

# Community Water Coalition

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December 6, 2011

Santa Cruz County Local Agency Formation Commission  
701 Ocean Street, Room 318-D  
Santa Cruz, CA 95060

RE: Public Hearing on LAFCO Applications #928 and #929

Dear Chairperson Anderson and Commission Members:

The Community Water Coalition (CWC) opposes LAFCO Applications #928 and #929, and we ask the Commission to take a "precautionary" approach as you review them. Approval of these two applications, at this time, would permit the University to construct over 3,000,000 square feet of new buildings on the currently undeveloped UCSC North Campus. In its Application #929, the University specifically seeks 152 million gallons of water, per year, to support this proposed new construction.

Applications #928 and #929 come before the Commission at a time of great uncertainty about the City's water supply capacity. The City is already unable to maintain normal water service in a drought, and the City has a legal responsibility, under both the federal and state Endangered Species Acts, to make significant *reductions* to the surface water diversions upon which the City's water supply largely depends. The City's water supply capacity, in other words, is going to *decrease* by some currently unspecified but significant amount. Further, the groundwater basin from which the City draws part of its water supply is threatened with seawater intrusion. It is clear that the City's water supply situation is likely to get "worse," not better, in the next few years. At the very least, it is uncertain.

The question presented to LAFCO is this: does it make sense for LAFCO to allow the City to extend its water service to a new area, an area not currently entitled to receive water, at a time when the City's water supply situation is particularly uncertain? The CWC thinks that the proper answer is "no."

Because the City is facing such significant water supply uncertainties, the City is now planning to build a desalination plant, expected to cost over \$100,000,000 dollars. There is no guarantee that this plant will ever be approved or built, and the fact that there is a *proposed* solution to address at least some of the uncertainties about the City's water supply does not, by any means, eliminate those uncertainties. Quite to the contrary, it highlights their reality.

The applications before the Commission ask LAFCO to set aside concern about the uncertainties inherent in the City's current water supply situation, and to approve an extension of City water service *now*. Again, the CWC urges the Commission to take the opposite approach. Since the University has no immediate plan (or need) to build on the North Campus, it would not harm anyone for the Commission to take the "precautionary" approach we

advocate, and to delay any approval of a major expansion of the area into which the City is authorized to deliver water until the City's water supply situation has been clarified. That should occur within the next year or so. Consider these facts: the City is moving forward expeditiously with its desalination plan. Similarly, the City is in active negotiation with NOAA Fisheries and the State Department of Fish and Game. The "facts" about the City's water supply capacity are in motion on both the "supply" and the "demand" side. We believe that our proposed "precautionary" approach is appropriate, to ensure that a decision made now, which will increase stress on the City's already stressed water system, doesn't lead to significant adverse impacts in the future. New "demands" on the City's water system may turn out to be large, and it may be that no new "supply" options turn out to be possible. The opposite may also be the case, but there is no certainty that this will be true. Since there isn't any certainty at this time, the Commission should not assume that the "best case scenario" is the most likely one. A "precautionary" approach to these applications avoids that.

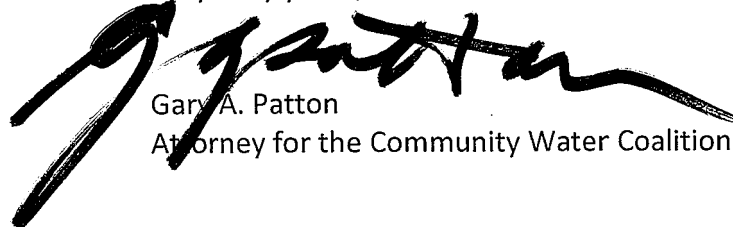
We know that the Commission is cognizant that its decision will have impacts on both the natural environment and on existing City water customers whose residences and businesses are located *outside* the City limits of the City of Santa Cruz, as well as those within the City. The Commission's decision will affect all of Live Oak, Pasatiempo, Santa Cruz Gardens and Carbonera, Paradise Park and parts of Graham Hill Road, parts of Branciforte Drive, and even some parts of the City of Capitola. Some of the agricultural lands on the North Coast are also affected. The "precautionary" approach we advocate will benefit *all* of the City's existing water customers, and will eliminate the possibility that extending water service to areas not currently served will increase the strain on threatened and endangered fish species.

