

FINAL ENVIRONMENTAL IMPACT REPORT

Downtown Plan Amendments



City of Santa Cruz

SCH NO: 2017022050

October 2017

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DOWNTOWN PLAN AMENDMENTS

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PREPARED FOR

CITY OF SANTA CRUZ

Planning and Community Development Department

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Santa Cruz, California

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TABLE OF CONTENTS

1	INTRODUCTION.....	1-1
1.1	Purpose of the EIR.....	1-1
1.2	Project Overview.....	1-2
1.3	Scope of the EIR.....	1-3
1.4	Environmental Review and Approval Process.....	1-4
1.5	Organization of EIR.....	1-7
2	SUMMARY.....	2-1
2.1	Introduction.....	2-1
2.2	Project Overview.....	2-1
2.3	Areas of Controversy or Concern.....	2-1
2.4	Summary of Alternatives.....	2-2
2.5	Summary of Impacts and Mitigation Measures.....	2-3
2.6	Issues to Be Resolved.....	2-10
3	CHANGES TO DRAFT EIR.....	3-1
3.1	Introduction.....	3-1
3.2	Changes to All Sections.....	3-1
3.3	Changes to Sections 1 and 2 - Introduction and Summary.....	3-1
3.4	Changes to Section 3 - Project Description.....	3-1
3.5	Changes to Section 4.3- Biological Resources.....	3-2
3.6	Changes to Section 4.5 - Hydrology and Water Quality.....	3-2
3.7	Changes to Section 4.6 - Public Services.....	3-4
3.8	Changes to Section 4.9 - Land Use.....	3-5
3.9	Changes to Section 6 - References.....	3-7
4	PUBLIC COMMENTS AND RESPONSES	
4.1	Introduction.....	4.2-1
4.2	List of Comment Letters Received.....	4.2-1
4.3	Comment Letters and Responses.....	4.2-2

APPENDICES

- A. Mitigation Monitoring and Reporting Program
- B. Review of Project Consistency with California Coastal Act Policies

TABLES

4.9-1	REVISED – Potential Conflicts with City Of Santa Cruz Policies.....	3-8
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CHAPTER 1 INTRODUCTION

1.1 PURPOSE OF THE EIR

This EIR has been prepared for the City of Santa Cruz (City), which is the lead agency for the project. This document, together with the Draft EIR dated July 2017, constitutes the Final EIR for the proposed Downtown Plan Amendments project. This EIR has been prepared in accordance with the California Environmental Quality Act (CEQA), which is found in the California Public Resources Code, Division 13, and with the State CEQA Guidelines, which are found in Title 14 of the California Code of Regulations, commencing with section 15000.

As stated in the CEQA Guidelines section 15002, the basic purposes of CEQA are to:

- Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.
- Identify the ways that environmental damage can be avoided or significantly reduced.
- Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- Disclose to the public the reasons a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

Pursuant to State CEQA Guidelines section 15121, an EIR is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information which may be presented to the agency. While the information in the EIR does not control the ultimate decision about the project, the agency must consider the information in the EIR and respond to each significant effect identified in the EIR by making findings pursuant to Public Resources Code section 21081.

This EIR is being prepared as a “Program EIR” pursuant to section 15168 of the State CEQA Guidelines. A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related geographically, by similar environmental effects, as logical parts in the chain of contemplated actions, or in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program. A program EIR can provide a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action and can ensure consideration of cumulative impacts. A program EIR can be used as part of the environmental review for later individual projects to be carried out pursuant to the project previously analyzed in the program EIR, where impacts have been adequately addressed in the program EIR. This is referred to as “tiering” as

set forth in section 15152 of the State CEQA Guidelines. “Tiering” uses the analysis of general matters contained in a broader EIR (such as one prepared for a general plan) with later EIRs and negative declarations on narrower projects, incorporating by reference the general discussions from the broader EIR and concentrating the later EIR or negative declaration solely on the issues specific to the later project. The State CEQA Guidelines encourage agencies to tier the environmental analyses which they prepare for separate but related projects, including general plans, zoning changes, and development projects.

For later individual projects proposed in the areas covered by the plans and amendments covered in this EIR, the City will determine whether the individual project or subsequent activity is within the scope of this Program EIR, meaning it is an activity within the same project as analyzed in the program EIR or within the same geographic area encompassed by the program EIR. Depending on the City’s determination, including whether new effects could occur or new mitigation measures would be required, the analysis for later projects could range from no new CEQA document to a new EIR. The City potentially could apply one or more CEQA “streamlining” tools when it considers later projects, including, but not limited to the focused analytical routes offered under Public Resources Code sections 21155.2, 21083.3, and 21099, and CEQA Guidelines sections 15152, 15182, 15183, and 15183.3. If appropriate and applicable to a proposed project, the City may also consider one or more statutory or categorical exemptions.

Pursuant to CEQA (Public Resources Code section 21002), public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which would substantially lessen the significant environmental effects of such projects. Pursuant to section 15021 of the State CEQA Guidelines, CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible. In deciding whether changes in a project are feasible, an agency may consider specific economic, environmental, legal, social, and technological factors. According to the State CEQA Guidelines, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. This section further indicates that CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors, and an agency shall prepare a “statement of overriding considerations” as to reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment. The environmental review process is further explained below in subsection 1.4.

1.2 PROJECT OVERVIEW

This Environmental Impact Report (EIR) addresses the potential environmental effects of a series of proposed amendments to the following adopted plans and regulations; a full description of all project components is provided in the Chapter 3.0, Project Description, of the Draft EIR.

- Downtown Recovery Plan: Amendment to extend and modify the Additional Height Zone A, modify allowed heights in the Additional Height Zone B, modify development standards set forth in Chapter 4, and other minor revisions;
- General Plan 2030: Amendment to modify Floor Area Ratio for the Regional Visitor Commercial land use designation in the downtown area;
- Local Coastal Program (LCP): Amendment to Land Use Plan text to modify San Lorenzo Urban River Plan land use development policies and modification of development standards incorporated by reference in the Central Business Zone District that is part of the Implementation Plan;
- Zoning Code sections: Amendment to Municipal Code Section 24.10, Part 24, Central Business District (CBD) of the Zoning Code, an implementation ordinance of the City's LCP, to modify extension area regulations and add standards for outdoor curb extension areas.

1.3 SCOPE OF THE EIR

An Initial Study and Notice of Preparation were prepared for the project, which identify potentially significant impacts and discuss issues that were found to result in no impacts or less-than-significant impacts. (See Appendix A in the Draft EIR document.) Based on the analyses in the Initial Study and responses to the Notice of Preparation (as discussed below), the EIR evaluates potentially significant impacts for the topics listed below. The EIR also evaluates topics required by CEQA and CEQA Guidelines, including growth inducement, project alternatives, and cumulative impacts. The environmental analysis for this EIR includes:

- Aesthetics
- Air Quality and Greenhouse Gas Emissions
- Biological Resources
- Cultural and Tribal Cultural Resources
- Hydrology and Water Quality
- Public Services (Fire and Police Protection Services, Parks and Recreation, Schools, Solid Waste, Electrical and Natural Gas Utilities)
- Transportation and Traffic
- Water and Wastewater Utilities
- Land Use – Plan and Policy Review

The focus of the environmental review process is upon significant environmental effects. As defined in section 15382 of the CEQA Guidelines, a “significant effect on the environment” is:

... a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water,

minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether a physical change is significant.

In evaluating the significance of the environmental effect of a project, the State CEQA Guidelines require the lead agency to consider direct physical changes in the environment and reasonably foreseeable indirect physical changes in the environment which may be caused by the project (CEQA Guidelines section 15064[d]). A direct physical change in the environment is a physical change in the environment which is caused by and immediately related to the project. An indirect physical change in the environment is a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project. An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project.

CEQA Guidelines section 15064(e) further indicates that economic and social changes resulting from a project shall not be treated as significant effects on the environment, although they may be used to determine that a physical change shall be regarded as a significant effect on the environment. In addition, where a reasonably foreseeable physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project.

1.4 ENVIRONMENTAL REVIEW AND APPROVAL PROCESS

1.4.1 Scoping

Under CEQA, the lead agency for a project is the public agency with primary responsibility for carrying out or approving the project, and for implementing the requirements of CEQA. CEQA Guidelines section 15083 authorizes and encourages an early consultation or scoping process to help identify the range of actions, alternatives, mitigation measures, and significant effects to be analyzed and considered in an EIR, and to help resolve the concerns of affected regulatory agencies, organizations, and the public. Scoping is designed to explore issues for environmental evaluation, ensuring that important considerations are not overlooked and uncovering concerns that might otherwise go unrecognized.

A Notice of Preparation (NOP) for this EIR was circulated for a 30-day comment period on February 14, 2017. The NOP, with an Initial Study as an attachment, was circulated to the State Clearinghouse and to local, regional, and federal agencies in accordance with State CEQA Guidelines. The NOP also was sent to organizations and interested citizens that have requested notification in the past for the proposal project or any project. A public scoping meeting also was held at a Planning Commission meeting on June 15, 2017.

Written comments were received from three public agencies (California Coastal Commission, Caltrans and FEMA), two organizations (Friends of San Lorenzo River Wildlife and Sierra Club), and five individuals (Candace Brown, Gillian Greensite, Debbie Hencke, Jane Mio, and Jack Nelson). These letters are included in Appendix B in the Draft EIR volume. Both the written comments and oral comments received at the scoping meeting have been taken into consideration in the preparation of this EIR for comments that address environmental issues. Comments received during the scoping period regarding environmental issues generally include the following concerns:

- Aesthetics and impacts to the visual character of the surrounding area;
- Biological impacts to San Lorenzo River habitat, including potential impacts to birds;
- Flood hazards and effects of climate change and sea level rise;
- Drainage and water quality impacts;
- Traffic and parking impacts; and
- Provision of public access and recreation along the river.

1.4.2 Public Review of Draft EIR

The Draft EIR was published and circulated for review and comment by the public and other interested parties, agencies, and organizations for a 45-day public review period from July 26, 2017 through September 8, 2017. Nineteen letters of comment were received; agencies, organizations and individuals that submitted written comments on the draft EIR are outlined below.

State & Local Agencies

1. California Coastal Commission
2. California State Clearinghouse
3. Monterey Bay Air Resources District

Organizations

4. Campaign for Sensible Transportation
5. Coastal Watershed Council
6. Santa Cruz Bird Club
7. Sierra Club, Santa Cruz Group

Individuals

8. Shawn Arnold
9. Candace Brown
10. Ted Burke
11. Will Cassilly

12. Tyler Derheim
13. Eric McGrew
14. Jane Mio
15. Salina Nevarez
16. Gary A. Patton
17. Reed Searle
18. Veronica Tonay
19. Russell Weisz

This Final EIR volume includes written responses to significant environmental issues raised in comments received during the public review period in accordance with CEQA Guidelines section 15088. The Final EIR also includes Draft EIR text changes and additions that became necessary after consideration of public comments. (See CEQA Guidelines, § 15088, subd. (c).) The Final EIR, which includes the July 2017 Draft EIR, will be presented to the City the City Planning Commission and City Council. Before it can approve the project or any of the alternatives described in the Final EIR, the City Council must first certify that it has reviewed and considered the information in the EIR, that the EIR has been completed in conformity with the requirements of CEQA, and that the document reflects the City’s independent judgment. (See CEQA Guidelines, § 15090, subd. (a).)

1.4.3 Final EIR / Project Approval

The Final EIR document, which includes both the Draft EIR and Final EIR documents, will be presented to the City Planning Commission for consideration of the proposed actions and recommendation to the City Council. The City Council will make the final decision on the proposed Downtown Plan amendments. The Planning Commission and the City Council must ultimately certify that it has reviewed and considered the information in the EIR, that the EIR has been completed in conformity with the requirements of CEQA, and that the document reflects the City’s independent judgment.

Pursuant to sections 21002, 21002.1 and 21081 of CEQA and sections 15091 and 15093 of the CEQA Guidelines, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects unless both of the following occur:

- (a) The public agency makes one or more of the following findings with respect to each significant effect:
 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects on the environment.
 2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by such other agency.

3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

Although these determinations (especially regarding feasibility) are made by the public agency's final decision-making body based on the entirety of the agency's administrative record as it exists after completion of a final EIR, the draft EIR must provide information regarding the significant effects of the proposed project and must identify the potentially feasible mitigation measures and alternatives to be considered by that decision-making body.

1.4.4 Adoption of Mitigation Monitoring & Reporting Program

CEQA requires that a program to monitor and report on mitigation measures be adopted by a lead agency as part of the project approval process. CEQA requires that such a program be adopted at the time the agency approves a project or determines to carry out a project for which an EIR has been prepared to ensure that mitigation measures identified in the EIR are implemented. The Mitigation Monitoring and Reporting Program is included in Appendix A of this document.

1.5 ORGANIZATION OF EIR

This document, together with the Draft EIR dated July 2017, constitutes the Final EIR for the project. This document contains responses to comments received on the Draft EIR. The Final EIR is organized with the following sections.

- Chapter 1, Introduction**, explains the CEQA process; describes the scope and purpose of this EIR; provides information on the environmental review and approval process; and outlines the organization of this Final EIR document.
- Chapter 2, Summary**, presents an overview of the project; provides a summary of the impacts of the project and mitigation measures; provides a summary of the alternatives being considered; includes a discussion of known areas of controversy; and lists the topics not carried forward for further analysis.
- Chapter 3, Changes to Draft EIR**, outlines revisions to the Draft EIR text as a result of review of comments and responses as may be needed. Additional clarification provided by City staff also is included.

- ❑ **Chapter 4, Public Comments and Responses**, includes each comment letter with responses to comments immediately following the comment letter.

- ❑ **Appendices.** A Mitigation Monitoring and Reporting Program is included in Appendix A. Appendix B includes a review of project consistency with Coastal Act policies since the project will require approval of a Local Coastal Plan (LCP) amendment by the California Coastal Commission,

CHAPTER 2 SUMMARY

2.1 INTRODUCTION

This chapter provides a brief description of the proposed project, known areas of controversy or concern, project alternatives, all potentially significant impacts identified during the course of this environmental analysis, and issues to be resolved. This summary is intended as an overview and should be used in conjunction with a thorough reading of the EIR. The text of this report, including figures, tables and appendices, serves as the basis for this summary.

2.2 PROJECT OVERVIEW

This Environmental Impact Report (EIR) addresses the potential environmental effects of construction of This Environmental Impact Report (EIR) addresses the potential environmental effects of a series of proposed amendments to the following adopted plans and regulations; a full description of all project components is provided in the Chapter 3.0, Project Description, of this EIR.

- ❑ Downtown Recovery Plan: Amendment to extend and modify Additional Height Zone A, the Additional Height Zone B, ~~and~~ modify development standards set forth in Chapter 4, and other minor revisions;
- ❑ General Plan 2030: Amendment to modify Floor Area Ratio for the Regional Visitor Commercial land use designation in the downtown area;
- ❑ Local Coastal Plan (LCP): Amendment to Land Use Plan text to modify San Lorenzo Urban River Plan land use development policies and modification of development standards incorporated by reference in the Central Business Zone District that is part of the Implementation Plan;
- ❑ Zoning Code sections: Amendment to Municipal Code Section 24.10, Part 24, Central Business District (CBD) of the Zoning Code, an implementation ordinance of the City's LCP, to modify extension area regulations and add standards for outdoor curb extension areas Parklet standards.

2.3 AREAS OF CONTROVERSY OR CONCERN

The City of Santa Cruz, as the Lead Agency, has identified areas of concern based on the Initial Study and Notice of Preparation (NOP), which are included in Appendix A. In response to the NOP, letters of comment were received from three agencies (California Coastal Commission, Caltrans and FEMA), two organizations (Friends of San Lorenzo River Wildlife and Sierra Club), and five individuals (Candace Brown, Gillian Greensite, Debbie Hencke, Jane Mio, and Jack

Nelson). An agency and public scoping also was held at the Planning Commission meeting on June 15, 2017 to receive public comments on the scope of the EIR's analyses and project alternatives. Both the written comments and oral comments received at the scoping meeting have been taken into consideration in the preparation of this EIR for comments that address environmental issues.

Written comments on the NOP, oral comments received at the scoping meeting, and comments on the Draft EIR raised the following environmental concerns, some of which may be areas of controversy:

- Concerns regarding future building heights and aesthetics and impacts to the visual character of the surrounding area;
- Biological impacts to San Lorenzo River habitat, including potential impacts to birds;
- Flood hazards and effects of climate change and sea level rise;
- Drainage and water quality impacts;
- Traffic and parking impacts;
- Impacts to parks;
- Consistency with City policies and regulations; and
- Provision of public access and recreation along the river.

2.4 SUMMARY OF ALTERNATIVES

CEQA Guidelines require that an EIR describe and evaluate alternatives to the project that could eliminate significant adverse project impacts or reduce them to a less-than-significant level. The following alternatives are evaluated in Section 5.5 of the Draft EIR.

- No Project – Required by CEQA
- Alternative 1 – Reduced Height for Expanded Additional Height Zone A to 75 feet and Elimination of Additional Height Zone B
- Alternative 2 – Reduced Height for Additional Height Zone A to 75 feet along Pacific/Front and Reduced Height for Additional Height Zone B to 60 feet along the San Lorenzo River with Development Standard Modifications: eliminate encroachment over property line and require 10-foot setback above 50 feet

Table 5-5 in Section 5 of this EIR presents a comparison of project impacts between the proposed project and each alternative. None of the alternatives, including the No Project Alternative would eliminate reduce significant project impacts and cumulative impacts related to traffic to a less-than-significant level, although all alternatives would reduce the level of impact somewhat. Table 5-5 (on page 5-29 of the Draft EIR) presents a comparison of project impacts between the proposed project and the alternatives. Excluding the No Project Alternative,

Alternative 1 – Reduced Height for Additional Height Zone A and Elimination of Additional Height Zone B – is considered the environmentally superior alternative of the alternatives considered. Although it would not reduce significant impacts to less-than-significant levels, it could result in the greatest reduction of traffic and water demand impacts and reduce some of the other identified significant impacts. However, it would not fully meet project objectives.

2.5 SUMMARY OF IMPACTS AND MITIGATION MEASURES

All impacts identified in the subsequent environmental analyses are summarized in this section. This summary groups impacts of similar ranking together, beginning with significant unavoidable impacts, followed by significant impacts that can be mitigated to a less-than-significant level, followed by impacts not found to be significant. The discussions in the Initial Study of impacts that are not being addressed in detail in the text of the Draft EIR are intended to satisfy the requirement of CEQA Guidelines section 15128 that an EIR “shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and therefore were not discussed in detail in the EIR.” The Initial Study is included in Appendix A of this EIR. A summary of less-than-significant and no impacts identified in the Initial study is presented at the end of this section.

2.5.1 Significant Unavoidable Impacts

The following impacts were found to be potentially significant, and while mitigation measures have been identified in some cases, the impact cannot be reduced to a less-than-significant level. Section 5.5, Project Alternatives, examines alternatives to eliminate or reduce the level of significance of these impacts.

Cumulative Impacts

The proposed project will contribute to significant cumulative traffic impacts at six locations in the project vicinity and along state highways. Future development projects within the area of the proposed plan amendments will be required to pay the City’s traffic impact fee. However, payment of the traffic impact fee and the associated improvements would not mitigate impacts to a less-than-significant level at three intersections: Ocean Street/Water Street, Highway 1/Highway 9, and Chestnut Street/Mission Street. Improvements could be made to the other intersections to achieve an acceptable LOS of D.

MITIGATION 5-1: Require future development projects within the downtown area to contribute fair-share payments for improvements at the following intersections: Front/Soquel (signal timing and lane modifications); Front/Laurel (westbound lane addition and north and south right-turn overlap); and Pacific/Laurel (southbound left-turn lane addition).

With implementation of Mitigation 5-1, significant cumulative impacts at three intersections would be mitigated, and the project's contribution would not be cumulatively considerable. Future development projects in the downtown area would be required to pay the City's traffic impact fees for improvements at the other three intersections, but planned improvements would not result in acceptable levels of service, and no other feasible improvements have been identified. Therefore, cumulative traffic impacts remain significant at three City intersections and along state highways. This is a significant unavoidable cumulative impact, and the project's contribution to cumulative traffic impacts would be cumulatively considerable at these locations.

2.5.2 Significant Impacts

The following impacts were found to be potentially significant, but could be reduced to a less-than-significant level with implementation of identified mitigation measures should the City's decision-makers impose the measures on the project at the time of final action on the project.

Impacts Evaluated in EIR

Biological Resources

Impact 4.3-2: Indirect Impacts to Sensitive Riparian Habitat. Future development of taller buildings as a result of the proposed Downtown Plan amendments could result in indirect impacts to birds in the area that could lead to bird mortalities.

MITIGATION 4.3-2: Revise Downtown Plan to include standard for design guidance for bird-safe structures along the San Lorenzo River, including:

- Minimize the overall amount of glass on building exteriors facing the San Lorenzo River.
- Avoid mirrors and large areas of reflective glass.
- Avoid transparent glass skyways, walkways, or entryways, free-standing glass walls, and transparent building corners.
- Utilize glass/window treatments that create a visual signal or barrier to help alert birds to presence of glass. Avoid funneling open space to a building façade.
- Strategically place landscaping to reduce reflection and views of foliage inside or through glass.
- Avoid or minimize up-lighting and spotlights.
- Turn non-emergency lighting off (such as by automatic shutoff), or shield it, at night to minimize light from buildings that is visible to birds, especially during bird

migration season (February-May and August-November).

Impact 4.3-3: Indirect Impacts to Nesting Birds. Future development as a result of the proposed Downtown Plan amendments could result in disturbance to nesting birds if any are present in the vicinity of construction sites along the San Lorenzo River.

MITIGATION 4.3-3: Require that a pre-construction nesting survey be conducted by a qualified wildlife biologist if construction, including tree removal, adjacent to the San Lorenzo River is scheduled to begin between March and late July to determine if nesting birds are in the vicinity of the construction sites. If nesting raptors or other nesting species protected under the MBTA are found, construction may need to be delayed until late-August or after the wildlife biologist has determined the nest is no longer in use or unless a suitable construction buffer zone can be identified by the biologist. (Citywide Creeks and Wetlands Management Plan Standard 12).

Public Services

Impact 4.6-1c: Schools. Adoption of the proposed plan amendments could indirectly result in increased population associated with potential development that would generate elementary school student enrollments that could exceed capacity of existing schools.

MITIGATION: ~~No mitigation measures are required beyond~~ Payment of school impact fees pursuant to Government Code section 65996 will be collected at the time of issuance of a building permit. Section 65996, subdivision (d) specifies that payment of school impact fees “are hereby deemed to provide full and complete school facilities mitigation” under CEQA. Therefore, impacts of the plan amendments on school capacity are considered to be mitigated to a less-than-significant level through the payment of required impact fees.

Impact 4.6-2: Parks and Recreation. Adoption of the proposed plan amendments could indirectly result in increased population associated with potential development that could be accommodated by the Plan, ~~which that~~ would result in increased demand for parks and recreational facilities that could result in some deterioration of existing parks and recreational facilities.

MITIGATION: With implementation of the proposed General Plan 2030 goals, policies and actions that set forth measures to avoid and minimize adverse

impacts on parks and recreational facilities as summarized on Table 4.6-2 and required payment of park fees, the proposed project's indirect impact on parks and recreational facilities would be considered less-than-significant.

Impacts Evaluated in Initial Study (Appendix A)

Noise

Noise-1: Exposure to Noise. Future development in the project area would be exposed to exterior and / or interior noise levels that exceed local and state requirements. However, the project area is not within locations that would expose people to noise in excess of established standards.

MITIGATION NOISE-1: Require preparation and implementation of acoustical studies for future residential development along Front Street to specify building design features that meet state interior sound levels.

2.5.3 Less-Than-Significant Impacts

The following impacts were found to be less-than-significant. Mitigation measures are not required.

Impact 4.1-1: Scenic Views. Future development accommodated by the proposed plan amendments would not eliminate or substantially adversely affect, modify, or obstruct a visually prominent or significant public scenic vista.

Impact 4.1-3: Visual Character of the Surrounding Area. The proposed project would result in amendments to the DRP and General Plan that would allow increased heights of 20 to 35 feet over existing allowable standards, and future development could result in taller and more massive buildings. With implementation of required development standards for massing, required percentage variation of heights, and upper-level skyline variation, future buildings would be of similar height and scale as the other taller buildings in the downtown area, which already contains several multi-story buildings of varied height, and would not substantially degrade the visual character of the surrounding area.

Impact 4.1-4: Introduction of Light and Glare. The proposed project would result in amendments to the DRP and General Plan that would allow increased heights and building coverage, and future development would include exterior and interior lighting typical of residential developments, but would not result in introduction of a major new source of light or glare.

- Impact 4.2-1: Criteria Pollutant Emissions.** Future development and growth accommodated by the proposed project would result in emissions of criteria pollutants, but would not exceed adopted thresholds of significance, violate any air quality standard or contribute substantially to an existing or projected air quality violation.
- Impact 4.2-2: Greenhouse Gas (GHG) Emissions.** Future development and growth accommodated by the proposed project would result in GHG emissions, which are not considered significant.
- Impact 4.3-1: Indirect Impacts to Special Status Species and Aquatic Habitat.** Future development of taller buildings as a result of the proposed Downtown Plan amendments could result in indirect impacts to riparian and aquatic special status species due to increased shading due to increased building heights, but would not substantially affect habitats.
- Impact 4.4-1: Archaeological and Tribal Cultural Resources.** Future development accommodated by the proposed plan amendments could result to impacts to archaeological, historical archaeological, human remains, and/or tribal cultural resources. However, City requirements for cultural resource investigations would ensure that future development projects assess and mitigate potential impacts.
- Impact 4.4-2: Historic Resources.** Future development accommodated by the proposed plan amendments could result in impacts to historical resources, however, site-specific redevelopment could occur under existing conditions without the proposed plan amendments.
- Impact 4.4-3: Paleontological Resources.** Future development accommodated by the proposed plan amendments could result to impacts to unknown paleontological resources discovered during construction. However, adherence to City procedures would not result in significant impacts.
- Impact 4.5-1: Stormwater Drainage.** Future development accommodated by the proposed plan amendments could result in stormwater runoff, but would not substantially alter the existing drainage pattern of the area, substantially increase the rate or amount of surface runoff, exceed the capacity of existing or planned storm drain facilities, cause downstream or off-site drainage problems, or increase the risk or severity of flooding in downstream areas.
- Impact 4.5-2: Water Quality.** Future development accommodated by the proposed plan amendments could result in water quality degradation to San Lorenzo River

from automobile oils and greases carried in stormwater runoff. Project grading could also result in erosion and potential downstream sedimentation if not properly managed.

Impact 4.5-3: Flood Hazards. Future development accommodated by the proposed plan amendments could result in exposure to flood hazards, including watercourse flooding, sea level rise or tsunami. (5d-g). However, with compliance with federal flood requirements and implementation of City plans and programs, the proposed project would not lead to indirect impacts related to exposure to flood hazards.

Impact 4.6-1a: Fire Protection. Adoption of the proposed plan amendments could indirectly result in increased population density associated with potential new development accommodated by the Plan that would result in increased fire protection and emergency service demands. Existing and future development and growth within the City would result in the need to construct new or expanded fire stations, however, the impacts of fire station construction or expansion are not expected to be significant.

Impact 4.6-1b: Police Protection. Adoption of the proposed plan amendments could indirectly result in increased population associated with potential development that could be accommodated by the Plan that would result in increased police protection service demands. However, future development and growth would not result in the need to construct new or expanded police facilities.

Impact 4.6-3: Solid Waste. Adoption of the proposed plan amendments could indirectly result in increased population associated with potential development that could be accommodated by the Plan, which could result in indirect generation of solid waste that could be accommodated within the remaining landfill capacity.

Impact 4.6-4: Energy Use. Adoption of the proposed plan amendments could indirectly result in increased population associated with potential development that could be accommodated by the Plan, which could result in indirect increased energy demands, which would not be wasteful or an inefficient use of resources.

Impact 4.7-1: Circulation System Impacts. The project will result in an increase in daily and peak hour trips, but would not cause existing or planned intersections to operate at an unacceptable Level of Service (LOS) or further degrade intersections that already operate at an unacceptable LOS.

Impact 4.7-2: Highway Segment Impacts. The project will result in an increase in daily and peak hour trips, but would not result in a change to an unacceptable LOS along state highway segments.

