



4 DRAFT EIR COMMENTS AND RESPONSES

4.1 INTRODUCTION

This chapter includes the comment letters received on the Draft Environmental Impact Report (Draft EIR) for the Sustainability Policy and Regulatory Update of the County General Plan and Local Coastal Program (LCP) and County Code (Sustainability Update or project), and provides responses to individual comments that were submitted by agencies, organizations, and individuals as summarized below in Section 4.2. Section 4.3 provides the comment letters, and 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.

The California Environmental Quality Act (CEQA) Guidelines section 15088(a) requires a lead agency to evaluate and provide written responses to comments raising significant environmental issues. 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 commentors. 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, sections 15088(a) and 15204(a) of the CEQA Guidelines are considered. The focus is on providing responses to comments that raise 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 April 14, 2022 through May 31, 2022. Electronic copies of the document were distributed to the State Clearinghouse. A Notice of Availability

of the Draft EIR was sent to agencies and interested parties. The Draft EIR also was available for public review on the County’s website and by appointment at the Santa Cruz County Planning Department (701 Ocean Street, Fourth Floor in Santa Cruz). Hard copies of the Draft EIR were also available at Santa Cruz Public Libraries (Felton and Downtown), and at the Watsonville Library. An on-line (virtual) public meeting was held on May 9, 2022 to explain the project and take oral comments on the Draft EIR.

Fourteen letters of comment were received; agencies, organizations and individuals that submitted written comments on the Draft EIR are outlined below. Several questions regarding the project were asked at the public meeting on the Draft EIR, but no comments on the Draft EIR were presented orally at that meeting. The transcript is attached. In addition, one late comment is provided, which is attached, but no responses are required as it was received after the close of the public review period.

The following comment letters were received:

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 (Four separate emails)
- C4 Wayne Thompson
- C5 Alex Vartan
- C6 Colleen Young

D. Draft EIR Public Meeting

- D1 Comment Transcript

Late Comments – No Response Required

Sandra Baron

4.3 PUBLIC COMMENTS AND RESPONSES

Agencies, organizations, and individuals that submitted written comments on the Draft EIR are outlined above in Section 4.1, List of Comment Letters Received. Each comment letter is included in this section, followed by responses to the comments. As indicated above, section 15088(a) of the CEQA Guidelines requires a lead agency to evaluate comments on environmental issues and provide written responses to all significant environmental issues. Therefore, the emphasis of the responses is on significant environmental issues raised by the commenters (CEQA Guidelines section 15204[a]). Changes that have been made to the Draft EIR text based on these comments and responses are provided in the Chapter 3 of this document.



LETTER A1

ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS

May 23, 2022

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

RE: Comments on County of Santa Cruz’s Sustainability Policy and Regulatory Update Draft Environmental Impact Report (State Clearinghouse # 2020079005)

Dear Ms. Hansen:

Thank you for the opportunity to review Draft Environmental Impact Report (DEIR) for the County of Santa Cruz Sustainability Policy and Regulatory Update. The following comments are offered for your consideration.

In Chapter 1 (TOC, Acronyms and Abbreviations), Chapter 4.3 (Air Quality), Chapter 4.4 (Biological Resources), and Chapter 4.8 (Greenhouse Gas Emissions), Chapter 4.11 (Land Use and Planning), and Chapter 4.13 (Population and Housing), AMBAG requests the following revisions:

A1-1

Acronyms and Abbreviations

- On page ix, revise to include COG – Council of Governments to the Acronyms and Abbreviations table.

A1-2

Chapter 4.3 (Air Quality)

- On page 4.3-22, the DEIR states: “Adoption and implementation of the proposed Sustainability Update would not obstruct implementation of the region’s “Air Quality Management Plan” (AQMP) as the AQMP is independently developed and implemented by the MBARD. However, the State CEQA Guidelines §15125(d) requires that an EIR discuss consistency between a proposed project and applicable regional plans, including the AQMP. The MBARD’s “CEQA Guidelines” consider inconsistency with the AQMP to be a significant cumulative adverse air quality impact. The AQMP is prepared to address attainment of the state AAQS and maintenance of the federal O3 AAQS. The plan accommodates growth by projecting growth in emissions based on different indicators. For example, population forecasts adopted by the AMBAG are used to forecast population-related emissions.”

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A1-2 ↑
 Revise the sentence to remove the word “the” in the following sentence: “For example, population forecasts adopted by ~~the~~ AMBAG are used to forecast population-related emissions.”

Chapter 4.4 (Biological Resources)

A1-3
 • On page 4.4-41, revise the citation regarding the Draft 2045 Metropolitan Transportation Plan/Sustainable Communities Strategy to read:

AMBAG. 2021. 2045 Metropolitan Transportation Plan/Sustainable Communities Strategy and Regional Transportation Plans for Monterey, San Benito and Santa Cruz Counties Draft Environmental Impact Report. SCH#2020010204. November 2021. Prepared with assistance of Rincon Consultants, Inc.

Chapter 4.8 (Greenhouse Gas Emissions)

A1-4
 • On page 4.8-25, the DEIR discusses the regional regulation relating to AMBAG. There is old information in this section and should be updated with new planning activities. Please revise to state:

“The Association of Monterey Bay Area Governments (AMBAG) is the designated MPO for the Monterey Bay region. The AMBAG region includes Monterey, San Benito, and Santa Cruz counties. In addition, AMBAG is the Council of Governments for Monterey and Santa Cruz counties. As of 2009, many of the cities and counties in the AMBAG jurisdiction had not quantified their baseline GHG inventories, due to lack of staff and funding. The AMBAG Energy Watch designed a program to Sustainability Program assists member jurisdictions in a variety of climate action planning support services, including baseline GHG inventories. Additionally, in 2008, AMBAG adopted the *Monterey Bay Regional Energy Plan* (Regional Energy Plan) (AMBAG 2008). The Regional Energy Plan provides a framework that local cities and counties can adopt or use as guidelines to reduce energy use.

Additionally, CARB set initial SB 375 GHG-reduction targets for the Monterey Bay Area at 0% increase from 2005 per capita emissions by 2020, and 5% below 2005 per capita emissions by 2035. ~~In June 2014, AMBAG adopted the *Moving Forward 2035 Monterey Bay – Metropolitan Transportation Plan/Sustainable Communities Strategy (2035 MTP/SCS)* (AMBAG 2014). The 2035 MTP/SCS demonstrated that, if implemented, the region would achieve over a 3% per capita GHG reduction in passenger vehicle emissions by 2020, and an approximately 6% reduction in 2035. These reductions meet the GHG targets for AMBAG, as discussed above.~~

- A1-4
- In June 2018, AMBAG adopted ~~an update to the 2035 MTP/SCS, Moving Forward Monterey Bay 2040 (2040 MTP/SCS)~~, the implementation of which was anticipated to achieve the GHG reductions targets established by CARB. ~~a 4% per capita reduction in GHG emissions from passenger vehicles by 2020, as well as a projected reduction in GHG emissions of nearly 7% per capita from passenger vehicles by 2035 (AMBAG 2018)~~. The 2040 MTP/SCS outlines the region’s proposed transportation network, emphasizing multimodal system enhancements, system preservation, and improved access to high quality transit, as well as land use development that complements this transportation network (AMBAG 2018).
- In 2018, CARB approved revised SB 375 GHG-reduction targets for the Monterey Bay Area at 3% decrease from 2005 per capita emissions by 2020, and 6% reduction from 2005 per capita emissions by 2035.
- In November 2021, AMBAG released the draft 2045 MTP/SCS, an update to the 2040 MTP/SCS. In June 2022, AMBAG is scheduled to adopt the 2045 MTP/SCS which meets the revised GHG emission targets established by CARB.
- On page 4.8-34, the DEIR discusses AMBAG’s MTP/SCS. Please update this section to reflect the 2045 MTP/SCS which was released in November 2021 and scheduled for adoption on June 15, 2022.
- Chapter 4.11 (Land Use and Planning)*
- A1-5
- On pages 4.11-7 and 4.11-8, the DEIR discusses AMBAG’s Sustainable Communities Strategy. Please update this section to reflect the 2045 MTP/SCS which was released in November 2021 and scheduled for adoption on June 15, 2022.
 - On page 4.11-8, please update the footnote to reflect that the AMBAG PlaceTypes were updated as part of the 2045 MTP/SCS.
- Chapter 4.13 (Population and Housing)*
- A1-6
- On page 4.13-4, Table 4.13-4 shows different DOF housing numbers for 2020 than are stated in the paragraph preceding Table 4.13-4. This needs to be reconciled. In addition, this data was used in the calculation on page 4.13-16 and should be updated with the correct numbers for the unincorporated area (57,317 or 57,662) and County as whole (106,245 or 106,135).

- A1-7
 - On page 4.13-7, Table 4.13-7 shows different employment numbers for the entire Santa Cruz County in 2025 than are stated in AMBAG’s 2018 Regional Growth Forecast. 124,141 should be revised to 125,141.
- A1-8
 - On page 4.13-8, the DEIR states: “In June 2014, the AMBAG Board of Directors approved and adopted the *Regional Housing Needs Allocation Plan: 2014-2023*, which identifies the region’s housing needs determination for the 2014-2023 planning period. AMBAG’s 2014-2023 RHNA Plan allocates a total of 1,314 housing units to unincorporated Santa Cruz County (AMBAG 2014). AMBAG has received the 2024-2031 regional allocation from HCD, which is approximately three times higher than the existing allocation (33, 274 units).”

The last sentence should be revised to:

“AMBAG has received the 2034-2031 regional allocation from HCD, which is approximately three times higher than the existing allocation (33, 274 units). The draft 2023-2031 RHNA Plan was released in April 2022 and allocates shares of the regional housing need to AMBAG’s member jurisdictions.”
- A1-9
 - On page 4.13-16, the DEIR states: “Development accommodated by the Sustainability Update could generate up to approximately 11,385 new residents by 2040, which is somewhat higher than the 8,492 new residents anticipated based on current AMBAG projections. With implementation of the proposed project, the average annual growth rate for the unincorporated county would be 0.4%, which remains below the rates forecasted for the neighboring counties and AMBAG region as a whole, and would not substantially change the average annual growth rate for Santa Cruz County as a whole.”

In the 2018 RGF, AMBAG estimated 4,754 new residents from 2020 to 2040 in unincorporated Santa Cruz County or 8,492 new residents if comparing to the 2020 actual figure from the Census. However, in the 2022 RGF, AMBAG estimates 2,132 new residents from 2020 to 2040 or 2,472 new units if comparing to the 2020 actual figure from the Census in unincorporated Santa Cruz County. This suggests that that the Sustainable Update could generate significant more population growth (11,385 residents compared to 2,472 residents) than what AMBAG growth forecasts estimate.
- A1-10
 - On page 4.13-16, the final paragraph on page 4.13-16 states: “The proposed project would allow for 4,500 net new dwelling units, which is somewhat higher than the 3,179 new units based on AMBAG’s current projections shown in Table 4.13-4 above.” This should be revised to state:

A1-10 ↑

“The proposed project would allow for 4,500 net new dwelling units, which is somewhat higher than the ~~3,179~~ 3,514 new units based on AMBAG’s current projections shown in Table 4.13-4 above.”

Thank you for the opportunity to review the DEIR for the Sustainability Policy and Regulatory Update. Please feel free to contact me at hadamson@ambag.org or (831) 264-5086 if you have any questions.

Sincerely,



Heather Adamson
Director of Planning

LETTER A1: AMBAG

- A1-1 **Acronyms and Abbreviations.** The commenter requests revisions to Acronyms and Abbreviations to include Council of Governments.

Response: The requested revision has been made; see Section 3.2.1 in Chapter 3, Changes to Draft EIR, of this document.

- A1-2 **Air Quality.** The commenter requests a revision on page 4.30-22 in the Air Quality section.

Response: The requested revision regarding a minor typo has been made; see Section 3.2.5 in Chapter 3, Changes to Draft EIR, of this document.

- A1-3 **Biological Resources.** The commenter requests a revision on page 4.4-41 in the Biological Resources section.

Response: The requested revision regarding a minor typo has been made; see Section 3.2.6 in Chapter 3, Changes to Draft EIR, of this document.

- A1-4 **Greenhouse Gas Emissions.** the commenter requests a revision on page 4.48-25 in the Greenhouse Gas Emissions section of the Draft EIR.

Response: The requested revision regarding a minor typo has been made; see Section 3.2.8 in Chapter 3, Changes to Draft EIR, of this document.

- A1-5 **Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS).** The commenter requests that the Draft EIR text on pages 4.8-34, 4.11-7, and 4.11-8 be updated to reflect adoption of the 2045 MTP/SCS.

Response: The Draft EIR text has been updated on pages 4.8-34, 4.8-35, 4.11-8, 4.11-32, and 4.15-31 to acknowledge that the 2045 MTP/SCS was adopted by AMBAG on June 2022 after the release of the Draft EIR and after the close of the Draft EIR public review period; see Sections 3.2.8, 3.2.10, 3.2.11, and 3.2.12 in Chapter 3, Changes to Draft EIR, of this document. However, it is noted that as explained on pages 4.0-3 to 4.0-4, the description of the existing physical environment and conditions are those that exist at the time the EIR Notice of Preparation (NOP) is published, which was July 1, 2020 for the proposed Sustainability Update. The 2040 MTP/SCS was the adopted version in effect at that time and during the preparation of the Draft EIR.

- A1-6 **Housing Unit Numbers.** The commenter requests reconciliation of actual 2020 housing unit numbers reported in the text and Table 4.13-4, as well as in calculations on page 4.13-16.

Response: The numbers in the text referring Department of Finance (DOF) data was outdated information that was intended to be replaced with 2020 Census data, which is correctly shown in Table 4.13-4. The text on page 4.13-4 and page 4.13-16 has been updated to align with the

information in Table 4.13-4, consistent with 2020 Census data; see Section 3.2.11 in Chapter 3, Changes to Draft EIR, of this document.

- A1-7 **Employment Numbers.** The commenter requests a correction to the employment number for Santa Cruz County in 2025 to match AMBAG’s 2018 Regional Growth Forecast.

Response: The typographical error has been corrected as requested; see Section 3.2.11 in Chapter 3, Changes to Draft EIR, of this document.

- A1-8 **Regional Housing Needs Allocation.** The commenter requests a revision on page 4.13-8 in the Population and Housing section to add information on the 2023-2031 regional allocation.

Response: The requested revision has been made; see Section 3.2.11 in Chapter 3, Changes to Draft EIR, of this document.

- A1-9 **Population Growth Forecasts.** The commenter states that AMBAG’s 2022 Regional Growth Forecast estimates lower population and housing unit growth in Santa Cruz County than was estimated in the 2018 Regional Growth Forecast, suggesting that the Sustainability Update could generate significantly more population growth than forecasted by AMBAG.

