

4.16 PUBLIC SERVICES

4.16.A Police and Fire

This response addresses comments LA3-1, LA3-2, LA3-3, LA6-2, LA6-4, and LA6-5, as well as other similar comments, relating to services provided by the City of Merced Police and Fire Departments. These comments provide additional information on the provision of police and fire protection by the City.

Comments about the means that could be used to provide police and fire protection service for the Campus are not related to the assessment of public safety impacts required by CEQA. The Draft EIR indicates that on-campus law enforcement services would adequately meet demand. Mitigation Measure 4.12-1 in the Draft EIR details the level of police protection service that would be sufficient. The Draft EIR also notes that the City's fire department has a quicker response time than the Merced County Fire Department, and that the University will arrange a service agreement with the most appropriate agency. Mitigation Measure 4.12-2 in the Draft EIR details a level of fire protection service that would be sufficient. While the City notes that it could provide services for both fire and police through a service agreement or annexation, identification of which agency would provide fire services will be determined through negotiation of appropriate service agreements and operations plans. The Final EIR incorporates the clarifications and corrections offered by these comments (see Volume 2, Section 7).

4.16.B Schools

This response addresses comments LA10-1, LA10-3, LA10-4, LA10-6, LA10-7, LA11-1, and LA11-2, as well as other similar comments raising issues relating to schools. In these comments, the Merced City School District and the Mariposa County School District raise issues regarding expected increases in student enrollment associated with UC Merced and population growth associated with the campus, and the need for funding to provide adequate school and school support facilities and to meet increased operational needs.

As stated in the Draft EIR, the campus population will generate approximately 637 K-8 students and 266 high school students, for a total of 903 students when the entire campus is built and the student population is at its maximum. As the Draft EIR further explains, this increased student enrollment will result in a need for additional school facilities. However, the specific environmental impacts that might result from development of such facilities cannot be assessed because no specific school construction or expansion projects have been proposed, and development of such new or expanded facilities would be the responsibility of the relevant school district. The Draft EIR further explains that if the University Community is approved and developed, then the school facilities that would serve school-aged children residing in student or faculty housing on campus would be developed as part of the University Community and the environmental impacts of developing the University Community are discussed in the UCP EIR.

Under the Draft EIR's significance standard relating to public services, increased student enrollment demand will result in a finding of a significant environmental impact if the project will result in the need for a new or physically altered physical facilities, and construction of such facilities could cause significant environmental impacts. Applying this standard of significance, the Draft EIR finds that because the impacts of such construction, which is the responsibility of

the school districts, cannot be known, they are significant. Commenters also note that some additional regional development will be the direct or indirect result of the development of the Campus. (For a discussion of induced growth, see Section 6 of the Draft EIR) Again, however, it is not possible to assess in this EIR what effect any such growth might have on the need to expand or construct new school facilities in particular areas, or the environmental impacts that might result from such construction. It should be noted, however, that the amount of growth expected in outlying areas (such as Mariposa County) due to the UC Merced Campus is limited, as is more fully explained in Chapter 6 of the Draft EIR and Section 4.22 below.

The comments on the Draft EIR relating to student generation do not focus on environmental impacts. Instead, these comments address issues relating to school facilities funding, and several of the comments articulate the position that statutory school impact fees will not be sufficient to meet the financial needs created by increased student enrollment. Thus, while the comments characterize increased student enrollment as an “impact” and funding for construction of school facilities to address increased student enrollment as “mitigation,” it should be understood that the “impact” the comments refer to is not a physical environmental impact, and the provision of funds to construct schools is not a “mitigation measure” for an environmental impact. Accordingly, because these comments raise fiscal issues rather than environmental issues, a response is not required under the provisions of CEQA.

Several comments relating to schools raise a question whether provisions of state law limiting the authority of public agencies to impose school facilities fees will hamper the ability to fund school facilities within the University Community or elsewhere in the region. While these comments raise nonenvironmental issues relating to facilities funding, a brief summary of the applicable provisions of state law may be useful to those unfamiliar with the mechanisms for funding school facilities referred to in those comments. Proposition 1A together with Senate Bill 50 (Chapter 407, Statutes of 1998) implemented significant reforms relating to school impact fees. The bill resulted in full state preemption of development-related school facility fees. The statutory requirement consists of a set fee per square foot of development, the specific amount of which is adjusted biannually. These baseline statutory fees, referred to as Level I fees, are generally the maximum amount of fees that districts may impose on private development. However, the statutory scheme is intended to generate school impact fees in an amount commensurate with and adequate to respond to facilities needs arising from new development. Accordingly, the law identifies circumstances under which the baseline statutory fee may be exceeded by imposition of Level II fees. These circumstances include preparation and adoption of a school facilities “needs analysis” by the school district and satisfaction of specific statutory conditions relating to need and financing conditions. In addition, in the event state bond funds are not available to match fees raised by the district, Level III fees, equal to the full cost of new schools required as a result of new development, may be imposed. The University will strongly support the school districts as they seek to identify and implement methods of finding school facilities to accommodate student growth associated with development of the University and the University Community.

4.16.C Cost

This response addresses comments I34-1b and O19-8, which are concerned with the cost of policies and services. One commenter also states a concern about the impacts of increased demands for services and increased congestion.

The economic cost related to implementing the project or adopting the policies of the LRDP (or UCP) EIR are not related to the assessment of public services or other environmental impacts required by CEQA. The impacts of increased demand for services are addressed in Section 4.16, Public Services of the LRDP EIR. Traffic impacts are discussed in Section 4.14 Traffic, Circulation and Parking.

Much of comment O19-8 raises issues in relation to the University Community and the UCP EIR. The commenter asks whether provisions have been made to provide adequate levels of public services. These provisions do not require written agreements or a commitment to public funds, as indicated by the comment. As discussed throughout Section 4.12 of the Draft UCP EIR, the UCP policies provide standards for services and facilities that must be met by development in the UCP area. (See, for example, UCP Policies PS 1.1-1.5 and 2.1 and 2.2 on page 4.12-2 regarding law enforcement, PS 3.1 through 3.5 on pages 4.12-9 and 4.12-10 regarding fire protection, PE 1.0 through 1.3 on page 4.12-17 regarding schools, PLC 1.1, 1.2, 2.1 and 2.2 on page 4.12-24 regarding libraries, and PHS 1.1 through 1.3 on page 4.12-28 regarding medical services). The UCP also includes implementation measures to ensure that the policies are implemented. Implementation Measure 2.4 calls for the preparation of community master plans or facility plans to identify the locations, development standards, governance, financing, and so on for new infrastructure. These policies and implementation measures would ensure that adequate services would be provided to new residents of the UCP.

Various factors are to be considered in determining whether a proposed modification of the SUDP boundaries should be approved. The criteria set forth in the Merced County General Plan are designed to focus the process of weighing the benefits of the conversion of agricultural land against the impacts of conversion. None of the factors, therefore, is by itself determinative.

The UCP EIR contains a discussion of each of such factors, in some cases coming to a conclusion that is consistent with the commenter. In some cases, the UCP EIR has presented factual information regarding a particular criterion and has not attempted to reach a specific conclusion.

As noted in UCP EIR Section 4.9-2, the determination of consistency of UCP policies with the Merced County General Plan will ultimately be made by the Board of Supervisors.