Impact 4.8-1: Water Supply. Adoption of the proposed plan amendments could indirectly result in intensified development with a demand for potable water in a system that, under existing conditions, has adequate supplies during average and normal years, but is subject to potential supply shortfalls during dry and critically dry years. The additional project demand would not result in a substantial increase during dry years and would not be of a magnitude to affect the level of curtailment that might be in effect.

Impact 4.8-2: Wastewater Treatment. Adoption and implementation of the proposed plan amendments could indirectly result in increased development and population growth that would result in indirect generation of wastewater that could be accommodated by the existing wastewater treatment plant.

2.5.4 No Impacts

CEQA Guidelines section 15128 require that an EIR contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. Through the Initial Study, NOP scoping process, and EIR, the City of Santa Cruz determined that the proposed project would have no impact on the environmental issues outlined below, and thus, are not further analyzed in the EIR. See the Initial Study in Appendix A for further discussion.

Impacts Evaluated in EIR

Impact 4.1-2: Scenic Resources. Future development accommodated by the proposed plan amendments would not result in elimination or a substantial adverse effect to scenic resources.

Impact 4.7-3: Project Access. The project will not result in creation of hazards due to design of the project circulation system or introduction of incompatible uses.

Impact 4,7-4: Emergency Access. The project will not result in inadequate emergency access.

Impact 4.7-5: Transit, Pedestrian and Bicycle Travel. The project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

Impact 4.9-1: Conflicts with Policies and Regulations. The proposed project will not conflict with policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect, and therefore, will result in *no impact* related to consistency with local plans and policies.

Impacts Evaluated in Initial Study (Appendix A)

- Agricultural and Forest Resources
- Hazards and Hazardous Materials, except Wildland Fire Risk
- Mineral Resources
- Noise: Generation of Vibration, Location Within Airport Land Use Plan

2.6 ISSUES TO BE RESOLVED

CEQA Guidelines section 15123 requires the Summary to identify “issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects.” This EIR has presented mitigation measures and project alternatives, and the City Planning Commission and City Council will consider the Final EIR when considering the proposed project. In considering whether to approve the project, the Planning Commission and City Council will take into consideration the environmental consequences of the project with mitigation measures and project alternatives, as well as other factors related to feasibility. “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors (CEQA Guidelines, § 15364). Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (or already owns the alternative site). No one of these factors establishes a fixed limit on the scope of reasonable alternatives. The concept of feasibility also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. Moreover, feasibility under CEQA encompasses “desirability” to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.

CHAPTER 3 CHANGES TO DRAFT EIR

3.1 INTRODUCTION

This chapter provides a brief description of the proposed project, known areas of controversy or concern, project alternatives, all potentially significant impacts identified during the course of this environmental analysis, and issues to be resolved. This summary is intended as an overview and should be used in conjunction with a thorough reading of the EIR. The text of this report, including figures, tables and appendices, serves as the basis for this summary.

3.2 CHANGES TO ALL SECTIONS

Revise text throughout the document to:

- Change all references to the San Lorenzo Riverwalk to Santa Cruz Riverwalk, which was formally renamed by the Santa Cruz City Council; and
- Change other references to LCP from Local Coastal Plan to Local Coastal Program.

3.3 CHANGES TO SECTIONS 1 and 2 – INTRODUCTION and SUMMARY

Page 16 Correct the second sentence of the second paragraph under subsection 1.4.3 as follows:

The City Council will make the final decision on the proposed ~~General Plan amendment, rezoning and permit applications~~ Downtown Plan amendments.

Page 2-1 Revise Summary as shown in Chapter 2 of this document.

3.4 CHANGES TO SECTION 3 - PROJECT DESCRIPTION

Page 3-4 Revise the overview of project components as follows:

The proposed project consists of a series of amendments to the following adopted City plans and regulations:

- Downtown Recovery Plan: Amendment to extend and modify Additional Height Zone A, the Additional Height Zone B, ~~and~~ modify development standards set forth in Chapter 4, and other minor revisions;

- ❑ General Plan 2030: Amendment to modify Floor Area Ratio for the Regional Visitor Commercial land use designation in the downtown area;
- ❑ Local Coastal Plan (LCP): Amendment to Land Use Plan text to modify San Lorenzo Urban River Plan land use development policies and modification of development standards incorporated by reference in the Central Business Zone District that is part of the Implementation Plan;
- ❑ Zoning Code sections: Amendment to Municipal Code Section 24.10, Part 24, Central Business District (CBD) of the Zoning Code, an implementation ordinance of the City’s LCP, to modify extension area regulations and add standards for outdoor curb extension areas Parklet standards.

Page 3-4 Revise the fifth sentence of the last paragraph as follows:

Increasing densities in the downtown is consistent with the overarching objectives of the City to maintain a compact downtown with a dense urban core ~~in exchange for retaining~~ with a greenbelt around the City.

Page 3-12 Revise the second paragraph under the Local Coastal Program subsection to read:

Chapter 4 of the Downtown Recovery Plan is incorporated by reference in the CBD zone district, and the district is part of the implementation section of the LCP. Thus, revisions to the DRP Chapter 4 and CBD zone district require review and approval by the California Coastal Commission as part of an LCP amendment.

Page 3-13 In the Zoning Code Amendments subsection and subsequent sections, change reference to “parklets” to “outdoor curb extension areas”.

3.5 CHANGES TO SECTION 4.3 – BIOLOGICAL RESOURCES

Page 4.3-21 Revise Mitigation Measure 4.3-2 as shown in Chapter 2, Summary, of this document.

3.6 CHANGES TO SECTION 4.5 – HYDROLOGY AND WATER QUALITY

Page 4.5-3 Add the following new text after the Stormwater Management Program section.

Integrated Pest Management Program. The City of Santa Cruz initiated its Integrated Pest Management (IPM) Program in November of 1998 after the City Council adopted Resolution No. NS-24,067, the Integrated Pest Management

Policy. This policy sets forth the following goals for all City Departments: Eliminate or reduce pesticide applications on City property to the maximum extent feasible; eliminate the application of all U.S. Environmental Protection Agency (EPA) Toxicity Category I and II pesticide products by 20001; and establish a Citywide IPM Program focusing on coordinated administration and public outreach and education. Any development of publicly owned land adjacent to the Riverwalk is required to follow the guidelines established by the City’s IMP.

Page 4.5-9 Revise the last two paragraphs as follows

Portions of downtown and beach areas have been mapped as being within areas of sea level rise. As sea level continues to rise, seawater could extend farther upstream in the San Lorenzo River flood control channel more frequently, and rising gradually to higher elevations. This would lead to a rise in the water table beneath downtown. This area of the city has always been vulnerable to an elevated water table but this will become a more significant issue in the future as the water table rises, likely resulting in the need for more pumping and implementation of other adaptation strategies (Griggs, Haddad, January 2011). The Climate Change Vulnerability Study includes the following recommendation:

Recommendation 2. Install a series of ground water monitoring wells (piezometers) in the downtown area to continuously monitor the level of the water table, recording changes seasonally and over time in relation to the river levels.

The City’s Climate Change Vulnerability Study indicates that flood risks will increase with sea level rise, and recommends that the City continue to work with the U.S. Army Corps of Engineers (USACE) regarding the ability/capacity of the levees to contain a 100-year flood. The study also provides a risk assessment that uses three different levels of “Magnitude”: Low, Moderate and High, and four different levels of “Probability” or “Likelihood of Occurrence”: Low, Moderate, High and Very High. This assessment ranks downtown flooding as a high magnitude/moderate probability occurrence to the year 2050 and a high magnitude/high probability occurrence between the years 2050 and 2100.

The City has continued working with the USACE regarding levee performance and capacity issues. In 2014, the USACE conducted a performance analysis for the San Lorenzo River levees, taking into account the existing and likely-future channel geometry, the latest flood-frequency data, river profile, sediment load, future flows and sea level rise (USACE, 2014). This assessment evaluated the existing and future safety of the levee system, and determined that the levees could safely pass the 1% flood (100-year flood). However, the evaluation concluded that sediment deposition near the upstream end of the levee project (between Water Street and Highway 1) may continue to decrease the capacity of the

channel, to the point that the 1% flood cannot be safely passed. The City has been working with the USACE to develop potential options for increasing flood capacity in this section of the river.

3.7 CHANGES TO SECTION 4.6 - PUBLIC SERVICES

Page 4.6-4 Expand Setting section for Parks and Recreation at the end of the fourth paragraph:

Additionally, the existing Downtown Recovery Plan identifies opportunities to improve connections to existing parkland. The plan envisions a riverfront park along the levee promenade between Soquel and Laurel Streets. The plan also calls for strengthening the linkage between the river and downtown along Cooper Street through the Galleria to the existing pedestrian bridge leading to San Lorenzo Park. It also recommends establishing stronger pedestrian linkages to the river at the northeast corner of Soquel Avenue and Front Street, at or near the extensions of Cathcart, Elm, and Maple streets, and leading to a significantly expanded pedestrian/bicycle bridge with retailing uses alongside, as well as a more active linkage to San Lorenzo Park.

Page 4.6-13 Add the following text before the last paragraph:

New development that may occur under the Downtown Plan will be located within a half-mile (the service radius for neighborhood-serving parks) to several existing neighborhood and community parks which will provide a variety of recreational opportunities to new residents. Some of the larger parks include San Lorenzo Park, Riverside Gardens Park, Mike Fox Park, Laurel Park, and Depot Park. Mimi De Marta Park is limited to off-leash dog use; however, it is located within close proximity to Mike Fox Park and Riverside Gardens Park and serves a specific role in a broader mix of available uses. Similarly, some of the parks are located along the Santa Cruz Riverwalk, including a multi-use trail along the San Lorenzo River, which, when considered together, form a larger park corridor that provides access to a wide range of natural and developed recreational areas.

Page 4.6-15 Add the following new text before the first paragraph:

Additionally, the existing Downtown Recovery Plan identifies opportunities to improve connections to existing parkland as described in section 4.6-1. The City's General Plan established a long-term goal to "strive" for 4.5 acres of neighborhood and community parkland per 1,000 residents. To help meet the goal, the General Plan includes an action to require park land dedications of suitable recreational land at a ratio or 4.5 acres/1,000 population generated by a development project, or payment of a corresponding in-lieu fees. The City's

Municipal Code requires new residential subdivisions to dedicate land, or pay an in-lieu fee, for parks and open space as authorized by the Quimby Act. Additionally, the City has adopted a Park and Recreation Facilities Tax on residential construction and fees are collected on various forms of residential development.

Page 4.6-15 Add the following new text after the first paragraph:

Park-In Lieu fees and Park and Recreation Facilities Tax revenues are placed into separate accounts from the General Fund and mitigate for the impact of growth. The fees are collected incrementally as development occurs which can help the Parks and Recreation Department pool a larger sum of money to be used for park improvements. The funds can be used to purchase parkland and/or rehabilitate existing facilities that will receive more use as a result of new development. Acquiring new parkland can be challenging but does occur. For example, Riverside Gardens Park was constructed in 2014 and is near downtown.

3.8 CHANGES TO SECTION 4.9 - LAND USE

Page 4.9-4 Add the following new section at the top of the page.

San Lorenzo Urban River Plan

The San Lorenzo Urban River Plan (SLURP) is the City's guide for restoring, managing, and maintaining natural resources, riverfront development, as well as recreation and public access improvements for the lower San Lorenzo River, Jessie Street Marsh and Branciforte Creek. (Branciforte Creek is not located within the coastal zone.) The SLURP is the outcome of a planning process initiated by City Council in 1999 to update previous plans for the San Lorenzo River, Jessie Street Marsh, and Branciforte Creek. The *San Lorenzo Urban River Plan* provides an update to the 1987 *San Lorenzo River Design Concept Plan* and the 1989 *San Lorenzo River Enhancement Plan*.

The SLURP articulates a community vision for the corridor encompassing the lower Lorenzo River, Branciforte Creek and Jessie Street Marsh, as both a wildlife area and as a community recreational and public open space amenity. It contains recommendations for habitat enhancement, public access and trail improvements, public art, and community programs to guide river-oriented development. It seeks to guide the City of Santa Cruz in re-establishing and improving its management of and relationship to this major, recently expanded landscape feature over the next 20 years.

The SLURP includes conceptual plans for areas adjacent to the River. These conceptual plans are provided only to stimulate potential design ideas and are not required for particular properties in development applications. In general, the SLURP promotes river-oriented development to promote the river as an amenity. It contains conceptual ideas, as well as site-specific recommendations, for accomplishing the goals that guided the Plan's development.

The project area is located within the "Transitional Reach" of the San Lorenzo River in the SLURP. This reach includes the area from Laurel Street Bridge to the Water Street Bridge. Recommended improvements in the study area include:

- Front Street Plaza at Cathcart or Maple Lane: Construction river view plaza; add riverway makers, directional and interpretive and public art opportunities
- Mimi de Marta Park
- Urban Interface Connections – the goal of the urban interface connections in the Transitional Reach is to provide features that connect downtown areas with the river via "green corridors" of trees and landscaping via Cathcart St and Maple Lane to the River.

The project area also is located along the "Front Street Riverfront Area" identified in the SLURP as a significant riverfront area that is a prime opportunity site to engage the community with the river with improved public access being a primary goal of the SLURP. Twelve existing specific recommendations for this area are included in the SLURP.

Page 4.9-4 Add the following new section after the *Zoning Code* subsection.

California Coastal Act

The proposed project includes amendments to the City's certified Local Coastal Plan (LCP) that will require California Coastal Commission approval. Chapter 4 of the Downtown Recovery Plan is incorporated by reference in the CBD zone district, and the district is part of the implementation section of the LCP. Thus, revisions to the DRP Chapter 4 require review and approval by the California Coastal Commission as part of an LCP amendment. In addition, several LCP policies related to the SLURP are proposed to be modified. In accordance with the comments from the California Coastal Commission staff, a review of project consistency with Coastal Act policies has been added, and is included in Appendix B of this document.

The review does not reveal any conflicts with Coastal Act policies. The proposed amendments would provide for new public access connections to the San

Lorenzo River. The proposed amendment does not change existing certified LCP land uses within the downtown area and do not affect oceanfront lands or marine waters. Future development resulting from the proposed amendments would not result in adverse impacts to biological, cultural or scenic resources and would be located within developed areas with adequate public services.

Page 4.9-9 Change table number to 4.9-1 and revise policy review as shown on the revised table at the end of this section.

3.9 CHANGES TO SECTION 6 - REFERENCES

Page 6-1 Add the following to the References section.

Borden, W.C., O.M. Lockhart, A.W. Jones, and M.S. Lyonn, 2010. "Seasonal, Taxonomic and Local Habitat Components of Bird-Window Collisions on an Urban Campus in Cleveland, OH." *Ohio Journal of Science* 110 (3):44-52.

Cusa, M., D.A. Jackson, and M. Measure, 2015. "Window Collisions by Migratory Bird Species: Urban Geographical Patterns and Habitat Associations." *Urban Ecosystems*. doi:10.1007/s11252-015-0459-3) Abstract.

Hager S.B., B.J. Cosentino, K.J. McKay, C. Monso, W. Zuurdee, and B. Blevins. 2013. "Window Area and Development Drive Spatial Variation in Bird-Window Collisions in an Urban Landscape." *PLoS ONE* 8(1). Available online at: http://people.hws.edu/cosentino/publications_files/PLoS%20ONE%202013%20Hager.pdf.

Hager S.B., M.E. Craig. 2014. Bird-Window Collisions in the Summer Breeding Season. *PeerJ* 2:e460. <https://dx.doi.org/10.7717/peerj.460>.

Håstad, O., and A. Ödeen. 2014. "A Vision Physiological Estimation of Ultraviolet Window Marking Visibility to Birds." *PeerJ* 2:e621. DOI10.7717/peerj.621.

Kahle L.Q., M.E. Flannery, J.P. Dumbacher. 2016 "Bird-Window Collisions at a West-Coast Urban Park Museum: Analyses of Bird Biology and Window Attributes from Golden Gate Park, San Francisco." *PLoS ONE* 11(1): e0144600. doi:10.1371/journal.pone.0144600 .

Klem, D., Jr., and P.G. Saenger. 2013. "Evaluating the Effectiveness of Select Visual Signals to Prevent Bird-window Collisions." *Wilson Journal of Ornithology* 125(2):406–41. Available online at:

<http://www.muhenberg.edu/main/academics/biology/faculty/klem/aco/Bird-window.html>.

Martin, G.R. 2011. "Understanding Bird Collisions with Man-made Objects: A Sensory Ecology Approach." *Ibis* 153:239-54.

Martin, G.R. 2012. "Through Birds' Eyes: Insights into Avian Sensory Ecology." *Journal of Ornithology* 153 (Issue 1 Supplement): 23-48.

Pelley, J., 2014. "Campus Windows Save Birds, Energy." *Frontiers in Ecology and the Environment* 12: 372–375. <http://dx.doi.org/10.1890/1540-9295-12.7.372>.

Sabo, A.M., N.D.G. Hagemayer, A.S. Lahey, and E.L. Walters. 2016. "Local Avian Density Influences Risk of Mortality from Window Strikes." *PeerJ* 4:e2170. DOI 10.7717/peerj.2170.

Switala Elmhurst, K., and K. Grady, 2017. "Fauna Protection in a Sustainable University Campus: Bird-Window Collision Mitigation Strategies at Temple University." Pp. 69–82 in *Handbook of Theory and Practice of Sustainable Development in Higher Education*, Vol 1. Ed. W.L. Filho, L. Brandli, P. Castro, and J. Newman. Springer International Publishing. Available online at: https://sustainability.temple.edu/sites/sustainability/files/uploads/documents/428356_1_En_5_Chapter_OnlinePDF.pdf.

U.S. Army Corps of Engineers, San Francisco District. May 2014. "San Lorenzo River Project Performance Evaluation FINAL."

Wittig, Thomas, 2016. "New Perspectives on Bird-Window Collision: The Effects of Species Traits and Local Abundance on Collision Susceptibility." Duke University Master's Thesis. Available online at: <http://dukespace.lib.duke.edu/dspace/handle/10161/11898>.

Zink, R.M., and J. Eckles. 2010. "Twin Cities Bird-Building Collisions: A Status Update on 'Project Birdsafe'." *The Loon* 82(1):34–37.

TABLE 4.9-1: Potential Project Conflicts with City of Santa Cruz General Plan Policies
 [POLICIES RELATED TO MITIGATING ENVIRONMENTAL IMPACTS]

Element	Policy Number	Policy	Potential Conflict
<i>General Plan 2030</i>			
COMMUNITY DESIGN	CD1.2	Ensure that the scale, bulk and setbacks of new development preserve important public scenic views and vistas.	NO CONFLICT: Future development would not impact public scenic views.
	CD3.2	Ensure that the scale, bulk and setbacks of new development preserve public views of city landmarks where possible.	NO CONFLICT: Future development would not affect public views or City landmarks as none exist in the vicinity of the project.
LAND USE	LU1.3	Ensure that facilities and services required by a development are available, proportionate, and appropriate to development densities and use intensities.	NO CONFLICT: Public services are available.
MOBILITY	M3.1.3	Strive to maintain the established “level of service” D or better at signalized intersections.	NO CONFLICT: Project traffic would not result in a decrease in level of service below D at any signalized intersection.
	M3.3.4	Mitigate safety, noise, and air quality impacts from roadways on adjacent land uses through setbacks, landscaping, and other measures.	NO CONFLICT WITH MITIGATION: No significant air emission impacts were identified. Inclusion of structural design features to attenuate exterior noise levels is a <u>requirement in the Zoning Code</u> required mitigation measure for future development.
CIVIC AND COMMUNITY FACILITIES	CC5.1.8	Require new development to maintain predevelopment runoff levels.	NO CONFLICT: Future development accommodated by the proposed Plan amendments will be required to comply with the City’s stormwater requirements and regulations.
	CC5.1.9	Reduce stormwater pollution.	NO CONFLICT: Future development would be in compliance with City requirements.
HAZARDS, SAFETY AND NOISE	HZ2.2.1	Require future development projects to implement applicable Monterey Bay Unified Air Pollution Control District (MBUAPCD) control measure and/ or air quality mitigations in the design of new projects as set forth in the District’s “CEQA Guidelines.”	NO CONFLICT: No significant air emission impacts were identified, and no mitigation is required.

TABLE 4.9-1: Potential Project Conflicts with City of Santa Cruz General Plan Policies

[POLICIES RELATED TO MITIGATING ENVIRONMENTAL IMPACTS]

Element	Policy Number	Policy	Potential Conflict
	HZ3.1.1	Require land uses to operate at noise levels that do not significantly increase surrounding ambient noise.	NO CONFLICT: No significant impacts were identified related to project increases in ambient noise levels.
	HZ3.1.6	Require evaluation of noise mitigation measures for projects that would substantially increase noise.	NO CONFLICT WITH MITIGATION: Inclusion of structural design features in future development to attenuate exterior noise levels is a required mitigation measure.
PARKS, RECREATION, AND OPEN SPACE	PR1.3.1	Ensure that adequate park land is provided in conjunction with new development.	NO CONFLICT: Future projects will be required to pay park dedication fee.
	PR4.2.3	Require development projects located along planned trail routes to dedicate trails or trail easements.	NO CONFLICT: Proposed Downtown Plan amendments require dedication of <u>land adjacent to the Maple Street alley between Pacific and Front, and the proposed plan amendments require development and maintenance of the publicly accessible open space connections</u> access along Cathcart, Maple and Elm Street extensions <u>to the Riverwalk. The intent of the policy is achieved in a superior manner than a direct dedication with required private maintenance and private liability for these accessways to the Riverwalk.</u>
NATURAL RESOURCES AND CONSERVATION	NRC1.2.1	Evaluate new uses for potential impacts to watershed, riverine, stream, and riparian environments.	NO CONFLICT WITH MITIGATION: Potential indirect significant impacts to birds as a result of future construction of taller buildings can be mitigated to a less-than-significant level by
	NRC2.1.3	Evaluate development for impacts to special-status plant and animal species.	NO CONFLICT: No potentially significant impacts to special status plant or wildlife species were identified.
LCP Land Use Plan			
ENVIRONMENTAL QUALITY	4.2.2.1	<u>Require that all development within 100 feet of these areas be consistent with the applicable management plan provisions under EQ 4.2.1 and L 3.4, if one has been established.</u>	NO CONFLICT: Future development would be consistent with the <u>applicable management plans for San Lorenzo River-the City-wide Creeks and Wetlands Management Plan and the San Lorenzo Urban River Plan.</u>

TABLE 4.9-1: Potential Project Conflicts with City of Santa Cruz General Plan Policies

[POLICIES RELATED TO MITIGATING ENVIRONMENTAL IMPACTS]

Element	Policy Number	Policy	Potential Conflict
	4.2.5	Protect and minimize the impact of development on bird, fish and wildlife habitat in and adjacent to waterways.	<u>NO CONFLICT WITH MITIGATION: The proposed project with implementation of mitigation would prevent and minimize potential impacts to birds along the San Lorenzo River.</u>
	4.5	Continue the protection of rare, endangered, sensitive and limited species and the habitats supporting them as shown in Map EQ-9 or as identified through the planning process or as designated as part of the environmental review process. (See Map EQ-9)	<u>NO CONFLICT WITH MITIGATION: Potential impacts are evaluated in the EIR.</u>
COMMUNITY DESIGN	2.2	Preserve important public views and viewsheds by ensuring that the scale, bulk and setback of new development does not impede or disrupt them.	NO CONFLICT: Future development would not impact public scenic views.

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CHAPTER 4 COMMENTS AND RESPONSES

4.1 INTRODUCTION

This chapter provides responses to individual comments that were submitted by agencies, organizations, and individuals as summarized below in subsection 4.2. Each letter of comment is included in subsection 4.3; a response to each comment is provided immediately following each letter. Appropriate changes that have been made to the Draft EIR text based on these comments and responses are provided in Chapter 3, Changes to Draft EIR.

State CEQA Guidelines section 15088(a) requires a lead agency to evaluate comments on environmental issues and provide written responses. Section 15204(a) provides guidance on the focus of review of EIRs as follows:

In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

In reviewing comments and providing responses on the following pages, this section of the CEQA Guidelines will be considered. The focus will be on providing responses to significant environmental issues.

4.2 LIST OF COMMENT LETTERS RECEIVED

The Draft EIR was published and circulated for review and comment by the public and other interested parties, agencies, and organizations for a 45-day public review period from July 26, 2017 through September 8, 2017. Nineteen comment letters were received; agencies, organizations and individuals that submitted written comments on the draft EIR are listed below.

State & Local Agencies

1. California Coastal Commission
2. California State Clearinghouse
3. Monterey Bay Air Resources District

Organizations

4. Campaign for Sensible Transportation
5. Coastal Watershed Council
6. Santa Cruz Bird Club
7. Sierra Club, Santa Cruz Group

Individuals

8. Shawn Arnold
9. Candace Brown
10. Ted Burke
11. Will Cassilly
12. Tyler Derheim
13. Eric McGraw
14. Jane Mio
15. Salina Nevarez
16. Gary A. Patton
17. Reed Searle
18. Veronica Tonay
19. Russell Weisz

4.3 COMMENT LETTERS AND RESPONSES

Agencies, organizations, and individuals that submitted written comments on the Draft EIR are outlined above in section 4.2. Each comment letter is included in this section. As indicated above, CEQA Guidelines section 15088(a) requires a lead agency to evaluate comments on environmental issues and provide a written response to all substantive comments. A response to each comment is provided immediately following each letter. As indicated in subsection 4.1 above, the emphasis of the responses will be on significant environmental issues raised by the commenters. (CEQA Guidelines, § 15204, subd. (a).) Appropriate changes that have been made to the Draft EIR (DEIR) text based on these comments and responses are provided in the Chapter 3, Changes to Draft EIR.

CALIFORNIA COASTAL COMMISSION

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August 28, 2017

Ron Powers
City of Santa Cruz Planning and Community Development Department
809 Center Street, Room 206
Santa Cruz, CA 95060

Subject: Draft Environmental Impact Report: Downtown Recovery Plan, General Plan and Local Coastal Program Amendments

Dear Ron:

- 1 Thank you for the opportunity to provide written comments on the Draft Environmental Impact Report (DEIR) for the Downtown Recovery Plan (DRP), General Plan and Local Coastal Program (LCP) amendments project. We would like to take this opportunity to again reiterate our shared goal with the City to provide better pedestrian access connections between the City's downtown area and the San Lorenzo Riverwalk, and to improve the Riverwalk as a public access and recreation focal point for the City's downtown and Beach areas. We continue to believe that the Riverwalk is an extremely under-utilized public access and recreation feature of the City, and strongly support an improved user experience for the Riverwalk. We also appreciate the City's effort to incorporate our prior comments on the Notice of Preparation (which are attached hereto and hereby incorporated by reference), including with respect to the DEIR's project objectives. The purpose of this letter is to provide more focused comments on the project in order to facilitate the Commission's review of the proposed changes to the certified LCP.

Local Coastal Program Amendment

- 2 The DEIR correctly identifies that several of the proposed amendments include changes to the City's certified LCP, and will therefore require Commission approval of an LCP amendment. In fact, the proposed amendments include both Land Use Plan (LUP) Policy changes, including to the San Lorenzo Urban River Plan (SLURP), as well as Implementation Plan (IP) standards, including the Central Business District Zone standards. The standard of review for LUP amendments is that they must be consistent with and adequate to carry out the Chapter 3 policies of the Coastal Act; and the standard of review for IP amendments is that they must be consistent with and adequate to carry out the policies of the certified LUP. As a practical matter, this means that these proposed changes will require review and approval by the Coastal Commission. Under, *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, the EIR is therefore required to expressly disclose, consider and analyze the jurisdictional claims and regulatory opinions of the Commission.

Heights and Land Use/Zoning Designations along the Riverwalk

- 3 As our previous comments have indicated, our main area of concern for this project/LCP Amendment relates to the public access and recreational user experience along the San Lorenzo

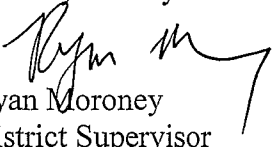
Ron Powers
Downtown Recovery Plan Amendments - DEIR
August 28, 2017
Page 2

Riverwalk, particularly between Elm Street and Laurel Street. We continue to have concerns regarding how the proposed new height standards and land use/zoning designations will affect the public access and recreation user experience along this stretch of the Riverwalk.

With regard to the proposed height standards, we appreciate that the DEIR included visual simulations. We believe that these simulations show that the proposed maximum new building heights would very much tower over the Riverwalk and potentially negatively impact the user experience in terms of public views and aesthetics. We would therefore continue to encourage the City to consider a reasonable range of lower height alternatives, including the alternative of retaining the existing height standards along this specific stretch of the Riverwalk.

