



## 2 INTRODUCTION

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NOTE: Changes made from the Draft EIR text are shown in underlined type for new text and ~~strikeout type~~ for deleted text.

### 2.1 PURPOSE OF THE EIR

This environmental impact report (EIR) has been prepared by the County of Santa Cruz (County), which is the lead agency for the Sustainability Policy and Regulatory Update of the County General Plan and Local Coastal Program (LCP) and County Code (Sustainability Update or project). This document, together with the Draft EIR dated April 2022, constitute the Final EIR for the proposed Sustainability Update.

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 CEQA Guidelines, which are found in Title 14 of the California Code of Regulations, commencing with section 15000. 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.

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 why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

Pursuant to CEQA Guidelines section 15121, an EIR is an informational document that is required to (1) identify the potentially significant environmental effects of a project on the environment, (2) indicate the manner in which those significant effects can be avoided or significantly lessened via the implementation of potentially feasible mitigation measures, (3) identify a reasonable range of potentially feasible alternatives to a project that would eliminate or substantially lessen any significant environmental effects, and (4) identify any significant and unavoidable adverse impacts that cannot be mitigated or otherwise reduced. The lead agency must 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 a 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.

Pursuant to 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. Furthermore, pursuant to CEQA Guidelines section 15021, 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. As defined in the 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 under CEQA, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors, in determining whether and how a project should be approved. If an agency decides to approve a project that will cause one or more significant effects on the environment, the agency must prepare a “statement of overriding considerations” to reflect the ultimate balancing of competing public objectives. The environmental review process is further explained below in Section 2.4, Environmental Review and Approval Process.

This EIR is a “Program EIR” pursuant to section 15168 of the CEQA Guidelines. A Program EIR is an EIR that 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 CEQA Guidelines. “Tiering” uses the analysis of general matters contained in a broader program 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 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 covered within the General Plan program evaluated in this EIR, the County will determine whether the individual project or subsequent activity is within the scope of this Program EIR. If appropriate and applicable to a proposed project, the County may also consider one or more statutory or categorical exemptions.

## 2.2 PROJECT OVERVIEW

The proposed project consists of amendments to the County’s existing General Plan/LCP and several sections of the Santa Cruz County Code (SCCC), as well as, two other components described below. The proposed Sustainability Update is a comprehensive update to the County’s General Plan/LCP and

modernization of the County Code. The goal of this update is to implement new policies and code regulations that support more sustainable communities in Santa Cruz County. The County's current LCP was adopted in 1994, and must be updated at this time to align with new state laws, new regional and local plans, and a community vision that is focused on sustainable growth. At the same time, the County Code needs to be updated to implement the changes that are proposed in the General Plan/LCP. The County is also taking this opportunity to modernize the County Code and prepare Countywide Design Guidelines that will help applicants to understand the County's development rules and design projects that align with the community's vision.

The proposed project consists of four key components that are further described below:

1. **General Plan/LCP Amendments.** The proposed amendments text revisions, new or revised goals, objectives and policies, and new and revised implementation strategies that replace existing programs. Revisions are proposed for the following five General Plan/LCP chapters
  - Chapter 1: Introduction
  - Chapter 2: Built Environment (formerly Land Use)
  - Chapter 3: Access + Mobility (formerly Circulation)
  - Chapter 5: Agriculture, Natural Resources + Conservation (formerly Conservation and Open Space)
  - Chapter 7: Parks, Recreation + Public Facilities

The above-listed General Plan/LCP elements will join three other existing elements that have already been updated, which will then comprise the entirety of the General Plan/LCP: Chapter 4, Housing (2016); Chapter 6, Public Safety (2020); and Chapter 8, Noise (2019). The current Chapter 8, Community Design Element, is incorporated into the proposed Built Environment Element.