Response: The County acknowledges the adoption of 2022 Regional Growth Forecast by the AMBAG Board of Directors on June 15, 2022, which shows a lower population increase between 2020 and 2040 in the unincorporated area (2,132) instead of 4,754 in the 2018 Forecast as indicated on Draft EIR pages 4.13-3 and 4.13-5. However, as explained in Response to Comment A1-5, the description of the existing physical environment and conditions are those that exist at the time the EIR NOP was published, which was July 1, 2020 for the proposed Sustainability Update. The 2040 MTP/SCS, including the Regional Growth Forecast, was the adopted version in effect at that time. The adoption of the 2022 Regional Growth forecast occurred after the issuance of the proposed project NOP, which establishes the baseline condition for the EIR analyses, as well as after the release of the Sustainability Update Draft EIR and close of the Draft EIR public review period. Therefore, this EIR reviews the proposed project with the adopted Regional Growth Forecast that was in effect at the time of issuance of the NOP and preparation of the Draft EIR.

While the projected growth in the Draft EIR is this greater than AMBAG’s population forecast, the growth rate resulting from the project would continue to be consistent with historic growth rates and the County’s Measure J annual growth rates as discussed on Draft EIR pages 4.13-13 to 4.13-15. As indicated, the proposed Sustainability Update could accommodate an increase of approximately 4,500 new dwelling units between 2020 and 2040, which could generate approximately 11,385 new residents based on the average household size in unincorporated Santa Cruz County. This estimate provides a worst-case scenario of theoretical maximum project buildout for the purposes of CEQA analysis, and it is not known whether this growth would actually occur. In addition, the housing unit numbers in the Draft EIR reflect recent state legislation that is intended to increase housing development. Furthermore, although the current draft RHNA

numbers were released after the preparation and release of the Draft EIR, the allocation for the unincorporated County area (4,634 housing units) in the 2023-2031 RHNA Plan is significantly higher than the last RHNA and also slightly higher than the estimated growth analyzed in the EIR. As discussed in Draft EIR Section 4.13.3.3, residential development within the unincorporated area is subject to annual growth rates and residential building permit limits established by the County of Santa Cruz Board of Supervisors. Compliance with Measure J, proposed policies, and the Santa Cruz County Code (SCCC) would result in establishment of annual growth rates that generally would be consistent with regional and state projections. Therefore, the proposed project would not induce substantial unplanned population growth in the unincorporated area of Santa Cruz County.

Furthermore, AMBAG's growth projections are updated every four years and are prepared with considerable input from local jurisdictions. As AMBAG projections are developed in part based on locally adopted land use plans, the local basis for AMBAG's successive projections would shift if the County were to adopt the proposed project, and it is expected that subsequent projections would be adjusted if needed to reflect locally adopted land use plans and actual population growth trends.

A1-10 **Housing Unit Numbers.** The commenter requests a revision to the numbers calculated for housing units on page 4.13-16.

Response: The requested revision has been made; see also response to Comment A1-7 and Section 3.2.11 in Chapter 3, Changes to Draft EIR, of this document.



LETTER A2

WATER DEPARTMENT

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

May 31, 2022

RE: County of Santa Cruz Sustainability Update Draft Environmental Impact Report (DEIR)

Dear Ms. Hansen -

Thank you for the opportunity to review this DEIR. This document presents a comprehensive and rigorous high-level analysis of planning policies that will affect the County for many years. As such, we have several mostly high-level comments as well as a handful of relatively minor specific comments that we are hoping you will consider during the preparation of the Final Environmental Impact Report.

Biological Resources:

A2-1

Fisheries conservation is a big priority for both the County and the City of Santa Cruz (City) Water Department. We strongly support the recommendation in Table 4.4-3 regarding the requirement for new water diversions, dams and reservoirs on anadromous fish streams to be designed to protect fish populations. To align with recently adopted groundwater sustainability plans, consideration of similarly protective policies related to groundwater use in priority coho recovery and water supply watersheds also seems appropriate. Additionally, this section would be stronger if the following issues were addressed:

A2-2

1) Refocusing analyses on other species that are present in Santa Cruz streams would make this analysis more responsive to overall fisheries conservation efforts. Specifically, we recommend addressing Monterey roach rather than California roach and sculpin species other than/in addition to riffle sculpin.

A2-3

2) Inclusion of policies which are protective of streams other than those currently listed (including Laguna Creek) for coho recovery would, again, better reflect current fisheries conservation efforts.

A2-4

3) Recognition of all adopted Habitat Conservation Plans and their respective obligations, including the City of Santa Cruz Operations and Maintenance Habitat Conservation Plan (OMHCP) seems appropriate. The OMHCP includes standards for minimum protective



- A2-4↑ flows for several streams within County jurisdiction that may have bearing on policy development and future project approvals.
- A2-5 4) Inclusion of policies which provide mechanisms for developing mitigation banks – particularly related to riparian corridors would be valuable. Between the challenges of code compliance resolution and other ongoing impacts to riparian corridors as well as the ongoing need that project proponents have for developing mitigation sites, it seems like there is an opportunity for further protection of riparian corridors that should be explored. Further on that point, development of policies that support incentive programs for landowners related to riparian protection also warrants consideration.
- A2-6 5) It appears that the range (referred to as “habitat”) for south-central steelhead is incorrect in Appendix E.
- Hydrology and Water Quality:
- A2-7 1) The analysis of North Coast watersheds should be inclusive of other major watersheds including Liddell and Laguna – which are significant water supply watersheds. Again, Laguna is also a priority watershed for coho recovery.
- A2-8 2) The discussion of Santa Cruz County Code would be more complete were it to include the Water Quality ordinance (Chapter 16.24).
- A2-9 3) As several of the County’s water supply and priority coho recovery watersheds are unique in their being influenced by karst geology, inclusion of karst-protective standards and policies seems appropriate. This would be consistent with past direction from the Board of Supervisors and recent changes to the County’s Sewage Disposal ordinance. Specifically, Tables 4.10-5 and 4.10-7 should include karst protection zone policies.
- A2-10 4) Similarly, policies that preserve the opportunity for groundwater recharge in decommissioned quarries, where feasible, also seems valuable.
- A2-10 5) Reference to approved drinking water sanitary surveys, including the City’s 2018 survey of the San Lorenzo and North Coast watersheds, would provide better linkage between adequately protective water quality policies and the real challenges facing surface water purveyors. This becomes increasingly important in the future as surface water purveyors such as the City increasingly utilize winter water from impaired waterbodies such as the San Lorenzo River. These impairments and related pollutants – be they related to onsite wastewater disposal systems (nitrate, constituents of emerging concern (CECs), pathogens, etc.) or high road density and other land disturbance (turbidity and sediment) can present challenges to water supply reliability and overall protection of the beneficial uses of water.
- A2-11↓ 6) In addition to the protective policies for fisheries related to new water diversions mentioned in the Biological Resources section, it would be helpful to have similar policy language in this section that is protective of other downstream beneficial uses of water including municipal water supply (MUN). For example, clear alignment of project permitting standards with policies related to karst, groundwater recharge, riparian corridor, instream flow and groundwater dependent ecosystem (GDEs) protection will be

- A2-11 ↑ of paramount importance to ensure successful implementation of water resources – related sustainability policies.
- A2-12 7) Finally on this topic, the earlier discussion about mitigation banking and incentive programs policies above also applies in this section. This could also be extended to include broader water resource issues such as dedication of water rights to instream flows and related activities.
- A2-13 General:
Admittedly, several of the issues we’ve raised span different areas of the document and it may be more appropriate to address them elsewhere in the document. That said, general alignment of the Sustainability Update with special-status species recovery plans, groundwater sustainability plans, water supply reliability plans, the Regional Conservation Investment Strategy, drinking water watershed sanitary surveys, total maximum daily load and other natural resource related planning efforts and consistent implementation of these policies – particularly in water supply and priority coho recovery watersheds – while permitting projects will make this effort more robust.

Thank you for your consideration. Please do not hesitate to reach out if there are questions or concerns about these comments.

Sincerely,



Rosemary Menard,
Water Director
City of Santa Cruz Water Department

cc: Sarah Easley Perez, Chris Berry

LETTER A2: City of Santa Cruz Water Department

A2-1 **Fisheries Conservation.** The commenter notes that fisheries conservation is a big priority for both the County and City of Santa Cruz and supports recommendations in Table 4.4-3 regarding requirements for new water diversions, dams, and reservoirs. The comment also suggests consideration of similarly protective policies related to groundwater use in priority coho recovery and water supply watersheds.

Response: The comment is acknowledged, and it also noted that the table referenced in the comment is in the Draft EIR, which summarizes General Plan/LCP policies that avoid/minimize potential impacts to special status species. See following responses to specific comments regarding fisheries.

A2-2 **Fisheries.** The commenter recommends addressing Monterey roach rather than California roach and sculpin species other than/in addition to riffle sculpin in the EIR analyses to be more responsive to overall fisheries conservation efforts.

Response: The comment appears to be in reference to text on page 4.4-16, which is summarizing a study that looked at regional wildlife corridors and wildlife linkages. The referenced fish were those selected for that study, but is not meant to be a list of locally representative fish species. While the Draft EIR analyses did not identify potential development or policy/regulatory changes that would adversely impact fish species or habitat, site-specific project review by the County would consider relevant species as part of future development proposals along or near local streams.

A2-3 **Stream Protection Policies.** The commenter suggests that inclusion of policies of streams other than those listed (including Laguna Creek) for coho recovery would better reflect current fisheries conservation efforts.

Response: The comment is acknowledged, but does not address analyses or contents in the Draft EIR. Therefore, no response is required. However, the comment will be taken into consideration as part of the review of the project by County staff and decision makers. However, it is noted that proposed Sustainability Update policies support implementation of steelhead and coho salmon conservation strategies (ARC-3.1.12) as summarized in Table 4.4-3 on page 4.4-31 of the Draft EIR. The proposed General Plan's Agriculture, Natural Resources + Conservation (ARC) Element contains policies and implementation strategies to protect streams and the fish species that use them as habitat. In addition to those listed in Tables 4.4-3 and 4.4-4, the following policies and implementation strategies support fishery conservation efforts:

- ARC-3.2d: Cooperate with agencies on the implementation of the Pajaro River Corridor Management Plan and Lagoon Management Plan for the lower Pajaro River, including specific habitat restoration projects for the river and its tributaries.
- ARC-3.3b: Establish a program to identify and re-vegetate disturbed areas in riparian corridors.

- ARC-3.3d: Continue implementation of the Stream Wood Program with the goal of increasing the amount of large woody material in streams to benefit steelhead, coho salmon and other aquatic species.
- ARC-3.4g Manage anadromous sport fishing so overall productivity of the native fish population is enhanced and restored; discourage introduction of non-native species into streams.
- ARC-4.2.2: Designating Least Disturbed Watersheds that support clear running streams (includes Laguna Creek).
- Objective ARC-4.3: To protect and restore in-stream flows to ensure a full range of beneficial uses, including fish and wildlife habitat and visual amenities, as part of an ecosystem-based approach to watershed management and groundwater management that also takes into account the projected effects of climate change.
- ARC-4.3.1: Support programs, policies, and projects that protect and enhance dry-season minimum stream flows for anadromous fish runs to the greatest extent feasible.
- ARC-4.3.2: Designate the following streams as Critical Water Supply Streams: Laguna, Majors, Liddell, San Vicente, Mill and Reggiardo Creeks and their tributaries; San Lorenzo River and its tributaries above the City of Santa Cruz; Soquel Creek and its tributaries; Corralitos Creek and Browns Valley Creek and their tributaries upstream of the City of Watsonville diversion points. Seek to restore in-stream flows where full allocation may harm the full range of beneficial uses.
- ARC-4.3a: Monitor existing and proposed, stream diversions and applications for water rights. Work with water users to minimize existing impacts and protect adequate in-stream flows based on the following considerations: (a) Normal summer and fall streamflows should be preserved and enhanced; (b) Adequate winter and spring baseflows should be preserved for fish migration and spawning and juvenile growth; (c) Stream flows should be maintained at adequate levels for sediment transport to preserve or enhance downstream habitat, and to allow for natural, seasonal lagoon sand berm breaching; (d) Groundwater recharge areas should be protected.
- ARC-4.3f: Request the intervention of the State Water Resources Control Board, the California Department of Fish and Wildlife (CDFW), and other agencies to evaluate and act on unauthorized surface water diversions and underflow extractions.
- ARC-4.3g: Develop more detailed information on streamflow characteristics, water use, sediment transport, plant and soil moisture requirements, and habitat needs of Critical Water Supply Streams and streams located in the Coastal Zone. Use this information to formulate a more detailed strategy for maintenance and enhancement of streamflows on Critical Water Supply Streams and provide a basis for cooperative management of watershed ecosystems and inter-connected groundwater.

A2-4 **Habitat Conservation Plans (HCPs).** The commenter suggests adding all adopted HCPs, including the City of Santa Cruz Operations and Maintenance HCP (OMHCP) and notes that the OMHCP

includes standards for minimum protective flows for several streams within the County's jurisdiction that may have bearing on policy development and future project approvals.

Response: A search of the U.S. Fish and Wildlife's (USFWS's) Environmental Conservation Online System (ECOS) identified 23 adopted HCPs in Santa Cruz County since the late 1990s, although the OMHCP does not yet appear on the list. Most of the HCPs within unincorporated Santa Cruz County have expired, except for the Interim HCP for Mount Hermon June Beetle and Ben Lomond Spineflower that is reported in the Draft EIR and the Seascapes Uplands Long-Toed Salamander HCP. The EIR text has been revised to include summary of the City's OMHCP and the Seascapes HCP. See Section 3.2.6 in Chapter 3, Changes to Draft EIR, of this document.

A2-5 **Mitigation Banks.** The commenter suggests that inclusion of policies that provide mechanisms for developing mitigation banks, particularly related to riparian corridors, would be valuable.

Response: The comment is acknowledged, but does not address analyses or contents in the Draft EIR. However, in response to this comment, a new General Plan implementation strategy is proposed for addition to the ARC Element:

- ARC-3.3k Consider the creation of a mitigation bank program or participation in a similar regional program, along with the needed criteria, to provide a mechanism to offset impacts to riparian corridors and wetlands in those cases where the environmental benefit of a regional or community approach is greater than that of on-site mitigation.

In addition, existing Implementation Strategy ARC-3.2b addresses incentives for property owners to enhance riparian corridors:

- ARC-3.2b Encourage enhancement and restoration of sensitive habitats on private lands by providing technical assistance and available resource information to property owners. Work to develop incentives for habitat restoration.

A2-6 **Steelhead Habitat/Range.** The commenter indicates that the range (habitat) for the south-central steelhead is incorrect in Appendix E.

Response: The range was re-checked and has been corrected; see revised Draft EIR Appendix E that is included as Appendix B in this document.

A2-7 **Liddell and Laguna Watersheds.** In reference to the Hydrology and Water Quality section of the Draft EIR, the commenter states that the analysis of North Coast watersheds should be inclusive of other major watersheds including Liddell and Laguna, which are significant water supply watersheds, and Laguna is a priority watershed for coho recovery.

Response: Liddell and Laguna watersheds are identified on page 4.10-1 and in Figure 4.10-2 of the Draft EIR, and thus, within the unincorporated county area considered in the EIR analyses. Within the regional characterization of watersheds within the County as set forth in the Santa Cruz County Regional Integrated Water Management Plan, these two watersheds are considered smaller watersheds, but part of the 15 major watersheds identified in this plan (County of Santa

Cruz Health Services Agency 2014). Comment regarding importance as water supply watersheds and coho recovery (Laguna) is acknowledged.

- A2-8 **Santa Cruz County Code Chapter 16.24.** The commenter indicates that the County's Water Quality Ordinance (Chapter 16.24) should be included.