- 4 Another one of our central concerns is the fact that the land use designation and zoning appear to authorize residential use in the first stories of the buildings adjacent to the Riverwalk. This is reflected both in the proposed changes to the Downtown Recovery Plan (see, e.g. DRP amendments, Table 4-2; DEIR Figure 3-5.) As we stated in our comments on the NOP, the Coastal Act and LCP prioritize visitor serving and coastal recreational uses over residential uses. The CEQA document should therefore evaluate designating the ground floor adjacent to the Riverwalk with visitor serving and coastal recreational uses (e.g. restaurants with outdoor seating, bike/kayak rental, etc.) Moreover, to the extent that such uses may be seen as infeasible along the entire stretch, the DEIR should include an analysis of the broadest array of incentives (e.g. reduced parking requirements, density bonuses for residential use on upper floors, etc.) to encourage these types of uses.
- 5 Finally, with respect to Figure 3-5, we continue to have concerns regarding the use of the public right-of-way along the Riverwalk (and the associated fill area) for private residential use. Figure 3-5 depicts that this area may be used for private residential use if the property owner "obtain[s] [an] extension license from the City." We would again reiterate that for the portion of the property located in the Coastal Zone, we believe that the entire public space between the Riverwalk and the proposed buildings along Front Street should be fully utilized for public purposes, including maximization of public access and recreation, and that the first floors of these buildings should be reserved for visitor-serving commercial uses, including outdoor restaurant seating or other similar uses.

Thank you for your consideration of these comments.


Ryan Moroney
District Supervisor
Central Coast District Office

Enclosure: NOP Letter

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060
 PHONE: (831) 427-4863
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March 2, 2017

Ron Powers
 City of Santa Cruz Planning and Community Development Department
 809 Center Street, Room 206
 Santa Cruz, CA 95060

Subject: Notice of Preparation of EIR: Downtown Recovery Plan, General Plan and Local Coastal Plan Amendments

Dear Ron:

Thank you for the opportunity to provide written comments on the Notice of Preparation (NOP) for the Downtown Recovery Plan (DRP), General Plan and Local Coastal Program (LCP) amendments project. As a preliminary matter, we would like to acknowledge our shared goal with the City to provide better pedestrian access connections between the City's downtown area and the San Lorenzo Riverwalk, and to improve the Riverwalk as a public access and recreation focal point for the City's downtown area. We believe that the Riverwalk is an extremely under-utilized public access and recreation feature of the City, and strongly support improved user experience for this area. The purpose of this letter is to help the City realize these goals by facilitating the Commission's review of the proposed changes to the certified LCP.

Local Coastal Program Amendment

- 6 The NOP correctly notes that several of the proposed amendments include changes to the City's certified LCP, and will therefore require Commission approval of an LCP amendment. In fact, the proposed amendments include both Land Use Plan (LUP) Policy changes, including to the San Lorenzo Urban River Plan (SLURP), as well as Implementation Plan (IP) standards, including the Central Business District Zone standards. The standard of review for LUP amendments is that they must be consistent with and adequate to carry out the Chapter 3 policies of the Coastal Act; and the standard of review for IP amendments is that they must be consistent with and adequate to carry out the policies of the certified LUP.

Project Description/Goals

- 7 The September 15, 2016 Staff Report to the Planning Commission stated that the project was intended to be consistent with the following Coastal Act policies related to access and recreation, protection of sensitive biologic resources, and protection of visual resources:
- Encourage and incentivize maximum public access to the San Lorenzo River in accordance with Section 30210 of the Coastal Act.

Ron Powers
Downtown Recovery Plan Amendments
March 2, 2017
Page 2

- Achieve superior connections to the San Lorenzo River above the existing DRP and existing SLURP policies, consistent with Section 30211 of the Coastal Act.
- Ensure that development adjacent to the Riverwalk will be designed to prevent impacts to the adjacent sensitive San Lorenzo River and will incentivize clean-up of degraded areas along the levee, consistent with Section 30240 of the Coastal Act. The DRP will continue to be sensitive to the pedestrian experience along the Riverwalk with design guidelines and upper floor step backs and open river pedestrian connections that will provide light, air and open space between buildings.
- Enhance opportunities to view and interact with the San Lorenzo River as a coastal resource consistent with Section 30251 of the Coastal Act. The DRP standards ensure that development will be sited and designed to be visually compatible with the surrounding downtown, while promoting new open space pedestrian plazas and passageways to the Riverwalk.

We would recommend that the CEQA document include these project goals as key objectives of the project.

Impact Analysis - Aesthetics

- 8 We have some concerns regarding the proposed new height standards along Front Street, which have the potential to impact public views along the Riverwalk and adjacent public recreational facilities. We would therefore request that the CEQA analysis include a visual resource analysis that includes extensive visual simulations from all appropriate public vantage points, including from along both sides of the Riverwalk, from the Soquel Avenue and Laurel Street bridges, from San Lorenzo Park, etc. The simulations should include a comparison between existing development and as proposed under the new height standards so that potential impacts to public views can be evaluated. The City should also consider installing story poles to show the limits of the proposed new height standards. In addition, the CEQA document should evaluate alternatives to the proposed new height standards that meet most of the project objectives but also reduce potential aesthetic impacts.

Biological Resources

- 9 The Coastal Act and LCP require that new development avoid impacts to environmentally sensitive habitat. The CEQA document should include an analysis of how the project may impact the San Lorenzo River, including: 1) establishing the appropriate setback of new development, and 2) potential impacts from shading resulting from the proposed building heights.

Hazards

- 10 The Coastal Act and LCP require that new development be sited and designed to avoid hazards. The CEQA document should analyze the project's location with respect to potential impacts from flooding. This analysis should account for the effects of sea level rise.

Ron Powers
Downtown Recovery Plan Amendments
March 2, 2017
Page 3

Land Use

- 11 The Coastal Act and LCP prioritize visitor serving and coastal recreational uses over residential uses. The CEQA document should evaluate appropriate land use and zoning designations for the locations adjacent to and near the Riverwalk along Front Street. Specifically, the CEQA document should evaluate requiring a mixed use zoning for this area, especially along the Riverwalk, with visitor serving and coastal recreational uses (e.g. restaurants with outdoor seating, bike/kayak rental, etc.) on the ground floor, and residential uses on higher floors.

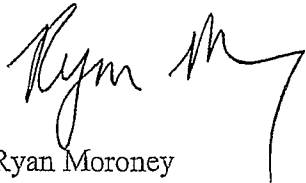
Recreation

- 12 We understand that some initial conceptual renderings of the project suggested transferring public right-of-way along the Riverwalk (and associated fill area) to the project developer. However, for the portion of the property located in the Coastal Zone, we believe that the entire public space between the Riverwalk and the proposed buildings along Front Street should be fully utilized for public purposes, including maximization of public access and recreation. Moreover, any such transfer of property would require a Coastal Development Permit that would be appealable to the Commission.

Water Quality

- 13 Finally, the Coastal Act and LCP require that erosion control measures be implemented to prevent siltation of streams and coastal lagoons, that discharge of polluted runoff be minimized, and that on-site detention and other appropriate storm water best management practices be used to reduce pollution from urban runoff. The CEQA document should evaluate implementation of Low Impact Development Best Management Practice standards such as bioretention/bioswales, permeable pavers/concrete, roof runoff catchment system and parking lot runoff catchment system for storage; and reuse on site and underground retention/detention units that include additional pre-filtration to remove hydrocarbons, metals, and other potential pollutants generated in the automobile use areas, including for new development along Front Street as well as proposed improvements to the levy system (i.e. the filling of the sloped levy) with the goal of reducing or eliminating runoff and pollution discharges into the River.

Thank you for your consideration of these comments. We look forward to working with the City through the local process.



Ryan Moroney
District Supervisor
Central Coast District Office

LETTER A1 – California Coastal Commission

- A1-1 Improved Pedestrian Access Connections. The comment reiterates California Coastal Commission's (CCC) shared goal with the City to provide better pedestrian access connections between the City's downtown area and the San Lorenzo Riverwalk¹, and to improve the Riverwalk as a public access and recreation focal point for the City's downtown and Beach areas. CCC staff believes that the Riverwalk is an extremely under-utilized public access and recreation feature of the City, and strongly supports an improved user experience for the Riverwalk. CCC staff also appreciates the City's effort to incorporate prior CCC comments on the Notice of Preparation. The introductory comment is acknowledged, but does not address analyses in the DEIR, and no response is necessary.
- A1-2 Local Coastal Plan Amendment and Review of Consistency with Coastal Act Policies. The comment indicates that the DEIR correctly identifies that several of the proposed amendments include changes to the City's certified Local Coastal Plan (LCP) and will therefore require Commission approval of an LCP amendment. The comment indicates that the standard of review for LUP amendments is consistency with and adequately carrying out the Chapter 3 policies of the California Coastal Act. The comment notes that pursuant to a recent California Supreme Court case, *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, the EIR is required to expressly disclose, consider and analyze the jurisdictional claims and regulatory opinions of the Commission. In response to this comment, a review of project consistency with Coastal Act policies has been added; see section 3.8 of Chapter 3, Changes to Draft DEIR. The review does not reveal any conflicts with Coastal Act policies. The proposed amendments would provide for new public access connections to the San Lorenzo River. The proposed amendments do not change existing certified LCP land uses within the downtown area and do not affect oceanfront lands or marine waters. Future development resulting from the proposed amendments would not result in adverse impacts to biological, cultural or scenic resources and would be located within developed areas with adequate public services.
- A1-3 Heights Along Riverwalk. The comment indicates that the main area of concern for this project/LCP amendment relates to the public access and recreational user experience along the Riverwalk, particularly between Elm Street and Laurel Street. CCC staff have concerns regarding how the proposed new height standards and land use/zoning designations will affect the public access and recreational user experience along this stretch of the Riverwalk. The commenter further believes that the visual simulations in the DEIR show that the proposed new maximum building heights would tower over the Riverwalk and potentially negatively impact the user experience in terms of public views and aesthetics. CCC staff encourages the City to consider a reasonable range of lower height alternatives, including the alternative of retaining the existing height standards along this specific stretch of the Riverwalk.

The DEIR does evaluate potential impacts on aesthetics within the CEQA significance thresholds that relate to effects on scenic views, scenic resources, degradation of the visual quality of the

¹ NOTE: Per subsequent comments (see Comment B2-3), the official name is now Santa Cruz Riverwalk.

surrounding area, and lighting. However, effects on a person’s subjective “experience” is not an impact on the environment with one “correct” characterization under CEQA. Under CEQA, only the adverse environmental impacts are to be identified and considered. The City has concluded, based on substantial evidence in this EIR and the whole of the administrative record, that the plan will result in positive impacts relating to the Riverwalk experience through improvements resulting in more eyes on the river that will reduce negative social behavior and non-visible areas adjacent to the levee, which will be required to be filled-in adjacent to new development. Changing the grade to eliminate these side slopes of the levee will create a safer environment and improve the experience of persons using the Riverwalk. As the commenter suggests, the DEIR does include analysis of an alternative that maintains the existing 50-foot building height limits along the river; see DEIR discussion on pages 5-22 to 5-24 for Alternative 1. Retaining the existing height limit for this area, which is also analyzed in the No Project Alternative, will not achieve the desired project objectives to improve public access and connections to the Riverwalk or provide additional housing opportunities.

A1-4 Land Uses. The comment indicates that the Coastal Act and City’s LCP prioritize visitor-serving and coastal recreational uses over residential uses and that the EIR should evaluate designating the ground floor adjacent to the Riverwalk with visitor serving and coastal recreational uses (e.g. restaurants with outdoor seating, bike/kayak rental, etc.). Chapter 4 of the Downtown Recovery Plan, certified by the California Coastal Commission as an implementing part of the City’s Local Coastal Program, currently allows both residential and non-residential uses above the Front Street (ground level) for properties between Front Street and the Riverwalk (between Soquel Avenue and Laurel Street). The upper floors, including the Riverwalk level, would continue to allow both residential and non-residential (visitor-serving) uses under the proposed Downtown Plan amendments. Therefore, the proposed Downtown Plan does not weaken or lessen the degree of visitor-serving uses that could be developed on the Riverwalk level. The allowable uses are the same as the existing Downtown Recovery Plan, which were previously found to be fully consistent with the Coastal Act. In response to Comment A1-2, a review of project consistency with Coastal Act policies has been added as Appendix B to this FEIR; see Response to Comment A1-2.

There is no mandate to require visitor-serving uses along the Riverwalk level or to prohibit residential uses at this same level. The proposed Downtown Plan amendments do not change allowed uses in the study; see page 3-5 in the DEIR. Hotels, motels and other visitor-serving uses are currently allowed on ground and upper floors, and the proposed amendments do change these uses. These permitted uses are already part of the City’s certified LCP. The proposed Downtown Plan amendments increase the potential allowable visitor-serving uses in the area east of Front Street, between Soquel Avenue and Laurel Street, by increasing the allowable width of potential hotel/motel uses at the northern and southern ends of this area. The existing Downtown Recovery Plan limits the potential of hotel/motel area to 75 feet from Soquel Avenue or 75 feet from Laurel Street. The proposed Downtown Plan would allow hotels/motels to be up to 200 feet from either end of this Riverwalk area, thereby potentially

increasing allowable visitor-serving uses with the revised plan. (See Draft Downtown Plan pages 38 and 43.)

The DEIR has evaluated the mix of potential allowable uses for the entire project area and has made reasonable assumptions for development as detailed in Appendix D of the DEIR. The DEIR cannot speculate about the site-specific uses that may be proposed as part of any particular future development project, and the future decisions on such projects will be made on an individual basis.

The City shares the Commission’s strong goal and vision to improve pedestrian connections between the downtown and to increase activity along the Riverwalk. The proposed Plan is an attempt to balance the three key objectives of providing more opportunities for housing, improving and enhancing visitor experiences to the coast, and maintaining strong environmental protections for the river. Some of the expressed concerns are not solely CEQA-related issues, including the comments relating to specific type and composition of Riverwalk uses, but remain important items for Planning Commission and City Council consideration. Under the proposed Plan, individual projects that include heights taller than 50 feet are not considered a by-right allowance and will be subject to discretionary approval by the City Council. The taller projects will be assessed for consistency with the “Additional Height Criteria for Project Approval” for Additional Height Zone B, as detailed on page 81 of the Draft Downtown Plan. Unlike the existing Downtown Recovery Plan, the list of criteria includes many of the incentive topics identified in the Coastal Commission comment letter. To encourage and promote the public improvements and amenities, the additional height is the incentive built into the draft Plan. This is a fundamental premise that the Plan embraces – the desired improvements noted by the City and the Coastal Commission staff, are directly connected to the additional height. The enhancements of public use of the area will not occur without the added height, which will also coincide with providing more opportunities for desperately needed housing. The improved connections between Front Street and the Riverwalk have been identified as desirable improvements since at least November 1978 (Pacific Avenue Design Plan), yet these improvements have not materialized. There has never been the combination of market and regulatory conditions for these improvements to be privately developed, but the Plan amendments are intended to provide further incentive for property owners to propose those kinds of improvements on their properties.

- A1-5 Public Right-of-way Along the Riverwalk. Regarding the use of the public right-of-way along the Riverwalk (and the associated fill area) for private residential use, CCC staff believes that the entire public space between the Riverwalk and the proposed buildings along Front Street should be fully utilized for public purposes, including maximization of public access and recreation, and that the first floors of these buildings should be reserved for visitor-serving commercial uses, including outdoor restaurant seating or other similar uses. See Response to Comment A1-4 regarding first floor uses. With regards to use of the public right-of-way along the Riverwalk, an earlier version of Figure 3-5 used the phrase “private residential use” as an option for leasing of this area. This language has been corrected to accurately reflect that this

area may be leased to the adjacent developer, but that the area must be “publicly accessible” as shown on Figure 3-5 in the DEIR.

Comments on EIR Notice of Preparation (NOP)

- A1-6 Local Coastal Plan Amendment and Review of Consistency with Coastal Act Policies. The comment indicates that the DEIR correctly identifies that several of the proposed amendments include changes to the City's certified LCP that will therefore require Commission approval of an LCP amendment. The comment indicates that the standard of review for LUP amendments is consistency with and adequately carry out the Chapter 3 policies of the California Coastal Act. As indicated in Response to Comment A1-2, a review of project consistency with Coastal Act policies has been added; see section 3.8 of Chapter 3, Changes to Draft DEIR.
- A1-7 Project Objectives. The comment recommends project objectives, which were incorporated as part of the project objectives; see pages 3-3 and 3-4 of the DEIR.
- A1-8 Aesthetics. The comment is part of the CCC's letter in response to the EIR NOP, which asks that the EIR analysis include a visual resource analysis and visual simulations, consider installation of story poles to show the limits of the proposed new height standards, and evaluate alternatives to reduce potential aesthetic impacts. The DEIR does include an assessment of potential aesthetics impacts; see DEIR pages 4.1-8 through 4.1-23, which includes photo simulations. The use of story poles was not considered viable as explained on page 4.1-13 of the DEIR. Although, the analyses did not identify a significant impact related to aesthetics, the EIR Alternatives sections does evaluate alternatives with reduced height limits.
- A1-9 Biological Impacts. The comment is part of the CCC's letter in response to the EIR NOP, which asks that the EIR include an analysis of how the project may impact the San Lorenzo River, including: 1) establishing the appropriate setback of new development, and 2) potential impacts from shading resulting from the proposed building heights. Both these issues are addressed in the DEIR; see page 4.3-19 regarding riparian habitat and setbacks and pages 4.3-17 and 4.3-18 regarding potential effects of shading. The project is in compliance with the LCP regarding riparian setbacks as set forth in the City-wide Creeks and Wetlands Management Plan and San Lorenzo Urban River Plan LCP policies.
- A1-10 Hazards-Sea Level Rise. The comment indicates that the Coastal Act and City LCP require that new development be sited and designed to avoid hazards, and that the EIR should analyze the project's location with respect to potential impacts from flooding that accounts for the effects of sea level rise. Both these issues are addressed in the DEIR; see pages 4.5-9 and 4.5-13.
- A1-11 Land Use. The comment indicates that the Coastal Act and LCP prioritize visitor serving and coastal recreational uses over residential uses. The CEQA document should evaluate appropriate land use and zoning designations for the locations adjacent to and near the

Riverwalk along Front Street. Specifically, the CEQA document should evaluate requiring a mixed use zoning for this area, especially along the Riverwalk, with visitor serving and coastal recreational uses (e.g. restaurants with outdoor seating, bike/kayak rental, etc.) on the ground floor, and residential uses on higher floors. See Response to Comment A1-4.

A1-12 Recreation. The comment indicates that the initial conceptual renderings of the project suggested transferring public right-of-way along the Riverwalk (and associated fill area) to the project developer. CCC staff believes this space should be fully utilized for public purposes, including maximization of public access and recreation. See Response to Comment A1-5. CCC staff also indicates that any such transfer of property would require a Coastal Development Permit that would be appealable to the Commission. The City acknowledges that Extension Area Permits within the Coastal Zone adjacent to the Riverwalk will require a Coastal Permit, which are appealable to the California Coastal Commission.

A1-13 Water Quality. The comment indicates that the Coastal Act and LCP require that erosion control measures be implemented to prevent siltation of streams, minimize discharge of polluted runoff, and to provide on-site detention and other appropriate storm water best management practices to reduce pollution from urban runoff. The CEQA document should evaluate implementation of Low Impact Development Best Management Practice standards such as bioretention/bioswales, permeable pavers/concrete, roof runoff catchment system and parking lot runoff catchment system for storage; and reuse on site and underground retention/detention units that include additional pre-filtration to remove hydrocarbons, metals, and other potential pollutants generated in the automobile use areas. As indicated in the DEIR (pages 4.5-2, 4.5-3, 4.5-6), the City has a comprehensive stormwater management program developed and implemented in compliance with federal and state requirements. Future development would be subject to these requirements that would prevent water quality degradation as discussed on page 4.5-12 of the DEIR.



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

September 11, 2017



Ron Powers
City of Santa Cruz
809 Center St, Rm 206
Santa Cruz, CA 95060

Subject: Downtown Recovery Plan Amendments
SCH#: 2017022050

Dear Ron Powers:

1 The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on September 8, 2017, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**

LETTER A2

SCH# 2017022050
Project Title Downtown Recovery Plan Amendments
Lead Agency Santa Cruz, City of

Type EIR Draft EIR

Description The project application consists of a series of amendments to the city's DRP, the GP 2030, and the LCP that include revisions to plan text, modifications to guidelines and standards, and changes to coastal policies. The proposed DRP amendment would expand the location in which the Additional Height Zones are applied and revisions to the chapter 4 development standards of the DRP. The primary proposed modification would increase allowable building heights in the lower Pacific Ave and lower Front St areas and along the San Lorenzo River, between Cathcart and Laurel St, that could lead to increased upper floor residential development.

Lead Agency Contact

Name Ron Powers
Agency City of Santa Cruz
Phone (831) 420-5216 **Fax**
email
Address 809 Center St, Rm 206
City Santa Cruz **State** CA **Zip** 95060

Project Location

County Santa Cruz
City Santa Cruz
Region
Lat / Long
Cross Streets Downtown between Pacific Ave and Front St south of Cathcart, north of Laurel
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways 1, 17
Airports
Railways
Waterways San Lorenzo River
Schools
Land Use Developed/central business district and public facilities/regional visitor commercial and community facilities

Project Issues Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Flood Plain/Flooding; Growth Inducing; Landuse; Noise; Public Services; Recreation/Parks; Schools/Universities; Traffic/Circulation; Water Quality; Wetland/Riparian; Septic System; Sewer Capacity; Vegetation; Water Supply; Cumulative Effects

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Fish and Wildlife, Region 3; Cal Fire; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 5; Office of Emergency Services, California; Department of Housing and Community Development; Native American Heritage Commission; Regional Water Quality Control Board, Region 3; Department of Fish and Wildlife, Marine Region

Date Received 07/26/2017 **Start of Review** 07/26/2017 **End of Review** 09/08/2017

**LETTER A2 – California Governor’s Office of Planning & Research
State Clearinghouse**

- A2-1 Compliance with State Clearinghouse Review. The letter acknowledges that the City of Santa Cruz complied with the State Clearinghouse review requirements for review of draft environmental documents pursuant to the California Environmental Quality Act and that no state agencies submitted comments through the Clearinghouse. The comment is acknowledged; and no response is necessary.

September 8, 2017

Ron Powers
City of Santa Cruz –
Department of Planning & Community Development
809 Center Street, Room 107
Santa Cruz, CA 95060

Email: rpowers@cityofsantacruz.com

Subject: Comments on Downtown Plan Amendments Draft EIR

Dear Mr. Powers,

Thank you for providing the Monterey Bay Air Resources District (Air District) the opportunity to comment on the Downtown Plan Amendments Draft EIR. The Air District has reviewed the document and has provided the following:

- 1 • The Air District has no comments.

Please let me know if you have any questions. I can be reached at (831) 718-8027 or cduymich@mbard.org.

Best Regards,



Christine Duymich
Air Quality Planner

cc: David Frisbey

LETTER A3 – Monterey Bay Air Resources District

A3-1 No Comment. The letter indicates that the District reviewed the Draft EIR, and has no comments. The comment is acknowledged; no response is necessary.

Ron Powers

From: Rick Longinotti <longinotti@baymoon.com>
Sent: Thursday, September 07, 2017 8:49 AM
To: Ron Powers
Subject: comments on draft EIR
Attachments: CFST Comments on traffic congestion impacts.pdf

Hi Ron,

Here are the Campaign for Sensible Transportation comments on the draft EIR for the Downtown Plan. Would you please write me back that you received this?

Thanks,

Rick Longinotti, Co-Chair
Campaign for Sensible Transportation

Comments on the Draft EIR for the Downtown Plan

- 1 The Campaign for Sensible Transportation considers the Downtown Plan to be an opportunity to move towards a more walk-able, less auto-centric Downtown. This would contribute to increased vibrancy as well as public health and environmental sustainability. We intend these comments as a contribution to that goal.
- 2 The significant growth that the Downtown Plan allows will exacerbate traffic congestion. However, the Draft EIR concludes that there will be no significant traffic delay impacts. That conclusion misses an opportunity to formulate mitigation measures that shift City policy towards less auto-centric development. In our comments below we explain our reasoning that the Draft EIR's conclusion of no significant traffic impacts is based on a methodology that is inconsistent with the analysis in the General Plan EIR. We suggest that a revision of the methodology may result in a conclusion that the new vehicle trips generated by the build-out of the Downtown Plan will significantly impact traffic delay.
- 3 We urge the City to include in the Downtown Plan a policy of *no net increase in vehicle trips*. This letter lists measures that could achieve this goal, followed by five comments on the Draft EIR methodology.

Measures to achieve zero net increase in vehicle trips:

1. **Require that developers unbundle the cost of parking from the cost of renting or purchasing a unit.**
When the consumer has a choice on whether to purchase parking, the demand for parking drops (and so does the price of housing).
2. **Require that parking providers charge the real cost of providing the parking. (No subsidies).**
3. **Require businesses that provide parking to their employees charge for parking.**
4. **Phase out the subsidy of the City's monthly parking permits.** Currently the cost of monthly permits is significantly below the cost to provide the parking. Residents of new development will not purchase unbundled parking in their buildings so long as the City offers residential parking permits at below cost.
5. **Offer all employees within the Downtown Parking District incentives to commute using alternatives to single occupant auto:** free bus passes; discount carpool parking; vanpools; emergency rides home; cash rewards; credit for Zipcar, Uber; credit at bike stores, etc. These measures will be paid through parking revenue.

6. Offer deep discounts to businesses paying the parking deficiency fee based on employee participation in alternative commutes.

7. Require new development to offer free bus passes to all tenants.

8. Reduce or eliminate parking requirements for new development, while protecting adjacent neighborhoods from spillover parking through neighborhood permit parking.

9. Commute Impact Criteria: Amend the City's criteria for offering density bonuses for residential housing to require that developers offer preference for the local workforce.

Comments on Draft EIR Methodology

Comment 1

4 **Vehicle trip calculation appears at odds with the General Plan EIR**

The Draft reports, "Trip generation calculations include a 40 percent trip reduction due to proximity to the downtown transit center, mixed use development, bicycle use and walking trips." We don't understand the basis for this trip reduction allowance. It seems at odds with the General Plan EIR that applied a maximum trip reduction of 17.3% for Soquel Ave. According to the General Plan EIR, apartments Downtown generate more trips than Soquel Ave. (Offices and commercial trip generation was the same for both.)

Comment 2

5 **The Draft EIR needs to be congruent with the General Plan EIR regarding existing traffic delay (Level of Service)**

The Draft's report of existing Level of Service for several intersections is different from the Level of Service report of the EIR for the 2030 General Plan. For example, the General Plan EIR reports that existing conditions at Ocean St. /Water St is E, rather than the D reported by the Draft. Highway 1 and 9 is rated F by the General Plan EIR and E by the Downtown Plan Draft EIR.

This is an important difference, since it could affect the finding of significant impact. The City's threshold for considering the traffic congestion impacts of the project to be significant:

A significant impact would result if LOS dropped below a "D" level of service or where a project would contribute traffic increases of more than three percent at intersections currently operating at unacceptable levels (E or F)

The Draft concludes that there would be no significant impacts due to traffic:

The project will result in an increase in daily and peak hour trips, but would not cause existing or planned intersections to operate at an unacceptable Level of Service (LOS) or further degrade intersections that already operate at an unacceptable LOS. Therefore, the impact is less than significant.

Comment 3

6 **The Draft EIR needs to be congruent with the General Plan EIR regarding traffic delay at buildout.** The following table lists key differences between the documents.

Level of Service at key intersections

	General Plan Buildout	Downtown Plan Draft EIR
Ocean/Water	F	D
Hwy 1/9	F	E
Chestnut/Mission	F	E
Pacific/Laurel	D	B

Comment 4

7 **The Draft needs to publish the assumptions that it makes on the distribution of traffic exiting Downtown.** Does the Draft assume that the additional trips will follow the pattern of existing traffic? If so, there may need to be an adjustment, since a significant portion of the newly allowed development would take place near the Soquel and Laurel exit routes from Downtown. Commute traffic exiting along those routes could further congest the Ocean/Broadway and Branciforte/Soquel intersections. The General Plan EIR projects that these intersections will have unacceptable Levels of Service at buildout.

Comment 5

The Draft EIR needs to include impacted intersections in LOS analysis. The Draft needs to consider the impact of downtown growth on some additional intersections affected by commute trips to downtown. According to the General Plan EIR, the LOS at the following intersections at buildout will be greater than the

acceptable standard. Increased congestion at these intersections could significantly delay bus transit.