The UCSC North Campus is outside the City's current water service area; it is outside the City limits; it is outside the City's current Sphere of Influence; and it is located beyond the line that the City has adopted in its General Plan to indicate the City's expected long-term boundary. The Final EIR for the proposed Sphere of Influence Amendment states that approval "will result in some significant adverse environmental effects that cannot be avoided even with the adoption of all feasible mitigation measures."

We believe that this finding from the EIR, and both state law and your own policies, should direct you towards the "precautionary" approach we advocate. Our analysis is attached. In addition, we have included comments in the attachment that are aimed specifically at what we think are key questions raised by all the materials that LAFCO has received. We look forward to the public hearing on December 7, 2011, and will be prepared to respond to any questions Commissioners may have at that time.

Above all, the CWC asks LAFCO to act *independently*. It would be hard to overstate the importance of the decision that the Commission is being asked to make, and state law directs LAFCO to exercise its own best judgment on whether this service extension request makes sense *at this time*.

Very truly yours,



Gary A. Patton  
Attorney for the Community Water Coalition

## **Analysis And Key Points For Commission Consideration**

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### **LAFCO's Responsibility Is To Undertake an Independent Review**

The UCSC Chancellor has suggested in his recent letter to your Executive Officer that "the Settlement Agreement recognizes and preserves the University's position that LAFCO approval is not required." The CWC absolutely rejects the idea that LAFCO's role is simply to validate what the University wants to do, as reflected in a settlement agreement to which LAFCO was not even a party. LAFCO has independent authority, pursuant to state law, and LAFCO approval is definitely required.

It is uncontested that the UCSC North Campus area is outside the City's jurisdictional boundaries. Since it is, the City may provide water to that area "**only if it** first requests and **receives written approval from the commission ...**" (Government Code §56133 (a), emphasis added). There is no exception in the law for campus lands. Whether or not to approve this request for the extension of extraterritorial water and sewer service is a matter given over to the sound discretion of LAFCO, pursuant to the requirements of state law and your own policies and guidelines.

### **What Is The Nature Of The Commitment That LAFCO Is Being Asked To Make?**

Currently, the UCSC North Campus area has no legal right to receive water from the City. The University would like the City to be authorized to extend water service to that area, and the impacts of doing that, if the Commission were to approve the extension, would be extremely significant. Providing 152 million gallons of water is not like providing water for a single family dwelling. A proposal to build 3,000,000 square feet of new construction is a proposal to increase the physical size of current campus building by more than 50%.

If LAFCO approves the extension of City water service to the North Campus area, then that decision, once made, can never be undone. Within the area to which municipal water service is provided, all properties have an equal right to call upon the available water resources. This is why extending water service to this area, when there is uncertainty about the state of the City's water supply capacity, is potentially damaging to current water customers, and to those who are already within the City's water service area. In a "normal" year, water supplies are not expected to be a problem; the increased demand from the University can be handled. But in a "dry year," or in a "multiple dry year" situation, when there will have to be cutbacks, the fact that there will now be a large new water user as part of the system will be directly disadvantageous to everyone else – and of course to endangered fish species. Since the likely magnitude of the impacts is truly unknown, the CWC strongly urges the Commission to utilize a "precautionary" approach, before making an irrevocable commitment to place more demand on the system in dry and multiple dry years.

### **What Does State Law Say?**

The history of LAFCO and the provisions of Government Code §56301 make clear that one of the key considerations that must guide LAFCO's actions is the fundamental objective of LAFCO to "discourage urban sprawl," and to "preserve open-space." "Efficiently providing government services" is also a key criterion. (Government Code §56301).