2. **County Code Amendments.** Amendments to the SCCC primarily address changes to Title 13—Planning and Zoning Regulations and Title 18—Procedures, but there are some proposed revisions to Title 5—Business Regulations, Title 12—Building Regulations, Title 15—Community Facilities, and Title 16—Environmental and Resource Protection, and Title 18—Procedures in order to ensure regulations incorporate current State law and modern practices, reflect General Plan/LCP proposed revisions, and are internally consistent.
3. **County Design Guidelines.** The Sustainability Update includes adoption of County Design Guidelines, which are referenced in revisions to SCCC section 13.11.
4. **Land Use and Zoning Map Amendments.** Selected property-specific General Plan land use designation changes and/or rezonings have been identified by County staff and include identified opportunity sites such as the vacant property located at Soquel Drive and Thurber Lane and vacant and underutilized properties along the Portola Drive commercial corridor. There also are proposed General Plan designation and/or zone district amendments for other parcels in order to achieve consistency with the General Plan and/or existing uses on a property.

The California Coastal Act of 1976 (Coastal Act) requires local jurisdictions to adopt an LCP to regulate development within the coastal zone. The Coastal Act requires jurisdictions to have an LCP consisting of both a Land Use Plan (LUP) and a Local Coastal Implementation Plan (LCIP) with implementing actions that are consistent with the statewide Coastal Act policies. The Coastal Act requires Coastal Commission approval of amendments to jurisdictions' LUP and LCIP. The proposed Sustainability Update includes amendments to some General Plan/LCP goals, objectives, policies, and implementation strategies that are also part of the LUP and are noted by the initials "LCP." The proposed Sustainability Update also includes amendments to some sections of the SCCC that include sections that are part of the LCIP. These sections and chapters will also require Coastal Commission approval as part of an LCP amendment. Eleven properties located within the coastal zone and proposed for changes to their General Plan/LCP land use designation or their zoning will also require approval by the Coastal Commission.

## 2.3 SCOPE OF THE EIR

Regarding the scope of the EIR analysis, CEQA Guidelines section 15060(d) states, "if the lead agency can determine that an EIR will be clearly required for a project, the agency may skip further initial review of the project and begin work directly on the EIR process....In the absence of an initial study, the lead agency shall still focus the EIR on significant effects of the project and indicate briefly its reasons for determining that other effects would not be significant or potentially significant." CEQA Guidelines section 15128 state 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."

A Notice of Preparation (NOP) was published for the project to determine the scope and extent of environmental issues to be addressed in this EIR that is described in Section 2.4.1, Scoping, and is included in Appendix A. Based on review of the project (see Chapter 3) and public comments received in response to the NOP, the County has determined that the following environmental resource topics warrant analysis in the EIR. The EIR also evaluates topics required by CEQA and the CEQA Guidelines, including growth inducement, project alternatives, and cumulative impacts.

- Aesthetics
- Agriculture, Forestry Resources, and Mineral Resources
- Air Quality
- Biological Resources
- Cultural Resources and Tribal Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise

- Population and Housing
- Public Services and Recreation
- Transportation
- Utilities and Service Systems
- Wildfire

As indicated above, the environmental review focuses on the potentially significant environmental effects of the project. As defined in CEQA Guidelines section 15382, 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 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.

## 2.4 ENVIRONMENTAL REVIEW AND APPROVAL PROCESS

### 2.4.1 Scoping

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.

The NOP for this EIR was circulated for a 30-day comment period from July 1, 2020 to August 3, 2020, which was subsequently extended to September 4, 2020. The NOP was circulated to the State Clearinghouse and to local, regional, and federal agencies in accordance with the CEQA Guidelines. The NOP also was sent to organizations and interested citizens that have requested notification for County projects. A public scoping meeting was held on July 21, 2020 in the format of an online webinar and the corresponding presentation about the project was posted on the County's CEQA website.<sup>1</sup>

Written comments were received from four public agencies and five individuals. These written comments are included in Appendix B, which also includes a summary of comments received. Comments that address environmental issues have been taken into consideration in the preparation of this EIR as indicated in each topical section in Chapter 4, Environmental Setting, Impacts, and Mitigation Measures.