Intersection	Existing LOS	LOS at GP buildout
N Branciforte/Water	D	E
Branciforte/Soquel	C	E
Ocean/Broadway	C	F
Seabright/Water	F	F with further delays

LETTER B1 – Campaign for Sensible Transportation

- B1-1 Downtown Plan. The commenter considers the Downtown Plan to be “an opportunity to move towards a more walkable, less auto-centric Downtown”. The comment is acknowledged, but does not address analyses in the DEIR, and no response is necessary.
- B1-2 Traffic Impact Methodology. The commenter believes that the DEIR’s conclusion of no significant traffic impacts is based on a methodology that is inconsistent with the General Plan EIR analyses, and revisions to the methodologies are suggested. See Response to Comments B1-4, B1-5, B1-6, and B1-7.
- B1-3 No Net Increase in Vehicle Trips. The comment urges the City to include a policy of “no net increase in vehicle trips” in the Downtown Plan, and offers suggestions to achieve a zero net increase in vehicle trips. The comment is acknowledged, but does not address analyses in the DEIR. City staff notes that the Downtown Recovery Plan and the proposed Downtown Plan contain no parking standards, other than locational and design criteria and the allowance of off-site parking for projects. The parking standards are set forth by Resolution by the City Council as established by the Downtown Commission, which oversees the management of Parking District #1. All of the nine items noted in the comment letter are options for consideration on a project-specific basis, and are not relevant to the programmatic level DEIR for the Downtown Plan.
- B1-4 Vehicle Trip Generation. The comment questions the basis for a 40% trip reduction in the downtown area, which seems at odds with the General Plan EIR that applied a maximum trip reduction of 17.3% for Soquel Avenue. The calculations for mixed use reductions are based a number of factors including square footage of commercial development, number of employees, number of housing units, transit accessibility, pedestrian environment and bicycle facilities in the area. The combination of these factors in the downtown area results in a significantly higher potential reduction, which was developed by City staff for the Traffic Impact program. In particular, the large number of employees already in the downtown area will make walking trips to shop and eat in the area.
- B1-5 Intersection Levels of Service. The comment indicates that the DEIR reports a different level of service (LOS) under existing conditions than reported in the General Plan EIR at the Ocean Street/Water Street intersection (D compared to E in the General Plan EIR) and at the Highway 9/Highway 1 intersection (E compared to F in the General Plan EIR). The level of service calculation for existing conditions are based on traffic counts made at the time analyses are conducted. Traffic counts fluctuate daily, and therefore, can result in different level of service calculations day to day.
- B1-6 Levels of Service with General Plan Buildout. The comment states that the DEIR needs to be “congruent” with the General Plan EIR at buildout and suggests that the DEIR LOS is less than the General Plan EIR at buildout. The alleged discrepancies compare General

Plan buildout (Existing with General Plan buildout) existing conditions in the Downtown Plan DEIR, which is not an accurate comparison. General Plan buildout is part of the cumulative scenario analyzed in the Downtown Plan Amendments DEIR, and when cumulative conditions of the two EIRs are compared, the cumulative LOS is the same and slightly worse in the Downtown Plan Amendments DEIR than in the General Plan EIR as summarized below. See Response to Comment B1-5 regarding differences in reported existing levels of service in the two documents.

Level of Service Comparisons

	General Plan EIR Cumulative LOS / Delay [in seconds]	Downtown Plan EIR Cumulative LOS / Delay [in seconds]
Ocean St./Water St.	F / 172.7	F / 228.1
Highways 1/9	F / 244.5	F / 269.2
Chestnut St./Mission St.	F / 164.8	F / 344
Pacific Avenue/Laurel St	D	F / 105.9

- B1-7 Trip Distribution Assumptions and Impacted Intersections. The comment states that the trip distribution assumptions should be identified and asks whether additional trips follow the pattern of existing traffic. The existing distribution of traffic is generally reflected in the traffic study. Intersection-by-intersection distribution is normally disaggregated per the existing ratios. The City's Traffic Impact Study Guidelines require that all intersections with 25 or more new trips be evaluated. The intersections noted in the comment as having unacceptable LOS at General Plan buildout (Ocean/Broadway, Branciforte/Soquel, Branciforte/Water, Seabright/Water) would indeed receive additional trips but in numbers (less than 25 trips during the peak hour) that would not result in a major change to their level of service. Mitigation measures for these intersections are included in the City's traffic impact program. This means that all development in the City contributes to the modifications needed to improve intersection levels of service.



COASTAL-WATERSHED.ORG
*Preserving and protecting
our coastal watersheds*

Ron Powers
Principal Planner
City of Santa Cruz
809 Center Street, Room 206
Santa Cruz, CA 95060

Re: Draft EIR for Downtown Recovery Plan Amendments

Dear Mr. Powers,

1 Thank you for the opportunity to provide written comment on the City's Draft Environmental Impact Report (EIR) and the efforts to update and amend the Downtown Recovery Plan (DRP). The Coastal Watershed Council's (CWC) mission is to preserve and protect coastal watersheds through community stewardship, monitoring and education. CWC's goals align with many of the City's stated goals in this project and with the City's overall goal of protecting natural resources.

CWC respectfully requests that City staff and consultants consider the following comments to improve the EIR process and eventual Downtown Plan.

2 Having reviewed the EIR itself, comments shared in the Notice of Preparation process and related documents, CWC appreciates that care is being given to ensure that future projects guided by the DRP will consider bird-safe design guidelines, the impacts of lighting on riparian species and established best practices and permit requirements for water quality protection and stormwater management. I will not restate the importance of those considerations since they are already part of the EIR process, other than to offer a suggestion with regard to Low Impact Development (LID) best management practices: since the projects along the Santa Cruz Riverwalk will be located next to public open space, perhaps a demonstration site could improve the public's awareness of runoff reduction and stormwater pollution elimination measures taken as part of the project. For example, if a stormwater retention basin, permeable pavers, bioswale or other unique LID measures are included in a given project, showcasing it for the public could add to the community's awareness of how those measures protect the environment and specifically, the river people can see and enjoy right behind them.

3 On another note, two items are offered here as suggested corrections:
1) The EIR includes references to the San Lorenzo Riverwalk (in Appendix C and I believe in other sections as well). The Santa Cruz City Council formally renamed this City park the Santa Cruz Riverwalk a few years ago and making all City document consistent so that every opportunity is made towards branding the park with the right name makes sense.
4 2) Section 4.5.1 states that the San Lorenzo River is on the 303(d) list (impaired water bodies) for sediment, nutrients and pathogens. The river is also listed (with a corresponding TMDL) for pesticides (chlorpyrifos). Accordingly, reference to the City's Integrated Pest Management policies may be appropriate for projects governed by the DRP.

- 5 More generally, the current DRP already allows for development along Front Street, which could harm or help the river. CWC's hope is that development along Front Street could improve the public's experience at the Santa Cruz Riverwalk and create a vibrant and thriving public space where people connect to nature and learn how they can take individual stewardship actions to improve the health of the river. That sequence of events leading to a healthier river is all based on *how* the development is shaped, what is included in each project and whether projects proceed in isolation to the City's existing management of the river and Riverwalk or are integrated into it.

For example, in Section 3.4 - Project Components, the EIR project description lists four City plans and regulations, but fails to include the San Lorenzo Urban River Plan (SLURP), which is the key guiding document for how the City manages the Riverwalk and river ecosystem inside of the levees. A plan that deals with what happens on the *outside* of the levee would ideally mesh with the plan governing what happens on the *inside* of the levee. The City can be most successful at meeting the seven stated objectives (listed in Section 3.3) of this project (particularly objectives 3 through 7) by having a clearly articulated approach for how to integrate what is happening on each side of the Riverwalk pedestrian/bike path, since separating them is impractical.

- 6 The 2003 SLURP is only partially implemented at this time. When projects governed by the amended DRP are built, they *could* improve the health of the river ecosystem, provided their implementation drives additional actions in the SLURP for improving the Riverwalk and river ecosystem. While the SLURP is referenced in Section 4.3.1 under local plans, including it in Section 3.3 would serve to elevate its importance, integrate efforts on either side of the Riverwalk path and ensure that the projects improve rather than damage the lower river. Beyond the inclusion of the SLURP in Section 3.3, an effort by the City to map out how the SLURP actions will be integrated into projects governed by the DRP would serve both the river and the new development's owners, tenants, customers and the overall community. If not appropriate for inclusion in this EIR, such an implementation (or integration) plan would aid both sides of the Riverwalk path and our overall community.

Thank you for your leadership of this important process to shape the future of this community. Take care.

Respectfully,



Greg Pepping
Executive Director
Coastal Watershed Council

LETTER B2 – Coastal Watershed Council

- B2-1 Coastal Watershed Council Mission and Goals. The letter indicates that the Coastal Watershed Council's (CWC) mission is to preserve and protect coastal watersheds through community stewardship, monitoring and education and that CWC's goals align with many of the City's stated goals in this project and with the City's overall goal of protecting natural resources. The comment is acknowledged, but does not address analyses in the DEIR, and no response is necessary.
- B2-2 Low Impact Development. The comment suggests that the City consider a demonstration site along the river to showcase stormwater retention, permeable pavers, bioswale or other unique LID measures in a given project to improve the public's awareness of runoff reduction and stormwater pollution elimination measures. The comment is acknowledged, but does not address analyses in the DEIR. Low Impact Development (LID) best management practices (BMPs) are incorporated into all development project reviews by the Department of Public Works and included in all discretionary project reviews for land use permits issued by the Department of Planning and Community Development. Runoff associated with development adjacent to the river will not be directed to the river, but instead collected at the back of the levee in a large pipe, part of a storm drainage system that will connect to the City's downtown stormwater system. The amendments to the Downtown Recovery Plan are programmatic in nature and there are no proposed City sponsored projects planned at this time. In the event that a privately funded development occurs adjacent to the Riverwalk, the storm drain system will be required to be engineered to incorporate stormwater pollution elimination measures and use BMPs for water quality protection.
- B2-3 Santa Cruz Riverwalk. The letter indicates that the Santa Cruz City Council formally renamed City's San Lorenzo Riverwalk park to the Santa Cruz Riverwalk. References to the Riverwalk have been corrected; see Chapter 3, Changes to Draft DEIR.
- B2-4 San Lorenzo River Impaired Waters. Regarding San Lorenzo River's inclusion on the 303(d) list (impaired water bodies) for sediment, nutrients and pathogens, the comment indicates that reference to the City's Integrated Pest Management policies may be appropriate for projects governed by the DRP. The comment is acknowledged, but does not address analyses in the DEIR, and no response is necessary. However, the Downtown Plan is a planning document that includes some specific development standards and guidelines, but it is not a compendium of all regulations that would be required for new development projects. Parking requirements, drainage requirements, including BMPs, and Water Department requirements are just some of the additional regulations that must be followed for any development projects. Therefore, the Downtown Plan is not the appropriate location for referencing the City's Integrated Pest Management Program. However, a reference to the City's Integrated Pest Management Program is appropriate under Local Regulations on page 4.5-3 and has been added to the text; see Chapter 3, Changes to Draft EIR, of this document.

- B2-5 San Lorenzo Urban River Plan (SLURP). The letter indicates that Section 3.4 (Project Components) in the DEIR Project Description fails to include the San Lorenzo Urban River Plan (SLURP), which is a key document guiding how the City manages the River Walk and river ecosystem inside the levees and a plan for outside of the levee should mesh with the SLURP. The comment indicates that the SLURP should be referenced in section 3.3. It is agreed that the SLURP is an important guiding document, and some of its provisions related to biological resources are summarized on page 4.3-6 of the DEIR. Section 3.3 of the DEIR identifies project objectives, and section 3.4 identifies proposed amendments to existing City plans and regulations as part of the project. The San Lorenzo Urban River Plan (SLURP) is not referenced in this section because it is not proposed to be amended and is not a regulatory document for land use. The project is not proposing any changes for lands located between the levees. Several recommendations of the SLURP were subsequently adopted as Local Coastal Program (LCP) policies, some of which are proposed to be amended as part of the project, and therefore, the LCP is listed as one of the adopted City plans that is proposed to be amended. The remaining recommendations of the SLURP are resource protection and enhancement guidelines addressing lands located between the levees, which lie within the public realm under City control. However, further description of the SLURP has been added to the DEIR; see the “Land Use” section of Chapter 3 of this document.
- B2-6 SLURP and Downtown Plan. The letter recommends that an effort by the City to map out how the SLURP actions will be integrated into projects governed by the DRP would serve both the river and the new development’s owners, tenants, customers and the overall community. If not appropriate for inclusion in this EIR, the commenter suggests such an implementation (or integration) plan would aid both sides of the Riverwalk path and the overall community. The comment is acknowledged, but does not address analyses in the DEIR. Project objective #4 includes reference to the SLURP to achieve superior connections to the San Lorenzo River beyond the existing Downtown Recovery Plan and SLURP recommendations. Referencing the remainder of the SLURP river enhancements is not part of the project study area. The proposed amendments included in the Downtown Plan are not related to a plan for physical improvements between the levees.

Ron Powers

From: Lisa Sheridan <trotrider@aol.com>
Sent: Thursday, September 07, 2017 4:05 PM
To: Ron Powers
Subject: CAUTION: Verify Sender Before Opening! Comments on DEIR for Downtown Recovery Amendments
Attachments: Ron Powers DEIR final.doc

Dear Mr. Powers,
Please confirm you have received our response letter to the Downtown Recovery Proposed Amendments/Biological Resources.

Thank you,
Lisa Sheridan
Santa Cruz Bird Club President



Santa Cruz Bird Club

P.O. Box 1304
 Santa Cruz, CA 95061
santacruzbirdclub.org

September 7, 2017

From: Santa Cruz Bird Club

To: Ron Powers, City of Santa Cruz Planning Department, Santa Cruz City Council

Re: Comments on DEIR for Downtown Recovery proposed amendments/Biological Resources

Dear Mr. Powers and Santa Cruz City Council:

- 1 The Santa Cruz Bird Club (SCBC) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the City of Santa Cruz Downtown Plan Amendments.

The proposal for building height allowances along the San Lorenzo River (SLR) riparian corridor would alter the current allowable building height up to seventy feet from a current maximum of fifty feet.

The SLR is one of the city's significant natural resources and is in the Pacific Flyway. Migrating birds, protected under the Migratory Bird Treaty Act, are known to breed, nest, raise young, rest, feed, take refuge from storms and refuel for their remaining migratory journey. The SLR corridor/open space is considered one of the more populated bird species corridors in the entire Santa Cruz County. (The citizen science ebird data lists the SLR as number thirteen of one hundred sites with most number of bird species.)

The SCBC recommends the following considerations based on the San Lorenzo's DEIR findings:

- 2 1). The SCBC believes that the mitigations **understate the potential negative impacts** of the proposed height increases, which are outlined in the body of the DEIR. We recommend a **"no height increase"** for any buildings above fifty feet along the SLR corridor. Evidence suggests this policy change would interfere substantially with the movement of native and migratory species of birds as well as impact the migratory corridors they use.
- 3 2). The SCBC encourages the strongest language possible to be added to the DEIR language as it relates to building design mitigations for any new construction at any height near the SLR. We recommend replacing wording in 4.3 mitigation from **"minimize"** and **"consider"** to **"required."**
- 4 3). Because of the lack of data on year-round use of the SLR habitat, the DEIR findings are insufficient to adequately determine the impact of the proposed amendments on bird wildlife.
- 5 **Section 4.3.2:** There are more extensive and up-dated studies on bird collision with glass available and should be included in the analysis of impacts. Refer to **Bird Collisions with Windows - American Bird Conservancy**, as well as the (Klem, March 2009, Hager et al., September 2008). https://abcbirds.org/wp-content/uploads/2017/02/Window_Collision_Bibliography-February-2017.pdf

Thank you for your consideration,

Lisa Sheridan

President, Santa Cruz Bird club 2016-2017

Santa Cruz Bird Club

LETTER B3 – Santa Cruz Bird Club

- B3-1 San Lorenzo River. The letter indicates that the San Lorenzo River is one of the City's significant natural resources and is in the Pacific Flyway. The comment is acknowledged, but does not address analyses in the DEIR, and no further response is necessary.
- B3-2 Proposed Heights Along San Lorenzo River. The commenter recommends no height increase for any buildings above fifty feet along the San Lorenzo River corridor. The comment is acknowledged, and referred to City staff and decision makers for further consideration. The comment also states that evidence suggests that this policy change would interfere substantially with the movement of native and migratory species of birds and impact the migratory corridors they use. The analysis in the DEIR acknowledges that increased building height would potentially result in an increase in bird collisions. This impact could specifically affect migratory birds. Although the precise impacts are not known, the analysis assumes the increased building height would result in a potentially significant impact. As noted in the DEIR, it is generally accepted that an increase in the amount of window space results in a higher mortality from building strikes and that an increase in night-time lighting could degrade the quality of the surrounding habitat. The mitigation for this impact offers standard measures for reducing these impacts consistent with guidelines established by the American Bird Conservancy (2015).
- B3-3 Mitigation Measure 4.3-2. The comment indicates that the mitigation wording be changed from "minimize" and "consider" to "require". However, the word "consider" is not included in this measure or Mitigation Measure 4.3-3. The word choice of "minimize" is appropriate in mitigation measure 4.3-2 as the City consider it feasible or desirable to prohibit the use of glass. The proposed language reflects common CEQA convention for the phrasing of mitigation measures. Subsequent development projects would be evaluated on a case-by-case basis. The measure has been revised to require avoidance of up-lighting and spotlights. See Chapter 2, Summary of Impacts, in this document.
- B3-4 Bird Studies. The comment states that because of the lack of data on year-round use of the San Lorenzo River habitat, the DEIR findings are insufficient to adequately determine the impact of the proposed amendments on bird wildlife. As noted in the Response to Comment B3-2, the DEIR does not deny that the increase in building height, without guidelines for building design, could result in an increase in bird mortality from collisions with buildings. The proposed mitigation for this impact is inclusion of a new development standard in the Downtown Plan for design guidance for bird-safe structures along the San Lorenzo River. It should be acknowledged, as implied by the comment, that factors other than building design are presumed to influence bird mortality from building collisions. These include the surrounding habitat,

the time of year, and bird density in the surrounding area (e.g., Borden et al. 2010, Cusa et al. 2015, Hager and Craig 2014, Zink and Eckles 2010, Sabo et al. 2016, Wittig 2016), as well as bird physiology (Håstad and Ödeen 2014, Kahle et al. 2016, Martin 2011, 2012). However, studies consistently emphasize that exactly how these factors influence bird collisions with buildings is poorly understood. And factors influencing mortality in one location may be different from those influencing mortality in another. For this reason, there are no standards for predicting the level of bird mortality from buildings. Therefore, a study intended to do this would be of limited value.

In addition, a year-round study is not needed to identify and analyze impacts and would exceed the standard for impact evaluation under the California Environmental Quality Act as outlined in the thresholds of significance on page 4.3-16 of the DEIR.

- B3-5 San Lorenzo Urban River Plan. The comment indicates that there are more extensive and updated studies on bird collision with glass available and should be included in the analysis of impacts. The comment cites the following: 1) Bird Collisions with Windows – American Bird Conservancy; 2) Klem (March 2009); and 3) Hager et al. (September 2008). The studies noted are Daniel Klem Jr., Christopher J. Farmer, Nicole Delacretaz, Yigal Gelb, and Peter G. Saenger, “Architectural Landscape Risk Factors Associated with Bird-Glass Collisions in an Urban Environment,” *Wilson Ornithological Society* (2009) 121(1): 126–134, and Stephen B. Hager, Heidi Trudell, Kelly J. McKay, Stephanie M. Crandall, and Lance Mayer, “Bird Density and Mortality at Windows,” *Wilson Journal of Ornithology* (2008) 120 (3): 550–564. Both studies mentioned in the comment were consulted during preparation of the analysis of the potential for bird collisions with windows, and both are cited in the DEIR analysis. In addition, the DEIR analysis cites findings in Y. Gelb and N. Delacretaz, “Windows and Vegetation: Primary Factors in Manhattan Bird Collisions,” *Northeastern Naturalist* (2009) 16(3): 455–470, and cites information summarized in the American Bird Conservancy, *Bird-Friendly Building Design* (2015) (<https://abcbirds.org/wp-content/uploads/2015/05/Bird-friendly-Building-Guide-2015.pdf>).

The DEIR analysis of the effects of building height on birds relies on the above studies to emphasize the long-established hazard that buildings, especially glass windows, pose to birds. As the comment notes, extensive research has been conducted since 2009, including much that is described in C.L. Seewagen and C. Sheppard, *Bird Collisions with Windows: An Annotated Bibliography* (2017), which is also mentioned in the comment as “Birds Collisions with Windows – American Bird Conservancy.” These studies have focused on a variety of factors influencing bird collisions with buildings, such as bird physiology (Håstad and Ödeen 2014, Kahle et al. 2016, Martin 2011, 2012), habitat (Borden et al. 2010, Cusa et al. 2015, Hager and Craig 2014), abundance (Sabo et al. 2016, Wittig 2016), and seasonality (Borden et al. 2010, Zink and Eckles 2010).

The DEIR analysis also relies on Klem et al. (2009) and American Bird Conservancy (2015) to summarize building design factors that influence bird mortality. Additional recent literature included in Seewagen and Sheppard (2017) focuses on how building and window design can reduce collisions (Hager et al. 2013, Klem and Saenger 2013, Pelley 2014, Switala Elmhurst and Grady 2017). Some of these provide evidence that building design can influence and reduce bird collisions mortality (Pelley 2014, Switala Elmhurst and Grady 2017). The American Bird Conservancy (2015) incorporates several of these studies in their guidelines. More recent literature (Kahle et al. 2016, Switala Elmhurst and Grady 2017) has mostly confirmed what was learned from previous studies. Therefore, the DEIR approach in relying on American Bird Conservancy guidelines is up to date with current thinking on reducing bird collisions with buildings.

To: Ron Powers
From: The Sierra Club
Re: DEIR Downtown Recovery Plan
Date: September 8, 2017

Dear Mr. Powers:

Please find below the Sierra Club's comments on the Draft Environmental Impact Report (DEIR) sections for the Downtown Recovery Plan (DRP). We look forward to your responses to these comments.

Sincerely,

Greg McPheeters
Chair, Sierra Club
Santa Cruz Group

4.1 AESTHETICS

1 The DEIR does not address these codes in the California Public Resources Code section 21099, 21099(4), (2)(A), (2)(e) Codes Display Text

Since January 2014 the SB 743 has received various guidelines revisions with the potential of raising legal difficulties. Jan. 2016 CEQA guideline on evaluating Transportation impacts in CEQA states: "The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data."

SB 743 doesn't address/include developments areas that are adjacent to City's Open Spaces area, watershed, riparian corridors with a detailed aesthetic definition. Consequently local public lead agencies have responsibility to fulfill the City's Plans such as "future physical development in Santa Cruz will protect and sustain precious natural resources, honor and enhance the city's unique natural setting, and maintain and appropriately use the open space that encompasses and penetrates the city." (City's 2030 General Plan Park & Rec. Open Spaces)

Codes 21099 (4), (2)(A) & (2)(e) codes validate the City's local Plans. The codes demonstrates that the aesthetic assessment of the SB 743/21099 codes is

defined by public lead agencies, other agencies & local Plans for which the San Lorenzo River qualifies.

The DEIR Aesthetics SB 743 findings are incomplete and unsubstantiated, because not all CPRC codes pertaining to proposed amendments were addressed nor were all current CEQA guidelines considered. The omission of the San Lorenzo River as an Open Space, riparian corridor in the Regional Setting section (pg. 4.1-5) affected the DEIR analysis for SB 743 in regard to City plans.

Scenic Resources: 4.1-7

- 2 To quote from the DEIR, *"The DRP indicates that the river offers potential as an open space, habitat and a recreational amenity and provides opportunities for creation of linkages to the downtown."* The DEIR fails to adequately address the habitat value of the San Lorenzo River (SLR) and therefore inadequately assesses the environmental impacts of the project on the SLR. The SLR is not a "potential" habitat: it is a recognized, documented habitat in the city's General Plan.
- 3 According to the DEIR, no significant impacts have been identified. This finding is possible only because of the above deficiencies noted.
- 4 Impact 4.1-3 The DEIR states that, "future buildings would be of similar height and scale as the other tall buildings in the downtown area". One major area of height increase is along the San Lorenzo River levee. The DEIR fails to allow for the difference between increased heights downtown and increased heights along the river, which is a habitat. Downtown is not a habitat. The impact of increased human activity on the SLR habitat generated by the project is inadequately addressed in the DEIR. The volumetric approach is not an adequate response to the increased heights and massing allowed under the amendments. The claim in the DEIR that full build-out is unlikely is unsubstantiated. The fact that buildings along Front St. have not been built to the current maximum is not a yardstick for future building of zoned mixed use with increased heights and massing.
- 5 With respect to the proposed new widened alleys connecting to the river, currently the SLR is accessible from various river paths. The reasoning that 3 pathways through high building mass areas will create superior connections to the San Lorenzo River lacks proof. There is no evaluation of the human impact to the river habitat via such corridors nor impact to bird life from such corridors that will have night lights and windows.
- 6 The DEIR states that the project will, "Enhance opportunities to view and interact with the San Lorenzo River as a coastal resource." This statement is

invalidated as demonstrated by Figure 4.1-3a-3c, which show according to Figure 4.1-3a-3c that views are not enhanced by high buildings & building mass. The impact on views is not fully explored in the DEIR

- 7 The Visual Character of the Project Area DEIR statement (*6) is acknowledging the value of the SLR's existing visual character to which the CEQA Thresholds of Significance guidelines 1a-1d apply. The proposed amendments would impact 1a-1d when evaluated w/existing City guiding Plans & Figure 4.1-3a-3c, consequently Codes 21099 (e) & (b) (4) would apply.

The DEIR analysis here is unsubstantiated.

Scenic Views: The conclusion for Impact 4.1.1: Mitigation Measures is not substantiated by incorporating/addressing 4.1.2 CEQA thresholds of significance adequately w/valid proof. (Analytical Method 4.1-8, 1st paragraph) The City's 2030 General Plan Chapters (9-11) are not mentioned nor incorporated for this MM conclusion.

The DEIR MM reasoning is not substantiated with the SLR environmental policies/recommendations from adopted City's Plans and is incomplete.

4.3 BIOLOGICAL RESOURCES

4.3.1 Environmental Setting

- 8 Throughout this section the DEIR is addressing the Transitional Stretch as an isolated part of the diverse SLR riparian corridor ecosystem. Each stretch of the SLR has its own microclimate ecosystem, which interacts with each other.

The DEIR analysis is incomplete, because it fails to integrate its Transitional Stretch findings to the entire SLR riparian corridor.

- 9 The DEIR 'San Lorenzo River Habitats' findings were not derived from an up-to-date, year long scientific data base of a comprehensive San Lorenzo River wildlife & plant inventory that includes nesting inventory of local and migratory birds and specifies bird species that depend in various ways on SLR corridor habitat as a food source.

The DEIR's findings are therefore unsubstantiated due to lack sufficient data to analyze the impact of proposed amendments on the San Lorenzo River Habitat.

A seasonal bird survey is insufficient to adequately assess the SLR bird population. A minimal year -long scientific survey is needed for an in-depth

analysis of the SLR habitat. Not all species are included in the analysis, for example bats are not included nor the impacts on all species from the project assessed.

The DEIR's analysis is incomplete, because findings are not substantiated by adequate data.

10 pg. 18 These statements require further data to gauge additional effects on ecosystems:

1. The Solar Heat Gain from windows (diffuse radiation is the solar radiation that is absorbed, stored and scattered in the atmosphere.)
2. The winter shade cooling long-range effect on vegetation & water temperature
3. Increased wind flow impact on birds & vegetation.

The DEIR's findings are incomplete and require further information.

11 4.3.2 Up-dated studies on bird collision with glass is available and should be included in the analysis of impacts] **Bird Collisions with Windows - American Bird Conservancy** than (Klem, March 2009, Hager et al., September 2008).

12 Note the quote that: "The most dangerous building in this study was not a high-rise, but instead was a 6- story office building adjacent to densely vegetated open space. ", which is above 50'.

This statement substantiates the SLURP recommendation of 50' height maximum adjacent to densely vegetated open space.