Response: The requested revision has been added; see Section 3.2.9 in Chapter 3, Changes to Draft EIR, of this document.

- A2-9 **Additional Policies.** The commenter suggests that inclusion of karst-protective standards and policies is appropriate as several County water supply and priority coho recovery watersheds are unique in their being influenced by karst geology, as well as policies that preserve the opportunity for groundwater recharge in decommissioned quarries, where feasible.

Response: The comment is acknowledged, but does not address analyses or contents in the Draft EIR. However, it is noted that karst topography is considered a protective feature and addressed in the ARC Element with regard to protection of water quality. Draft EIR Table 4.10-5 has been updated to include additional polices; see Section 3.2.9 in Chapter 3, Changes to Draft EIR, of this document.

- A2-10 **Drinking Water Quality - Sanitary Surveys.** The commenter states that reference to approved drinking water sanitary surveys, including the City's 2018 survey of the San Lorenzo and North Coast watersheds, would provide better linkage between adequately protective water quality policies and the real challenges facing surface water purveyors related to utilization of water from impaired water bodies, such as the City's use of winter water from the San Lorenzo River. The comment further indicates that pollutants related to onsite wastewater disposal systems (nitrate, constituents of emerging concern (CECs), pathogens, etc.) or high road density and other land disturbance (turbidity and sediment) can present challenges to water supply reliability and overall protection of the beneficial uses of water bodies.

Response: Surface water quality conditions are addressed on Draft EIR pages 4.10-11 to 4.20-26. In response to this comment, additional text has been added to describe the scope and conclusions of the cited 2018 Sanitary Survey; see Section 3.2.9 in Chapter 3, Changes to Draft EIR, of this document.

- A2-11 **Water Quality.** The commenter states that in addition to the protective policies for fisheries related to new water diversions mentioned in the Biological Resources section, it would be helpful to have similar policy language that is protective of other downstream beneficial uses of water including municipal water supply (MUN). For example, clear alignment of project permitting standards with policies related to karst, groundwater recharge, riparian corridor, instream flow and groundwater dependent ecosystem (GDEs) protection will be important for successful implementation of water resources-related sustainability policies.

Response: The comment is acknowledged, but does not address analyses or contents in the Draft EIR. Therefore, no response is required. However, objectives, policies, and implementation strategies throughout the proposed Sustainability Update General Plan/LCP Elements work together to control the impacts of development on water supply, including minimum lot sizes in protected watersheds and primary recharge areas. See, in particular, Objective, ARC-4.5 Groundwater Protection + Overdraft and associated policies and implementation strategies. In addition, existing County Code provisions continue to control the level of development in rural areas with protected resources through use of riparian and wetland buffers, as well as the Rural Density Matrix that establishes the amount of development that can occur given presence of protected resources.

- A2-12 **Mitigation Banking and Incentive Programs.** The commenter suggests that mitigation banking and incentive programs and policies also apply in this section and could also be extended to include broader water resource issues such as dedication of water rights to instream flows and related activities.

Response: The comment is acknowledged, but does not address analyses or contents in the Draft EIR, although there is a general reference to the Hydrology and Water Quality section of the Draft EIR. See Response to Comment A2-5.

- A2-13 **General Comment.** The commenter states several issues raised in the comments may be more appropriate to address elsewhere in the document. and general alignment of the Sustainability Update with special-status species recovery plans, groundwater sustainability plans, water supply reliability plans, the Regional Conservation Investment Strategy, drinking water watershed sanitary surveys, total maximum daily load and other natural resource related planning efforts and consistent implementation of these policies - particularly in water supply and priority coho recovery watersheds while permitting projects will make this effort more robust.

Response: See Draft EIR pages 4.4-29 to 4.4-31 regarding special status species impacts and protection, pages 4.10-38 to 4.10-42 regarding groundwater sustainability impacts, Section 4.16, Utilities and Service Systems, regarding water supply plans, Response to Comment A2-10 regarding drinking water watershed sanitary surveys, A2-12 regarding the protection of groundwater protection, and Draft EIR pages 4.10-33 to 4.10-38 regarding surface water quality impacts.

LETTER A3



SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION

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May 31, 2022

Stephanie Hansen, Assistant Planning Director
 Santa Cruz County Community Development & Infrastructure Department
 701 Ocean Street, Fourth Floor
 Santa Cruz, California 95060
CEQA-NEPA@santacruzcounty.us

RE: The Sustainability Policy and Regulatory Update to the County’s General Plan/Local Coastal Program and modernization of the County Code: Draft EIR Comment

Thank you for the opportunity to review the Sustainability Policy and Regulatory Update to the County’s General Plan/Local Coastal Program and modernization of the County Code Draft EIR. On behalf of the Santa Cruz County Regional Transportation Commission (SCCRTC), I would also like to thank you and your team for your efforts, and your commitment to implement new policies and code regulations that support more sustainable communities in Santa Cruz County. The SCCRTC offers the following comments for your consideration:

Section 4.15 Transportation Existing Conditions

- A3-1 a) Table 4.15-1. Proposed Road Network and Street Types (pg. 4.15-4): The RTC recommends that the DEIR provide examples of roadways typology classification to make this table relevant to the county’s existing facilities.
- A3-2 b) Rail Service paragraph 1 (pg. 4.15-5): REMOVE "formerly provided freight rail service" and replace with "The Santa Cruz Branch Rail Line is an active rail line with some portions of the rail line out of service. Rail operations were active on the entire length of the rail line until 2009; however, freight rail operations have not occurred north of San Andreas Road since 2017 and north of Lee Rd in the City of Watsonville since 2018." REMOVE last sentence in this paragraph.
- c) Rail Service paragraph 3 (pg. 4.15-6): Please correct: "One of the outcomes of this study was to ~~reserve~~ **protect** the Santa Cruz Branch Rail Line for high-capacity public transit adjacent to a bicycle and pedestrian trail". Please additionally include that the TCAA is complete and identified electric passenger rail as the locally preferred alternative for transit on the SCBRL.
- d) 4.15.1.4 Funding Transportation Improvements paragraph 1, sentence 4 (pg. 4.15-8): Please change the word "Authority" to "Agency".
- A3-3 e) 4.15.1.4 Funding Transportation Improvements paragraph 1, last sentence (pg. 4.15-8): Please modify the sentence to include that the SCCRTC board is composed of the five County Supervisors, one representative from each local city and three representatives from Santa Cruz METRO.
- f) 4.15.1.4 Funding Transportation Improvements paragraph 3 (pg. 4.15-8): Identify that the Measure

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- A3-3 ↑ D ordinance also allows for Highway 1 improvements between State Park Drive and Freedom Boulevard and provides funding directly to local jurisdictions, including the County of Santa Cruz, funding to the MBSST/Coastal Rail Trail, of which several sections are located in the County of Santa Cruz, and provides funding for transit service countywide.
- g) 4.15.1.4 Funding Transportation Improvements paragraph 4 (pg. 4.15-8&9): Please clarify that: “Local projects are often partially funded by a combination of regional, state, and/or federal grants and resources”.
- h) 4.15.1.4 Funding Transportation Improvements (pg. 4.15-9). The Regional Transportation Plan (RTP) includes constrained and unconstrained project lists and includes all funding sources, not the RTIP.
- A3-4 i) 4.15.2.3 Regional Regulations- Regional Transportation Plan paragraph 1(pg. 4.15-12): Please include that the 2045 RTP will be adopted June 16, 2022.

A3-5 **Require new residential, commercial, and visitor-serving developments to provide electric vehicle (EV) charging stations:** To support electric and clean air vehicles as a policy and implementation strategy to avoid/minimize greenhouse gas emissions impacts (Table 4.5-5) the RTC recommends that the County of Santa Cruz require applicants seeking permits for new residential and commercial buildings must include EV charging infrastructure in their project design. Increasing usage of clean vehicles and other transportation alternatives is a key strategy in reducing greenhouse gas emissions. This requirement will make electric vehicles a more convenient and accessible transportation option supporting the community’s transition to EV and the installation of EV charging stations. It will also help achieve the RTP 2045 target 1B.2. to reduce total greenhouse gas emissions from transportation by 40 percent by 2030 and 70 percent by 2045 (compared to 2005) through electric vehicle use, clean fuels, and other emerging technologies.

A3-6 **Require new essential services and residential developments to have access to public transit:** To support the requirement of new recreation and visitor-serving development to support alternative transportation to avoid/minimize greenhouse gas emissions impacts (Table 4.5-5) the RTC recommends that the County of Santa Cruz require new developments to identify the nearest transit stop, accessible access to the transit stop, and invest in improvements to increase accessible access to transit. Transit service mitigates greenhouse gas emissions, and many residents in Santa Cruz County rely on bus service for daily travel. It is necessary to connect essential services to residential developments creating an accessible multimodal transportation network serving transportation disadvantaged communities. Access to transit gives more freedom and mobility to low-income individuals, senior citizens, youth, individuals with disabilities, and others who cannot or choose not to drive or own a car. This requirement will encourage development within walking distance (typically a half-mile) of a transit stop or station and support accessible transit access for their visitors and/or residents. It also will help our county achieve the 2045 RTP target 1.A to improve people’s ability to meet most of their daily needs without having to drive.

A3-7 ↓ **Require all new developments to prioritize safe ADA accessible pedestrian and bicycle connections:** To support the requirement of new developments to prioritize bike and pedestrian connections at activity centers as an implementation strategy to avoid/minimize greenhouse gas emissions impacts (Table 4.5-5) the RTC additionally recommends (Table 4.5-5) that all new developments should provide safe, direct, fully accessible pedestrian and bicycle facilities and access. This includes connections to the countywide bicycle and pedestrian network by providing pedestrian and bicycle paths within developments for public use. This includes ADA

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A3-7 ↑ accessible pedestrian crossings, curb cuts, lighting, and designated pedestrian and bicycle access from sidewalks on adjacent roadways to the front entry and back entry of the building and nearby transit stops. This requirement will adhere to the 2045 RTP policy 1.3 to improve multimodal access to and within key destinations for all ages and abilities in Santa Cruz County.

A3-8 **Require new commercial developments to discourage single occupancy vehicle trips by providing preferential parking for carpools, vanpools, and bicycles in the new parking areas:** The RTC supports the County’s VMT guidelines to include shared mobility strategies as mitigation measures to offset a project’s VMT by including the mandatory inclusion of Cruz 511/Ride Amigos or comparable program, car-share, on-site employer car share, school carpool program, reduced parking requirements for commercial and residential uses, implementation of paid parking, and potential use of fees to help fund transit. Prioritizing parking for carpools, vanpools, and bicycles as a TDM strategy will provide an additional incentive to reduce single occupancy vehicle trips to achieve the target 1.C in 2045 RTP to improve the convenience and quality of trips, especially for walk, bicycle, transit, freight, and carpool/vanpool trips.

A3-9 **RTC supports the County of Santa Cruz’s implementation of SB 743.** With SB 743 in place, it will allow innovative and creative strategies to increase affordable housing to create healthier, sustainable, and equitable communities in Santa Cruz County. Decreasing vehicles miles traveled and shifting transportation priorities from dependence on single-occupancy vehicles to alternative modes is critical to achieve the 2045 RTP goals and policies, that sets forth a foundation for expanding options for residents and visitors to access their daily needs in a way that is safe, equitable, protects the environment, and promotes investment in the local economy.

The Sustainability Policy and Regulatory Update to the County’s General Plan/Local Coastal Program and modernization of the County Code: Draft EIR will revitalize a range of key multimodal projects and greatly assist California in reaching its aggressive sustainability goals and the goals of the 2045 Santa Cruz County Regional Transportation Plan. If you have any questions regarding these comments, feel free to contact staff at 831-460-3200 or info@sccrtc.org. We look forward to working with the County to achieve a sustainable future for Santa Cruz County.

Sincerely,



Guy Preston
Executive Director

LETTER A3: Santa Cruz County Regional Transportation Commission (SCCRTC)

- A3-1 **Road Network and Street Types.** The commenter recommends that the Draft EIR provide examples of roadways typology.

Response: The county road classifications are depicted on county roads on Figure 3-4. In addition, further illustrations and information are provided in Appendix A of the proposed County Design Guidelines. Text in Section 4.15 has been clarified to make reference to this figure and the Design Guidelines; see Section 3.2.12 in Chapter 3, Changes to Draft EIR, of this document.

- A3-2 **Rail Service.** The commenter recommends text clarifications on Draft EIR pages 4.15-5 and 4.15-6, and 4.15-8 regarding rail service.

Response: The requested revisions have been made; see Section 3.2.12 in Chapter 3, Changes to Draft EIR, of this document.

- A3-3 **Funding Transportation Improvements.** The commenter recommends text clarifications on Draft EIR page 4.15-8 regarding funding transportation improvements.

Response: The requested revisions have been made; see Section 3.2.120 in Chapter 3, Changes to Draft EIR, of this document.

- A3-4 **2045 Regional Transportation Plan.** The commenter asks that Section 4.15.2.3 include the 2045 Regional Transportation Plan (RTP), to be adopted June 16, 2022.

Response: The requested revisions have been made; see Section 3.2.120 in Chapter 3, Changes to Draft EIR, of this document.

- A3-5 **Electric Vehicle (EV) Charging Stations.** The commenter recommends that the County require applicants seeking permits for new residential and commercial buildings to include EV charging infrastructure in their project design to increase use of clean vehicles, reduce greenhouse gas (GHG) emissions, and support transition to EVs.

Response: The comment is acknowledged, but does not address analyses or contents in the Draft EIR. Therefore, no response is required. However, it is noted that the Sustainability Update includes policies that support electric vehicles and new EV charging infrastructure at public facilities, parking lots and new development (AM-1.1g, AM-1.1.8, AM-10.1.4; see Tables 4.6-2 (page 4.6-12), 4.8-5 (page 4.8-3), and 4.15-7 (page 4.15-27), The County also anticipates an update to the CalGreen Code that requires charging stations for commercial development and do not want to create a conflict with state code.

- A3-6 **Access to Public Transit.** The commenter recommends that the County require new developments identify accessible access to the nearest transit stop and invest in improvements to increase access to transit.

Response: The comment is acknowledged, but does not address analyses or contents in the Draft EIR. Therefore, no response is required. However, it is noted that the Sustainability Update includes policies that support and/or require new development to support alternative transportation, including construction of bus turnouts, bus shelters and parking for busses (AM-1.2.1); see Table and 4.15-7 (page 4.15-27), In addition, project applicants are required to mitigate the development's impact related to Vehicle Miles Traveled (VMT). They are allowed to choose from a variety of TDM strategies that reduce VMT, including investment in transit.

A3-7 **Pedestrian and Bicycle Access.** The commenter recommends that new developments provide safe, direct, fully accessible pedestrian and bicycle facilities and access, including connections to countywide bicycle and pedestrian networks.