In this case, the UCSC Long Range Development Plan, which the University is seeking to implement by its application to LAFCO, does not “preserve open-space.” In fact, it profoundly transforms a natural area on the UCSC campus into a densely developed area, with over 3,000,000 square feet of new buildings. Furthermore, the proposed development will require significant logging. Because the University is exempt from direct land use control by local agencies, the Commission might think that the investigation ends there. However, application #929 seeks an “extension” of services to which the University is not entitled as a matter of right. State law makes clear that LAFCO may decide either to grant the application to extend extraterritorial services or not, as the Commission thinks will best accomplish the purposes and objectives established by LAFCO’s own policies, and by the policies contained in state law.

The CWC respectfully argues that the requested extension of services into the currently natural North Campus area would be directly contrary to the purpose of “preserving open-space.” Furthermore, CWC believes that granting such an extension of extraterritorial services *now* would be directly contrary to the principle of “efficiently providing government services,” in light of the extreme uncertainty about the state of the City’s water supply capacity.

The CWC believes that the Commissioners should consider these state law factors, as well as the Commission’s own water policies, as the Commission reviews and makes its decisions on applications #928 and #929. The CWC also urges that these factors argue against approval of the applications before LAFCO.

### **What Do LAFCO’s Own Policies Say?**

LAFCO has a number of policies that directly bear on the two applications before the Commission. We highlight the following:

- Guideline #6 in the Commission’s Sphere of Influence Policies states: “The Commission’s objective is to **ensure** that its decisions relating to water do not lead to adverse impacts on the natural resources of Santa Cruz County...” (Staff Packet, P. 170, emphasis added). The word “ensure” is important. This means, we believe, that the Commission should take a “precautionary” approach when there “might” be an adverse impact. It is clear that there “might” be an adverse impact on endangered fish species if the Commission approves the application. (There probably will be, in our opinion). To “ensure” that this isn’t the result of the requested extension of new water service, the Commission should take the conservative and precautionary approach we advocate.
- Standard 4.1.1 of LAFCO’s Standards For Evaluating Proposals says that “in any proposal requiring water service, the Commission requires that the agency that will provide the water will need to demonstrate the availability of an adequate, reliable and sustainable supply of water.” (Staff Packet, P. 172). The word “demonstrate” means that the burden is on the City to show that the City’s water supply capacity is “adequate, reliable and sustainable.” Respectfully, the CWC does not believe that a “reliable” supply of water has been “demonstrated.” The CWC also believes that the word “sustainable,” while susceptible of a number of meanings, incorporates the idea that no groundwater overdraft, or violation of the Endangered Species Act, can properly be called “sustainable.”

### **Annexation As A Requirement**

As the recent Appellate Court decision in *CWC v. LAFCO* makes clear, LAFCO is permitted to approve an extension of extraterritorial services in only two situations: First, LAFCO can approve such an extension of extraterritorial services to “respond to an existing or impending threat to the public health or safety ...” (Government Code §56133(c)). That situation, of course, is not the situation here. Second, the Commission can approve an extension of extraterritorial services by a city or district if the area to which the services are to be extended is “within its sphere of influence in anticipation of a later change of organization.” In this case, such a “change in organization” means an annexation. (Government Code §56133(b)).

We believe that the University has not properly understood the requirements of state law. The UCSC Chancellor has taken the position in his recent letter that any condition requiring “annexation” to the City is “unacceptable,” and suggests various reasons that a requirement for annexation would not, in his opinion, be advisable. However good these reasons might be (and the CWC does not agree with the Chancellor on this point), both state law and LAFCO’s own policies make clear that an approval of an extraterritorial extension of services to facilitate new development will be approved only if it is truly in “anticipation of a later change of organization.” In other words, if the Commission wants to approve the applications, a program for the annexation of the UCSC North Campus area to the City of Santa Cruz is a legally required condition.