The SLURP recommendation of 50' height is also supported with these findings:

1. The San Lorenzo River is an important riparian habitat, which is in the Pacific Flyway of winter & summer migrating birds, protected under Migratory Bird Treaty Act.
2. Migrating birds are known to rest, fed, take refuge from storms in water bodies & natural spaces, either to recuperate, refuel for the remaining migratory journey or stay for a season.
3. Neo-tropical migrants & local birds are known to nest in riparian & open-space ecosystems.
4. Riparian corridors are receiving increased Fed.& State agencies conservation efforts due to steep bird habitat loss caused by development.

5. The City's 2030 General Plan Natural Resources Goals, policies, actions reinforces the 50' height limit with NRC1.2.1–NRC1.3.

13 The DEIR fails to substantiate its findings for proposed height increase.

4.5 HYDROLOGY AND WATER QUALITY

14 The Draft EIR notes that a project impact would be considered significant if the project would

“Result in construction of habitable structures within a 100-year floodplain ... which would expose people or structures to a significant risk of loss, injury or death due to flooding;”

The Draft EIR acknowledges that the construction allowed by the Downtown Plan Amendments would take place within the San Lorenzo River 100-year floodplain. However, the Draft EIR concludes regarding flood risk, “No mitigation measures are required as a significant impact has not been identified.” This contradiction could be resolved by a conclusion that the Project would have a significant impact due to flood risk.

the City's Vulnerability Study by Gary Griggs and Brent Haddad articulated a new understanding of the flood risk downtown. The Draft summarizes the flood risk due to rising groundwater, “As sea level continues to rise, seawater could extend farther upstream in the San Lorenzo River flood control channel more frequently, and rising gradually to higher elevations. This would lead to a rise in the water table beneath downtown. This area of the City has always been vulnerable to an elevated water table but this will become a more significant issue in the future, likely resulting in the need for more pumping and implementation of other adaptation strategies.”

The Draft apparently expresses a belief that adaptation strategies can prevent significant loss to structures downtown due to an elevated water table. However, Gary Griggs, the author of the Vulnerability Study reports that adaptation measures are only temporary. In correspondence with Gary Griggs, the question was posed, “Does that mean a sea level rise of more than two to four feet will result in ground water at grade level downtown during peak tides?”

Here is an excerpt from his response: (correspondence between Gary Griggs and Rick Longinotti):

You read that correctly.... When you stop and think or consider what is under or beneath downtown, from electrical and phone lines, to water and sewer lines, and the extent of the downtown floodplain sand and gravels and their connectivity to the river and the ocean, the enormity of the problem

becomes apparent. We are not alone, look at New Orleans, but I'm not sure that's any consolation. We have some time but I don't see any adaptation measure short of eventually relocating downtown.

The City's Climate Adaptation Plan cites estimates for sea level rise that envision a 2-4 foot rise occurring between 2070 and 2100.

We conclude that the Environmental Impact Report needs to clearly represent the significant risk of locating buildings in the downtown floodplain.

- 15 The City's Climate Adaptation Plan notes that after increasing the height of the river levy in 2002, "New buildings and improvements are no longer mandated to meet FEMA flood construction requirements." We urge that a mitigation for the Project include restoration of flood construction requirements.

Consistency with City Plans

- 16 The Project needs to be made consistent with the adopted plans of the City of Santa Cruz. We note that the General Plan requires the City to make land use decisions that reduce impacts of sea level rise.

GENERAL PLAN GOALS RELATED TO CLIMATE ADAPTATION

NRC 4.3 Support initiatives, legislation and actions for reducing and responding to climate change.

NRC 4.5 Minimize impacts of future sea level rise.

NRC 4.6 Take early action on significant and probable global warming, land use and development issues, including those that arise after 2025.

We note that the City's Climate Adaptation Plan considers the following to be a "very high priority action":

Protect downtown and beach area from San Lorenzo River flooding

And the following is a "high priority action":

Restrict development in flood plains

4.6 PUBLIC SERVICES

- 17 According to the DEIR "The City is currently underserved for neighborhood and community parks and requires a total of 57 acres to meet these goals (City of Santa Cruz, February 2017). Yet the DEIR finds no significant impact from the project on parks and recreation. That the Park User fee will be a sufficient mitigation is not substantiated since there is little land left to acquire and city has a budget shortfall. The Mimi de Mata dog park, listed as a nearby park for the project population is tiny, for dog use and inadequate to be used to justify as mitigation. The upcoming Parks Master Plan does not include specifics for acquiring new park space. Given the current inadequate park space for current

residents, the project is more likely to have a significant and negative impact due to the lack of additional designated park space for the project.

4.7 TRAFFIC AND TRANSPORTATION

- 18 The DEIR underestimates the impact on the listed intersections as compared with the EIR for the 2030 General Plan. The DEIR should be amended to be consistent with the General Plan with the addition of the impacts of the project.

LETTER B4 – Sierra Club

- B4-1 Aesthetics and SB 743. The comment indicates that the DEIR does not address California Public Resources Code sections 21099, 21099(4), (2)(A), (2)(e), and that the “Aesthetics SB 743 findings are incomplete and unsubstantiated”. The comment suggests that omission of the San Lorenzo River as an open space, riparian corridor affected the DEIR analysis pursuant to SB 743 regarding City plans. Section 21099 was enacted by California Senate Bill (SB) 743 in 2013. It addresses how traffic impacts be analyzed and requires that the Office of Planning and Research and the Natural Resources Agency develop and adopt new CEQA Guidelines with criteria for traffic impact analysis that does not use level of service as a measure of impact significance. The State has not yet taken any final action on new transportation thresholds as discussed in section 4.7, Traffic & Transportation, of the DEIR. The Aesthetics section further notes on pages 4.1-8 to 4.1-9 that provisions of Section 21099 with regards to determination of significant aesthetic impacts may be applicable to future developments within the study area that are within one-half mile of the Santa Cruz Metro Transit Center. The provisions of SB 743 are not applicable to the adoption of the Downtown Plan amendments, and there is no legal requirement for the City to make any findings pursuant to SB 743. See Response to Comment B4-2 regarding the San Lorenzo River.
- B4-2 Scenic Resources-San Lorenzo River. Regarding a statement in the Downtown Plan about the San Lorenzo River, the comment states that the DEIR fails to adequately address the habitat value of the San Lorenzo River and therefore inadequately assesses the environmental impacts of the project on the San Lorenzo River. The DEIR recognizes the San Lorenzo River as a prominent natural and open space feature in the downtown area as part of the review of existing scenic resources (see DEIR page 4.1-7). Impacts to scenic resources, including the San Lorenzo River are addressed on DEIR pages 4.1-9 to 4.1-11 with regards to scenic views and scenic resources. The proposed plan amendments and subsequent future development would not block views along the river or vegetation or natural features within the river’s riparian corridor. Effects of increased heights on the visual character of the area, including the San Lorenzo River, are discussed on pages 4.1-11 to 4.1-16. The habitat value and biological resources of the San Lorenzo River are discussed in section 4.3, Biological Resources, in the DEIR; see pages 4.3-7 to 4.3-9 for a description. The section also identifies the riparian area along the river as a sensitive habitat, special status species utilizing the river habitats, and wildlife movement and breeding. Impacts to special status species, aquatic habitat, sensitive riparian habitat and nesting birds are evaluated on pages 4.3-17 through 4.3-23.
- B4-3 Aesthetics Impact Significance. The comment claims that the DEIR finding of no significant aesthetics impact is possible only because of the deficiencies noted in the above comment(s). The DEIR analyses are based on the thresholds of significance

identified on page 4.1-8 and as explained in the impact analyses. See also Response to Comments B4-1 and B4-2.

- B4-4 Impact 4.1-3-Building Heights. The comment states that the DEIR fails to allow for the difference between increased heights downtown and along the San Lorenzo River, which is a habitat, and downtown is not. The comment also states that a volumetric approach is not an adequate response to the increased heights and massing allowed under the amendments, and that the claim in the DEIR that full buildout is unlikely is unsubstantiated.

The Downtown Plan amendments propose a lower increased height (50 feet up to 70 feet) adjacent to the river than other areas downtown (55 feet up to 85 feet) as reported and analyzed in the DEIR. See Response to Comment B4-2 regarding impact of increased height on the river. The DEIR reports on other plan amendments, including required upper floor setbacks/stepbacks to break up building mass and changes in the setback standard that would allow a certain percentage of a site to have heights over a specified limit. The DEIR reports that this “volumetric approach” is intended to ensure both vertical and horizontal building variation to avoid monolithic structures as considered by City staff and Planning Commission in proposing new standards.

The DEIR does not claim that “full build-out is unlikely”, but indicates that the photosimulations were developed to inform the public and City decision makers about the hypothetical “worst-case” appearance of full buildout under the DRP amendments, and it is not known whether properties will be assembled to achieve the size needed for the additional height allowance. See Response to Comment C9-1 for further discussion. Buildout assumptions for the EIR analyses are described on pages 3-13 and 3-14 in the DEIR.

The Comment states that the impact of increased human activity on the San Lorenzo habitat generated by the project is inadequately addressed in the DEIR. See Response to Comment B4-5.

- B4-5 Access Connections to the San Lorenzo River. The comment states that the reasoning that three pathway connections to the San Lorenzo River will “create superior connections” to the river “lacks proof,” and that there is no evaluation of the human impact to the river via such corridors. The comment regarding public access connections to the river is in reference to the Downtown Plan and does not address analyses in the DEIR; no response is required.

With regards to potential impacts to wildlife as a result of access along the river, the public currently has access to the Riverwalk on the west side of the San Lorenzo River, including from both Laurel Street and Soquel Avenue. The proposed amendment

introduces no new development, so would not result in the removal of any habitat or vegetation along the river. Because the area is already publicly accessible, any species, such as nesting or migratory birds, using this area are adapted to human presence. In addition, increased access to the river is already promoted in the San Lorenzo Urban River Plan (SLURP). As noted in Section 4.3 of the DEIR, the SLURP “contains recommendations for habitat enhancement, as well as public access and ideas to promote river-oriented development. One of the key goals of the plan is to enhance and restore biotic values of the river, creek and marsh fish and wildlife habitat.” Therefore, any increase in access under this proposed amendment would only reinforce a priority of the SLURP, which also includes enhancing the river’s biotic values. The DEIR analyzes and acknowledges potential impacts to birds from increased building heights because of the increase in window space and increased night-time lighting. See the discussion in Biological Resources, Section 4.3.2, Impact 4.3-2: Indirect Impacts to Sensitive Riparian Habitat, which focuses on this issue.

- B4-6 Impacts on Views. The comment says that the DEIR states that the project will “Enhance opportunities to view and interact with the San Lorenzo River as a coastal resource,” which is invalid as demonstrated by Figure 4.1-3a-3c, which show that views are not enhanced by high buildings & building mass. The comment claims that the impact on views is not fully explored in the DEIR. The referenced statement is one of the project objectives identified on pages 3-3 and 3-4 of the DEIR. According to City staff, there are only four areas that provide access to the Riverwalk from Front Street in the project area: 2 asphalt ramps and access points near Soquel Avenue and Laurel Street. All of these access points for viewing and experiencing the river can be improved and enhanced by requiring new adjacent development to improve these connections. The river itself cannot be seen from Front Street. Only the levee can be seen from the pedestrian eye level west of the river, therefore, no new buildings will obstruct the views to the river. In addition to the opportunities to improve the four existing access points, the plan includes requirement to improve a fifth connection (near the streets of Soquel, Cathcart, Elm, Maple and Laurel). The enhanced access opportunities could be provided and improved under the plan requirements as indicated in Chapter 4, E. Front Street/Riverfront Corridor Development Standards and Guidelines, paragraph 5, “Access to the Riverwalk”. See also Response to Comments B4-2 and B4-3 regarding impacts to views.
- B4-7 Impacts to Visual Character and Scenic Views. The comment claims that the DEIR analysis regarding visual character of the project area is unsubstantiated when evaluated with existing City plans and Figure 4.1-3a-3c to which Public Resource Codes apply, and the proposed amendments would impact the value of the San Lorenzo River’s existing visual character to which the CEQA Thresholds of Significance guidelines 1a-1d apply. See Response to Comments B4-1, B4-2, B4-3, B4-4, and B4-5 regarding visual impacts related to the river.

The comment also states that the conclusion that no mitigation measures are required for Impact 4.1.1 is not substantiated and the City's General Plan 2030 chapters 9-11 are not mentioned or incorporated into the conclusion. Existing City General Plan and LCP consideration of scenic views are described on pages 4.1-6 and 4.1-7 in the DEIR. As discussed in the impact analysis of scenic views on pages 4.1-9 to 4.1-10, the proposed plan amendments and resulting potential buildings with increased heights would not block or substantially affect scenic views, which City plans consider to be views that are oriented toward the Monterey Bay and Pacific Ocean or toward the Santa Cruz Mountains that frame the northern boundary of the City. The analysis also indicates that future development would not block views of the river. Future development would be in the same location as existing buildings and would not block existing views of the river along the river levees. See also Response to Comment B4-6.

- B4-8 San Lorenzo River Habitat. The comment claims that the DEIR analysis is incomplete because it fails to integrate the Transitional Reach in which the project is located to the entire San Lorenzo River habitat. The DEIR does note that the project area is within the "Transitional Reach" of the river as defined and described in City adopted San Lorenzo Urban River Plan (SLURP), but the DEIR addresses biological resources to the extent that such resources would be affected by the project. As discussed in the DEIR, the project and future development would not result in removal of or direct impacts to riparian habitat. Except for one small area, the project area is located outside of the riparian management area of the river as identified in the adopted City-wide Creeks and Wetlands Management Plan, which is also part of the City's Local Coastal Program (LCP). Future development accommodated by the proposed plan amendments would meet required riparian setbacks as discussed on page 4.3-15 of the DEIR. The DEIR goes on to evaluate potential indirect impacts to habitat and wildlife using the river corridor due to shading effects, windows and lighting associated with taller buildings that could be developed as a result of the proposed plan amendments. Thus, the DEIR is not incomplete in its analyses.
- B4-9 Biological Studies. The comment indicates that the DEIR findings are unsubstantiated due to lack of sufficient data to analyze the impact of the proposed amendments on San Lorenzo River habitat because findings were not derived from an up-to-date, year-long, scientific, comprehensive data base, including nesting survey, and that a seasonal bird survey is insufficient to adequately assess the San Lorenzo River bird population. See Response to Comment B3-4.
- B4-10 Solar Heat, Shading and Wind. The comment states that the DEIR is incomplete and requires further information regarding: 1) solar heat gain from windows (diffuse radiation is the solar radiation that is absorbed, stored and scattered in the atmosphere); winter shade cooling long-range effect on vegetation & water temperature; and 3) increased wind flow impact on birds & vegetation. See DEIR pages 4.2-18-19 regarding discussion of urban heat effect (no impact) and DEIR pages 4.3-17-

18 regarding effects of shading on San Lorenzo River riparian and aquatic habitats (less-than-significant impact). Future development would be of heights similar to other buildings that exist in the downtown area and would have no effect on weather or wind patterns.

- B4-11 Bird Studies. The comment indicates that there are more extensive and up-dated studies on bird collision with glass available and should be included in the analysis of impacts. The comment cites the following: 1) to Birds Collisions with Windows – American Bird Conservancy; 2) Klem (March 2009); and 3) Hager et al. (September 2008). See Response to Comment B3-5.
- B4-12 Bird Studies. The comment references a statement from a bird study cited in the comment letter, which states that “The most dangerous building in this study was not a high-rise, but instead was a 6-story office building adjacent to densely vegetated open space,” which substantiates the SLURP recommendation of a maximum 50-foot building height adjacent to densely vegetated open space. The comment also states other reasons to support the SLURP 50-foot height recommendation. The comment is acknowledged, but does not address analyses in the DEIR. No response is necessary, but the comment is referred to City staff and decision makers for further consideration. It is noted that the claim that the City’s General Plan goals, policies and actions (NRC1.2.1 – NRC1.3) reinforces the 50-foot height limit refers to policies that call for evaluation of potential impacts near riparian areas, working with agencies to mitigate impacts, and encouraging restoration of riparian corridors. The EIR has fully evaluated the potential impacts of the proposed project.
- B4-13 Height Increase. The comment states that the DEIR fails to substantiate its findings for proposed height increase. Findings for the proposed height increase are not required as part of CEQA review. However, City staff will provide a review of the proposed amendments with all legally required findings as part of the staff report for the project that will be presented to the City Planning Commission and City Council.
- B4-14 Impacts Related to Exposure to Floods and Sea Level Rise. The comment states that construction allowed by the plan amendments would locate development in the San Lorenzo River 100-year floodplain, which is a significant impact with consideration of sea level rise, and claims that the DEIR expresses a belief that adaptation strategies can prevent significant loss. The comment quotes correspondence with local geologist, Gary Griggs and co-author of the City’s Climate Change Vulnerability Study, but does not provide the cited correspondence. The DEIR summarizes the conclusions of The Griggs study, including the following:

As sea level continues to rise, and as summer river discharge declines, the result will be seawater extending farther upstream in the flood control channel more frequently, and rising gradually to higher elevations. This

would lead to a rise in the water table beneath downtown. This area of the city has always been vulnerable to an elevated water table but this will become a more significant issue in the future. The higher the water table rises, the greater will be the impact, and the more pumping and other adaptation that will be required.

The Vulnerability Study also indicates that there are significant flood risks that will increase with a rising sea level and that the city needs to continue to work with state and federal agencies to regarding the ability of the river levees to contain a 100-year flood event. The City's Climate Adaptation Plan identifies the priorities and actions to address risks and hazards associated with climate change, including sea level rise.

The DEIR does acknowledge that flood hazards in the downtown area could be more significant in the future. Expanded text has been added to this discussion; see Chapter 3, Changes to Draft EIR, of this document. The proposed project is a "program" under CEQA, and no specific development is proposed as part of the project. At a program level, the DEIR discloses the other studies, plans and actions that the City has and continues to undertake to address issues of climate change and sea level rise.

- B4-15 Flood Construction Requirements. The comment urges that a mitigation for the project include restoration of flood construction requirements that are no longer mandated by FEMA as a result of increasing the height of the river levy in 2002. FEMA establishes flood construction requirements. The comment is acknowledged, but does not address analyses in the DEIR, and no further response is necessary.
- B4-16 Consistency with City Plans. The comment states that the project needs to be consistent with adopted City plans, and identifies General Plan goals and policies related to climate change. The referenced goals (NRC 4.3, 4.5, and 4.6) are directives to the City, and are not applicable to proposed project. The comment also notes two priority actions identified in the City's Climate Adaptation Plan, one of which is identified in the DEIR – "protect downtown and the beach area from San Lorenzo River flooding," which is a very high priority. The comment also identifies a high priority action (B-13) that states "Restrict development in flood plains." As discussed in the DEIR (pages 4.5-6 to 4.5-7), the levee improvements completed in 2002 removed certain development restrictions for structures located in the 100-year floodplain. Such restrictions typically have included raised elevations and/or prohibiting residential development on ground floors.
- B4-17 Public Services - Parks. The comment states that the DEIR indicates that the City is currently underserved for neighborhood and community parks, yet finds no significant impact from the project on parks and recreation. The comment further asserts that the EIR's conclusion that the Park User fee will be a sufficient mitigation is not substantiated, since there is little land left to acquire and city has a budget shortfall.

The comment states that given the current inadequate park space for current residents, the project is more likely to have a significant and negative impact due to the lack of additional designated park space for the project.

New development that may occur under the Downtown Plan will be located within a half-mile (the service radius for neighborhood-serving parks) to several existing neighborhood and community parks, which will provide a variety of recreational opportunities to new residents. Some of the larger parks include San Lorenzo Park, Riverside Gardens Park, Mike Fox Park, Laurel Park, and Depot Park. Mimi De Marta Park is limited to off-leash dog use; however, it is located within close proximity to Mike Fox Park and Riverside Gardens Park and serves a specific role in a broader mix of available uses. Similarly, some of the parks are located along the Santa Cruz Riverwalk, including a multi-use trail along the San Lorenzo River, which, when considered together, form a larger park corridor that provides access to a wide range of natural and developed recreational areas.

Additionally, the existing Downtown Recovery Plan identifies opportunities to improve connections to existing parkland. The plan envisions a riverfront park along the levee promenade between Soquel and Laurel Streets. The plan also calls for strengthening the linkage between the river and downtown along Cooper Street through the Galleria to the existing pedestrian bridge leading to San Lorenzo Park. It also recommends establishing stronger pedestrian linkages to the river at the northeast corner of Soquel Avenue and Front Street, at or near the extensions of Cathcart, Elm, and Maple streets, and leading to a significantly expanded pedestrian/bicycle bridge with retailing uses alongside, as well as a more active linkage to San Lorenzo Park.

The City's General Plan established a long-term goal to "strive" for 4.5 acres of neighborhood and community parkland per 1,000 residents. To help meet the goal, the General Plan includes an action to require park land dedications of suitable recreational land at a ratio of 4.5 acres/1,000 population generated by a development project, or payment of a corresponding in-lieu fees. The City's Municipal Code requires new residential subdivisions to dedicate land, or pay an in-lieu fee, for parks and open space as authorized by the Quimby Act. Additionally, the City has adopted a Park and Recreation Facilities Tax on residential construction, and fees are collected on various forms of residential development. Park-In Lieu fees and Park and Recreation Facilities Tax (see DEIR page 4.6-5) revenues are placed into separate accounts from the General Fund and mitigate for the impact of growth. The fees are collected incrementally as development occurs, which can help the Parks and Recreation Department pool a larger sum of money to be used for park improvements. The funds can be used to purchase parkland and/or to rehabilitate existing facilities that will receive more use as a result of new development. Acquiring new parkland can be challenging but does occur. For example, Riverside Gardens Park was constructed in 2014 and is near downtown.

Therefore, the existing and planned facilities would serve the downtown area and future residents, and the impact on parks and recreational facilities is not considered significant. Additional text has been added to the DEIR discussion; see Chapter 3, Changes to Draft EIR, of this document.

- B4-18 Traffic and Transportation. The comment states that the DEIR underestimates the impact on the listed intersections as compared with the EIR for the 2030 General Plan, and the DEIR should be amended to be consistent with the General Plan with the addition of the impacts of the project. The traffic analysis was based on updated traffic counts taken in 2014 and 2015 and updated traffic analyses to assess project and cumulative traffic impacts. Daily fluctuations in traffic can account for some differences in existing conditions for intersections evaluated in both the DEIR and General Plan EIR. See Responses to Comments B1-2, B1-5 and B1-6 regarding traffic analysis methods and comparisons to the General Plan EIR. As discussed in Response to Comment B1-6, project traffic estimates are not underestimated compared to General Plan EIR findings.

Ron Powers

From: Shawn Arnold <shawn_arnold@apple.com>
Sent: Monday, August 07, 2017 4:24 PM
To: Ron Powers; Martin Bernal; Alex Khoury
Subject: Supporter of proposed riverfront development

Hi Ron, Martin and Alex,

1 Contrary to a few noisy neighbors, many of us are firmly in agreement with the high density growth proposed downtown. There is no doubt that the city needs additional reasonably priced housing (subjective I know) and this location serves two main purposes; students and downtown businesses.

These noisy neighbors offer no solutions and persist in zero growth (the way it used to be) and not in my back yard mentalities. These noisy neighbors do not speak for the bulk of us homeowners that understand that measured growth is the best way to move Santa Cruz forward over the next decade and beyond.

A mix of students and young couples and families directly in downtown would offer the sense of community that is missing when compared to other college towns. If you travel around the country, you see vibrant college downtown communities serving both of these demographics. The younger crowd prefers the close camaraderie of this living situation and I feel it benefits all parties. The current challenge with downtown is that it basically rolls up the carpets at 8-9PM each night with the only action towards the Catalyst. Businesses could take further advantage of this influx with later hours and it's obvious employee fiscal benefits.

As currently envisaged by these noisy neighbors, the downtown area remains stagnant. Please rise above the few and elevate the downtown area to an energetic neighborhood.

Regards,
Shawn Arnold

LETTER C1 – Shawn Arnold

C1-1 Support of Proposed Project. The letter indicates support of growth proposed downtown. Comment is acknowledged and referred to City staff decision makers; no response is necessary.

September 8, 2017

Ron Powers, Principle Planner
 City of Santa Cruz Planning and Community Development Department
 809 Center Street, Room 107
 Santa Cruz, CA 95060
 Email: Ron Powers - rpowers@cityofsantacruz.com
 RE: Comments on Draft EIR - Downtown Plan Amendments

Dear Mr. Powers.

Here are some considerations that may not have been covered by others:

1. **Figure 4.1-3A and Figure 4.1-3B - The pencilled in dotted lines show the sky, trees and granularity of the existing Downtown area and so does not reflect the proposed Zoning adequately.**

Shouldn't this picture be in the EIR instead?



Proposed building massing and public access requirements along Front Street and the riverfront.

2. **Zoning - Linear Feet Frontage versus Granularity and impact on Community vibrancy?** Here is a picture of two scenarios and as you can see, a picture is important to show the significance of the mass of a building. The one on the left also has granularity that attracts the Community and on the right it does not:



The rezoning will allow massive buildings of 250 feet. The imposing nature of those buildings so close to the RiverWalk could make that area less inviting and therefore encourage more issues along the River.

Image source: Older Smaller Better - May 2014 report

http://forum.savingplaces.org/act/pgl/older-smaller-better?_ga=2.31398591.1638040152.1504919371-266602711.1504919371

3. **Housing Formula - Market Rate vs. Affordable Housing:**

Please consider the Affordable Housing Inclusionary Formula per the San Francisco study:

Originally the Residential Nexus study was referenced in Gillian's article - Challenging Housing Assumptions
<http://brattononline.com/january-10-16-2017/>

Article about why market rate housing makes the affordable housing crisis worse..!
<http://48hills.org/2015/06/14/why-market-rate-housing-makes-the-crisis-worse/>

Actual study...

http://sf-planning.org/sites/default/files/FileCenter/Documents/8380-FINAL%20Resid%20Nexus_04-4-07.pdf

From the 48hills.org article:

So according to the study, by Keyser Marston Associates, every time the city allows 100 new high-end housing units, it needs to build between 20 and 43 new affordable units – *just to keep the housing balance the way it is now*. Put the affordable units in the main complex and the impact is lower (because fewer millionaires move in). Built them, as is common, somewhere else and the impact is greater.

In summary, for every 100 market rate condominium units there are 25.0 lower income households generated through the direct impact of the consumption of the condominium buyers and a total of 43.31 households if total direct, indirect, and induced impacts are counted in the analysis.

If the city demands 15 percent affordable set-asides, then every market-rate building adds more demand for affordable housing than it supplies. That means every new building makes the housing crisis worse.

4 **4. Section 6 - References - Gary Griggs Climate Change Vulnerability Study Considerations?**

I am very surprised to find no reference to Gary Grigg's Vulnerability Study in reference to Downtown. To what extent is the EIR considering these Downtown Vulnerability risks and the impact on the Downtown Update Zoning changes?

<https://seymourcenter.ucsc.edu/OOB/SCClimateChangeVulnerabilityAssessment.pdf>

		Probability / Likelihood of Occurrence			
		Low	Moderate	High	Very High
Magnitude of Consequence	Low			Heat Wave	
	Moderate	Shoreline Inundation		Coastal Cliff Erosion	
	High	Wildfires	Downtown Flooding	Water Table Rise Downtown	Water Shortages

Risk = Probability x Consequence

Figure 30a. Short to Intermediate Term Risk Ranking 2010 - 2050

		Probability / Likelihood of Occurrence			
		Low	Moderate	High	Very High
Magnitude of Consequence	Low				Heat Wave
	Moderate		Shoreline Inundation		Coastal Cliff Erosion
	High		Wildfires	Downtown Flooding	Water Shortages Water Table Rise Downtown

Risk = Probability x Consequence

Figure 30b. Intermediate to Long-Term Risk Ranking 2050 - 2100

- 5 **5. Traffic impacts - Level of Service “F” at key intersections along Laurel:** While the General Plan allows for LOS of F at some regional intersections, these are the main exit routes for the Downtown Metro System. What would be the impact of LOS F for the Santa Cruz Metro Bus System? I don't see that the Metro Agency was referenced as contacted in Chapter 6.1 - Agencies and Persons Contacted. There is no mention of the Metro personnel as being contacted.