Response: The comment is acknowledged, but does not address analyses or contents in the Draft EIR. Therefore, no response is required. However, while accessibility (American Disabilities Act [ADA]) compliance is regulated by the California Building Code, the proposed General Plan/LCP Access + Mobility Element has also included several policies/implementation strategies to address safe and accessible bicycle and pedestrian facilities:

- AM-1.3b: Retrofit existing intersections and sidewalks to be compatible with ADA standards and remove existing barriers to movement.
- AM-2.2g: Require any future development adjacent to or near the railroad right-of-way to be planned with the safety of the rail corridor in mind. This includes considering pedestrian circulation and compliance with the ADA. Measures to improve safety include improvements to existing at-grade crossings as well as fencing, signage, or other appropriate measures to limit trespassing onto the active rail tracks.
- AM-2.3.1; Plan for the needs of people with disabilities in the design of transportation facilities. Ensure that sidewalks, crosswalks, public transportation stops and facilities, and other aspects of the transportation right-of-way are ADA compliant and meet the needs of people with different types of disabilities, including mobility impairments, vision impairments, hearing impairments, and others.
- AM-2.3a: Ensure that new development is ADA compliant and improve roadways to ADA standards. Prohibit landscaping that reduces the width of sidewalk (such as tree wells) and all other obstacles (such as telephone poles and fire hydrants) that would prevent pedestrian movement.

A3-8 **Preferential Parking.** The commenter indicates that the SCCRTC supports the County's VMT guidelines to include shared mobility strategies as mitigation measures to offset a project's VMT and suggests that prioritizing parking for carpools, vanpools, and bicycles as a Transportation Demand Management (TDM) strategy will provide an additional incentive to reduce single occupancy vehicle trips to achieve the target 1.C in the 2045 RTP.

Response: The County is requiring new development or major expansion of an existing development to implement a TDM program and/or design measures. The County supports a menu of options for developers to design a project that suits the needs of the users and reduces VMT. Within that menu of options is included preferential parking for non-single occupancy vehicles. A new Appendix I, Transportation Demand Management Strategies, will provide more clarity on the strategies.

- A3-9 **Implementation of SB 743 and Sustainability Update.** The commenter indicates that the SCCRTC supports the County's implementation of SB 743 and decreasing VMT, which is critical to achieve the 2045 RTP goals and policies. The commenter also states that the proposed Sustainability Update will revitalize a range of key multimodal projects and greatly assist California in reaching its aggressive sustainability goals and the goals of the 2045 RTP.

Response: The comment is acknowledged, but does not address analyses or contents in the Draft EIR. Therefore, no response is required. However, the County appreciates the SCCRTC's support.

LETTER A4

STATE OF CALIFORNIA — NATURAL RESOURCES AGENCY

GAVIN NEWSOM, GOVERNOR

CALIFORNIA COASTAL COMMISSION

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May 31, 2022

SENT VIA EMAIL

Stephanie Hansen, Assistant Planning Director
Santa Cruz County Community Development and Infrastructure Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Subject: California Environmental Quality Act (CEQA) Draft Environmental Impact Report (EIR): Santa Cruz County Sustainability Update

Dear Ms. Hansen:

Thank you for the opportunity to comment on the Draft EIR for Santa Cruz County's proposed Sustainability Update. As it is currently structured, it appears that the Update intends to overhaul a variety of the County's land use, planning, and regulatory documents, including parts of the County's Local Coastal Program (LCP). Please accept these comments as it pertains to the latter.

A4-1 | At the onset, we are supportive of proposed changes designed to densify development within appropriate portions of the Urban Services Line (USL) to better address greenhouse gas emissions and to foster more sustainable development. For example, the proposed new "Residential Flex" (RF) zoning designation and changes to commercial districts to allow for both more residential and greater density, for example, seem an appropriate response to housing shortages, so long as they are applied in such a way as to avoid impacts to coastal resources, with an eye toward maintaining community character, and in areas where their application will not displace visitor-serving businesses and amenities. We do think that some thought needs to be given to keeping lower floors commercial in such an exercise, including to encourage visitor-serving businesses, and additional thought needs to be given to off-street parking requirements and the way in which they may affect the public's ability to access the coast. It seems likely that specific off-street parking requirements will need to apply in areas known to be heavily utilized by the public for coastal access parking.¹

A4-2 | At the same time, a number of proposed changes outside of the USL raise some concerns about the ways in which they could foster inappropriate future development in areas that are deliberately and carefully insulated from it under current LCP provisions. In fact, a number of the proposed changes both appear at odds with and unrelated to the Update's "sustainability" theme in that respect. For example, proposed Rural Services Line (RSL) and other non-USL changes include 1) loosening existing

¹ For example, similar to the way the LCP's vacation rental and accessory dwelling unit provisions ensure that on-street parking is available for coastal visitors to help protect public access to the coast.

Santa Cruz County Sustainability Update

A4-2 ↑ restrictions on conversion of established priority uses within the coastal zone; 2) encouraging expanded sewage and water services; 3) altering and/or reducing long established regulations strictly limiting growth and development outside of the western boundary of the City of Watsonville; and 4) provisions for ancillary uses on agricultural land. Each of these is discussed below.

Priority Use Conversion

Existing LCP Land Use Plan (LUP) language (LUP Policy 2.22.1) sets out a hierarchy of land use priorities in the coastal zone: agriculture and coastal-dependent industry are first priority; recreation and visitor-serving uses are second priority; and residential, general industrial, and general commercial are third priority. LUP Policy 2.22.2 prohibits switching from a higher to a lower priority use. The Update proposes to change those provisions to allow for conversion to lower priority uses under certain circumstances, specifically stating this type of conversion can happen when:

A4-3 ↓ *The proposed conversion will not adversely affect the ability of the County to provide appropriate locations for an adequate amounts and/or types of the existing higher priority use or higher priority use designation; or market analysis or land use analysis demonstrate[s] that the existing priority use or priority use designation is no longer feasible or appropriate.*

We recognize that these priority use provisions severely limit conversions. Indeed, that was always the intention of such provisions, including to ensure that priority uses and development were not lost over time, especially incrementally and cumulatively, to the detriment of coastal resources. However, while we are and have been supportive of potential changes to this section, the proposed language is simply inadequate and not nuanced enough to appropriately continue to safeguard priority uses, including potential conversion when it makes sense. We suggest that the County rethink this language, and look to identifying objective standards tailored to the different potential use conversion types (e.g., specific parameters for considering a change to residential from visitor-serving) that is not accounted for in the proposed market and/or land use analysis. In addition, only conversion for which it can be conclusively proven it won't lead to significant coastal resource impacts should be allowed, and identified impacts must be commensurately mitigated. Absent a more full-throated set of parameters of that type, we do not support changing the LCP in this way.

Sewage and Water Services and Rural Lands

A4-4 ↓ Existing LCP language tightly regulates water and sewage lines and connections on the County's rural agricultural lands, expressly prohibiting expansion of County-controlled sewer district boundaries and opposing expansion of water and sewage through annexation. In fact, with minor non growth inducing exceptions,² the existing LCP prohibits "the placement of water or sewer lines on commercial agricultural lands in the coastal zone" (LUP Policy 5.13.10). And for good measure. Water and sewer line extensions are often the harbinger to facilitating growth in areas where such growth is

² With exceptions for irrigation, water transmission to the City of Santa Cruz, sewage transmission to an existing sewage treatment plant serving the City of Watsonville, and water and sewer lines for existing development with "failing wells and/or sewage disposal systems."

Santa Cruz County Sustainability Update

A4-4 not appropriate, and where it could lead to coastal resource degradation, including loss and conversion of protected agricultural lands. The proposed Update would weaken protections in this regard by adding more exceptions (e.g., adding placement of water and sewer lines for “essential public/quasi-public facilities” and for the purpose of preventing saltwater intrusion, groundwater recharge, or providing treated wastewater for agricultural use).³ While it may be that some such additional exceptions might be appropriate in certain circumstances, it is absolutely clear to us that the language needs significant tightening to avoid problems of the type described. More broadly, these proposed changes raise questions about future intent for sewage and water provision in these protected rural and agricultural areas and appear to open the door to future development in such areas; development that we would suggest is the opposite of sustainable. In fact, the mere presence of new water and sewer lines in these areas would have the potential to generate pressure for further non-rural and non-agricultural development. Absent significant changes, the proposed language is inadequate to meet LCP objectives, lacks specific and tangible safeguards against undue growth inducement, and we do not support such changes.

Development West of the City of Watsonville

A4-5 Existing LCP LUP Chapter 2 and the LCP’s Implementation Plan (IP) contain a series of policies and programs that originate from a Memorandum of Understanding (MOU) between Santa Cruz County, the City of Watsonville, and the Coastal Commission. The purpose of the MOU (and the existing provisions that stemmed from it) is to strictly limit development in the San Andreas planning area (in areas to the West of Highway 1 and the City of Watsonville). These provisions include (but are not at all limited to) strict limits and prohibitions on provision of utilities in and annexation (by the City of Watsonville) of these areas. The Update proposes to truncate and consolidate this existing language in the LUP, and to move the full text to a referenced appendix. We have a number of concerns.

First, the objective of making any changes at all is unclear. These provisions were the subject of significant discussion and debate emanating from the development of the now Pajaro Valley High School on rural agricultural and environmentally sensitive habitat land west of Highway 1 in the City of Watsonville, and they were expressly structured and developed to avoid an expansion of urban-type uses outside of the City and into more rural, agricultural, and habitat land. These provisions have served the City, the County, and the Commission well in that respect for many years. One need look no further than recent reports about developers interested in pursuing potential subdivision and urban development in such protected areas west of City limits, noting that all of these provisions would have to change to allow for same. We are aware of no good reason why these provisions should be changed.

Second, the proposed summarized versions of these provisions raise concerns in that they appear to contradict both the intent and specific language of existing provisions

³ Similarly, the Update proposed to change an existing *prohibition* on expansion of County-controlled sewer district boundaries and *opposition* of sewer and water expansion through annexation under LUP Policy 5.13.9 to “discourage[ment]”, thus significantly weakening its applicability as a land use protection tool.

Santa Cruz County Sustainability Update

A4-5 (both LUP and IP) as well as the provisions of the MOU itself. All this would do would be to lead to internal LCP confusion, and potential inconsistencies, and that does not serve anyone well. In addition, similar provisions emanating from the same process exist in the City of Watsonville’s LCP, and changes here would appear to contradict those provisions.

And finally, the terms of the MOU dictate that any changes to it would require agreement between the County Board of Supervisors, the City of Watsonville City Council, and Coastal Commission, and any LCP changes would require a supermajority vote of both the County Board of Supervisors, and the Coastal Commission. In other words, before the Update’s proposed changes could even be considered, the MOU would need to be amended, and then the LCP could only be changed by super-majority votes. As you are well aware, that would be a significant and complicated (and controversial) process in and of itself.

We do not support any of the proposed changes associated with LCP provisions affecting the lands seaward of the City of Watsonville, and we strongly suggest that this be dropped from the proposal.

A4-6 **Ancillary Uses on Agricultural Land**

As part of the Update, the County is proposing to provide for expanded ancillary uses on agricultural land including, for example, wineries, breweries, and produce markets, for purposes of encouraging agrotourism and thereby contributing to the economic viability of agriculture in the County. While we are supportive of the intent to support agricultural viability, including potentially through ancillary uses, we do not believe that the proposed changes have enough specificity or performance standard to safeguard against inappropriate agricultural conversions. In fact, it lacks appropriate safeguards against the loss of prime agricultural land; requirements that ancillary uses be directly related to the agricultural activities and products produced on the farm on which they are allowed; and limits on the scope and scale of allowed ancillary uses and development.

A4-7 In addition, in the context of the other issues raised above, these provisions again raise questions about growth inducement in areas that are expressly protected from such growth under existing policies. It is unclear, for example, how these ancillary uses (which, as proposed, are not insignificant in maximum size) might interact with the proposed sewer and water provision policies, which would allow for sewer district expansion for “exceptional conditions” related to “areas which have failing sewage disposal systems which threaten public health, safety and welfare, or the environment...” Considerable expansion of ancillary uses, many of which would require considerable water supply and sewage disposal requirements, have the potential to create numerous such situations, especially given the lack of specificity on what these “exceptional conditions” might consist of. And the potential presence of these ancillary uses far from other services has the potential to generate pressure for other secondary services and development in and around agricultural and rural areas.

Santa Cruz County Sustainability Update

A4-7 ↑ We would be willing to work with you on tightening these parameters, and have had experience with this general issue in other coastal counties and their LCPs, but we do not support these proposals as written.

A4-8 | In closing, I hope that these comments prove informative as the County continues to refine its proposed Update. In that effort, we would strongly suggest that you focus more on appropriate sustainability changes within the USL, and that you avoid changes outside of the USL that are certain to lead to coastal resource problems in our view, all as discussed above. We are available for consultation and collaboration on potential LCP language, and we would appreciate the opportunity to discuss proposed changes before they are brought to the County Planning Commission or Board of Supervisors for action. We very much want to avoid LCP amendment processing issues, and want to reach as much consensus as possible on any such submittal as early in the process as possible. Working together in the way suggested is, in our view, the best way to do that, and to avoid potential difficulties and delays otherwise. We hope you agree.

Please contact me at Robert.Moore@coastal.ca.gov if you have any questions or would like to discuss these matters further.

Sincerely,



Robert Moore
Coastal Planner
Central Coast District Office
California Coastal Commission

LETTER A4: California Coastal Commission

- A4-1 **Intensified Development within the Urban Services Line.** The commenter indicates that the California Coastal Commission (CCC) is supportive of proposed changes designed to densify development within appropriate portions of the Urban Services Line (USL) to better address GHG emissions and to foster more sustainable development, such as the proposed new “Residential Flex” (RF) zoning designation and changes to commercial districts to allow for both more residential and greater density as long as they are applied in such a way as to avoid impacts to coastal resources. The comment also suggests further consideration to keeping lower floors commercial, including to encourage visitor-serving businesses and off-street parking requirements that may affect access to the coast.

Response: The comment is acknowledged, but does not address analyses or contents in the Draft EIR. Therefore, no response is required. Comments regarding encouraging visitor-serving commercial businesses and ensuring that off-street parking requirements do not impede coastal access pertain to consistency with the Coastal Act. However, the comment will be taken into consideration as part of the review of the project by County staff and decision makers and further addressed as part of the County’s LCP amendment.

- A4-2 **Policy Changes.** The commenter indicates concerns regarding non-USL changes to LCP provisions, including: 1) loosening existing restrictions on conversion of established priority uses within the coastal zone; 2) encouraging expanded sewage and water services; 3) altering and/or reducing long established regulations strictly limiting growth and development outside of the western boundary of the City of Watsonville; and 4) provisions for ancillary uses on agricultural land.

Response: Each of these concerns is discussed in subsequent comments to which specific responses are provided below.

- A4-3 **Priority Use Conversion.** The commenter indicates that the language in the existing LCP Land Use Plan (LUP) (LUP Policy 2.22.1) sets out a hierarchy of land use priorities in the coastal zone: agriculture and coastal-dependent industry are first priority; recreation and visitor-serving uses are second priority; and residential, general industrial, and general commercial are third priority; and that the policy prohibits switching from a higher to a lower priority use. The comment indicates that the proposed changes these provisions to allow for conversion to lower priority uses under certain circumstances is inadequate and not nuanced enough to appropriately continue to safeguard priority uses, and absent full parameters, CCC staff do not support changing the LCP in this way.

Response: The comment is acknowledged, but does not address analyses or contents in the Draft EIR. Therefore, no response is required. Comments regarding converting from a higher to a lower-priority land use as defined in the Coastal Act pertain to consistency with the Coastal Act,

However, the comment will be taken into consideration as part of the review of the project by County staff and decision makers and further addressed as part of the County's LCP amendment.