### **The City General Plan**

Both the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and LAFCO’s own policies require the Commission to give great weight to the long term plans of the jurisdictions that come before it. This means, in the case of applications #928 and #929, that the Commission should pay particular attention to the City’s General Plan. Government Code §56375(a)(7) specifically provides that “[a] decision of the commission with regard to a proposal to annex territory to a city shall be *based upon* the general plan.... (emphasis added).” Since approval of application #929 can be given only in “anticipation” of a later annexation of the North Campus area to the City, what the City’s General Plan says is highly pertinent.

The City’s current General Plan does not contemplate the extension of City services to the UCSC North Campus, nor does it contemplate the annexation of this area. Neither does the City’s proposed *new* (not yet adopted) General Plan. Attached is Figure 4.5-1 from the Draft EIR for the proposed 2030 City of Santa Cruz General Plan, showing that the City is *not planning* to extend its city limits or water service area to include the UCSC North Campus.

If LAFCO were to approve applications #928 and #929, the decision by the Commission to “approve” the extension of extraterritorial services, pursuant to Government Code §56133(b), would not be self-executing. If the City is authorized by LAFCO to extend its services, the City Council would still have to make a specific decision to extend the services, and any such decision to extend its infrastructure must, by law, be consistent with the City’s General Plan. This is another demonstration that no one would be harmed by a Commission decision to take more time on these applications. UCSC has frequently stated that it is not at all ready, in the foreseeable future, to begin building in its North Campus area; similarly, the City is not

procedurally ready to make a decision to extend its water services to that area, should LAFCO grant approval. Before the City could do that, a City General Plan amendment would be required.

### **How Does The Municipal Service Review Fit In?**

Government Code §56430(c) requires the Commission to “conduct a service review before, or in conjunction with, but no later than the time it is considering an action to establish a sphere of influence in accordance with Section 56425 or Section 56426.5 or to update a sphere of influence pursuant to Section 56425.” In his staff report, in the “Alternatives” section, the Commission’s Executive Officer indicates that the Commission might: (1) determine that the Municipal Service Review submitted to the Commission is adequate; (2) determine that while the Municipals Service Review is adequate, one or more changes would improve the document; (3) determine that the Municipal Service Review is not adequate, and direct staff to revise or augment [the report] and to put the matter back on the Commission’s agenda at a future date. (Staff Report, p. 36).

The CWC respectfully urges the Commission to adopt the third alternative. We note that the Municipal Service Review has not, officially, been set for public hearing or official action by the Commission. We also note that the Municipal Service Review presented to the Commission was not, actually, conducted by the Commission, but that the document you have received was essentially prepared by the City and its consultants, and we therefore question both its adequacy and independence.

Knowing that the law requires the conduct of such a service review by the Commission, prior to an amendment of the City’s Sphere of Influence, your Executive Officer asked for certain “information” from the City, to assist him in preparing the required review. Rather than directly providing the information as requested, the City informed the Commission’s Executive Officer that it would be hiring a consultant to provide the information. In fact, the Executive Officer was concerned about this response from the City (and was specifically concerned about the consultant’s possible biases), and he brought the matter specifically to the Commission’s attention. In the end, what the City and its consultants provided was not really the “information” that the Executive Officer had specified, but a full report, presented to you in connection with your December 7, 2011 hearing.

As the Commission might expect, the manner in which the Municipal Service Review was prepared casts doubt on whether the document before you is really a service review conducted by the Commission itself, as the law requires. Most pertinently, the document before you provides only a general overview of the City’s water supply capabilities. What is required, in terms of the information you need to make decisions on applications #928 and #929, is an examination and analysis of the multiple City documents that all contain somewhat different numbers on the City’s water supply capabilities, with a specific focus on the “worst case” as well as the “best case” possibilities with respect to the reductions that the City must make to its surface water diversions, in order to come into compliance with the requirements of the federal and state Endangered Species Acts.