CEQA Guidelines section 15083 encourages consultation with "any person or organization it believes will be concerned with the environmental effects of the project" prior to completing the draft EIR. County staff contacted public agencies that are responsible or trustee agencies and/or provide services within the unincorporated area. Meetings were held with the following responsive agencies:

- California Coastal Commission
- California Department of Transportation
- City of Santa Cruz Water Department
- City of Watsonville
- County of Santa Cruz Sheriff's Office
- Live Oak School District
- Pajaro Valley Water Management Agency
- Santa Cruz Mid-County and Santa Margarita Sustainable Groundwater Agencies, including County of Santa Cruz Environmental Health Department, San Lorenzo Valley Water District, and Scotts Valley Water District
- Santa Cruz City Schools
- Santa Cruz County Regional Transportation Commission
- Santa Cruz County Sanitation District
- Soquel Creek Water District

## 2.4.2 Public Review of the Draft EIR

This Draft EIR ~~has been~~ 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 April 14, 2022

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<sup>1</sup> <http://sccoplanning.com/PlanningHome/Environmental/CEQAInitialStudiesEIRs/CEQADocumentsOpenforPublicReview.aspx>

through May 31, 2022. The Draft EIR ~~will be~~ was available for public review during the comment period at the following locations:

- Online at <http://sccoplanning.com/PlanningHome/Environmental/CEQAINitialStudiesEIRs/CEQADocumentsOpenforPublicReview.aspx>.
- Santa Cruz County Planning Department, located at 701 Ocean Street, Fourth Floor in Santa Cruz<sup>2</sup>
- Felton Branch Library, 6121 Gushee Street in Felton
- Downtown Branch Library, 224 Church Street in Santa Cruz
- Watsonville Public Library, 275 Main Street in Watsonville

The Draft EIR was also submitted to the State Clearinghouse at the Governor's Office of Planning and Research at <https://ceqanet.opr.ca.gov/2020079005/3>.

The County of Santa Cruz encouraged ~~de~~ public agencies, organizations, community groups, and all other interested persons to provide written comments on the Draft EIR prior to the end of the public review period. Written comments on the Draft EIR ~~may be~~ were accepted ~~by~~ until 5:00 p.m. ~~until~~ on May 31, 2022 at the address below or by email to [CEQA-NEPA@santacruzcounty.us](mailto:CEQA-NEPA@santacruzcounty.us).

Stephanie Hansen, Assistant Planning Director  
Santa Cruz County Community Development & Infrastructure Department  
701 Ocean Street, Fourth Floor  
Santa Cruz, California 95060

CEQA Guidelines section 15204(a) provides guidance on the focus of review of EIRs, indicating that 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,” and that 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. This section further states that “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.”

Fourteen letters and emails of comment were received during the public review period, including seven from public agencies, one from organizations and six from individuals. One late comment was received from one individual after the close of the public review period. Agencies, organizations and individuals that submitted written comments on the Draft EIR are identified below.

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<sup>2</sup> Due to the 2019 novel coronavirus disease (COVID-19) pandemic, the County Planning Counter is open for in-person review of hard copies from Monday through Thursday, 8:00 a.m. to 12:00 p.m. and other ~~times~~ times by appointment. Please email [CEQA-NEPA@santacruzcounty.us](mailto:CEQA-NEPA@santacruzcounty.us) or call (831) 831-454-2580 to schedule an appointment.

**A. Local, Regional, and State Agencies**

- A1 Association of Monterey Bay Area Governments (AMBAG)
- A2 City of Santa Cruz Water Department
- A3 Santa Cruz County Regional Transportation Commission
- A4 California Coastal Commission
- A5 California Department of Toxic Substances Control
- A6 California Department of Transportation
- A7 Department of California Highway Patrol

**B. Organizations**

- B1 Sierra Club

**C. Individuals**

- C1 Betsey Andersen
- C2 Michael Guth
- C3 Becky Steinbruner
- C4 Wayne Thompson
- C5 Alex Vartan
- C6 Colleen Young

**Late Comment**

- C1 Sandra Baron

In addition, an on-line (virtual) public meeting was held on May 9, 2022 to explain the project and take oral comments on the Draft EIR.