- A4-4 **Sewage and Water Services and Rural Lands.** The commenter states that existing LCP language tightly regulates water and sewage lines and connections on the County's rural agricultural lands, expressly prohibiting expansion of County-controlled sewer district boundaries and opposing expansion of water and sewage through annexation (LUP Policy 5.13.10), but the proposed Update would weaken these protections by adding more exceptions (e.g., adding placement of water and sewer lines for "essential public/quasi-public facilities" and for the purpose of preventing saltwater intrusion, groundwater recharge, or providing treated wastewater for agricultural use). The commenter indicates that the language needs "significant tightening" to avoid growth-inducing problems and prevent future development in such areas. The commenter further states that the presence of new water and sewer lines in these areas would have the potential to generate pressure for further non-rural and non-agricultural development. Absent significant changes, the commenter indicates that the proposed language is inadequate to meet LCP objectives, lacks specific and tangible safeguards against undue growth inducement, and is not supported by the CCC.

Response: The comment regarding policy changes is acknowledged, but does not address analyses or contents in the Draft EIR. The comment will be taken into consideration as part of the review of the project by County staff and decision makers. Potential growth-inducing impacts of extension of water or sewer lines on agricultural land as a result of proposed policy changes are evaluated on pages 5-5 to 5-6 of the Draft EIR. As explained in the Draft EIR, although the revised policies discourage expansion of County-controlled sewer district boundaries, the exception would be due to public health considerations, such as failing sewage disposal systems (ARC 1.1.13). ARC-1.1.14 further specifies safeguards to prevent conversion of commercial agricultural lands. Text regarding extension of water and sewer lines and potential growth inducement has been expanded; The requested revisions have been made; see Section 3.2.4 in Chapter 3, Changes to Draft EIR, of this document.

- A4-5 **Development West of the City of Watsonville.** The commenter indicates that the existing LCP contains policies and programs that originate from a Memorandum of Understanding (MOU) between Santa Cruz County, the City of Watsonville, and the CCC to strictly limit development in the San Andreas planning area (in areas to the West of Highway 1 and the City of Watsonville). These provisions include (but are not at all limited to) strict limits and prohibitions on provision of utilities in and annexation (by the City of Watsonville) of these areas. The Sustainability Update proposes to truncate and consolidate this existing language in the LUP, and to move the full text to a referenced appendix. The commenter indicates that CCC staff have several concerns and do not support any of the proposed changes associated with LCP provisions affecting the lands seaward of the City of Watsonville, which the commenter suggests be dropped from the proposal.

Response: The comment is acknowledged, but does not address analyses or contents in the Draft EIR. Therefore, no response is required. Comments regarding compliance with the “Memorandum of Understanding Regarding City of Watsonville LCP Amendment 1-99” between Santa Cruz County, the City of Watsonville, and the CCC, do not directly pertain to environmental impacts identified under CEQA. However, the comment will be taken into consideration as part of the review of the project by County staff and decision makers and further addressed as part of the County’s LCP amendment.

- A4-6 **Ancillary Uses on Agricultural Land.** The commenter indicates that while the CCC is supportive of the intent of the proposed changes to support agricultural viability, including potentially through ancillary uses (wineries, breweries, produce markets, etc.), the comment indicates that the proposed changes do not have enough specificity or performance standards to safeguard against inappropriate agricultural conversions and loss of prime agricultural land.

Response: Potential impacts related to conversion of agricultural lands as a result of proposed policy and/or regulatory changes, including allowing ancillary uses, are evaluated on Draft EIR pages 4.2-18 to 4.2-21, and Table 4.2-4 summarizes proposed and retained General Plan/LCP policies to avoid/minimize conversion of agricultural lands to non-agricultural uses, including Policy ARC-1.1.7 that requires all conditional uses to be subject to standards that specify siting and development criteria, including: size, location, and density. Furthermore, agricultural support uses are still required to be ancillary to agriculture, and protections remain in place to protect agricultural land, with special findings required for any non-residential uses as set forth in SCCC section 13.10.314 that address measures to limit conversion of agricultural lands. The EIR text has been expanded; see Section 3.2.4 in Chapter 3, Changes to Draft EIR, of this document.

- A4-7 **Growth-Inducing Impacts of Ancillary Agricultural Uses.** The commenter indicates that ancillary agricultural uses raise questions about growth inducement in areas that are expressly protected from such growth under existing policies, and it is unclear, how ancillary uses might interact with the proposed sewer and water provision policies. The commenter suggests that expansion of ancillary uses would require considerable water supply and sewage disposal requirements.

Response: See Response to Comment A4-6 regarding impacts of ancillary uses on agricultural lands and Response to Comment A4-4 regarding potential growth-inducing impacts related to potential water and sewer lines in agricultural areas.

- A4-8 **Refinements to Sustainability Update.** The commenter suggests that the County consider comments in the letter, focus on appropriate sustainability changes within the USL, and avoid changes outside of the USL that are certain to lead to coastal resource problems in the view of CCC staff as discussed in preceding comments. CCC staff are available for consultation and collaboration on potential LCP language to avoid LCP amendment processing issues.

Response: The comment regarding is acknowledged, but does not address analyses or contents in the Draft EIR. Therefore, no response is required. However, the comment will be taken into consideration as part of the review of the project by County staff and decision makers.



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
8800 Cal Center Drive
Sacramento, California 95826-3200

LETTER A5



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

May 23, 2022

Ms. Stephanie Hansen
Assistant Planning Director
Santa Cruz County Community Development & Infrastructure Department
701 Ocean Street, Fourth Floor
Santa Cruz, California 95060
CEQA-NEPA@santacruzcounty.us

NOTICE OF AVAILABILITY OF THE DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE SUSTAINABILITY POLICY AND REGULATORY UPDATE – DATED
APRIL 2022 (STATE CLEARINGHOUSE NUMBER: 2020079005)

Dear Ms. Hansen:

A5-1 The Department of Toxic Substances Control (DTSC) received a Notice of Availability of the Draft Environmental Impact Report (DEIR) for the Sustainability Policy and Regulatory Update (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, work in close proximity to mining or suspected mining or former mining activities, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

A5-2 Section 4.9.1.2 *Hazardous Materials in Santa Cruz County* of the DEIR states that there are no known DTSC sites within the Project area based on information obtained from the listing compiled in accordance with California Government Code Section 65962.5, commonly known as the Cortese List. DTSC notes that the Cortese List is not a comprehensive list of all sites impacted by hazardous waste or hazardous materials. DTSC hazardous waste facilities and sites with known or suspected contamination issues can be found on DTSC's [EnviroStor](#) data management system. The [EnviroStor Map](#) feature can be used to locate hazardous waste facilities and sites for a county, city, or a specific address. A search within EnviroStor indicates that numerous hazardous waste facilities and sites are present within the Project's region. In addition to

Ms. Stephanie Hansen
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A5-2 ↑ EnviroStor, DTSC recommends consulting with other agencies that may provide oversight to hazardous waste facilities and sites in order to determine a comprehensive listing of all sites impacted by hazardous waste or hazardous materials within the Project area.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the DEIR:

A5-3 1. The DEIR should acknowledge the potential for historic or future activities on or near the Project site to result in the release of hazardous wastes/substances on the Project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The DEIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.

A5-4 2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil, DTSC recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the Project described in the DEIR.

A5-5 3. If any sites within the Project area or sites located within the vicinity of the Project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the DEIR. DTSC recommends that any Project sites with current and/or former mining operations onsite or in the Project site area should be evaluated for mine waste according to DTSC's 1998 [Abandoned Mine Land Mines Preliminary Assessment Handbook](#).

A5-6 ↓ 4. If buildings or other structures are to be demolished on any Project sites included in the proposed Project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or

Ms. Stephanie Hansen
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Page 3

- A5-6 ↑ former buildings should be conducted in accordance with DTSC's 2006 [Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers](#).
- A5-7 | 5. If any projects initiated as part of the proposed Project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to [DTSC's 2001 Information Advisory Clean Imported Fill Material](#).
- A5-8 | 6. If any sites included as part of the proposed Project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the DEIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 [Interim Guidance for Sampling Agricultural Properties \(Third Revision\)](#).

DTSC appreciates the opportunity to comment on the DEIR. Should you need any assistance with an environmental investigation, please visit DTSC's [Site Mitigation and Restoration Program](#) page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at [DTSC's Brownfield website](#).

If you have any questions, please contact me at (916) 255-3710 or via email at Brian.McAloon@dtsc.ca.gov.

Sincerely,



Brian McAloon
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning
and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

LETTER A5: California Department of Toxic Substances Control (DTSC)

A5-1 Notice of Availability. The commenter indicates that DTSC received the Draft EIR Notice of Availability and that the County is receiving this letter because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, work in close proximity to mining or suspected mining or former mining activities, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

Response: The comment is acknowledged; however, the County of Santa Cruz as Lead Agency, would like to clarify that the proposed project consists of a series of amendments to the County's General Plan/LCP and SCCC, but does not include site-specific development that includes groundbreaking activities.

A5-2 Hazardous Materials in Santa Cruz County. The commenter indicates that (1) the Draft EIR states that there are no known DTSC sites within the Project area based on information obtained from the Cortese List (Government Code section 65962.5); (2) the Cortese List is not a comprehensive list of sites impacted by hazardous waste or hazardous materials; and (3) a search of DTSC's EnviroStor database reveals numerous hazardous waste facilities and sites within the Project's region. The commenter further recommends consulting with other agencies that have oversight of hazardous waste facilities to provide a comprehensive list of such sites in the Project area.

Response: The Draft EIR provides a comprehensive list of sites impacted by hazardous waste or hazardous materials within Santa Cruz County, and does not assert that there are no DTSC sites in the Project area as stated in the comment. Section 4.9.1.2 of the Draft EIR includes a review of the Cortese List as well as a broader review of sites impacted by hazardous waste or hazardous materials. The subsection "Hazardous Material Sites" on page 4.9-4 of the Draft EIR discloses that there are numerous regulated hazardous waste facilities and sites with known past or existing contamination within the county. A total of 1,530 known past or existing regulated hazardous waste sites were identified based on a search of DTSC's EnviroStor database and the State Water Resources Control Board's (SWRCB's) GeoTracker database, as discussed on page 4.9-4 and listed in Table 4.9-1 of the Draft EIR. The Draft EIR subsection "Cortese List Sites" on page 4.9-5 to page 4.9-6 discloses that there are 150 Cortese List sites within the unincorporated county and lists them by site type in Table 4.9-2.

A5-3 Hazardous Wastes or Substances on Project Sites. The commenter states that the Draft EIR should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes or substances, further studies regarding the nature and extent of contamination and risks to public health or the environment should be conducted in instances in which releases have occurred, and the Draft EIR should identify the mechanisms to initiate required investigations and remediation, as well as the government agency responsible for providing regulatory oversight.

Response: As described in the Draft EIR pages 4.9-17 to 4.9-21, adoption and implementation of the proposed Sustainability Update would not directly result in new development that could result in the release of hazardous wastes or substances. However, the proposed General Plan/LCP amendments could indirectly lead to future development, some of which may take place on sites that are contaminated with hazardous materials. As discussed in Section 4.9.3 of the Draft EIR, future development facilitated by the Sustainability Update that is located within industrial areas or known areas of historic use of chemicals or hazardous materials could require site assessment to determine potential presence of soil or groundwater contamination and to conduct further monitoring with implementation of remedial actions if necessary, if sources of contamination are identified. This is typically completed as part of real estate transactions and the CEQA environmental review process. The government agency with regulatory oversight for site investigation and remediation would be determined on a site-specific basis. The selected oversight agency may be DTSC, the Regional Water Quality Control Board (RWQCB) in whose jurisdiction the property is located, or, under limited circumstances, a qualified local agency. As described on page 4.9-10 of the Draft EIR, the California Environmental Protection Agency certifies local government agencies as Certified Unified Program Agencies (CUPAs) to implement hazardous waste and materials standards. Santa Cruz County Environmental Health is designated as the local CUPA in Santa Cruz County.

- A5-4 **Soil Sampling for Aerially Deposited Lead (ADL).** The commenter recommends collecting soil samples for lead analysis prior to performing intrusive activities due to the potential for soils to be contaminated with ADL.

Response: As described in the Draft EIR and indicated in Response to Comment A5-3, adoption and implementation of the proposed Sustainability Update would not directly result in new development that could result in ground-disturbing activities that could encounter ADL-contaminated soils. However, the proposed General Plan/LCP amendments could indirectly lead to future development, some of which may take place on sites that are contaminated with hazardous materials, including ADL. Page 4.9-6 of the Draft EIR states that elevated lead concentrations can exist in soils along older roadways as a result of ADL from the historical use of leaded gasoline. As discussed in Section 4.9.3 of the Draft EIR, future development facilitated by the Sustainability Update that is located within industrial areas or known areas of historic use of chemicals or hazardous materials could require site assessment to determine potential presence of soil or groundwater contamination and to conduct further monitoring with implementation of remedial actions if necessary, if sources of contamination are identified. This is typically completed as part of real estate transactions and the CEQA environmental review process.

- A5-5 **Project Sites Near Mining Wastes.** The commenter states that if any sites within the project area have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the Draft EIR. DTSC recommends that any project sites with current and/or former mining operations onsite or in the Project site area should be evaluated for mine waste according to DTSC's 1998 Assessment Handbook.

Response: As indicated in Response to Comment A-1, the proposed project consists of a series of amendments to the County's General Plan/LCP and SCCC, but does not include site-specific development that includes groundbreaking activities. None of the 23 parcels proposed for General Plan/LCP land use designation and/or zoning amendments are located near existing or former mining operations. Mineral operations in the county are discussed on Draft EIR pages 4.2-8 to 4.2-10.

- A5-6 **Demolition and Removal of Hazardous Building Materials.** The commenter states that buildings or structures proposed for demolition should be surveyed for lead-based paints, mercury, asbestos-containing materials, and polychlorinated biphenyl caulk and that removal of such materials should be conducted in compliance with California regulations and policies.

Response: As described in the Draft EIR, adoption and implementation of the proposed Sustainability Update would not directly result in new development that could result in demolition of buildings or structures containing hazardous materials. However, the proposed General Plan/LCP amendments could indirectly lead to future development, which may include demolition of buildings or structures, some of which may contain hazardous materials. As discussed in Section 4.9.3 of the Draft EIR, all demolition activities would be required to be undertaken according to Occupational Safety and Health Administration (OSHA) standards to protect workers from hazardous materials such as asbestos and lead-based paint. Furthermore, future development projects proposed under the Sustainability Update would require site-specific, project-level environmental review, including investigation related to hazardous materials. As noted in the comment, future development projects accommodated by the Sustainability Update would be required to comply with all applicable regulations and policies pertaining to hazardous materials demolition, removal, and disposal.

- A5-7 **Soil to Backfill Excavated Areas.** The commenter states that if any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination.

Response: As indicated in Response to Comment A5-1, the proposed project consists of a series of amendments to the County's General Plan/LCP and SCCC, but does not include site-specific development that would involve groundbreaking activities. Future development projects would be required to comply with all applicable regulations related to potential soils contamination, which would be determined on a project-specific basis.