TABLE 5-2: Intersection Weekday Cumulative PM Peak Hour Levels of Service with Project

#	Intersection	Control Type	LOS Threshold ¹	Cumulative Plus Project Conditions ²		
				PM Peak Hour		
				Movement	Delay ³	LOS
1	Front Street / Laurel Street	Signal	D	Overall	100.2	F
2	Pacific Avenue / Laurel Street	Signal	D	Overall	105.9	F
3	Front Street / Cathcart Street	Signal	D	Overall	23.5	C
4	Front Street / Metro Station Driveway	Signal	D	Overall	6.4	A
5	Pacific Avenue / Metro Station Driveway	SSSC	D	Overall	1.7	A
		<i>Worst Approach</i>	D	WB	10.5	B
6	Pacific Avenue / Maple Street	AWSC	D	Overall	7.7	A
7	Pacific Avenue / Front Street / Mission-Water Street	Signal	D	Overall	32.3	C
8	Front Street / Soquel Avenue	Signal	D	Overall	59.9	E
9	Pacific Avenue / Cathcart Street	AWSC	D	Overall	8.3	A
10	Soquel Avenue / Pacific Avenue	SSSC	D	Overall	4.3	A
		<i>Worst Approach</i>	D	WB	9.5	A
11	Ocean Street / Water Street	Signal	D	Overall	228.1	F
12	Highway 1 / Highway 9	Signal	C-D	Overall	269.2	F
13	Chestnut Street / Mission Street / Highway 1	Signal	C-D	Overall	344.0	F

Source: Kimley-Horn, May 2017.

Notes:

1. The City of Santa Cruz has established LOS D as the minimum acceptable LOS for overall intersection operations during the AM and PM peak hours. However, under the existing General Plan, the City accepts a lower LOS (F) at some major regional intersections per existing Circulation Policy 5.1.2.
2. Analysis performed using HCM 2010 methodologies, except for Intersection 7 where HCM 2000 methodology was applied as explained above.
3. Delay is shown in seconds/vehicle.
4. Intersections that fall below the LOS threshold are shown in **bold**.

Sincerely, Candace Brown - Santa Cruz, CA

LETTER C2 – Candace Brown

- C2-1 DEIR Figures 4.1-3A and 3B. The comment questions whether Figure E-2 from the proposed Downtown Plan should be included to adequately depict the proposed project. During the NOP process for this EIR, public comments were received by the City that requested that the EIR include visual simulations that would illustrate eye-level perspectives to represent the true perspective of any potential visual impacts. All of the photographic simulations were prepared using eye-level actual photographs as the basis for realistic analysis and more accurate representation of potential building heights. Figure E-2 is from an oblique, birds-eye view, which does not accurately reflect eye-level visual impacts.
- C2-2 Building Mass. The comment presents photos of buildings from other locations to show building mass and states that the rezoning will allow massive buildings of 250 feet that due to their imposing nature could make the area less inviting and result in more issues along the river. The comment is acknowledged, but does not address analyses in the DEIR. City staff notes that the existing downtown is composed of both ‘granular’ architecture and less granular architecture. The lot pattern and development pattern contribute to variation of architectural details. The proposed Downtown Plan standards recognize that development in the future will likely occur on both small lots, as well as larger aggregated parcels. The draft Downtown Plan development standards include a requirement for both vertical and horizontal variation in order to create opportunities for more granular design. People experience the street from a pedestrian, ground-level perspective and therefore, the attention to storefronts is a very critical component of the regulations – which are not proposed to be modified from the successful existing Downtown Recovery Plan language.
- C2-3 Affordable Housing. The comment asks that the San Francisco Affordable Inclusionary Formula be considered. The comment is acknowledged but does not address analyses in the DEIR. Affordable housing and the Inclusionary housing ordinance are not part of the Downtown Plan, but are adopted as separate City ordinances. Development in the downtown area must comply with State and City-adopted affordable housing standards. No further response is necessary, but the comment is referred to City staff and decision makers for further consideration.
- C2-4 Climate Change Vulnerability Study. The commenter is surprised to find no reference to Gary Grigg’s Vulnerability Study and asks whether the DEIR considers risks and impacts of the project. The referenced study was utilized in the DEIR analyses and is included in the DEIR’s cited references; see DEIR pages 4.5-9, 4.5-10, 4.5-13, and 6-5. The DEIR text has also been expanded; see Chapter 3, Changes to Draft EIR, of this document.

- C2-5 Traffic Impacts to Santa Cruz Metro Bus System. The comment asks what the impact of LOS F along Laurel Street would be to the Santa Cruz Metro bus system, and states there is no reference to contacting Metro (Santa Cruz Metropolitan Transit District) staff. The level of service calculated along transit corridors is a measure of delay to all vehicles using the corridor. The average delay identified for vehicles at each of the study intersections would also be applicable to the delay to transit vehicles.

Ron Powers

From: Ted Burke <tedburke@shadowbrook-capitola.com>
Sent: Friday, August 04, 2017 11:10 AM
To: Alex Khoury
Subject: Support the Santa Cruz Downtown Recovery Plan

Dear Assistant Director Khoury,

1 As a city resident and an employer of 135 local residents and a business owner for nearly 40-years who has contributed significant amounts of property, Admission and sales tax to Santa Cruz city government I have come to understand that the Santa Cruz downtown is vitally important to our community. It is also very important to my 135 employees and their families. Thus, the updated Downtown Recovery Plan (DRP) represents a major opportunity for achieving a mix of housing options in the planning area with a walkable and thriving downtown experience.

I agree with the DRP's revisions as part of an overall effort to reconfirm the City objective to maintain a compact and efficient urban form with public greenbelt to limit suburban-type sprawl, and to provide some appropriate development incentives to activate the river connections, a longstanding objective of the City's vision. The Downtown Recovery Plan should be adopted as soon as possible.

The City should actively pursue the following elements that are already included in the DRP:

- 1) Create significant new housing opportunities targeted throughout the downtown, including Pacific Avenue, the San Lorenzo riverfront and south of Laurel. Housing should be comprised of a mix of apartments and condominiums.
- 2) Encourage residential development as a second-floor use throughout the downtown area.
- 3) Develop a comprehensive housing implementation strategy and establish a feasible program for the creation of market-rate and affordable housing, including developer incentives, public participation in financing, parking reductions, etc.

I further support the City's efforts to update its Inclusionary Housing Ordinance as one of many tools to meet the needs of our residents. As recently as 2014, the Santa Cruz area was named the least affordable metropolitan area in the country factoring in the cost of housing. As of February 2017, the average rent for a two bedroom unit was \$2,569 and the median home price was \$795,500.

Please take action on the DRP and Inclusionary Housing as soon as possible.

Sincerely,

Ted Burke
PO Box 65
Capitola, CA 95010
tedburke@shadowbrook-capitola.com

LETTER C3 – Ted Burke

- C3-1 Support of Proposed Project. The letter indicates support of the proposed Downtown Plan amendments and City's efforts to update its Inclusionary Housing Ordinance with suggestion of actively pursuing elements that are already in the Downtown Recovery Plan regarding new residential development. Comment is acknowledged and referred to City staff decision makers; no response is necessary.

Ron Powers

From: will cassilly <willcassilly1@comcast.net>
Sent: Tuesday, August 01, 2017 10:47 AM
To: Ron Powers
Subject: EIR downtown santa cruz

1 Please do not raise the height limits on buildings downtown or in the corridors of Santa Cruz. They are already high enough. Any higher building heights and you lose the feel of small town Santa Cruz.

And the traffic situation is already bad, so larger buildings would only mean an increase in traffic.

Thank you, Will Cassilly

LETTER C4 – Will Cassily

- C4-1 Building Heights. The commenter asks that downtown building heights not be raised, and there would be an increase in traffic. The comment is acknowledged, but does not address specific analyses in the DEIR. No response is necessary, but the comment is referred to City staff and decision makers for further consideration.

Ron Powers

From: Tyler Derheim <tyler@derheim.org>
Sent: Friday, August 04, 2017 1:35 PM
To: Ron Powers
Subject: Resident comment on Downtown Plan Amendments Draft EIR

Hello Mr. Powers,

My name is Tyler Derheim. I reside at 118 Cayuga St in Seabright.

- 1 I would like to express my ardent opposition to the code and zoning changes illustrated in this EIR. As evidenced by the PAMF monstrosity on Mission St, allowing modern tall buildings on our corridors results in profound, irreversible, damaging loss to city identity and aesthetics. Let suburbia be suburbia and keep Santa Cruz weird. I must insist.

Thank you for your time,
Tyler Derheim

LETTER C5 – Tyler Derheim

- C5-1 Oppose Project. The commenter states opposition to the proposed plan changes. The comment is acknowledged, but does not address analyses in the DEIR. No response is necessary, but the comment is referred to City staff and decision makers for further consideration.

Ron Powers

From: Eric McGrew <eric@envisionhousing.us>
Sent: Friday, August 04, 2017 11:11 AM
To: Alex Khoury
Subject: Support the Santa Cruz Downtown Recovery Plan

Dear Assistant Director Khoury,

1 The Santa Cruz downtown is vitally important to our community. The updated Downtown Recovery Plan (DRP) represents a major opportunity for achieving a mix of housing options in the planning area with a walkable and thriving downtown experience.

I agree with the DRP's revisions as part of an overall effort to reconfirm the City objective to maintain a compact and efficient urban form with public greenbelt to limit suburban-type sprawl, and to provide some appropriate development incentives to activate the river connections, a longstanding objective of the City's vision. The Downtown Recovery Plan should be adopted as soon as possible.

The City should actively pursue the following elements that are already included in the DRP:

- 1) Create significant new housing opportunities targeted throughout the downtown, including Pacific Avenue, the San Lorenzo riverfront and south of Laurel. Housing should be comprised of a mix of apartments and condominiums.
- 2) Encourage residential development as a second-floor use throughout the downtown area.
- 3) Develop a comprehensive housing implementation strategy and establish a feasible program for the creation of market-rate and affordable housing, including developer incentives, public participation in financing, parking reductions, etc.

I further support the City's efforts to update its Inclusionary Housing Ordinance as one of many tools to meet the needs of our residents. As recently as 2014, the Santa Cruz area was named the least affordable metropolitan area in the country factoring in the cost of housing. As of February 2017, the average rent for a two bedroom unit was \$2,569 and the median home price was \$795,500.

Please take action on the DRP and Inclusionary Housing as soon as possible.

Sincerely,

Eric McGrew
4705 Jewel St
Capitola, CA 95010
eric@envisionhousing.us

LETTER C6 – Eric McGrew

- C6-1 Support of Proposed Project. The letter indicates support of the proposed Downtown Plan amendments, encourages the City to create strong housing opportunities throughout downtown, and supports the City's efforts to update its Inclusionary Housing Ordinance with suggestion of actively pursuing elements that are already in the Downtown Recovery Plan regarding new residential development. Comment is acknowledged and referred to City staff decision makers for consideration; no response is necessary.

Ron Powers

From: Jane Mio <jmio@earthlink.net>
Sent: Thursday, September 07, 2017 8:11 PM
To: Ron Powers
Cc: City Council
Subject: CAUTION: Verify Sender Before Opening! Submitting DEIR comments for DRP
Attachments: A DEIR comments for DRP 9-7-2017.doc; B DEIR comments for DRP 9-7-2017.doc

Hi Ron,

I am sending you my documents w/the DEIR comments for the Downtown Recovery Plan.
Thank you so much for confirmation that they arrived on your screen.
Kind regards, jane mio

Comments for the DPR DEIR**4.1 AESTHETICS**

- 1 The DEIR does not address these codes in the California Public Resources Code section 21099, 21099(4), (2)(A), (2)(e)
https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&division=13.&title=&part=&chapter=2.7.&article= [Codes Display Text](#)

Since January 2014 the SB 743 has received various guidelines revisions with the potential of raising legal difficulties. Jan. 2016 CEQA guideline on evaluating Transportation impacts in CEQA states: “The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data.”

SB 743 doesn't address/include developments areas that are adjacent to City's Open Spaces area, watershed, riparian corridors with a detailed aesthetic definition. Consequently local public lead agencies have responsibility to fulfill the City's Plans such as “future physical development in Santa Cruz will protect and sustain precious natural resources, honor and enhance the city's unique natural setting, and maintain and appropriately use the open space that encompasses and penetrates the city.” (City's 2030 General Plan Park & Rec. Open Spaces)

Codes 21099 (4), (2)(A) & (2)(e) codes validate the City's local Plans. The codes demonstrates that the aesthetic assessment of the SB 743/21099 codes is defined by public lead agencies, other agencies & local Plans for which the San Lorenzo River qualifies.

The DEIR Aesthetics SB 743 findings are incomplete and unsubstantiated, because not all CPRC codes pertaining to proposed amendments were addressed nor were all current CEQA guidelines considered. The omission of the San Lorenzo River as an Open Space, riparian corridor in the Regional Setting section (pg. 4.1-5) affected the DEIR analysis for SB 743 in regard to City plans.

Scenic Resources: 4.1-7

- 2 With respect to the proposed new widened alleys connecting to the river, currently the SLR is accessible from various river paths. The reasoning that 3 pathways through high building mass areas will create superior connections to the San Lorenzo River lacks proof. The DEIR states that the project will, “Enhance opportunities to view and interact with the San Lorenzo River as a coastal resource.” This statement is invalidated as demonstrated by Figure 4.1-3a-3c, which show that views are not enhanced by high buildings & building mass. The impact on views is not fully explored in the DEIR.

The Visual Character of the Project Area DEIR statement (*6) is acknowledging the value of the SLR's existing visual character to which the CEQA Thresholds of Significance guidelines 1a-1d apply. The proposed amendments would impact 1a-1d when evaluated with existing City guiding Plans & Figure

4.1-3a-3c, consequently Codes 21099 (e) & (b) (4) would apply, consequently not substantiating DEIR analysis.

- 3 Scenic Views: The conclusion for Impact 4.1.1: Mitigation Measures(MM) is not substantiated by incorporating/addressing 4.1.2 CEQA thresholds of significance adequately with valid proof. (Analytical Method 4.1-8, 1st paragraph) The City's 2030 General Plan Chapters (9-11) are not mentioned nor incorporated for this MM conclusion. The DEIR MM reasoning is not substantiated with the SLR environmental policies/recommendations from adopted City's Plans and is incomplete.

The DEIR does not address if the lead agency presented alternative plans for the project site for public input.

- 4 The DEIR does not mention that lead agency conducted a Santa Cruz Community survey/poll to gauge the public's opinion of the proposed height impact impeding a community vista from the riparian corridor/watershed to mountain sky line for decades to come.

4.3 BIOLOGICAL RESOURCES

5 4.3.1 Environmental Setting

The DEIR is required to examine in depth the relationship/impacts of proposed amendments on the environment features of the San Lorenzo River, a riparian corridor, an Open Space, a watershed, a Natural Resource(Chapter 10: 'This chapter corresponds to the State-mandated Open Space and Conservation elements. Its purpose is to identify the valuable natural assets that make Santa Cruz unique and to preserve and protect them in perpetuity.' This requires that the DEIR findings rely on/include the environment policies/recommendations/directions/actions/goals of the various City's adopted, guiding plans such as SLURP, which resulted from a grounded assessment on a scientific, meticulously detailed study/report. [Lower San Lorenzo River & Lagoon Management Plan](#). The DEIR is incomplete due to insufficient references/inclusion of City Plans environmental policies/recommendations/directions/actions/goals.

- 6 Throughout this section the DEIR is addressing the Transitional Stretch as an isolated part of the diverse SLR riparian corridor ecosystem. Each stretch of the SLR has its own microclimate ecosystem, which interacts with each other. (3c,3d)

The DEIR analysis is incomplete, because it fails to integrate its Transitional Stretch findings to the entire SLR riparian corridor and City plans environment sections.

- 7 The DEIR 'San Lorenzo River Habitats' findings were not derived from an up-to-date, year long scientific data base of a comprehensive San Lorenzo River wildlife & plant inventory that includes nesting inventory of local and migratory birds, specifies bird species and wildlife that depend in various ways on SLR corridor habitat as a food source.

The DEIR needs to base its Tidewater goby MM on a thorough goby survey.

- 8 The DEIR fails to address the environmental value of the SLR mature trees, which create an ecosystem to provide habitat/food/shelter for birds and wildlife. Loss of mature trees creates habitat loss for birds, causing increase for an already steep decline of the bird population. One large **tree** can supply a day's supply of oxygen for four people.

DEIR is incomplete, because bird habitat loss, due to mature tree removal, was omitted for MM assessment.

- 9 The DEIR statement is missing supporting data for this assessment:
‘The proposed LCP and Zoning Code amendments would not result in changes that could indirectly lead to intensified development.’

The sentence ‘or alter sensitive habitat (3b, 3g)’ is omitting study/data to support that statement.

- 10 pg 15 The DEIR incorrectly states that SLURP’s primary goal is improved access to the SLR. SLURP’s priority is ‘the Restoration of the River.’ & ‘recognize that the River is first a habitat area for fish and wildlife and second a passive recreational area for enjoyment by the community.’
The DEIR finding is invalid due to mis-representating SLURP’s priority.

- 11 pg. 18 These statements require further data to gauge additional effects on ecosystems:

1. The Solar Heat Gain from windows (diffuse radiation is the solar radiation that is absorbed, stored and scattered in the atmosphere.)
2. The winter shade cooling long-range effect on vegetation & water temperature
3. Increased wind flow impact on birds & vegetation.

The DEIR’s findings are incomplete and require further information.

- 12 4.3.2 Up-dated studies on bird collision with glass is available and should be included in the analysis of impacts] [Bird Collisions | American Bird Conservancy](#)

[Bird Collisions with Windows - American Bird Conservancy](#)

- 13 Note the quote that: “The most dangerous building in this study was not a high-rise, but instead was a 6-story office building adjacent to densely vegetated open space, which is above 50’.”

This statement substantiates the SLURP recommendation of 50’ height maximum adjacent to densely vegetated open space.

The SLURP recommendation of 50’ height is also supported with these findings:

1. The San Lorenzo River is an important riparian habitat, which is in the Pacific Flyway of winter & summer migrating birds, protected under Migratory Bird Treaty Act.
2. Migrating birds are known to rest, fed, take refuge from storms in water bodies & natural spaces, either to recuperate, refuel for the remaining migratory journey or stay for a season.
3. Neo-tropical migrants & local birds are known to nest in riparian & open-space ecosystems.
4. Riparian corridors are receiving increased Fed.& State agencies conservation efforts due to steep bird habitat loss caused by development.

- 14 5. The City's 2030 General Plan Natural Resources Goals, policies, actions reinforces the 50' height limit with NRC1.2.1-NRC1.3.

The DEIR fails to substantiate its findings for proposed height increase.

The DEIR findings do not reference/include SLURP's 50' height development/environment findings(pg. 63). This omission eliminates a discussion of why Area X, adjacent to a riparian corridor, is slated from 0 to 321 residential units and a 29,467 sf commercial & office space increase on 3.35 acres while Area Y receives a 113 residential units increase and a 43,969 sf commercial & office space reduction on 5.10 acres. The omission eliminates exploration of alternative plans for proposed amendments and curtails any discussion how to appropriately integrate environment and City's housing/economic needs.

The 50' height is supported by the City 2007-2014 RHNA statement: 'Given the dissolution of redevelopment during this period as well as the recession, which strongly affected housing constructions the later years of this planning period, the City did very well toward meeting its RHNA.' & 'is almost 20% ahead of total RHNA allocation.' This data does not include 2015-2017 data.

The DEIR findings are incomplete due to excluded information.

Jane Mio, Santa Cruz, Calif. Sept 7th, 2017

Comments submitted for the DRP DEIR

Land Use:

Zoning Code:

- 15 The DEIR fails to acknowledge/recognize that the City's 2030 General Plan and SLURP aim to enhance, protect, restore Open Spaces, Natural Resources, riparian corridor with their clear directions. Neither Plan states anywhere that development takes priority over environmental concerns/considerations. Unless the proposed amendment site and the riparian corridor are addressed of equal importance as the other directions the DEIR loses the opportunity to "reconcile" or "harmonize" seemingly disparate general plan policies to the extent reasonably possible (No Oil, supra, 196 Cal.App.3d at p. 244).

The DEIR is incomplete, because it does not give sufficient City Plans environment information to 'reconcile' and 'harmonize' project site with SLR.

Impacts of the to- be -revised LCP and soon-to-be- published Habitat Conservation Plan on proposed amendments qualify for further information.

- 16 Further details are required to rectify NPDES ratio of proposed amendments with regard to Santa Cruz low land inventory.
- 17 The table does not include NRC1.2.1-NRC1.3-NRC1.2.2, which apply to San Lorenzo River & have to be addressed.
- 18 The DEIR doesn't address the issues of the proposed fill-in of the levee ditch such as: the importance of open slope for levee structure inspections/repairs, the loss of land toe availability for levee/property measurements nor the flooding risks for coastal cities due to heavy coastal storms.
[How Houston's unregulated growth contributed to Harvey's flooding disaster - Washington Post](https://www.washingtonpost.com/news/energy-environment/wp/2017/08/29/hurricane-harvey-shows-how-we-underestimate-flooding-risks-in-coastal-cities-scientists-say/?hpid=hp_hp-top-table-main_flood-risk540am%3Ahomepage%2Fstory&utm_term=.c845ea354931)
https://www.washingtonpost.com/news/energy-environment/wp/2017/08/29/hurricane-harvey-shows-how-we-underestimate-flooding-risks-in-coastal-cities-scientists-say/?hpid=hp_hp-top-table-main_flood-risk540am%3Ahomepage%2Fstory&utm_term=.c845ea354931
- 19 SRFA – 10 and SRFA – 11 are not substantiated according to Aesthetic figures 3a-3c
- 20 The DEIR does not mention that the project site qualifies for the new Fed. mandated boring standards.<http://www.geoengineers.com/blog/new-usace-permitting-standards-boring-near-federally-regulated-levees>
- 21 The DEIR is not addressing section 4. **0 Watercourse Development Permit Procedures** of the Creek & Wetland plan adequately to gain an in-depth analysis for its findings.

Hydrology:

- 22 The DEIR fails to mention: the 3 current pump stations, operating at full capacity in heavy storms or during lagoon conditions, are unable to prevent street and neighborhood flooding adjacent to the river. The DEIR omits to detail how well the current City's equipment is able to protect proposed project in view of increased storm water discharge and more severe coastal winter storms, causing the river water level to rise, Downtown ground water intrusion and a levee bank fill-in.

Public Services:

- 23 It is questionable that the proposed project wouldn't qualify as a new development. The demolished existing buildings will be replaced by new much higher density buildings, which will require City to supply updated water, sewage, electricity, storm drainage service.

'The proposed LCP and Zoning Code amendments would not result in changes that could indirectly lead to intensified development.' This sentence needs clarification since it implies that proposed amendments would not achieve the desired outcome.

- 24 The DEIR fails to acknowledge statistically that a 14,000 square feet decrease of commercial use cause less traffic then proposed residential units.

Air Quality & Green House Emission

- 25 The DEIR isn't including information and data how the proposed building heights and increased traffic effect the CO level.

Climate Change:

- 26 The DEIR fails to address the data that states recent California's Greenhouse Gas(GHG) emission has fallen less than 1%.

Further current data is needed to prove that the proposed project is not obstructing GHG emission attainment.

- 27 The DEIR states that proposed project housing units were below AMBAG 2030 forecast, and concludes that with proposed project it would fulfill AMBAG forecasts for 2030 and 2035. This conclusion needs clarification. The AMBAG forecasts are a general housing outline and do not address any directions for where development should occur. To use the AMBAG forecast as a reason to put proposed project adjacent to riparian corridor is not valid.

Urban Heat Island Effect:

- 28 DEIR bases its findings on the adjacent current buildings to riparian corridor, which are mainly 1 story high and are not subject to Urban Heat Island Effect. DEIR fails to address the Urban Heat Island Effect of 70' to 85' building mass. The DEIR does not include the Urban Heat Island Effect on the riparian corridor ecosystem.

- 29 E. Front St. in Area X receives an increase of 321 (from 0) residential units and a 29,467 sf commercial & office space increase. DEIR is not including any quantifying data for traffic ratio from commercial & office space versus residential units. These items need more information to sustain DEIR finding.
- 30 DEIR fails to state that the project's estimated GHG emissions, exceeding the significance threshold (about 4,053 MT/ CO₂E year), would not effect the adjacent riparian corridor. The DEIR is not addressing how building height increase and building mass traps GHG emissions and its acculmative effect on the riparian corridor.
- 31 Cities, that are in the vicinity of where a river joins the ocean, are more subject to flooding due to Climate Change. The DEIR is not including this Climate Change impact information. [new study](https://www.washingtonpost.com/news/energy-environment/wp/2017/08/29/hurricane-harvey-shows-how-we-underestimate-flooding-risks-in-coastal-cities-scientists-say/?utm_term=.dddc4698bbd)
https://www.washingtonpost.com/news/energy-environment/wp/2017/08/29/hurricane-harvey-shows-how-we-underestimate-flooding-risks-in-coastal-cities-scientists-say/?utm_term=.dddc4698bbd

Jane Mio, Santa Cruz, Calif. Sept 7th, 2017

LETTER C7 – Jane Mio

- C7-1 Aesthetics and SB 743. The comment indicates the “Aesthetics SB 743 findings are incomplete and unsubstantiated”. The comment suggests that omission of the San Lorenzo River as an open space, riparian corridor affected the DEIR analysis for SB 743 regarding City plans. The provisions of SB 743 are not applicable to the adoption of the Downtown Plan amendments, and there is no requirement for the City to make any findings pursuant to SB 743. See Response to Comment B4-1 for further discussion.
- C7-2 Impacts on Views. The comment says that the DEIR states that the project will “Enhance opportunities to view and interact with the San Lorenzo River as a coastal resource,” which, according to the commenter, is invalid as demonstrated by Figure 4.1-3a-3c, which the commenter believes shows that views are not enhanced by high buildings & building mass. The comment asserts that the impact on views is not fully explored in the DEIR, and that the statement acknowledges the San Lorenzo River’s existing visual character to which CEQA thresholds of significance apply. See Response to Comment B4-6 and Response to Comments B4-2 and B4-3 regarding visual impacts associated with the San Lorenzo River and thresholds of significance.
- C7-3 Impacts to Visual Character and Scenic Views. The comment states that the DEIR’s conclusion that no mitigation measures are required for Impact 4.1.1 is not substantiated and the City’s General Plan 2030 chapters 9-11 are not mentioned or incorporated into the conclusion. See Response to Comment B4-7. The comment also states that the DEIR does not address if the lead agency presented alternative plans for the project site for public input. The proposed project does not include specific development or site plans for a particular site. See DEIR pages 3-13 and 3-14 regarding buildout assumptions used for the EIR analyses, and see DEIR pages 5-14 to 5-29 for a discussion of project alternatives. It is also noted that the proposed plan amendments were developed through series of meetings with the City’s Planning Commission, which were open to the public.
- C7-4 Community Survey. The comment says that the DEIR does not mention that the lead agency conducted a Santa Cruz Community survey/poll to gauge the public’s opinion of the proposed height impact impeding a community vista from the riparian corridor/watershed to mountain sky line for decades to come. The comment is acknowledged, but does not address analyses in the DEIR. City staff is not aware of the community survey/poll identified in the comment. The DEIR analysis addresses impacts to distant mountain views and along the river; see pages 4.1-9 and 4.1-10.
- C7-5 Riparian Impacts. The comment indicates that the DEIR is required to examine the impacts of the proposed amendments on the environmental features of the San Lorenzo River and references the City’s General Plan Chapter 10. Potential conflicts with General Plan policies are addressed on pages 4.9-5 to .9-4.9-8 of the DEIR and on

the table on pages 4.9-9 and 4.9-10. This table has been revised; see Chapter 3, Changes to Draft EIR, of this document. Other relevant plans were reviewed and summarized where relevant, including the SLURP and Lower San Lorenzo River and Lagoon Management Plan that are cited in the comment. The Lower San Lorenzo River and Lagoon Management Plan is an appendix in the SLURP. Additional discussion on the SLURP has been added; see Chapter 3, Changes to Draft EIR, of this document.