## 2.4.3 Final EIR and Consideration of Project Approval

Following the close of the public comment period on this Draft EIR, responses will be prepared for all comments received that raise CEQA-related environmental issues regarding the proposed project. This Final EIR ~~will~~ includes written responses to comments received in accordance with CEQA Guidelines section 15088 and ~~will~~ also includes any text changes to Draft EIR ~~that become necessary~~ after consideration of public comments.

The Final EIR will be presented to the Planning Commission for a recommendation on whether to certify the EIR and approve the proposed project, and then to the County Board of Supervisors for a final decision. Prior to making a decision to approve a project, the Board of Supervisors must 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 County'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 alternative 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 the Draft EIR must provide information regarding the significant effects of the proposed project, must identify the potentially feasible mitigation measures, and provide alternatives for consideration by the decision-making body as described in Section 0, NOTE: Changes made from the Draft EIR text are shown in underlined type for new text and ~~strikeout type~~ for deleted text.

Purpose of the EIR, above, the decision to adopt a project must take into account the findings described above, especially regarding feasibility, based on the entirety of the agency's administrative record as it exists after completion of a Final EIR.

## 2.4.4 Adoption of Mitigation Monitoring and 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 (MMRP) ~~will be proposed for adoption by the County~~ is included in Appendix A of this document ~~the Final EIR~~.

## 2.5 ORGANIZATION OF THE EIR

The content and format of this EIR are designed to meet the requirements of CEQA and the CEQA Guidelines (sections 15122 through 15132). This EIR is organized as follows: into the following chapters:

### 2.5.1 Draft EIR Volume

- **Chapter 1, 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 any issues to be resolved.

- **Chapter 2, Introduction**, explains the CEQA process, and describes the scope and purpose of this EIR, provides information on the review and approval process, and outlines the organization of this EIR.
- **Chapter 3, Project Description**, provides information about the location, setting, and background of the project; identifies project-specific objectives; and provides a detailed description of the project components.
- **Chapter 4, Environmental Setting, Impacts, and Mitigation Measures**, explains the approach to the environmental analyses for this EIR and provides the environmental setting, impacts, and mitigation measures for the topics identified for detailed analysis in the EIR. Cited references are included at the end of each section. Section 4.0, Introduction to Analyses, includes a description of the growth assumptions and scenarios evaluated in the EIR and a description of the cumulative scenario.
- **Chapter 5, Other CEQA Considerations**, evaluates the topics required to be included in an EIR, including significant and unavoidable impacts, significant irreversible environmental changes, and growth-inducing impacts.
- **Chapter 6, Alternatives**, evaluates alternatives to the project that would eliminate or substantially reduce significant impacts identified in the EIR while reasonably attaining project objectives. Alternatives that were reviewed but eliminated from further consideration in the EIR are also discussed.
- **Chapter 7, List of Preparers**, identifies individuals who were involved in preparing this EIR.
- **Appendices** contain additional information used in preparing this EIR. Appendix A contains the NOP. Comment letters that were submitted in response to the NOP along with a summary are included in Appendix B. Appendix C contains a description of development and growth assumptions developed for the EIR analyses. Appendix D includes a matrix that summarizes potential resources on properties proposed for General Plan/LCP Land Use or Zoning Map Changes based on County GIS information. Appendix E includes special-status plant and wildlife species lists. Appendix F includes information on cultural resources. Appendix G includes technical transportation memos. Results of the noise modeling conducted for the proposed project are included in Appendix H. Appendix I includes results of air emissions modeling.

## 2.5.2 Final EIR Volume

- **Chapter 1, Summary**, presents an overview of the proposed 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 2, Introduction**, explains the CEQA process; describes the scope and purpose of Draft and Final EIR volumes; provides information on the review and approval process; and outlines the organization of the Draft and Final EIR documents, which together constitute the EIR for the project.
- **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 County staff also is included.
- **Chapter 4, Public Comments and Responses**, includes each comment letter with responses to comments immediately following the comment letter.
- **Appendices**: Appendix A includes the Mitigation Monitoring and Reporting Program for the Project. Appendix B includes a revised Draft EIR Appendix E that provides special status plant and animal lists.

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