Respectfully, we urge the Commission to require its Executive Officer to conduct an independent service review, as we believe the LAFCO law requires, and then to set that matter for public hearing, so that the public can respond to the adequacy of the analysis provided to the Commission.

### **What Is The City's Real Water Supply Situation?**

As just noted, the Commission does not have adequate information to know, with any degree of certainty, what the City's real water supply capabilities are. This is why the CWC urges the Commission to adopt a "precautionary" approach to its decision making on applications #928 and #929. Perhaps a more robust Municipal Services Review could provide increased certainty, but at the moment, the situation is very unclear.

As we hope the Commission knows, the City and its representatives seem to have two different views of the City's actual situation. We print, below, a quotation from former City Manager Dick Wilson, as contained in his last budget statement to the Council. This statement was made after the October 28, 2008 date upon which applications #928 and #929 were made. We tend to think it is accurate in its characterization of where the City is with respect to its water supply capabilities. Very similar views are still being advanced by the City's Water Director, and other City representatives, when there is any discussion about the City's need to spend \$100,000,000 for a desalination plant.

In contrast to the City's comments when desalination is at issue, the City Water Director and other City representatives always indicate that there would be little impact on anything if water service is extended to the North Campus area. City representatives even assert that the University will not need any new water, whatsoever, to provide for the 3,000,000 square feet of new construction proposed. We note, despite this confidence that things are "just fine" with respect to any problem with the proposed extension of water service to the UCSC campus, that application #929 still posits the need for 152 million gallons of water per year.

The CWC, as a volunteer community group, has not had the financial ability to hire consultants or water experts, and have simply had to respond to materials presented by the City. We urge the Commission to take note of what former City Manager Dick Wilson said in May 2010, and suggest that if the situation were not, in fact, just as serious as he paints it, it would not be necessary to spend over \$100,000,000 to deal with it:

We have lived on the precipice of extreme water shortage for so long that we hardly give it a thought.

Every winter, year in and year out, those who work for the Water Department anxiously track rainfall and runoff. We are always on the verge of rationing. We can never be secure for more than one summer. No one knows this better than the people responsible for delivering water to 90,000 people who depend upon it; no one could know better.

We have sixty years of rainfall data, which are meaningless. It is silly to think that the most challenging drought of the last 60 years is a real worst-case scenario. Both wet and

dry periods can last for decades or even centuries. We have no idea what future rainfall will be; we only know that we are absolutely dependent upon it. In a modest drought, such as 1976–77, we are in trouble. In a severe drought, we are in deep trouble. It is not a stretch to imagine banning all outdoor water use and closing hotels and restaurants and other businesses in time in time of severe drought. Moreover, we have an over-stretched system in the best of times.

We have an old water system. We have inadequate supply. We need to continue to invest large sums in the system and develop a supply for drought situations. If we do not, we will be risking the well-being of every one of our customers.

The CWC believes that LAFCO should conduct a more robust Municipal Service Review, and should take a “precautionary approach” to applications #928 and #929. We think that this is exactly what the good counsel of the City’s former City Manager would counsel.

#### **Effect of Sixth District Court Decision in *CWC v. LAFCO***

As Commissioners know, the Sixth Appellate District issued an opinion in *CWC v. LAFCO* on November 18<sup>th</sup>. While the court did not officially “reverse” the trial court’s decision, it completely confirmed the reading of Government Code §56133 that was advanced by CWC. The statute does say, as we contended, that the “City,” as the service provider, is required to make the request to LAFCO, and that this request cannot be made by the University, as the service recipient. The Court found that the City had indeed made such a “request,” and the fact that it was the University that filed the application was not the key issue.