- A5-8 **Sites Used for Agricultural, Weed Abatement or Related Activities.** The commenter states that if any sites included as part of the proposed Project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the Draft EIR.

Response: As indicated in Response to Comment A-1, the proposed project consists of a series of amendments to the County's General Plan/LCP and SCCC, but does not include site-specific development that includes groundbreaking activities. Future development proposals that are

located on sites with potential hazardous materials, including pesticides, would be subject to site-specific review as part of the CEQA environmental review process, and with adherence to existing federal, state, and local regulations, exposure would be avoided or mitigated through site-specific remediation efforts.

CALIFORNIA STATE TRANSPORTATION AGENCY

LETTER A6

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

CALTRANS DISTRICT 5
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May 31, 2022

SCr/VAR
SCH#2020079005

Stephanie Hansen
Principal Planner
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Dear Ms. Hansen:

COMMENTS FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)-SUSTAINABILITY POLICY AND REGULATORY UPDATE, SANTA CRUZ COUNTY, CA

The California Department of Transportation (Caltrans) appreciates the opportunity to review the DEIR for the Sustainability Policy and Regulatory Update. The project updates the Sustainability Policy and provides a Regulatory Update of the County's General Plan/LCP and County Code. Caltrans offers the following comments in response to the DEIR:

- A6-1
1. Caltrans applauds the proposed VMT Mitigation Program as a mitigation measure. The mitigation program provides a great opportunity for the County to help meet Statewide goals of reducing vehicle miles travelled (VMT) and greenhouse gas (GHG) emissions. We support reducing VMT and GHG emissions in ways that increase high occupancy modes, active transportation, and other Transportation Demand Management (TDM) methods.
- A6-2
2. Currently, Caltrans is working on the final draft of the *Vehicle Miles Traveled Mitigation Bank and Exchange Report*. The purpose of this report is to inform Caltrans, fellow state agencies, and local and regional planning and land use agencies in their consideration of a VMT mitigation bank or exchange program as a strategy to facilitate efficient and effective investment in locationally appropriate VMT-reducing projects.
 3. We will share the *Vehicle Miles Traveled Mitigation Bank and Exchange Report* once completed to help guide the County with its proposed VMT Mitigation Program. This report is being developed for us by the University of California-Berkley School of Law's Center for Law, Energy & the Environment. Guidance is provided for legal setting and

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Stephanie Hansen, Principal Planner
May 31, 2022
Page 2

- A6-2 ↑ basic requirements, administrative entity, fiscal framework, monitoring structure, equity considerations, and recommended actions for policymakers.
- A6-3 4. VMT mitigation will likely encompass a range of investments in transportation and land use projects anticipated to shift travel from private automobiles to public transit, active transportation, and shared and shorter trips. State and local agencies are starting to develop lists of potential VMT-mitigating projects that could be employed in a bank or exchange program, including measures such as pedestrian and bike improvements, mobility hubs and ride-share parking spaces, transit service improvements, and mixed-use transit-oriented development.
- A6-4 5. Caltrans concurs with the TDM policies and implementation strategies that support multimodal transportation systems (such as bicycle and pedestrian facilities as well as public transportation) to provide connectivity of modes between the residential uses and commercial/retail uses. Consider also analyzing first-mile and last-mile transit connections for a more comprehensive multimodal network.
- A6-5 6. Page 32, Table 4.15-8 in the transportation section aligns with Caltrans Director's Policy DP-36. This policy is a vision to eliminate fatalities and serious injuries on State roadways by 2050 and provide safer outcomes for all communities. The vision will be achieved through adoption of the Safe System approach. The Safe System approach aims to eliminate fatal and serious injuries for all road users through a holistic view of the road system following the United States Department of Transportation's *National Roadway Safety Strategy (NRSS)*. More information on the NRSS can be found at: <https://www.transportation.gov/NRSS>.

Thank you for the opportunity to review and comment on the proposed project. If you have any questions, or need further clarification on items discussed above, please contact me at (805) 535-6543 or email christopher.bjornstad@dot.ca.gov.

Sincerely,

Christopher Bjornstad

Chris Bjornstad
Associate Transportation Planner
District 5 Development Review

"Provide a safe and reliable transportation network that serves all people and respects the environment"

LETTER A6: California Department of Transportation (Caltrans)

A6-1 **VMT Mitigation Program.** The commenter indicates that Caltrans “applauds” the proposed VMT Mitigation Program that provides a great opportunity for the County to help meet statewide goals of reducing VMT and associated GHG emissions. The commenter further states that Caltrans supports reducing VMT and GHG emissions in ways that increase high occupancy modes, active transportation, and other TDM methods.

Response: The comment is acknowledged, and no response is required, but the County appreciates Caltrans’ support.

A6-2 **VMT Mitigation Bank and Exchange Report.** The commenter indicates that Caltrans currently is working on the final draft of the *Vehicle Miles Traveled Mitigation Bank and Exchange Report*. The purpose of this report is to inform Caltrans, state agencies, and local and regional planning agencies in their consideration of a VMT mitigation bank or exchange program as a strategy to facilitate efficient and effective investment in locationally appropriate VMT-reducing projects. Caltrans will share this report once completed to help guide the County with its proposed VMT Mitigation Program.

Response: The comment is acknowledged, but no response is required.

A6-3 **VMT Mitigation.** The comment indicates that VMT mitigation will likely encompass a range of investments in transportation and land use projects anticipated to shift travel from private automobiles to public transit, active transportation, and shared and shorter trips. State and local agencies are starting to develop lists of potential VMT-mitigating projects that could be employed in a bank or exchange program, including measures such as pedestrian and bike improvements, mobility hubs and ride-share parking spaces, transit service improvements, and mixed-use transit-oriented development.

Response: The comment is acknowledged, but no response is required.

A6-4 **TDM Policies and Implementation Strategies.** The commenter indicates that Caltrans concurs with the TDM policies and implementation strategies that support multimodal transportation systems (such as bicycle and pedestrian facilities as well as public transportation) to provide connectivity of modes between the residential uses and commercial/retail uses. The comment also suggests that the County consider analyzing first-mile and last-mile transit connections for a more comprehensive multimodal network.

Response: The comment is acknowledged, but does not address analyses or contents in the Draft EIR. Therefore, no response is required. However, Objective AM-3.2, First + Last Gaps, and associated policies and implementation strategies in the proposed Access + Mobility Element address this need, including bicycle and pedestrian facility needs in relation to transit routes.

A6-5 **Roadway Safety.** The commenter indicates that Table 4.15-8 (Policies Related to Hazardous Designs) in the Draft EIR Transportation section aligns with Caltrans Director's Policy DP-36, which is a vision to eliminate fatalities and serious injuries on State roadways by 2050 and provide safer outcomes for all communities.

Response: The comment is acknowledged, but no response is required.

LETTER A7

State of California—Transportation Agency

GAVIN NEWSOM, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

California Highway Patrol
Santa Cruz Area
10395 Soquel Drive
Aptos, CA 95003
(831) 662-0511
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



May 27, 2022

File No.: 720.14984.18650

State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812-3044

Subject: Environmental Document Review and Response, SCH# 2020079005

To Whom It May Concern:

A7-1

After reviewing SCH# 2020079005, as well as the information and procedures outlined in General Order 41.2, "Environmental Impact Documents," the Santa Cruz Area renews our opposition to the bus-on-shoulder concept of this project, since this same idea is mentioned several times throughout this document. Motorists involved in traffic collisions, experiencing medical emergencies, or who have mechanical troubles, are instructed to move to the shoulder and out of the traffic lanes. Peace officers respond to these incidents make all efforts to move the involved vehicles off the freeway or to the right shoulder to minimize secondary traffic collisions and the associated risks. When officers make traffic stops on the freeway, drivers pull to the shoulder and stop, as they are instructed to do in driving classes and per California Vehicle Code section 21806. Based on past experiences in Santa Cruz County, if busses (or other vehicles) are allowed to drive on the shoulder, other motorists will undoubtedly follow suit, creating an additional lane and removing the availability of the shoulder for true emergencies. The proposal would allow busses to use the shoulder when the speed of traffic drops below 35 miles per hour, and busses would be permitted to travel no more than 10 miles per hour over the speed of traffic. Large vehicles, such as busses, traveling at potentially 45 miles per hour on the shoulder would present an unnecessary safety risk to motorists and emergency vehicles stopped on the shoulder. Busses driving on the shoulders, and the inevitable vehicles which follow them, may cause confusion for other motorists and result in an increase of traffic related collisions in the area. This would cause additional responsibility and the CHP Santa Cruz Area does not have the resources or funding needed to provide the necessary enforcement to improve the safety of this practice. These scenarios have the potential of making the roadways more dangerous and increasing liability for the State and all involved government agencies. Authorizing any vehicle to drive on the shoulder may cause an undue safety hazard to the motoring public, road workers, and peace officers working in the area. If the bus-on-

Safety, Service, and Security



An Internationally Accredited Agency

A7-1 ↑ shoulder program were to progress, additional discussion would be needed due to the aforementioned reasons.

A7-2 Regarding the proposed Streetscape concept for the Portola Drive corridor, the CHP Santa Cruz Area opposes a reduction in the amount of lanes in the corridor. Based on the feedback CHP received and public comments from the pilot study conducted in June 2021, not only did the reduction in lanes cause more traffic congestion, but also affected access into the local businesses, and caused confusion amongst motorists. Motor vehicle traffic was “bottlenecked” in several locations where the pilot study was taking place, causing frustration and erratic behavior from motorists. Also, the proposal does not take into account the high amount of motor vehicle traffic as a result of tourism. Portola Drive is a popular location for tourists. Visitors have no other means of travel, other than motor vehicles, to get to, and move about the area. The current design of Portola Drive accommodates bicyclists, as they are afforded the same rights as motor vehicles on the roadway. The proposal would inevitably increase the amount of pedestrians, bicycles, and vehicles of all types when a high density residential use development is built, worsening traffic delays and posing a safety risk to all users of the roadway. The potential benefit from increasing the amount of bicycle lanes and parking would not outweigh the congestion, frustration, and safety risks the increased pedestrian, bicycle and motor vehicle traffic will cause.

If you have any further questions, please call myself or Sergeant Elizabeth Addy at (831) 662-0511.



A. H. CHING, Captain
Commander

Enclosures

Cc: Special Projects Session

LETTER A7: Department of California Highway Patrol (CHP)

A7-1 **Bus-on-Shoulder Concept.** The commenter indicates opposition to the bus-on-shoulder concept of the project as motorists involved in traffic collisions, experiencing medical emergencies or who have mechanical troubles are instructed to move to the shoulder and out of travel lanes, and officers respond to these incidents to move involved vehicles to the shoulder. The commenter indicates that the proposal to allow busses on the shoulder would cause confusion, additional responsibility to the CHP, and potentially result in dangerous conditions. The commenter indicates that further discussion of these issues is needed if the bus-on-shoulder program progresses.

Response: The comment is acknowledged; however, the proposed County Sustainability Update does not propose a bus-on-shoulder program. The proposed project does include a policy (AM-3.1.1), which directs the County to work with Santa Cruz Metro and SCCRTC to support the implementation of high frequency and high-quality transit services that connect disadvantaged communities to key destinations, including but not limited to the Highway 1 bus-on-shoulder project and high-quality transit in the Santa Cruz Branch Line corridor. However, actual implementation of such a project would be within the jurisdiction of SCCRTC, Caltrans, and Santa Cruz Metro.

A7-2 **Portola Drive Streetscape.** The commenter states that the CHP Santa Cruz Area opposes a reduction in lanes in the Portola Drive corridor, and based on feedback from a pilot study conducted in 2021, the reduction caused more traffic congestion and affected access into local businesses. The comment states that the proposal would increase pedestrians, bicyclists, and vehicles and the potential benefit would not outweigh the congestion, frustration, and safety risks the increased traffic would cause.

Response: The commenter's opinion is acknowledged. The results of the pilot study based on a review for the County by Kimley-Horn is included on page 11 of Appendix G-3 of the Draft EIR. This review indicated that the test trial of reduced vehicle lanes and protected bicycle lanes was not in the same configuration that was recommended in the Portola Drive study, which would have required intersection and turn lane improvements to facilitate the vehicle lane reduction. Vehicle, pedestrian, and bicycle counts were taken before and during the trial installation. The data showed that temporary changes did not alter typical vehicle patterns in the area. However, there was a minor decrease in overall vehicle speed, an increase travel times, and a minor decrease in bicycle trips.

LETTER B1



SANTA CRUZ COUNTY GROUP
of the Ventana Chapter
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May 25, 2022

County of Santa Cruz
Attn: CEQA-NEPA@santacruzcounty.us
701 Ocean Street
Santa Cruz, CA 95060

Re: Sustainability Policy and Regulatory Update Draft Environmental Impact Report (DEIR)

B1-1

The Sierra Club has completed its review of the Draft Environmental Impact Report for the Sustainability Policy and Regulatory Update and is concerned that the document is lacking in several important respects, as discussed further below. First, the DEIR has overlooked changes to the animal species list for sensitive habitat designation, which now seeks to reverse the long standing County policy which has explicitly protected the Monarch Butterfly. Second, the mitigation measures to offset increases in vehicle miles traveled (VMT) are inadequate. Third, as the proposed regulatory update will rely on an ad hoc spot re-zoning paradigm as opposed to significant rezoning and re-designation as part of the update, the DEIR assumptions that development will occur along transit corridors cannot be substantiated. The Sierra Club does acknowledge the important and substantial work that has gone on in the preparation of the DEIR.

B1-2

DEIR Section 4.4 – Biological Resources

The DEIR fails to acknowledge and assess the removal of explicit County General Plan protections for the Monarch Butterfly wintering sites. The Sierra Club challenges sections BIO-1, BIO-2, BIO-5, and BIO-6.

