law due to these deficiencies.

3. The RDEIR fails adequately to assess the reasonably foreseeable impacts of developing the Hagar site, which includes further build out of the East Meadow.

Perhaps the greatest deficiency in the RDEIR is that it continues to ignore how SHW development of the Hagar site will lead to more reasonably foreseeable development:

SHW Impact C-AES-1: Implementation of the proposed project would not result in significant cumulative visual impacts. (Less than Significant)

This conclusion ignores the fact that “*reasonably foreseeable development*” changes dramatically with development of the Hagar site, because the multiple significant impacts associated with its development will then mean that incremental development of other parts of the East Meadow would be deemed less than significant. The likely extension of the Hagar site SHW project development footprint through repeated yet incremental contiguous development is a reasonably foreseeable consequence of allowing any development on the meadow at all, so full development of the meadow should be analyzed in the cumulative impacts section. Also, impact “*as visible from off-campus areas*” is not the only cumulative impact—the Final EIR must analyze impacts on all visual resources (including those visible from anywhere on campus able to see the project). Such an analysis is likely to show: (1) the cumulative impact on Aesthetics are significant; and (2) mitigation is feasible and the impact avoidable by changing the site.

Conclusion

The RDEIR continues the deficiencies of the DEIR: by narrowly constraining the range of alternatives considered for development of the Hagar site, it erroneously concludes that mitigation measures are not feasible and therefore significant impacts are unavoidable. But that logic is seriously flawed: it flows from a presumption—that the Hagar site is the only feasible site and that other sites are not feasible due to constraints that have not been analyzed—rather than from any systematic analysis of feasibility. In particular, excluding the East Remote Parking Lot site on the grounds that it would displace parking shows a remarkable level of design myopia: certainly, construction of a multi-level parking structure could easily replace any parking lost from building there.

The RDEIR paraphrases and gives lip service to public comments made on the DEIR, but it does not engage in any serious attempt to incorporate those comments to improve the project's design or to analyze the impacts so that the decision-makers can be informed. It is unfortunate that I (and many others in the public) have had to resubmit comments that were made nearly six months ago, but my comments have not been taken seriously. A court of law would examine this record and see clearly that the RDEIR is inadequate. I therefore urge the campus to redesign the project to give serious consideration to all feasible alternatives and to assess the reasonably foreseeable impacts of the project.

Sincerely,

/s/ Tim Duane, Ph.D., J.D.
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