Most importantly (and this was the main concern of CWC in pursuing the litigation), the Appellate Court has clearly stated that LAFCO has the right to impose conditions on any approval it may choose to grant. Specifically, the Court said:

Here, the controlling legislation is section 56133, subdivision (a): No city or district may extend its services beyond its jurisdictional borders absent written approval from LAFCO. Consequently, there is no support for the argument that by allowing the prospective recipient of the services to file the application City may somehow avoid complying with whatever conditions LAFCO may decide to impose. The application is merely that which triggers LAFCO’s review. City is permanently constrained by section 56133, subdivision (a) from providing extraterritorial services absent written approval from LAFCO.” (*CWC v. LAFCO*, Slip Opinion, p. 10, emphasis added).

As previously stated, the CWC urges the Commission to deny applications #928 and #929 without prejudice, and thus to take a “precautionary” approach towards the impacts that may be caused by an extension of water service to the UCSC North Campus area. If, however, the Commission determines, contrary to our position, to approve the applications, the recent Appellate Court decision makes absolutely clear that LAFCO has a plenary power to apply whatever conditions it believes are necessary to achieve the purposes of state law, and to conform to LAFCO’s own policies.



### The Proposal For A "Water Neutral" Policy For UCSC Growth

The City has recently sent the Commission a "Draft Policy" titled "Water Conservation Strategy Regarding Water Demands Associated With The University of California Santa Cruz." The City Council "Minute" order reads as follows: "Motion carried to review the draft City Council Policy 34.06 on water conservation strategy regarding water demands associated with UCSC and to authorize staff to submit the policy to the Local Area [sic] Formation Commission (LAFCO) for its review and consideration in connection with the City's application to amend the City's Sphere of Influence (SOI) to include the UCSC North Campus."

The CWC has several comments on this document, and on the proposition that the City seems to be making, in response to the requirements of the LAFCO policies that govern the two applications before the Commission:

1. As indicated in its Minute Order, the document submitted by the City is a "policy" statement that was *reviewed*, but not actually *adopted* by the City Council. It is a "draft" statement prepared by the City staff and briefly considered by the Council, which the Council then directed be sent to LAFCO for LAFCO's "review and consideration." In other words, the City is asking LAFCO to make City policy for the City. "Tell us what you want," the Council seems to be saying, and we will then consider whether we want to adopt it. If the City were serious about this "policy," the City Council would actually have taken action to approve or adopt it, instead of just "reviewing it." All the Council's actions have been "procedural," not "substantive," with respect to this proposed "policy." The CWC hopes the Commission will decline the City's implicit invitation to draft a City policy on water conservation for the City. That is really something that the City should do for itself, if it wants to do it.
2. A "policy," even if extremely well thought through and detailed in its provisions, is simply a statement of current intention. "Policies," in other words are not "binding" unless they are otherwise made legally applicable. The Commission should not make a decision that will provide a permanent right for the University to receive water in areas not now legally entitled to receive such water, based on a "policy" statement, however rigorous that policy statement might be, since any such "policy" can be changed at any time by a simple vote of the Council. Any such statement is unenforceable by its very nature.
3. The so-called "policy" sent by the City is anything but well thought through and detailed in its provisions. It is anything but rigorous. If the City and the University want seriously to commit themselves to a program that will ensure that the University can build over 3,000,000 square feet of new buildings with a "water neutral" restriction, so that no additional water will ever be needed to supply that 3,000,000 square feet of new construction, then something a lot more detailed and rigorous than the "policy" sent to the Commission is going to be needed. The City's proposed "policy" language is nothing more than a "trust me" statement. We hope, if the Commission is inclined to approve the applications before you, that you will require a strong and enforceable guarantee, not this sketch of a "policy" that shows no promise of being effective as a real guarantee of "water neutral" development.