The current Santa Cruz County General Plan goes beyond federally and state protected species and specifically lists other Species of Special Concern, in Appendix B “Threatened, Endangered or Animals of Special Concern in Santa Cruz County”. This listing provides protection for the Monarch Butterfly wintering sites regardless of their placement on, or removal from, other

↑ lists controlled by outside agencies. However, in the proposed updates, this explicit listing is removed. Current County GP (in pertinent part):

Santa Cruz County General Plan

THREATENED, ENDANGERED OR ANIMALS OF SPECIAL CONCERN IN SANTA CRUZ COUNTY Updated 3/1/94			
SPECIES	STATE/FEDERAL LISTING	SPECIES OF SPECIAL CONCERN	KEY
SPIDERS AND RELATIVES			
Doloff Cave Spider	C2		STATE SE State listed Endangered ST State listed Threatened SCE State candidate Endangered SCT State candidate Threatened
Santa Cruz Telemen Spider	C2		
Empire Cave Pseudoscorpion	C2		
GASTROPODS			
California Brackish Water Snail	C2		
INSECTS			
Barbate (Mt. Hermon) June Beetle	C2		FEDERAL FE Federally listed Endangered FT Federally listed Threatened FPE Federally proposed Endangered FPPT Federally proposed Threatened
Opie's Longhorn Moth	2R		
Monarch Butterfly (wintering sites)	†		
FISHES			
Coho (Silver) Salmon		Yes	C1 Sufficient data to support Federal listing C2 Listing may be warranted, but data insufficient to support Federal listing. 1R Recommended for C1 status by U.S. Fish and Wildlife Service (USFWS). 2R Recommended for C2 status by USFWS
Tidewater Goby	C2	Yes	
AMPHIBIANS AND REPTILES			
Santa Cruz Long-toed Salamander	SE/FE		
California Red-legged Frog	C2	Yes	
Western Pond Turtle		Yes	
San Francisco Garter Snake	SE/FE		
Horned Lizard		Yes	
BIRDS			
Bank Swallow	ST		† Species fall into one or more categories: • Biologically rare, very restricted in distribution or declining throughout their range. • Species closely associated with a habitat that is rapidly declining in California. • California population(s) are threatened with extirpation.
Black-crowned Night Heron		Yes	
Black-shinned Hawk		Yes	
Black Swift		Yes	
Brown Pelican	SE/FE		
Burrowing Owl		Yes	
California Least Tern	SE/FE		
Cooper's Hawk		Yes	
Double Crested Cormorant		Yes	
Golden Eagle		Yes	

B1-2 In the proposed update, the Monarch Butterfly has been removed, Appendix K, page K-9:

SPECIAL STATUS WILDLIFE

Common Name	Scientific Name	Status (Federal/State)	Habitat
Invertebrates			
Bay checkerspot butterfly	<i>Euphydryas editha bayensis</i>	FE/None	Serpentine grassland in Santa Clara and San Mateo Counties. Primary host plant is native plantain (<i>Plantago erecta</i>) with two secondary host plants: purple owl's-clover (<i>Castilleja densiflora</i>) and exserted paintbrush (<i>Castilleja exserta</i>).
Mount Hermon (=barbate) June beetle	<i>Polyphylla barbata</i>	FE/None	Known only from sand hills in vicinity of Mount Hermon, Santa Cruz County, where it occurs in sparsely vegetated ponderosa pine and chaparral habitat with sandy sedimentary derived soils in the Zayante Sandhills formation.
Ohlone tiger beetle	<i>Cicindela ohlone</i>	FE/None	Remnant native grasslands with California oatgrass (<i>Danthonia californica</i>) and purple needlegrass (<i>Stipa pulchra</i>) in Santa Cruz County
Smith's blue butterfly	<i>Euphyotes enoptes smithi</i>	FE/None	Restricted to Monterey and Santa Cruz Counties, where they occur in coastal sand dunes, coastal sage scrub, chaparral, grassland, and their ecotones.
Zayante band-winged grasshopper	<i>Trimerotropis infantilis</i>	FE/None	Open sandy areas with sparse, low annual and perennial herbs on high ridges and hills with sparse ponderosa pine within the Zayante Sandhills formation in Santa Cruz County.
Fishes			

This weakening of protection (by removing its explicit listing) then triggers BIO-1, BIO-2, and BIO-3, which refer to adverse effects or conflicts with species identified in local habitat conservation plans.

As a note of reference, the monarch habitat at Moran Lake (within County jurisdiction) “supports the third largest overwintering population (ca 17%) of monarch butterflies in Santa Cruz County, and a considerable portion (ca 5%) of the western migratory population”, emphasis added.¹

Santa Cruz County does indeed have a Management Plan for the Monarch Butterfly Habitat, as seen here:



B1-2

The Santa Cruz County Board of Supervisors adopted this Plan at its January 25, 2011 meeting.²

49. Public hearing held on the proposed Moran Lake Park Concept Plan and Moran Lake Monarch Butterfly Habitat Management Plan; closed public hearing;
 - (1) adopted the Moran Lake Concept Plan and the Moran Lake Butterfly Habitat Management Plan as approved by the Parks and Recreation Commission; and
 - (2) directed Parks staff to submit the necessary design documents to initiate the Master Plan Development Permit process

As the Monarch Butterfly Habitat has an adopted Management Plan, the removal of its explicit listing in the proposed General Plan update implicates BIO-1, BIO-2, and BIO-6. The DEIR has failed to acknowledge this change, let alone assess its impact, and is challenged on this basis.

¹ From Biotic Review by John Dayton, as cited in California Coastal Commission Appeal Staff Report for A-3-SCO-01-034

² Proceedings of the Santa Cruz County Board of Supervisors, Volume 2011, Number 2 January 25, 2011

B1-3 Although we have limited this discussion to the Monarch Butterfly, it must be noted that many other Species of Special Concern have also been removed from explicit listing in the General Plan .

B1-4 Any response that simply refers to the CNDBB Special Animals List, which currently lists the Monarch on page 28, is inadequate. The explicit listing must be restored to the General Plan so that control of its listing remains with the County. The failure to have discussed this removal from the General Plan in light of the adopted Habitat Management Plant (HMP) is a deficiency in the DEIR. The failure to have added discussion of this Habitat Management Plan in the updated GP should also be corrected. This HMP was adopted since the last revision of the General Plan, and should be disclosed.

DEIR Section 4.15 – Transportation

Mitigation measures to offset increases in VMT are inadequate

The Draft EIR concludes that the Project does not meet the state-mandated target for reduction of vehicle miles traveled:

Project VMT would not meet the County’s VMT threshold (15% below existing countywide average) for residential per capita and employee VMT (except for retail employee VMT), resulting in a significant impact.

The Draft EIR proposes two mitigation measures that do not fully mitigate the VMT impacts:

B1-5 Implementation of Mitigation Measure TRA-1 would require development and implementation of a funding mechanism to support regional VMT-reducing projects, and Mitigation Measure TRA-2 recommends a General Plan/LCP implementing strategy to further review parking requirements as another means to reduce vehicle travel and VMT. However, because of the uncertainty as to whether such VMT program could fully fund VMT-reduction measures to the level needed to meet the County’s VMT threshold, the impact may not be fully mitigated to a less-than-significant level, resulting in a significant and unavoidable impact.

The proposed mitigation measures are weak and unenforceable, in violation of CEQA guidelines. Measure TRA-1 offers no timeline for development of a funding mechanism to reduce VMT. Nor does it set any funding goals. Measure TRA-2 calls for a strategy to “evaluate” parking related measures to reduce VMT but nothing to actually implement changes in parking policy. The EIR should draw on existing studies that document reduction in vehicle ownership and vehicle miles traveled due to reduced parking requirements. One existing study found that vehicle ownership in buildings with unbundled parking and car-sharing was 25% lower than in buildings with bundled parking. A [study by Adam Millard-Ball et al](#), showed that access to parking fosters vehicle ownership and driving.

↑ CEQA requires that feasible mitigation measures be employed to mitigate significant impacts. The Draft EIR makes the following statement:

There are no other feasible mitigation measures to reduce VMT in addition to the policies and regulations in place and modified as a result of the proposed project.

This statement asks the reader to believe that nothing else can be done to mitigate VMT. The reality is *other cities have already implemented feasible measures* that can fully mitigate VMT impacts from this Project, including;

B1-5

1. Devote the Transportation Impact Fee to projects that mitigate VMT from new projects, such as transit and active transportation improvements and bus passes for residents of new development. Currently the Transportation Impact Fees are used to try to mitigate traffic delay by expanding auto capacity on roads and intersections. Mostly this is a futile exercise, since induced travel erodes the short-term congestion relief benefits. Redirecting the TIF to transit and active transportation would reduce VMT from the Project in two ways: by eliminating the increased VMT induced by auto-centric projects, as well as increasing the mode share for non-auto travel. The EIR should cite the use of developer fees to support active transportation and transit in San Francisco, Mountain View, etc.
2. Eliminate County policies regarding Level of Service (traffic delay). Since the implementation of SB 743 it is not legal to use traffic delay as a measure of significant impact. In violation of the spirit behind SB 743, County policy continues to maintain requirements for Level of Service, and fund auto capacity-increasing projects with developer fees that should go to make alternatives to auto travel safe and convenient.
3. Eliminate projects from the Project whose primary purpose is to expand auto capacity, e.g.:
 - a. the expansion of Capitola Rd from two lanes to four lanes
 - b. Install queue-jumping lanes for buses at intersections on Soquel Dr., in lieu of adding dedicated right turn lanes for vehicles.
4. Mandate that the cost of parking to tenants in new development be unbundled from the cost of the unit, allowing tenants who don't park to opt out of parking fees, and that management charge the actual cost of providing parking.
5. In order to be practical for developers, the requirement to unbundle parking costs needs to be accompanied by allowing developers to provide the amount of parking that they determine they will be able to sell/rent to tenants. The parking requirements in Code Section 13.16 are excessive.
6. The current Code section on trip reduction fails to achieve County goals of 15% below the countywide per capita average VMT for residential development (b) 15% below the countywide per employee average VMT for office and service development. In order to meet these goals, as well as state-mandated climate reduction goals, the County should institute a parking tax on private parking on lots above 30 spaces, with the revenue going to transit and active transportation improvements.

Inconsistency with State Climate Legislation

B1-6

↓ Because the Draft EIR fails to propose adequate mitigation for VMT, the Project with mitigations is inconsistent with SB 743 that requires mitigation of VMT. The Project also conflicts

B1-6 ↑ with the state’s ability to meet GHG reduction goals set by AB 32 and SB 32 and Executive Order EO-S-3-05.

DEIR Section 4.11 – Land Use and Planning

The DEIR, at 3.3.1.2, recites a guiding principle which it claims has “been incorporated throughout the elements of the Santa Cruz County General Plan/LCP”. Of note here is:

- **Focused Development.** New development should be compact, located primarily within existing urban areas, and should feature a mixture of uses and development intensities that support transportation choices.

An objective of the proposed Project for the purpose of CEQA is:

1. **Sustainable Development.** Foster a sustainable growth pattern that focuses on efficient use of urban lands, compact infill development along transportation corridors, and neighborhood-serving land uses; promotes economic vitality; and preserves the county’s natural environmental areas.³ (emphasis added)

B1-7

At 4.02 the DEIR makes the assumption that the proposed policies “support higher residential density and/or building intensity along transit and multi-modal corridors”. Although the proposal discusses such changes, they do not take the important step of identifying these corridors and, now, in the context of the current project, legislatively designating these areas (typically along the transit corridors) with higher density residential, or the new zoning designations. This failure to make these legislative changes now will require each and every proposed development to have a legislative determination (rezoning or re-designation) as opposed to merely administrative approval. This then further requires developers to purchase property not yet legislatively zoned or designated for their intended use. It is exactly this type of spot zoning approach that interferes with the stated objective.

It is well understood that ad hoc spot rezoning leads to inappropriate parcels being proposed for development. Further, appropriate parcels will present developers with the unfortunate circumstance of having to take the risk of receiving the rezoning or re-designating the parcel.

We assert that the DEIR assumptions of how development will proceed in the future (along transit and multi-modal corridors) cannot be sustained in light of the County’s failure to due the actual planning work for these areas.

³ Sustainability Policy and Regulatory Update, Draft Environmental Impact Report, page 3-8

Summary

We trust our suggestions for improving the review of this project will be carefully considered. Thank you for the opportunity to submit our comments and suggestions. Should you have any questions or wish to discuss these matters in more detail, please contact the undersigned.

A handwritten signature in black ink that reads "Michael Guth".

Michael Guth,
Executive Committee Chair
Sierra Club, Santa Cruz County Group

LETTER B1: Sierra Club

B1-1 Comment Summary. The commenter states that the Draft EIR overlooked changes to the animal species list for sensitive habitat designation, that mitigation measures to offset increases in VMT are inadequate, and as the proposed regulatory update will rely on spot re-zoning instead of significant rezoning and re-designation as part of the update, the Draft EIR assumptions that development will occur along transit corridors cannot be substantiated. The Sierra Club does acknowledge the important and substantial work that has gone on in the preparation of the Draft EIR.

Response: The comment is acknowledged, and specific responses to these concerns as detailed in subsequent comments are provided below.

B1-2 Monarch Butterfly Habitat Listing. The commenter states that the Draft EIR fails to acknowledge and assess the impact of the removal of the monarch butterfly from the current General Plan Appendix B, “Threatened, Endangered or Animals of Special Concern in Santa Cruz County,” as the species has been removed from Appendix K of the proposed Sustainability Update. The comment suggests this a weakening of protection for the species and would result in impacts, and “implicates BIO-1, BIO-2, and BIO-6.” The commenter also notes the overwintering population at Moran Lake and the Monarch Butterfly Habitat Management Plan for Moran Lake.

Response: The monarch butterfly (overwintering population) has been a candidate for federal listing. According to USFWS’ website, in December 2020, after an extensive status assessment of the monarch butterfly, USFWS determined that listing the monarch under the federal Endangered Species Act is warranted, but precluded at that time by higher priority listing actions. With this finding, the monarch butterfly becomes a candidate for listing, and USFWS will review its status each year until they are able to begin developing a proposal to list the monarch (USFWS 2022).

Candidate species are considered special status species as indicated on page 4.4-11 of the Draft EIR. Therefore, it was an oversight that the monarch was not included on the special status species list in Appendix E of the Draft EIR. The species appeared in the records search, but wasn’t carried through to the species table due to an error in the internal table automation process. However, the correction in the Draft EIR Appendix E has been made; see revisions in Appendix B of this document. Similarly, the proposed General Plan/LCP Appendix K list, which is based on the Draft EIR Appendix B, will also be updated. The County does consider this species, and specifically its wintering sites, to be locally unique (and areas of biotic concern) in addition to the species candidacy for federal listing; any proposed disturbance around habitat for this species would trigger the County’s biotic review process and requirements.

Thus, there would be no indirect impacts as suggested in the comment by removal of this species from the General Plan/LCP or EIR list of sensitive species that would trigger review under the cited thresholds of significance BIO-1, BIO-2, and BIO-6. It is further acknowledged that the

Moran Lake Monarch Butterfly Management Plan is a County management plan for the butterfly, adopted in January 2011.

- B1-3 County Sensitive Habitat/Species List.** The comment notes that many other “Species of Special Concern” have also been removed from explicit listing in the General Plan.

Response: The Draft EIR Appendix E species list was re-checked and updated; see Section 3.2.6 in Chapter 3, Changes to Draft EIR, of this document and Appendix B of this document. Some wildlife species on the existing General Plan/LCP Appendix B species list are on CDFW’s “Special Animals” list, which is a broad term used to refer to all the animal taxa tracked by CDFW’s California Natural Diversity Database (CNDDDB), regardless of their legal or protection status. This list is also referred to as the list of “species at risk” or “special status species,” and is included at the end of the revised Draft EIR Appendix E as well as in the proposed General Plan/LCP Appendix K. Additionally, as indicated on Draft EIR page 4.4-11, a species that meets the definition of rare, threatened or endangered species per the CEQA Guidelines definition in section 15380 also would be considered during project-specific environmental review. This definition includes a species not included in any list if the species can be shown to meet the criteria for an endangered or rare species as defined in the CEQA Guidelines.

- B1-4 Monarch Butterfly.** The commenter states that any response that simply refers to the CNDDDB Special Animals List, which currently lists the monarch butterfly on page 28, is inadequate. The explicit listing must be restored to the General Plan, so that control of its listing remains with the County. The failure to have discussed this removal from the General Plan in light of the adopted Habitat Management Plant (HMP) is a deficiency in the Draft EIR. The failure to have discussion of this HMP in the updated GP should also be corrected.