- C7-6 San Lorenzo River Habitat. The comment claims that the DEIR analysis is incomplete because it fails to integrate the Transitional Reach in which the project is located to the entire San Lorenzo River habitat. See Response to Comment B4-8.
- C7-7 Biological Studies. The comment states that the DEIR findings regarding San Lorenzo River habitats were not derived from an up-to-date, year-long, scientific, comprehensive data base, including nesting surveys, and that the DEIR needs to base its tidewater goby MM on a thorough goby survey. See Response to Comment B4-9 regarding biological studies. The project would not result in direct or indirect adverse impacts to San Lorenzo River aquatic habitat or fish species as discussed in the DEIR.
- C7-8 Tree Removal. The comment states that the DEIR fails to address the environmental value of the San Lorenzo River mature trees, which create an ecosystem to provide habitat/food/shelter for birds and wildlife, and loss of mature trees creates habitat loss for birds that was omitted in the DEIR. San Lorenzo habitats and vegetation near the project area are described on pages 4.3-8 and 4.3-9 of the DEIR. Riparian vegetation in this area consists of riparian and other low-growing vegetation on the channel side of the river, and planted trees on the land side of the levee. Future development accommodated by the Plan amendments would occur on the landward side of the river levee and would not include removal of riparian vegetation, and thus, there would be no impact to mature trees along the river. The Aesthetics section indicates that the proposed project would not affect adjacent natural features of the San Lorenzo River (DEIR page 4.1-11).
- C7-9 LCP and Zoning Code Amendments. With regards to the Biological Resources section, the comment claims two sentences are missing supporting data or are unsubstantiated. The comment's first reference is to the statement on page 4.3-17 that reads: "The proposed LCP and Zoning Code amendments would not result in changes that could indirectly lead to intensified development." The proposed LCP amendment is described in Chapter 3, Project Description, of the DEIR; see pages 3-12 and 3-13. The amendments delete some policies that are outdated or have been completed and which address structural design guidelines, views and public access. The new and modified policies also primarily address design guidelines. None of the new, amended or deleted policies have language that would indirectly facilitate intensified development. One deleted policy calls for maintaining building heights at 50 feet, and effects of increased building heights are addressed in the EIR, including

biological resources. The code amendments, also described in the DEIR Project Description, consist of minor text revisions regarding public use of outdoor areas along the river and creation of parklets, which already are allowed. See DEIR Appendix C for explanation of the City’s proposed LCP amendment.

The comment indicates that the DEIR statement on page 4.13-17 that the project would not remove or alter sensitive habitat omits supporting data. All areas of potential future development are located within developed areas in downtown, none of which contain sensitive habitat as discussed on DEIR pages 4.3-9 and 4.3-10. The project area is located adjacent to sensitive riparian habitat; impacts are addressed in the DEIR.

- C7-10 SLURP Goals. The comment states that reference to the SLURP’s primary goal as improved access is incorrect and that SLURP’s priority is restoration of the river. The referenced DEIR statement is taken from the SLURP, section 6.1 for the Front Street Riverfront Avenue. The SLURP states that the Plan’s purpose is to articulate a community vision for the river corridor as both a wildlife area and community recreation and public open space amenity. It contains recommendations for habitat enhancement, public access and trail improvements, public art and community programs. Additional text on the SLURP has been added; see section 3.8 of Chapter 3, Changes to Draft EIR, of this document.
- C7-11 Solar Heat, Shading and Wind. The comment states that the DEIR is incomplete and requires further information regarding: 1) solar heat gain from windows (diffuse radiation is the solar radiation that is absorbed, stored and scattered in the atmosphere); winter shade cooling long-range effect on vegetation & water temperature; and 3) increased wind flow impact on birds & vegetation. See Response to Comment B4-10.
- C7-12 Bird Studies. The comment indicates that there are more extensive and up-dated studies on bird collision with glass available and should be included in the analysis of impacts. The comment cites the following: 1) to Birds Collisions with Windows – American Bird Conservancy; 2) Klem (March 2009); and 3) Hager et al. (September 2008). See Response to Comment B3-5.
- C7-13 Bird Studies. The comment references a bird study cited in the letter, which states that “The most dangerous building in this study was not a high-rise, but instead was a 6-story office building adjacent to densely vegetated open space,” which the commenter asserts substantiates the SLURP recommendation of a maximum 50-foot building height adjacent to densely vegetated open space. The comment also states other reasons to support the SLURP 50-foot height recommendation. See Response to Comment B4-12.

- C7-14 Height Increase. The comment states that the DEIR fails to substantiate its findings for proposed height increase and does not reference/include the SLURP'S 50-foot height development findings, and asks questions regarding buildout assumptions. Findings for the proposed height increase are not required as part of CEQA review. However, City staff will provide a review of the proposed amendments with all legally required findings as part of the staff report for the project that will be presented to the City Planning Commission and City Council. Regarding the buildout assumptions, the subareas contain uses that are considered reasonable worst-case scenarios. Subarea X assumptions reflect the fact that this area contains properties that are not deep enough to support a public parking facility, while Subarea Y is large enough to potentially support a public parking garage, as well as the existing Santa Cruz Metropolitan Transit District downtown transit center, Pacific Station. This results in lower development potential of residential use for Subarea Y. The Draft EIR appropriately includes alternatives with varying heights and assumptions. The RHNA allocation numbers for housing as set by the Association of Monterey Bay Area Governments merely indicate a minimum amount of land 'suggested' to be zoned to accommodate housing. The City has the ability to zone more land to accommodate housing than the minimum allocated through the RHNA process.
- C7-15 General Plan and SLURP. The comment states that the DEIR is incomplete because "it does not give sufficient City Plans environment information to 'reconcile' and 'harmonize' project site with SLR." The comment is not clear; however, impacts to biological resources are addressed. Section 4.9 reviews City plans and policies. See DEIR pages 4.9-5 through 4.9-10. The comment also states that impacts of the "to-be-revised LCP" and HCP on the proposed amendments qualify for further information. These referenced documents are not complete nor is there a public review version to review. Release dates for both documents are not known, and thus, there is nothing with which to compare the proposed project with regards to these plans.
- C7-16 NPDES. The comment states that "Further details are required to rectify NPDES ratio of proposed amendment with regard to Santa Cruz low land inventory." The comment is not clear, and the City is unable to provide a response. However, the comment does not address analyses in the DEIR, and a response is not necessary. The proposed amendments do not conflict with the need for larger development projects to comply with NPDES requirements, which would be analyzed at the time of development application.
- C7-17 Land Use Policy Table. The comment states that the table does not include NRC1.2.1, NRC1.3, NRC1.2.2, which apply to the San Lorenzo River and have to be addressed. The cited actions fall under General Plan Policy NRC1.2 that encourages low impact uses and practices in watershed lands upstream of the City' riverine, stream and riparian environment, and thus are addressing areas outside of the downtown area. NRC1.2.1

calls for evaluation of new uses for potential impacts to watershed, riverine, stream and riparian environments. The proposed amendments do not propose a change in land uses, and this policy is not directly applicable to the proposed project. Nonetheless, river, biological and riparian impacts are addressed in the DEIR. NC1.3 encourages restoration of existing riparian habitats and is not directly applicable to the proposed project. Furthermore, the SLURP and City-wide Creeks and Wetlands Management Plan address habitat management and restoration, which continue to serve as resource management documents for the City, and the proposed amendments are not in conflict with these documents.

- C7-18 River Levee. The comment states that the DEIR doesn't address issue of proposed filling in of the levee ditch, such as the importance of open slope for the levee structure inspections and the flood risks due to heavy storms. Filling adjacent to the levee and any associated drainage improvements require approval from the Army Corps of Engineers (USACE) and proposed modifications are reviewed on a case-by-case basis. The filling and drainage improvements adjacent to the levee have been approved in the past and any specific development plans will need to be fully engineered to comply with any USACE requirements. The proposed amendments do not alter this requirement.
- C7-19 Coastal Policies. The comment states that "SRFA-10 and SRFA-11 are not substantiated according to Aesthetic figures 3a-3c." The reference appears to be to LCP policies proposed for deletion (see Appendix C in DEIR for policy language). As identified in Appendix C, Policy SRFA-10 calls for maintaining views to the river from taller downtown buildings and from the river trail to the distant mountains and walls. The DEIR does address potential impacts to distant mountain views as seen along the river, and indicates some views would be obscured with the proposed project and would also be obscured under existing allowed heights; see DEIR page 4.1-10. Policy SRFA-11 calls for preservation of views along Front Street to and from Beach Hill, which is recommended for deletion as it is vague and not a resource-related policy. Views along Front Street are urban and do not include coastal scenic views or substantial distant mountain views.
- C7-20 Soils Work Near Levee. The comment states that the DEIR does not mention that the project site qualifies for the "new Fed. mandated boring standards" and provides a website link to a private engineering company that reports new USACE requirements for drilling near levees. The site indicates that the USACE clarified that soil borings within their defined 1:1 "depth distance" from the levee toe require their review and approval. The proposed project does not include any site-specific development. However, any future development would be required to comply with all applicable local, state and federal permit and regulatory requirements.

- C7-21 Watercourse Development Permit Procedures. The comment states that the DEIR did not adequately address section 4.0, Watercourse Development Permit Procedures, of the City-wide Creeks and Wetlands Management Plan to gain an in-depth analysis for its findings. A Watercourse Development Permit is required for specified projects and activities within the management area of creeks as defined in the City-wide Creeks and Wetlands Management Plan. As indicated on page 4.3-15, the eastern edges of some properties on the east side of Front Street are within the defined management area of the San Lorenzo River; however, all future development would be required to meet setbacks established in the Management Plan and SLURP.
- C7-22 San Lorenzo River Pump Stations. The comment states that the DEIR fails to mention that existing pump stations are operating at full capacity in heavy storms and are unable to prevent street and neighborhood flooding adjacent to the river and omits to detail how well the City's current equipment is able to protect the proposed project in view of increased storm water discharge and more severe coastal winter storms. The City's pump station #1 is located in the vicinity of Laurel Street and Front Street and is the closest public pump station to the project area. The pump station provides for some flood protection during storm events, but may operate at full capacity during high tides in combination with significant rainfall. A private pump system is also located in the study area north of Laurel Street near Front Street, which was installed in response to downtown flooding in 1955 and operates continuously during storm events. The City performs regular maintenance to the public pump station #1, which likely will need replacement in the future as more sea level rise information becomes available. The City will continue to monitor the latest projections of sea level rise and when there is a more specific projection at a specific decade level, designs will be prepared for the increasing the capacity of the levee pump system. Funding for the construction of the future improvements is unknown at this point in time. It is not known if system upgrades will be locally funded either on a Citywide or floodplain specific basis. There are no federal or state Funds available for anticipated improvements based for responding to sea level rise. However, the City's Capital Improvement Program (CIP) includes "Downtown SLR Drainage System Assessment" to assess drainage system tributary to Pump Station No. 1, which is locate at the southeast end of the Laurel Street Bridge. The assessment will include a detailed analysis of Pump Station No. 1's capacity to handle large storm events. A preliminary design of any recommended improvements will be included in the assessment. The budget of \$80,000 is carried over from FY17.
- C7-23 Public Services. The comment states that the demolished existing buildings will be replaced with new higher density buildings, which will require public services. The comment also states that the DEIR statement that "The proposed LCP and Zoning Code amendments would not result in changes that could indirectly lead to intensified development" needs clarification. The comment regarding public services is acknowledged, but does not address analyses in the DEIR. No response is necessary,

but it is noted that water, wastewater, electricity and storm drainage services are evaluated in the DEIR. See Response to Comment C7-9 regarding the statement for which the commenter requests clarification.

- C7-24 Decreased Commercial Use. The comment states that the DEIR fails to acknowledge that the decrease in commercial use causes less traffic than proposed residential uses. The traffic analysis does compare traffic with potential buildout under the proposed plan amendments with existing traffic and reports the estimated worst-case net increase in traffic-vehicle trips as a result of adoption and implementation of the proposed project.
- C7-25 Air Emissions. The comment states that the DEIR does not include information and data on how the proposed building heights and increased traffic affect the CO level. The DEIR includes an air quality analysis and modeling that accounts for increased traffic; see DEIR pages 4.2-15 through 4.2-24. As shown on Table 4.2-2, CO emissions would be substantially below Monterey Bay Air Resources District thresholds. See DEIR page 4.2-20 for further discussion of CO emissions.
- C7-26 Climate Change. The comment states that the DEIR fails to address data that California's GHG emissions have fallen less than 1%, and further data is needed to prove that the proposed project is not obstructing GHG emission attainment. California regulations and plans pertaining to GHG emissions are described on DEIR pages 4.2-11 through 4.2-14 based on the most current available plans and studies. The GHG emission analysis identifies project emissions, which would be less than accepted significance thresholds, and potential project conflicts with adopted climate plans are addressed on DEIR pages 4.2-17 and 4.2-18.
- C7-27 Housing Projections. With regards to the Air Quality Management Plan discussion, the comment claims that the project would fulfill AMBAG housing forecasts and expresses an opinion that using the AMBAG forecast as a reason to put the proposed project adjacent to a riparian corridor is not valid. The referenced discussion on DEIR page 4.2-17 addresses whether the project would conflict with the Air Quality Management Plan (AQMP). As explained in the text, the method to make this determination is provided by the Air District, and as explained in the DEIR, uses housing unit forecasts. Based on this methodology, it was found that the project is within adopted forecasts, and therefore, will not conflict with the AQMP. The DEIR does not use the AMBAG forecast to justify the project as suggested in the comment.
- C7-28 Urban Heat Island Effect. The comment states that the DEIR fails to address the Urban Heat Island Effect of building mass on the riparian corridor. The DEIR addresses this on pages 4.2-18 and 4.2-19.

- C7-29 Buildout Assumptions. The comment states that the DEIR did not include data for traffic from commercial and office uses. The traffic analysis prepared for the EIR does account for traffic from different uses both under existing and future conditions. See Table 4.7-4 on page 4.7-18 in the DEIR.
- C7-30 GHG Emissions. The comment claims that the DEIR fails to state that the project's estimated GHG emissions exceed significance thresholds and how the building height increases and GHG emissions affect the riparian corridor. Project GHG emissions do not exceed significance thresholds as discussed on pages 4.2-21 to 4.2-24. GHG emissions are an issue with regards to global climate change. The project's potential effects on and relationship to the riparian corridor, including hydrology and sea level rise, are addressed in the EIR at pages 4.3-17 to 4.3-23 and 4.5-11 to 4.5-13.
- C7-31 Climate Change. The comment states that the DEIR fails to address include new climate change impact information. See Response to Comment C7-26.

Ron Powers

From: Salina Nevarez <snevare1@ucsc.edu>
Sent: Friday, August 04, 2017 11:11 AM
To: Alex Khoury
Subject: Support the Santa Cruz Downtown Recovery Plan

Dear Assistant Director Khoury,

I The Santa Cruz downtown is vitally important to our community. The updated Downtown Recovery Plan (DRP) represents a major opportunity for achieving a mix of housing options in the planning area with a walkable and thriving downtown experience.

I agree with the DRP's revisions as part of an overall effort to reconfirm the City objective to maintain a compact and efficient urban form with public greenbelt to limit suburban-type sprawl, and to provide some appropriate development incentives to activate the river connections, a longstanding objective of the City's vision. The Downtown Recovery Plan should be adopted as soon as possible.

The City should actively pursue the following elements that are already included in the DRP:

- 1) Create significant new housing opportunities targeted throughout the downtown, including Pacific Avenue, the San Lorenzo riverfront and south of Laurel. Housing should be comprised of a mix of apartments and condominiums.
- 2) Encourage residential development as a second-floor use throughout the downtown area.
- 3) Develop a comprehensive housing implementation strategy and establish a feasible program for the creation of market-rate and affordable housing, including developer incentives, public participation in financing, parking reductions, etc.

I further support the City's efforts to update its Inclusionary Housing Ordinance as one of many tools to meet the needs of our residents. As recently as 2014, the Santa Cruz area was named the least affordable metropolitan area in the country factoring in the cost of housing. As of February 2017, the average rent for a two bedroom unit was \$2,569 and the median home price was \$795,500.

Please take action on the DRP and Inclusionary Housing as soon as possible.

Sincerely,

Salina Nevarez
657 24th Ave
Santa Cruz, CA 95062
snevare1@ucsc.edu

LETTER C8 – Salina Nevarez

- C8-1 Support of Proposed Project. The letter indicates support of the proposed Downtown Plan amendments, encourages the City to create strong housing opportunities throughout downtown, and supports the City’s efforts to update its Inclusionary Housing Ordinance with suggestion of actively pursuing elements that are already in the Downtown Recovery Plan regarding new residential development. Comment is acknowledged and referred to City staff decision makers for consideration; no response is necessary.

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September 8, 2017

Ron Powers, Principal Planner
City of Santa Cruz Planning and Community Development Department
809 Center Street, Room 107
Santa Cruz, CA 95060

RE: Comments on Draft EIR – Downtown Plan Amendments
Sent By Email to: rpowers@cityofsantacruz.com

Dear Mr. Powers:

This letter is to submit comments on the Draft Environmental Impact Report (EIR) identified above. My comments are as follows:

- 1 1. On Page 2-6, the Draft EIR is in error in stating that the impacts on the visual character of the surrounding area (i.e., the City downtown area, including the Front Street/Riverfront Corridor) would be less than significant. Buildout of the Downtown Plan, as proposed to be amended, would result in a complete transformation of downtown Santa Cruz, which would be extremely significant in terms of the visual impacts associated with the proposed buildout under the plan. Thus, the proposed project would completely change the character of the Downtown area, Front Street, and the Riverfront area. In order for the public and decision makers to be fully informed about these potential impacts, the Final EIR must provide much more information, including graphic representations of potential developments that would be allowed for under the plan as proposed, compared to the developments possible under the current plan. Only when such information is provided can the public and members of the City Council fully understand and judge the radical changes that would occur if the plan amendments were adopted as proposed, and the amended plan then implemented.
- 2 2. On Page 2-6, the Draft EIR is deficient in stating that the impact from Greenhouse Gas Emissions are less than significant. The global warming crisis facing us (and including those who live in Santa Cruz, California) requires us to admit that EVERY new release of greenhouse gases puts our world at peril, and that therefore EVERY project that would add to greenhouse gas emissions must be mitigated to eliminate every possible source of such emissions. The Final EIR must evaluate all “state of the art” energy-reduction technologies that could reduce energy consumption in the new buildings that would be permitted by the plan as proposed in

the contemplated amendments. This means requirements for full solar power for all such new buildings, to the greatest extent possible, and the use of techniques like a requirement that all electric lighting in the buildings to be governed by motion-sensitive switches, etc., to eliminate, to the greatest degree possible, unneeded energy use, and thus to help reduce to the greatest degree possible, an impact that everyone knows is highly significant.

- 3 3. On Page 2-7, the Draft EIR appears to be deficient in its statement that there is a less than significant impact associated with stormwater drainage. In view of the impacts of inevitable sea-level rise, in connection with the proposed development, very significant adverse impacts can be expected from ANY increase in stormwater drainage. Thus, the Final EIR must propose methodologies that will eliminate ANY addition to stormwater runoff, since any new stormwater runoff will certainly cause significant impacts in downtown Santa Cruz.
- 4 4. On Page 2-7, it is unclear why the Draft EIR says that water quality degradation in the San Lorenzo River that will admittedly be associated with implementation of the Downtown Plan Amendments is “less-than-significant.” Mitigation measures to eliminate any of the impacts identified on Page 2-7 must be included in the Final EIR.
- 5 5. On Page 2-8, with reference to the paragraph relating to “Energy Use,” please see my Comment #2. Mitigations to reduce, to the greatest degree feasible, all energy use in the new building must be included in the Final EIR.
- 6 6. On Page 3-4, the Draft EIR says that it is an “overarching objective” of the City to “maintain a compact downtown with a dense urban core **in exchange for** retaining a greenbelt around the City (emphasis added).” I question the accuracy of this statement. I know of no official City policy that says that there is an “either/or” choice between maintaining a greenbelt around the City and maintaining a dense urban core. The Final EIR should either provide a citation to such a statement of policy, or should eliminate this statement. If no such policy statement exists, and to the degree that the proposed downtown amendments are based on or justified by this alleged policy, the Final EIR must evaluate the project without reliance on this statement.
- 7 7. On Page 3-14, the Draft EIR says that there are “no development applications currently pending before the City.” This statement is disingenuous. The mixed-use transit, parking and residential project on the downtown Metro Station site that is mentioned in the Draft EIR has been extensively discussed with the City Planning and Community Development Department, and with other City officials, including members of the City Council. These discussions have taken place over the

last several years, and rather specific design concepts have been utilized in these discussions. The Final EIR must fully disclose this proposal, in its latest iteration, in order fully to inform the public and decision makers of the possible impacts of the proposed project. The fact that such a project is not “currently pending” is being used in this Draft EIR as an excuse for hiding the ball. In fact, as soon as Downtown Plan Amendments are adopted, the City anticipates an application for a development in the specific location referenced. It is not sufficient to say that, if that happens, there will then be a “project level” CEQA review. While that is true, CEQA requires relevant information to be presented for evaluation as early in the development process as is possible. Providing information about the proposal mentioned, information about which is not disclosed in this Draft EIR, will help inform decision makers about the possible impacts of the program level decision they are now being asked to make. Thus, that information must be revealed now. This is a clear requirement of CEQA. Furthermore, probably the new information required to be disclosed about potential project plans on the identified site will be so significant that it will be necessary to recirculate an amended EIR as a Draft, to allow the public an adequate opportunity to comment on the impacts that might occur from the proposed Downtown Plan Amendments project.

8. Figure 3-3 is not as informative as it should be, and the Final EIR should provide a direct comparison between what is proposed (as illustrated in Figure 3-3) and what currently exists, and what is permitted under current planning regulations. The purpose of an EIR, as this Draft recognizes, is fully to inform the public and decision makers about the possible impacts of the proposed project. Without the Draft EIR providing an easy comparison between the current situation, possible development under the current Downtown Plan regulations, and what would be permitted with the proposed amendments, this kind of “full” information is lacking. This is a “general” comment, relating to the entire Draft EIR, as well as to Figure 3-3 specifically.
9. Please see Comment #8 as to the other Figures provided within the Draft EIR. In every place possible, the Final EIR must provide a “comparison,” not merely a description of what the proposed amendments would do. If such a comparison is not provided, then the EIR will not “fully inform” the public and decision makers, as CEQA requires.
9. 10. On page 4.1-8, in its discussion of “Thresholds of Significance,” the Draft EIR notes in paragraph 1c that a project impact would be considered significant if the project would “substantially degrade the existing visual character or quality of the surrounding area – i.e., be incompatible with the scale of the surrounding area or substantially detract from the aesthetic character of the neighborhood.” Please see my Comment #1. While the term “degrade” is subjective, the proposed Downtown Plan

Amendments would result in new construction that is “incompatible with the scale of the surrounding area.” Thus, a full analysis of the impacts of the proposed project is required. Please note, as well, that CEQA requires an evaluation of proposed changes to be measured against a baseline of “existing conditions.” Thus, in order fully to inform the public and the City Council of what the impacts of the proposed Downtown Plan Amendments would be, a graphic comparison of every change proposed is needed. The current Draft does not provide this kind of comparison, and thus is inadequate under CEQA. Please also note, as mentioned earlier, that once the current Draft EIR has been revised, to provide the required information, the new information provided will probably be significant enough to require the recirculation of the Draft EIR for further public review and comment.

- 10 11. On Pages 4.1-9 and 4.1-10, in the section of “Impacts and Mitigation Measures,” the Draft EIR also fails to meet the requirements of CEQA, in that it fails fully to inform the public and decision makers about visual and scenic impacts that the Draft EIR indicate will result if the proposed amendments are adopted.
- 11 12. On Page 4.1-13, the purpose of Figures 4.1-3A through 4.1-3C is stated as being to illustrate a “reasonable worst-case scenario....” The mentioned Figures, found on subsequent pages, are somewhat helpful in achieving this objective; however, they are, in fact, misleading. The mass of the buildings that would be allowed with the proposed Plan Amendments is not shown, only an outline of the possible new construction, which is presented by dotted lines. This means that the existing views along the River, and along Front Street, and along Pacific Avenue can continue to be seen “through” these dotted lines; this means that the actual impact of what is being proposed is not presented. Keeping the illustrations with the dotted lines is fine, but the current illustrations are not adequate, and must be supplemented. What is needed to comply with CEQA is to accompany the existing illustrations with a set of comparison photos. The current situation should be shown, and then immediately above or next to it the possible future construction should be shown, but “filled in,” so that it becomes clear how radically the views along the River, and along Front Street, and along Pacific Avenue would be changed. Incidentally, the comment in the Draft EIR that suggests that the impacts of the project will not actually be experienced to the full extent of what the proposed amended plan would allow should be stricken in the Final EIR. The EIR must analyze and inform the public about the impacts that “might” be caused by the proposed project. Speculation that such impacts will not actually come to pass is out of place in an EIR.
- 12 13. On Page 4.8-15, commenting on the project’s impacts on the City’s water supply, the Draft EIR says “the additional project demand would not result in a substantial increase during dry years and would not be of a

magnitude to affect the level of curtailment that might be in effect.” The Draft EIR thus concludes that water supply impacts are less than significant. This analysis is flawed, because the City already is in a water supply crisis during dry and extremely dry years, and data from the City’s earlier analysis of the need for a proposed desalination plan should be revealed and used to determine whether the water supply impacts of the new development that would be allowed by enactment of the Downtown Plan Amendments will, in fact, be a cumulative impact of considerable impact. The Final EIR must also identify mitigation measures that will guarantee that the proposed development will not generate any new water demand (at least until the City’s system is no longer unable to provide adequate water for existing residents).

- 13 In conclusion, I believe that the current Draft EIR is inadequate, and that to make sure that the Council and the public fully understand the impacts of the measures being proposed, the current Draft EIR must be significantly augmented, and then (I believe) recirculated for further public review and comment. Fully informing the public and decision makers about possible impacts of proposed projects is the objective of the California Environmental Quality Act. I urge the City fully to comply with its requirements in this case.
- 14 Let me also note, on the substance of what is being proposed, that the current City plan governing the Downtown is called the “Downtown *Recovery* Plan.” This title reflects the fact that our current plans for the downtown area were adopted, after very significant public debate and involvement, after the 1989 Loma Prieta earthquake.

After the earthquake, some landowners and the development community were urging the City to adopt exactly the kind of planning for the downtown that the currently proposed Downtown Plan Amendments would accomplish. City decision makers rejected, at that time, an appeal for this kind of the transformation of our downtown into a “dense urban core,” and there was a reason for that. Downtown Santa Cruz is known, nationally, for its appeal. The kind of massive developments that would be allowed if the proposed Downtown Plan Amendments were adopted would undermine that appeal. I hope, ultimately, that the City Council will reject the current development-generated clamor for overbuilding downtown, just as the former, post-earthquake Council did.

Very truly yours,



Gary A. Patton

LETTER C9 – Gary A. Patton

- C9-1 Impacts on Visual Character of Area. The commenter disagrees with the DEIR's conclusion that impacts on visual character of the downtown area will be less than significant. The commenter asserts that additional graphic simulations or representations must be provided in order to demonstrate the extent of visual change that could result from the project. Figures 4.1-3A, 4.1-3B, 4.1-3C from the Chapter 4.1-Aesthetics of the DEIR already provide visual representations/simulations enabling a comparison of the existing environment to that which could result from the changes proposed with the project. While such simulations are not expressly required by CEQA, the City agrees they are helpful to informing the public and the City's decision makers about the potential magnitude of change. By providing the simulations, the DEIR presents the hypothetical "worst-case" scenario that could result; although, as explained in the DEIR (see p. 4.1-13), for a variety of reasons, including the City's historic buildout patterns, it is unrealistic to assume that *all* of the eligible buildings in the plan area or along corridors of interest to the commenter would be redeveloped or replaced with maximum-height buildings under the amended plan. In practice, compliance with CEQA must often strike a balance between disclosing the "worst-case" scenario and explaining what actions or results the lead agency considers more realistic, based on substantial evidence. CEQA does not encourage or require entirely hypothetical analysis be provided to decision makers and the public. The DEIR has addressed that tension in CEQA by disclosing the potential "worst-case" buildout scenario via the visual simulations while also explaining, with substantial evidence, why City staff consider that worst-case scenario to likely overstate the visual effect that will result from the plan amendments.
- C9-2 Greenhouse Gas Emissions (GHG). The commenter asserts that every new release of GHGs and every new project results in a significant impact that must be mitigated to a net-zero level. The City disagrees with this assertion, both on policy and legal grounds. As a matter of policy, the City's Climate Action Plan is not premised on the assumption that any new GHG emissions are necessarily significant and must be mitigated to a net-zero level. The CAP's goals are to reduce community-wide greenhouse gas emissions 30% by 2020 and 80% by 2050 (compared to 1990 levels), based on General Plan 2030 Policy NRC4.1, which establishes this requirement. As a legal matter, CEQA does not mandate that the City find any certain amount of new emissions to be significant. CEQA Guidelines section 15064.4(b) suggests agencies should consider: the extent to which the project may increase or reduce GHG emissions compared to the existing environmental setting; whether the project emissions exceed a threshold of significance that the agency determines applies to the project; and the extent to which the project complies with regulations or requirements adopted to implement a statewide or local plan (such as the City's CAP) for the reduction or mitigation of GHG emissions. Section 4.2 of the DEIR complies with CEQA in this regard.