4. When the Council reviewed the proposed "strategy" contained within the proposed "policy" document, the City staff told the Council that the essence of the "strategy" was that the City would use monies contributed by UCSC pursuant to Section 3.1 of the Comprehensive Settlement Agreement to finance water conservation activities that would reduce water demand in the City's system, and that these reductions would completely offset the demand generated by the new construction on the UCSC North Campus, thus making all that new growth "water neutral." In fact, this scheme seems to contradict provisions of the Comprehensive Settlement Agreement itself. The Comprehensive Settlement Agreement was entered into between a number of parties other than the University and the City, so it would not be easily amended. It provides in Section 3.1 c. that the UCSC financial contributions to be made to the City will be counted as "UCSC's contribution to finance construction of public facilities needed to serve UCSC's water demands in non-drought years on the main campus ..." (Comprehensive Settlement Agreement, Section 3.1 c., Page 11). The late-breaking proposal from the City appears to suggest that water ratepayers would now be picking up those costs, since the monies set aside for that purpose would be diverted to other uses, namely to the so-called "water neutral" strategy for UCSC growth.
5. For all the reasons outlined in the points above, CWC encourages the Commission to pay no attention whatsoever to the proposed City "water neutral" strategy. If the Commission wants such a program to be in place, in connection with any approval of the applications, CWC urges that the program be based on a condition or a set of conditions established by the Commission itself, and that any such conditions be truly enforceable.

#### **Other Proposed Conditions**

The Executive Officer has outlined a number of possible conditions on Pages 37-38 of his staff report. If the Commission determines that it wants to approve applications #928 and #929, with conditions, we will have further comments and suggestions. At this time, we would certainly endorse proposed Condition #1, accompanied by a specific implementation program with clear enforceability. We would also urge that proposed Condition #2 be refined and strengthened. The CWC would endorse proposed Condition #3, and would have strengthening suggestions or other comments on proposed Conditions #4, #5, #6, and #7.

#### **Conclusion**

Because the City's water supply capabilities are so uncertain, the CWC believes that the Commission should take a "precautionary" approach. Before allowing the City to extend water service into an area that is not now legally entitled to receive City water, the Commission should be confident, as its own policies require, that the City has demonstrated that it has an "adequate, reliable, and sustainable supply of water" that will allow the City to serve the new demand from the UCSC north campus area without putting endangered fish species in greater danger, and without putting existing customers and those within the current water service area at greater risk, either.