The comment also states that the Final EIR must evaluate all “state of the art” energy-reduction technologies that could reduce energy consumption in the new buildings. This is not a requirement of CEQA. As discussed on DEIR pages 4.6-7 to 4.6-9, California’s per capita electrical use has been the lowest or near lowest of any state in the nation, and additional local efforts toward energy reduction also are described in this section. Future development would be required to comply with all applicable state and local building energy standards and requirements.

- C9-3 Stormwater Drainage. The comment references the DEIR Summary and conclusion on stormwater drainage and asserts that any addition to stormwater runoff will cause significant impacts. Commenter’s opinion is acknowledged. Existing stormwater and hydrological conditions and impact analysis are fully addressed in section 4.5 of the DEIR. The project area is currently developed or paved, and as a result, impervious surfaces and resulting runoff are not expected to substantially change. Future development would be required to comply with City policies and regulations, including General Plan Policy CC5.1.8 that requires new development to maintain pre-development runoff levels and compliance with the City’s stormwater management regulations. See DEIR pages 4.5-11 to 4.5-12.
- C9-4 Water Quality Degradation. The comment references the DEIR Summary and questions the EIR impact conclusion that water quality degradation in the San Lorenzo River will be less than significant and asks that mitigation measures be included in the Final EIR. The basis for the impact analysis and conclusion is provided on pages 4.5-12 and 4.5-13 in the DEIR and is based on the City’s comprehensive stormwater management requirements that will be imposed on new development, and which have been required pursuant to federal and state regulations and reviewed and accepted by these agencies. The commenter provides no substantial evidence supporting a different significance conclusion for the EIR, so the conclusion is not changed in the FEIR.
- C9-5 Energy Use. Regarding energy use impacts cited on page 2.8 of the DEIR, the commenter refers to his previous Comment #2 and asks that additional mitigations that reduce energy use in new buildings be included in the Final EIR. See Response to Comment C9-2. The project involves amendments to existing City plans, and no specific buildings are proposed at this time. As the State continually adopts new efficiency requirements, future building proposals will be subject to the efficiency standards applicable to new buildings at that time.
- C9-6 Project Objectives. The commenter questions a statement on page 3-4 of the DEIR regarding project objectives. This comment is related to City policy and is not related to CEQA review. However, City staff notes that the City’s General Plan includes numerous

policies relating to maintaining a compact form and promoting higher densities in certain areas as well as preserving the greenbelt:

- GOAL LU2 A compact community with boundaries defined by the city’s greenbelt and Monterey Bay.
- LU3.7 Encourage higher-intensity residential uses and maximum densities in accordance with the General Plan Land Use designations.
- LU3.7.1 Allow and encourage development that meets the high end of the General Plan Land use designation density unless constraints associated with site characteristics and zoning development standards require lower density.
- LU4.1 Encourage a transition to higher densities along the city’s transit and commercial corridors.
- LU4.1.1 Support compact mixed-use development Downtown, along primary transportation corridors, and in employment centers.

While not explicitly stated in one policy phrased as an exchange between retaining greenbelt lands and promoting higher densities, the practical result for land use planning principles is that as long as the greenbelt is maintained, the remainder of available land in the city will need to support more housing. By default, the physical constraints of the city with the greenbelt will result in a need for higher densities in developed areas than without the greenbelt. It is not an exaggeration to connect preserving greenbelt lands with the need for higher densities elsewhere in the city. The General Plan policies promote both and there remains a clear cause and effect relationship and trade-off in supporting the greenbelt preservation. However, the commenter correctly notes that there is no single policy in the General Plan that uses the term exchange, so the Final EIR can be modified with the following language: “Increasing densities in the downtown is consistent with the overarching objectives of the City to maintain a dense urban core with a greenbelt around the City.” See Chapter 3, Changes to Draft EIR, of this document.

C9-7 Future Development. The comment questions the statement in the DEIR on page 3-14 that “no development applications are currently pending before the City” and indicates that a mixed-use project on the Metro Station site has been discussed with City staff and officials, which must be fully disclosed. The comment also suggests that with addition of this information, recirculation of the EIR will be necessary. There are no development applications currently pending before the City for this site. According to City staff, there have been numerous development proposals discussed for a variety of projects within the study area over the past several years, including various versions of a project for the METRO property and adjacent properties. A preliminary application of a conceptual plan for a mixed use was reviewed by the City earlier in 2017 for areas north of Laurel Street between Pacific Avenue and Front Street, but a formal and complete application has yet to be submitted. For CEQA purposes, the City has included all reasonably foreseeable development within the study area and has included assumptions for these various concept plans in the Buildout Assumptions

found in Appendix D. The DEIR fully evaluated the potential impacts associated with these potential projects and assumed reasonable worst case scenarios for the entire study area.

No new information or new impacts have been identified in response to this comment that would require recirculation of the DEIR. See Response to Comment C9-13.

C9-8 Figure 3-3. The comment suggests that the Final EIR provide a direct comparison between what is proposed as illustrated in Figure 3-3 and what currently exists, and indicates that this is a “general” comment relating to the entire Draft EIR as well as Figure 3-3 specifically, but does not specify other DEIR figures. Figure 3-3 is included in the Project Description and is a graphic from the proposed Downtown Plan amendments. The photosimulations in section 4.1 of the DEIR show existing heights, existing height limits, and proposed additional height limits. See Response to Comment C9-1 for further discussion on graphic representation of building heights and requirements under CEQA.

C9-9 Thresholds of Significance for Aesthetics. The commenter refers to his Comment #1 and states his belief that the proposed amendments will result in new construction that is incompatible with the scale of the surrounding area. The comment states that a full analysis of the impacts of the project is required and should be measured against baseline existing conditions, and that graphics should be provided to compare every change. The commenter further opines that provision of the requested new information would require recirculation of the Draft EIR. The analysis requested by the comment is already provided on pages 4.1-11 to 4.1-16, which evaluates changes to existing conditions based on potential building height, mass and scale, including implementation of design provisions contained in the existing and proposed Downtown Plan. With implementation of required development standards for massing, required percentage variation of heights, and upper-level skyline variation, future buildings would be of similar height and scale as the other taller buildings in the downtown area, which already contains several multi-story buildings of varied height. Therefore, the DEIR concluded that the proposed amendments would not result in development that would “substantially degrade” the visual character of the surrounding area. See Response to Comments C9-1 and C9-8 regarding EIR graphics.

No new information or new impacts have been identified in response to this comment that would require recirculation of the DEIR. See Response to Comment C9-13.

C9-10 Aesthetics Impacts. The comment states that the impact discussion on DEIR pages 4.1-9 and 4.1-10 fails to meet the requirements of CEQA, in that it fails fully to inform the public and decision makers about visual and scenic impacts that the Draft EIR indicate will result if the proposed amendments are adopted. However, the comment does not

specifically explain how the analyses fail to meet CEQA requirements, and thus, a specific response cannot be provided.

C9-11 Figures 4.1-3A Through 4.1-3C. The comment claims that the photosimulations in the DEIR are not adequate and must be supplemented to show building mass. The comment states that the DEIR statement that suggests impacts may not be actually experienced should be stricken in the Final EIR. The photosimulations depict a building outline superimposed on a photo of existing development and are intended to show the potential massing of a future building, while also seeing existing building heights for comparison. CEQA does not specify or require any particular graphic representations. Both the photosimulations and impact analysis text provided evaluate potential impacts resulting from the proposed amendments with existing conditions adequately to inform the public and the city decision makers of the potential aesthetic changes that could result from the plan amendments. See also Response to Comment C9-1 and C9-8.

C9-12 Water Supply. The comment states that the water supply analysis in the DEIR is flawed because the City already is in a water supply crisis during dry and extremely dry years. The comments states that data from the City's earlier analysis of the need for a proposed desalination plan should be revealed and used to determine whether the water supply impacts of the new development would be a cumulative impact of considerable impact. The comment asserts that the Final EIR must identify mitigation measures that will guarantee that the proposed development will not generate any new water demand until the City's system is no longer unable to provide adequate water for existing residents.

The DEIR water supply analysis is based on the City's current Urban Water Management Plan and current plans. Review with the Water Department indicates that the water demand resulting from the proposed amendments represents less than one-hundredth of one percent of the total estimated future water demand within the City's service area, as reported in the DEIR, and the demand is within the amount of new multi-family dwellings considered in demand forecasts for the 2015 UWMP. Existing supplies are adequate to serve future development resulting from the proposed project, and the small additional demand over the service area would not lead to further water curtailments than would be otherwise be needed during dry periods. See DEIR pages 4.8-15 to 4.8-16 regarding project impacts and pages 5-10 to 5-11 regarding cumulative water supply impacts.

The City does not have a policy or requirement that a development not generate any new water demand. However, as indicated in the DEIR and the City's Urban Water Management Plan, the City has seen a trend of declining water demand since the year 2000 as a result of many factors, and total water demand within the City's water

service area is projected to decline over the 20-year UWMP period due to continued implementation of conservation programs and other efficiency measures.

C9-13 EIR Recirculation. The comment states that the Draft EIR is inadequate and must be significantly augmented and recirculated for public review. The City disagrees with the claim that the Draft EIR is inadequate as explained in the preceding responses. CEQA Guidelines section 15088.5 requires a lead agency to recirculate an EIR when “significant new information” is added to an EIR after public review but before certification. New information is not significant unless the “EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect.” “Significant new information” that would require circulation according to this section of the CEQA Guidelines include:

- A new significant environmental effect resulting from the project or from a new mitigation measures.
- A substantial increase in the severity of an environmental impact unless mitigation measures are adopted to reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impact of the project, but the project proponents decline to adopt it.
- The DEIR was so fundamentally inadequate that meaningful public review and comment were precluded.

The responses and clarifications provided in this document do not result in any of the above conditions that would warrant recirculation. None of the DEIR text revisions result in or indicate a new significant impact or a substantial increase in the severity of an impact associated with the proposed project.

C9-14 Project Opposition. The commenter states opposition to the proposed plan amendments. The comment is acknowledged, but does not address specific analyses in the DEIR. No response is necessary, but the comment is referred to City staff and decision makers for further consideration.

Ron Powers

From: Henry Searle <hrsearle@sbcglobal.net>
Sent: Thursday, September 07, 2017 2:28 PM
To: Ron Powers
Subject: comment on draft EIR, downtown recovery plan amendments

1 The area affected by the proposed amendments is, i believe, entirely within a flood plain. The amendments would increase density in the planning area and hence quite probably increase the risk of flood damage. I believe the EIR should discuss this issue and describe what steps can or should be taken to minimize the increased risk. For example, I understand that the existing levees are not capable of holding major river surges resulting from increased rainfall.

Thanks for considering this issue.

Reed Searle
114 Swift St
Santa Cruz, Ca. 95060
831-278-0626
hrsearle@sbcglobal.net

LETTER C10 – Reed Searle

C10-1 Flood Risks. The commenter believes that the EIR should discuss this issue of increased risk of flooding due to increased density and describe what steps can or should be taken to minimize the increased risk. The commenter also believes that the existing levees are not capable of holding major river surges resulting from increased rainfall. Potential impacts related to flooding are addressed in the DEIR; see pages 4.5-6 and 4.5-7. The levee improvements have been designed to accommodate a 100-year flood. The draft Downtown Plan does not allow residential uses as a principally permitted use on the ground floor within the project area. Development within the project area is governed by the City's existing standards in Section 24.14.500 of the Municipal Code, Standards for A-99 Flood Zone Area.

“The A-99 flood hazard area has been designated by a Federal Emergency Management Agency Letter Map Revision dated June 26, 2002. These areas have received additional flood protection due to the construction of the new San Lorenzo River levee improvements by the U.S. Army Corps of Engineers. No base flood elevation has been designated for the A-99 flood hazard area. Standards for construction in the A-99 flood hazard area are set forth in this section.” The ordinance section also includes the following statement. “The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land in the A-99 special flood hazard area will be free from flooding or flood damages. This section shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.”

Ron Powers

From: Veronica Tonay <vktonay@ucsc.edu>
Sent: Thursday, September 07, 2017 7:52 PM
To: City Council
Subject: concern re Downtown Development Plan Enviro. Impact Report

- 1 Having read the downtown development plan's EIR, although I appreciate attention being paid to what could be a jewel—our river—I am greatly concerned about (1) the height of buildings to be allowed along the river, and (2) the adverse impact on birds on and around the river in a city which helps host the birding festival at Elkhorn Slough, the Audubon bird count, and thousands of birders. Birds are having a very tough time in our city (and the world...) as it is.

The height of the buildings leave the area looking like a culvert in an urban environment, rather than a wild, environmentally protected space within our city.

This puts me in mind of someone I spoke with last week from India. He recently had a relative visiting here, and took him for a walk along the river. "There is nothing like this in India, unless you travel far, to the mountains," he said. "There are just buildings." Having hailed from Southern California, and having watched the over-urbanization of those coastal areas across decades, I've seen the importance of very careful planning from an early stage.

Buildings, sure—shorter, with spaces between for community meeting places, courtyards, and porches (proven to increase a sense of community and neighborhood), and sight lines from the rest of the city, particularly around bridges, which residents will feel unsafe crossing if they can't see to both sides ahead when embarking.

Please forward my email to the appropriate party (or parties). Thank you.

Best,
 Veronica Tonay, PhD
 Licensed Clinical Psychologist PSY15379
 550 Water St. Ste F4 Santa Cruz, CA 95060
 Lecturer in Psychology
 Psychology Faculty Services
 University of California, Santa Cruz
 1156 High Street
 Santa Cruz, CA 95064

Veronica Tonay, PhD
 Lic. Psychologist PSY 15379

LETTER C11 – Veronica Tonay

- C11-1 Building Heights. The commenter is concerned about the proposed building heights and adverse impact on birds. The comment is acknowledged, but does not address specific analyses in the DEIR. No response is necessary, but the comment is referred to City staff and decision makers for further consideration.

Ron Powers

From: Alex Khoury
Sent: Tuesday, August 08, 2017 9:25 AM
To: Ron Powers; Lee Butler; Eric Marlatt
Subject: FW: Comments on the Downtown Recovery Plan Update EIR

From: Bren Lehr **On Behalf Of** City Council
Sent: Wednesday, August 02, 2017 11:57 AM
To: Chris Krohn; Chris Krohn; Cynthia Chase; Cynthia Mathews; David Terrazas; Martine Watkins; Richelle Noroyan; Sandra Brown; Sandy Brown
Cc: Tina Shull; Martin Bernal; Scott Collins; Rosemary Balsley; Andrew Mills; Alex Khoury
Subject: FW: Comments on the Downtown Recovery Plan Update EIR

From: Russell Weisz [<mailto:russweisz1@gmail.com>]
Sent: Tuesday, August 01, 2017 7:59 PM
To: City Council
Subject: Comments on the Downtown Recovery Plan Update EIR

Dear Council,

- 1 I request that the city not allow increased building heights on the river side of Front St. I object to allowing taller buildings because of the following concerns:
- negative impacts to birds and other wildlife along the river and riparian corridor
 - negative visual impacts due to river view obstruction and view interference
 - negative noise impacts on the river due sound echo from the taller buildings.

I think increased building heights along the river is exactly the wrong approach. The San Lorenzo river is a key city resource and the city is enhanced by maximal incorporation of the river into the city. The city should maximize the river view, river access and river awareness from the rest of downtown. It's really not all about getting more money or jamming more people into taller buildings. Let's not try to become another San Jose.

Sincerely,
Russell Weisz
319 Laguna St.
Santa Cruz 95060
831-246-1770

LETTER C12 – Russell Weisz

C12-1 Building Heights. The commenter requests that the City not allow increased building heights on the river side of Front Street and objects to allowing taller buildings because of negative impacts to birds and other wildlife along the river and riparian corridor; negative visual impacts due to river view obstruction and view interference; and negative noise impacts on the river due sound echo from the taller buildings. The comment is acknowledged, but does not address specific analyses in the DEIR. No response is necessary, but the DEIR did not conclude there would be any significant impacts related to scenic views, and potential impacts to birds can be mitigated to a less-than-significant level. There is no evidence that taller buildings along the river would create an echo.

APPENDIX A

Mitigation Monitoring and Reporting Program

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Mitigation Measure	Implementation Actions	Monitoring / Reporting Responsibility	Timing Requirements	Reporting Requirements & Verification of Compliance
Biological Resources				
<p>MITIGATION 4.3-2: Revise Downtown Plan to include standard for design guidance for bird-safe structures along the San Lorenzo River, including:</p> <ul style="list-style-type: none"> ▪ Minimize the overall amount of glass on building exteriors facing the San Lorenzo River. ▪ Avoid mirrors and large areas of reflective glass. ▪ Avoid transparent glass skyways, walkways, or entryways, free-standing glass walls, and transparent building corners. ▪ Utilize glass/window treatments that create a visual signal or barrier to help alert birds to presence of glass. Avoid funneling open space to a building façade. ▪ Strategically place landscaping to reduce reflection and views of foliage inside or through glass. ▪ Avoid up-lighting and spotlights. ▪ Turn non-emergency lighting off (such as by automatic shutoff), or shield it, at night to minimize light from buildings that is visible to birds, especially during bird migration season (February-May and August-November). 	<ul style="list-style-type: none"> ▪ Implementation actions are specified in measure. 	<ul style="list-style-type: none"> ▪ City Planning and Community Development Department staff is responsible for drafting a new design standard for inclusion in the Downtown Plan. 	<ul style="list-style-type: none"> ▪ Prior to Planning Commission action on the Downtown Plan Amendments. 	

Mitigation Measure	Implementation Actions	Monitoring / Reporting Responsibility	Timing Requirements	Reporting Requirements & Verification of Compliance
<p>MITIGATION 4.3-3: Require that a pre-construction nesting survey be conducted by a qualified wildlife biologist if construction, including tree removal, adjacent to the San Lorenzo River is scheduled to begin between March and late July to determine if nesting birds are in the vicinity of the construction sites. If nesting raptors or other nesting species protected under the MBTA are found, construction may need to be delayed until late-August or after the wildlife biologist has determined the nest is no longer in use or unless a suitable construction buffer zone can be identified by the biologist. (Citywide Creeks and Wetlands Management Plan Standard 12).</p>	<ul style="list-style-type: none"> ▪ Implementation actions are outlined in the mitigation measure. 	<ul style="list-style-type: none"> ▪ City Planning and Community Development Department staff is responsible for drafting a new development guideline for developments along the San Lorenzo River portion of the project area. 	<ul style="list-style-type: none"> ▪ Prior to Planning Commission action on the Downtown Plan Amendments. 	
Noise				
<p>MITIGATION NOISE-1: Require preparation and implementation of acoustical studies for future residential development along Front Street to specify building design features that meet state interior sound levels.</p>	<ul style="list-style-type: none"> ▪ Implementation actions are outlined in the mitigation measure. 	<ul style="list-style-type: none"> ▪ City Planning and Community Development Department staff is responsible for requiring acoustical studies as part of future development applications and consistent with California Building Code and City Zoning Code requirements. 	<ul style="list-style-type: none"> ▪ As part of future environmental and project review for submitted development applications. 	

Mitigation Measure	Implementation Actions	Monitoring / Reporting Responsibility	Timing Requirements	Reporting Requirements & Verification of Compliance
Cumulative Traffic Impacts				
<p>MITIGATION 5-1: Require future development projects within the downtown area to contribute fair-share payments for improvements at the following intersections: Front/Soquel (signal timing and lane modifications); Front/Laurel (westbound lane addition and north and south right-turn overlap); and Pacific/Laurel (southbound left-turn lane addition).</p>	<ul style="list-style-type: none"> ▪ Implementation actions are specified in measure. 	<ul style="list-style-type: none"> ▪ The City Public Works Department is responsible for establishing and/or updating fair-share program as needed to include the affected intersections within 12 months of this project approval to include total improvement costs and fee per residential and commercial trips generated by future individual projects. 	<p>Prior to approval of development within the area shown on Figure 2-1 in the EIR (DEIR volume).</p>	

APPENDIX B
Review of Project Consistency
with California Coastal Act Policies

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APPENDIX B

REVIEW OF PROJECT CONSISTENCY WITH COASTAL ACT POLICIES

The proposed project includes amendments to the City's certified Local Coastal Plan (LCP) that will require California Coastal Commission approval. Chapter 4 of the Downtown Recovery Plan is incorporated by reference in the CBD zone district, and the district is part of the implementation section of the LCP. Thus, revisions to the DRP Chapter 4 require review and approval by the California Coastal Commission as part of an LCP amendment. In addition, several LCP policies related to the SLURP are proposed to be modified.

In accordance with the comments received from the California Coastal Commission staff, a review of project consistency with Coastal Act policies is provided below. The review does not reveal any conflicts with Coastal Act policies. The proposed amendments do not affect oceanfront lands or marine waters, and provide new public access connections to the San Lorenzo River as encouraged in the Coastal Act. The proposed amendment does not change existing certified LCP land uses within the downtown area.

Public Access

Section 30210 Access-Recreational Opportunities – This policy states that maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Consistent: The proposed amendments call for expansion of access to the San Lorenzo River.

Section 30211 Development Not to Interfere with Access - Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Not Applicable: The proposed amendments are for portions of the coastal zone not located near the shoreline or sea and will not interfere with or have any effect on public access to the sea.

Section 30212 Public Access as Part of New Development – This policy requires that new development projects provide public access from the nearest public roadway to the shoreline and along the coast except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected.

Not Applicable: None of the proposed amendments to LCP policies affect requirements for new development to provide public access from the nearest public roadway to the coast. No development is proposed as part of the proposed LCP amendment

Section 30212.5 Public facilities and Distribution – This policy indicates that wherever appropriate and feasible, public facilities, including parking areas, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Not Applicable: The proposed project does not include amendments that change land uses or the location of public facilities.

Section 30213 Lower Cost Visitor and Recreational Facilities - Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Not Applicable: The proposed project does not include amendments that change allowed uses in the downtown area of the coastal zone, other than to prohibit retail cannabis facilities within the Central Business District.

Section 30214 Implementation of Public Access Policies - The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics. (2) The capacity of the site to sustain use and at what level of intensity. (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses. (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

Consistent: The proposed amendments call for expansion of access to the San Lorenzo River. The proposed amendments will allow for license agreements to be approved by the City in conjunction with a Coastal Permit, which will include conditions to define management of the publicly accessible areas adjacent to the Riverwalk in a manner consistent with any adjacent proposed development and the protection of nearby natural resources.

Recreation

Section 30220 Protection of Certain Water-Oriented Activities - Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Not Applicable: The proposed amendments are for areas that are not located adjacent to or near the coast and is an area not considered to be a coastal area.

Section 30221 Oceanfront Land-Protection for Recreational Use - Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and

foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Not Applicable: The proposed amendments are for areas that are not located adjacent to or near the coast and is an area not considered to be oceanfront land.

Section 30222 Private lands-Priority of Development - The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Consistent: The proposed amendments do not change allowed or permitted uses (other than to prohibit retail cannabis facilities), which currently allow for visitor-serving uses, including motels and hotels. These permitted uses are already part of the City's certified LCP.

Section 30222.5 Oceanfront lands-Aquaculture Facilities - Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.

Not Applicable: The proposed amendments do not cover oceanfront lands.

Section 30223 Upland areas - Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Not Applicable: The proposed amendments do not cover upland lands.

Section 30224 Recreational Boating Use - Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Not Applicable: The part of the downtown area covered by the proposed amendments is not adjacent to areas of recreational boating use.

Marine Resources

Section 30230 Marine Resources - Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Not Applicable: The proposed amendments cover the downtown area, which is not adjacent to or within marine waters and would have no effect on marine resources.

Section 30231 Biological productivity-Water Quality - The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of

marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Consistent: The proposed amendments do not result in changes to existing policies and the City-wide Creeks and Wetlands Management Plan (part of the City's certified LCP) that require protection of habitat, resources and water quality along the San Lorenzo River.

Section 30232 Oil and Hazardous Substance Spills - Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur

Not Applicable: The proposed amendments cover the downtown area, which is not adjacent to or within marine waters and would have no effect on marine resources.

Section 30233 Diking, Filling or Dredging - The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.

Not Applicable: The proposed amendments cover the downtown area and would not result in diking, filling or dredging.

Section 30234 Commercial Fishing and Recreational Boating Facilities - Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded.

Not Applicable: The part of the downtown area covered by the proposed amendments is not adjacent to areas of commercial or recreational boating use.

Section 30235 Construction Altering Natural Shoreline - Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Not Applicable: The proposed amendments cover a portion of the downtown area that is not adjacent to the shoreline and do not include policies regarding construction of devices that would alter the natural shoreline.

Section 30236 Water supply and Flood Control - Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Not Applicable: The proposed amendments do not include water supply or flood control projects.

Land Development

Section 30240 Environmentally Sensitive Habitat Areas- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Consistent: The proposed amendments do not result in changes to existing LCP policies or the City-wide Creeks and Wetlands Management Plan (part of the City's certified LCP) that require protection of habitat along the San Lorenzo River. Development resulting from the proposed amendments, as mitigated, would not result in significant impacts to adjacent San Lorenzo River riparian and aquatic habitats.

Section 30241 Prime Agricultural Land – The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

Not Applicable: The proposed amendments do not include prime or other agricultural lands.

Section 30241.5 Agricultural Land - If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation.

Not Applicable: The proposed amendments do not include prime or other agricultural lands.

Section 30242 Lands Suitable for Agricultural Use - All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Not Applicable: The proposed amendments do not include prime or other agricultural lands.

Section 30243 Productivity of Soils and Timberlands - The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.

Not Applicable: The proposed amendments do not include timberlands.

Section 30244 Archaeological or Paleontological Resources - Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Consistent: The proposed amendments do not change existing requirements for review archaeological or paleontological resources at the time of site-specific development proposals, which require mitigation should resources be impacted.

Section 30250 Location-Existing Developed Area - (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas. (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Consistent: Future development allowed by the proposed amendments would be located within the developed downtown area with available public services.

Section 30251 Scenic and Visual Qualities The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Consistent: Future development allowed by the proposed amendments would not affect views along the ocean or in scenic coastal areas and was found to be visually compatible with the character of surrounding downtown areas.

Section 30252 Maintenance and Enhancement of Public Access - The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Consistent: The proposed amendments do not include site-specific development or change certified land uses in the project area.

Section 30253 Minimization of Adverse Impacts - New development shall do all of the following: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (b) Assure stability

and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development. (d) Minimize energy consumption and vehicle miles traveled. (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Consistent: Future development allowed by the proposed amendments would be located within the developed downtown area and would not result in alteration of natural landforms. Location in proximity to the transit center and walking and bicycling facilities would minimize energy consumption and vehicle miles traveled.

Section 30254 Public Works Facilities - New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Not Applicable: The proposed amendments do not include public works facilities.

Section 30254.5 Terms on Sewage Treatment Plant Development - Notwithstanding any other provision of law, the commission may not impose any term or condition on the development of any sewage treatment plant which is applicable to any future development that the commission finds can be accommodated by that plant consistent with this division.

Not Applicable: The proposed amendments do not include a sewage treatment plant.

Section 30255 Priority of Coastal-Dependent Developments - Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

Not Applicable: The area covered by the proposed amendments is not located on or near the shoreline.

Industrial Development

Section 30260 Location or Expansion - Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division.

Not Applicable: The area covered by the proposed amendments is not located on or near the shoreline.

30261 Tanker Facilities - Use of existing and new tanker facilities shall be encouraged to the maximum extent feasible and legally permissible, except where to do so would result in increased tanker

operations and associated onshore development incompatible with the land use and environmental goals for the area.

Not Applicable: The area covered by the proposed amendments is not located on or near the shoreline or in marine waters and no tanker facilities exist or are proposed in the project area.

Section 30262 Oil and Gas Development - Oil and gas development shall be permitted in accordance with Section 30260 if specified conditions are met.

Not Applicable: The proposed amendments do not include oil and gas development.

Section 30263 Refineries or Petrochemical Facilities – This policy provides standards for new or expanded refineries or petrochemical facilities.

Not Applicable: The area covered by the proposed amendments is located within a developed urban area; no refineries or petrochemical facilities exist or are proposed in the project area.

Section 30264 Thermal Electric Generating Plants - Notwithstanding any other provision of this division, except subdivisions (b) and (c) of Section 30413, new or expanded thermal electric generating plants may be constructed in the coastal zone if the proposed coastal site has been determined by the State Energy Resources Conservation and Development.

Not Applicable: The area covered by the proposed amendments is located within a developed urban area; no thermal electric generating plants exist or are proposed in the project area.