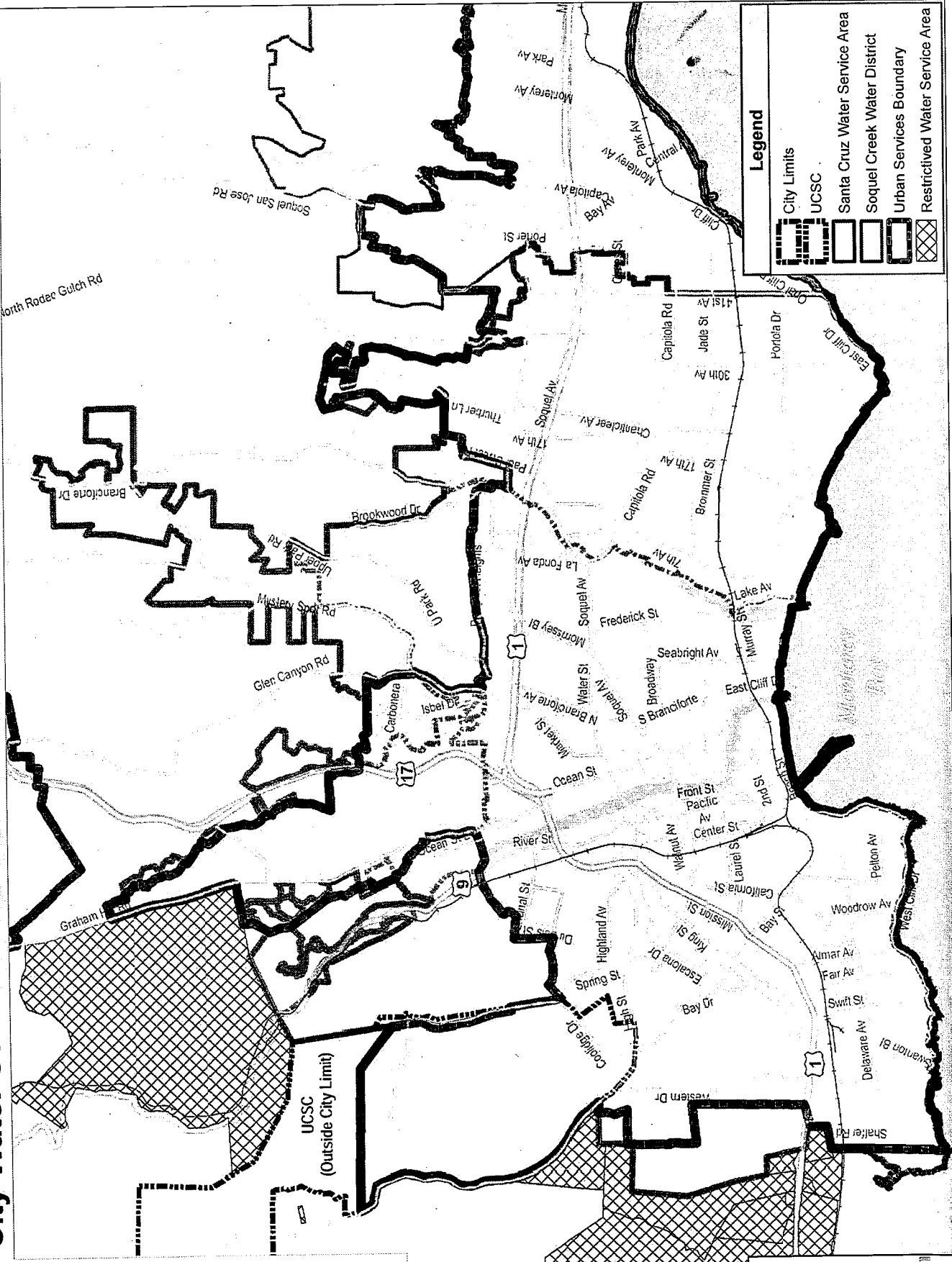
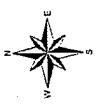
Respectfully, we don't think that the materials before you demonstrate that this is the case. Quite the opposite. There are few reasons for confidence that there is an adequate and reliable

and sustainable water supply available to make possible the extension of water service that the City and UCSC desire without having adverse effects on others, and on endangered fish species. This is, in fact, exactly what the EIR found. The City and UCSC are asking LAFCO to take a “hope for the best” approach, as opposed to the “precautionary,” approach we advocate.

The CWC asks the Commission to deny applications #928 and #929, without prejudice, and to request the City (and the University) to resubmit these applications at such time as there is more certainty about the City’s water supply capabilities. We know that the City will be required, in the near future, to make reductions in surface water diversions to comply with its responsibilities under the federal and state Endangered Species Acts. We also know that the City is seeking to build a desalination plant that would provide the City with a much more stable water supply. What we don’t know is what will actually happen with respect to either of these efforts. There are major uncertainties on both the “supply” side and the “demand” side. As an alternative to denying the applications without prejudice, the Commission could also consider simply continuing consideration of these applications to some specific date in the future, in order to provide time for more information to be made available, clarifying the City’s water supply capacity.

Thank you for taking our comments seriously. We will look forward to the hearing set for Wednesday, December 7, 2011.

**Figure 4.5-1  
City Water Service Area**



**Legend**

- City Limits
- UCSC
- Santa Cruz Water Service Area
- Soquel Creek Water District
- Urban Services Boundary
- Restricted Water Service Area



SANTA CRUZ  
General Plan 2030  
DRAFT EIR