Response: Monarch butterfly has been added to the Draft EIR Appendix E Special Status Species list and the proposed General Plan/LCP Appendix K; see Response to Comment B1-2.

- B1-5 Traffic Mitigation Measures.** The commenter states that the Draft EIR concludes that the project does not meet the state-mandated target for reduction of VMT, that the proposed mitigation measures are weak and unenforceable, and that CEQA requires feasible mitigation measures to be implemented. The comment suggests six “feasible” mitigation measures in the comment.

Response: With regard to not meeting the state-mandated target for reduction of VMT, the state only required that agencies adopt a VMT threshold, and the state provided guidelines on how to develop local thresholds; the County adopted its threshold consistent with state guidelines as explained on page 4.15-10 of the Draft EIR. The County’s threshold is explained on page 4.15-15.

The County disagrees with the commenter’s assertion that the mitigation measures (TRA-1 and TRA-2) for the identified VMT impact (TRA-1) are weak and unenforceable. Regarding Mitigation TRA-1, the VMT mitigation program is based on similar programs being developed throughout the state as explained on page 4.15-26 of the Draft EIR, and the County, working with SCCRTC and

the City of Watsonville, has received a grant from Caltrans to start the process of developing a regional VMT mitigation bank, which will support projects that offset VMT impacts due to new development. Furthermore, as indicated in Comments A6-2 and A6-3, Caltrans supports these types of programs and is currently completing a draft report to help guide state and local agencies with developing VMT mitigation bank or exchange program.

Mitigation Measure TRA-2 would add a new implementation strategy to evaluate a range of parking-related TDM measures, which is an appropriate measure for a program EIR. The measure has been revised to indicate potential measures to be considered are not exclusive of others not listed in the measure, and that consideration be given to applying funds from paid parking, if implemented, to transit and active transportation program. See Sections 3.2.3 and 3.2.12 in Chapter 3, Changes to Draft EIR, of this document.

In addition, the proposed Access + Mobility Element proposes that the SCCC be updated to require employers and large development to provide TDM Plans and programs in order to provide infrastructure, resources, and planning that supports and incentivizes travel by non-drive alone modes in order to reduce VMT (AM-1.1d). The proposed Element also encourages and allows developers to provide multimodal improvements that shift travelers from vehicles to alternative modes of transportation to improve level of service (LOS) and simultaneously reduce VMT (AM-6.2.2). Project applicants) would be able choose from a variety of VMT-reducing strategies, including investment in transit.

In terms of the commenter’s suggestions for other mitigation measures, responses are provided as follows:

- *Devote Transportation Impact Fee (TIF)* – the commenter suggests using the existing TIF that is used to mitigate traffic delay to projects that mitigate VMT from new projects, such as transit, active transportation, and bus passes for resident of new development.

Response: The TIF program is set up specifically for roadway improvements, but Mitigation Measure TRA-1 would set up a VMT mitigation program and funding source to fund non-auto transportation modes as suggested in the comment.

- *Eliminate County Policies Regarding Level of Service (LOS)* – the commenter recommends elimination of policies related to LOS with implementation of SB 743, and suggests that the policy is a violation of SB 743. SB 743 and resulting changes to CEQA and CEQA Guidelines requires that impact significance assessed as part of the CEQA process can no longer rely on LOS as the metric for analysis, but rather must use the VMT metric.

Response: The law does not preclude jurisdictions from continuing to maintain policies and programs that address roadway circulation and improvement. As such, elimination of LOS policies would not serve as mitigation for VMT reductions.

- *Eliminate Projects that Expand Auto Capacity* – The commenter suggests elimination of an expansion of Capitola Road from two to four lanes and installation of “queue-jumping

lanes” for buses at Soquel Drive intersections instead of adding dedicated right-turn lanes.

Response: The Capitola Road improvement is along a relatively short segment of roadway compared to roads throughout the County and would not result in any substantial reduction of traffic that would affect or reduce VMT. In addition, the County’s VMT Guidelines provide examples of transportation improvements that would generally result in no significant impact on VMT, which includes addition of roadway capacity on local or collector streets provided that the project also substantially improves conditions of pedestrians, cyclists, and if applicable, transit, which would occur with any widening of Capitola Road.

“Queue-jumping lanes” allow busses to use a right-turn lane to move to the front of an intersection, bypass a line of vehicles, and move first through an intersection upon signal change. These types of facilities can improve transit operations, but are typically used in conjunction with bus rapid transit or on roadways with multiple frequent routes. Currently neither of those services are present on Soquel Drive, which would not provide optimal conditions for a queue-jumping lane.

- *Cost of Parking* – The commenter suggests that the cost of parking to tenants in new development be “unbundled” from cost of the unit, so tenants can opt out to pay for parking in conjunction with allowing the developer to provide parking in amount deemed needed.

Response: This type of parking management strategy suggested in the comment would be reviewed as part of Mitigation Measure TRA-2, and it is also included as a potential TDM measure to mitigate a project’s VMT impact that is included in the County’s VMT Guidelines (County of Santa Cruz 2020b). Furthermore, the County is proposing to add an additional implementation strategy to the proposed Access + Mobility Element to evaluate adding parking strategies to the SCCC TDM requirements, and if added, would consider directing funds or a portion of funds to public transit and active transportation projects (AM-6.3j).

- *Institute Parking Tax on Private Parking Lots Above 30 Spaces* – The commenter suggests instituting a tax on private parking to reduce employee VMT with the revenue going to transit and active transportation improvements.

Response: This type of parking management strategy suggested in the comment is not currently proposed and would have to be evaluated further, but could be considered as a part of parking reduction measures considered as a result of Mitigation Measure TRA-2.

- B1-6 Consistency with State Legislation.** The commenter claims that because the Draft EIR fails to propose adequate mitigation for VMT impacts, the project with mitigation is inconsistent with SB 743 that requires mitigation of VMT and that this also conflicts with the state’s ability to meet GHG reduction goals set by AB 32 and SB 32 and Executive Order EO-S-3-05.

Response: Provisions of SB 743 are summarized on page 4.15-10 of the Draft EIR. The legislation directs the Governor’s Office of Planning and Research (OPR) to develop a new metric to replace LOS as a measure of impact significance and suggests VMT as that metric. The State CEQA Guidelines, which were amended at the end of 2018 and went into effect in 2019 as a result of SB 743 requirements, include a new section 15064.3 regarding analysis of transportation impacts be added to the State CEQA Guidelines. This section indicates that generally, VMT is the most appropriate measure of transportation impacts, and a lead agency had discretion to choose the most appropriate methodology to evaluate a project’s VMT, including whether to express the change in absolute terms, per capita, per household or in any other measure, but beginning on July 1, 2020, the provisions shall apply statewide. Consistent with CEQA Guidelines section 15064.3, the County of Santa Cruz adopted a VMT threshold in June 2020, as required by the guidelines provided by OPR and the deadlines established in the CEQA Guidelines. Therefore, the project is not inconsistent with requirements of SB 743. Furthermore, while the project does not meet the County’s threshold for impact significance, the project would result in a reduction of VMT over existing conditions as discussed on pages 4.15-19 to 4.15-25 of the Draft EIR. See also Draft EIR pages 4.8-29 to 4.8-37, which found that GHG emissions potentially resulting from the proposed project would be less than the existing conditions and that the project would not conflict with plans, policies, or regulations adopted for the purpose of reducing GHG emissions.

B1-7 Land Use and Planning. The commenter indicates that Section 4.02 of the Draft EIR makes the assumption that the proposed policies “support higher residential density and/or building intensity along transit and multi-modal corridors,” but the proposed project does not identify these corridors or legislatively designate these areas. This failure to make these legislative changes now will require each proposed development to have a legislative determination (rezoning or re-designation) as opposed to merely administrative approval, resulting in spot zoning approach that interferes with the stated objective. The commenter asserts that the Draft EIR assumptions of how development will proceed in the future (along transit and multi-modal corridors) cannot be sustained in light of the County’s failure to due (sic) the actual planning work for these areas.”

Response: The comment is acknowledged, but does not address analyses or contents in the Draft EIR. Therefore, no response is required. However, the commenter is referred to the proposed Access + Mobility Element of the General Plan/LCP, specifically Figure 3-1: Existing and Planned Roadway Facilities, which characterizes the typology of roadways in the unincorporated county. Table 3-1: Layered Network + Street Types characterizes the features of the roadways that are associated with each street type. It is noted that Draft EIR Section 4.02 summarizes proposed policies that support new and/or intensified uses in order to estimate development potential for the purposes of the conducting the EIR analyses.

LETTER C1

Sent: Tuesday, May 31, 2022 4:43 PM

To: manu.koening@santacruzcounty.us; Stephanie Hansen <Stephanie.Hansen@santacruzcounty.us>; Annie Murphy <Annie.Murphy@santacruzcounty.us>; Paia Levine <Paia.Levine@santacruzcounty.us>; Matt Machado <Matt.Machado@santacruzcounty.us>; jamie.seborn@santacruzcounty.us; Natisha Williams <Natisha.Williams@santacruzcounty.us>

Cc: Lynn <lynnmadden@comcast.net>; Wilma Chandler <wilmakchndl@gmail.com>; John Chandler <jochandl@aol.com>; Email <kyrakra15@gmail.com>

Subject: Comments on EIR and Sustainability Study overlapping areas of concern

Dear Manu, Stephanie, Natisha and planning staff for sustainability study,

- C1-1 Thank you for writing today, Natisha, to clarify what is due in and when. Today's deadline is for EIR comments but in looking it over it is rather theoretical in that it is difficult to see what the real world implications to the area on Portola will overlap with some sustainability language. That said, I do think that the neighbors concern expressed in this email overlaps EIR considerations expressed in **3.5.4.1 Portola Drive Nine parcels such as " the presence of environmental constraints."**
- C1-1 Our concerns, meeting the EIR deadline for comment, includes traffic rerouting as implied by extending Avis Drive, traffic issues implied by designs which would spill traffic onto 35th Avenue and Roland drive by extension, air pollution from increased traffic, light pollution which often can't be observed during office hours, maintaining the older large diameter trees along the waterway to preserve a green buffer and habitat for owls.
- Comments on the rezoning along Portola Drive and sustainable communities and neighborhood compatibility. We believe this ties into EIR and sustainability study.**

C1-2 *The phrase "the back of" the property/ parcels to be developed neglects to understand that the back of the development along Portola will be alongside an existing neighborhood. The idea that street appeal is only relevant to Portola Drive ignores the needs of the existing neighborhood. We would like to see this language changed to reflect the reality of what is already here. We do not want this allowed in developers proposal. We want the county to protect the neighborhood in ways which are compatible to the needs of new housing.
- C1-3 *We need to keep existing large trees along the waterway as noted in county code for trees of a large diameter. This can mitigate the height and density concerns from the existing neighborhood as the redevelopment occurs.

*It is a habitat for birds, like nesting owls.
- C1-4 *Lighting is a concern. Keeping new lights on the redeveloped property from making the neighborhood lit up is important.

* Light pollution is a concern.
- C1-5 *Parking and traffic through our already dense neighborhood is a concern we neighbors share. We suggest that parking is included in the property's center as exists in the apartment/condo directly across

C1-5 ↑ from the proposed development on 35th. We suggest a green-scaped front trellis wall on Portola Drive which would obscure development and create a visual but oxygen rich shield for parking along Portola rather than the “rear” of the property. We also suggest that both entry and exit from this huge development is on Portola, relieving possible traffic through the residential established neighborhood and keeping it where it belongs, on Portola.

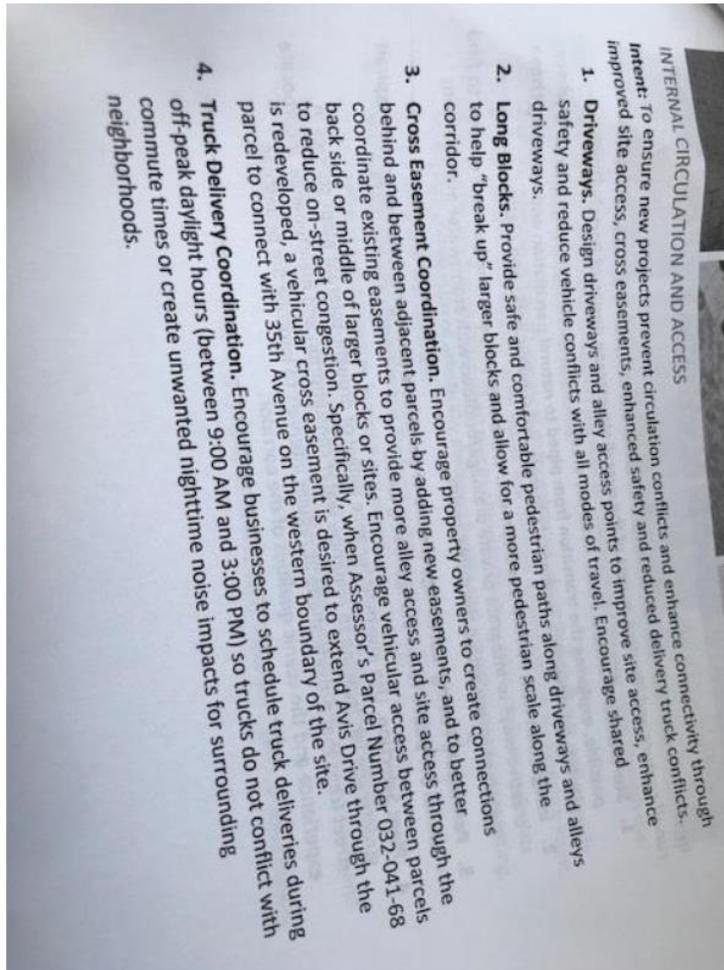
C1-6 | *We are concerned about the proposal for Extending Avis Street to 35th Ave. Not sure if this is still a topic but it was at one point. This would create a brightly lit through way which is not even very far back from Portola. Seems a bad idea and would create fast traffic through the neighborhood. See reprint of document below. Is this no longer being considered?

C1-7 | The 35th Avenue neighborhood is quiet, so while attending to the needs to offer affordable housing to our community we should develop this project and language guiding development with respect for the existing residents. We look ahead to hearing back.

Sincerely Yours,

Betsy Miller Andersen, John Andersen and Kyra Andersen, Wilma Chandler, John Chandler and Lynn Madden

C1-8 | FROM EIR
3.5.4.1 Portola Drive Nine parcels are identified along Portola Drive for both General Plan land use redesignation and rezoning as summarized in Table 3-11 and shown on Figures 3-6B and 3-6C. The purpose of these proposed land use designation and zoning changes is to implement the Pleasure Point Commercial Corridor Vision and Guiding Design Principles that call for transition and redevelopment of underutilized properties and to rezone underutilized **sites for housing**. Specifically, the Design Principles encourage the transition of underutilized properties and auto-oriented properties on the north side of Portola Drive west of 36th Avenue to mixed-use and residential development, with zoning and development standards that support attainable housing (including smaller units suitable for seniors and singles). This EIR, which is a program EIR analyzing policy and regulatory revisions to the County General Plan and County Code, will not analyze particular development layouts as none are proposed at this time. Future development potential of any site depends on many factors, including the presence of environmental constraints and consistency of a proposed development with the General Plan and County Code in place at the time of application.



LETTER C1: Betsey Andersen

- C1-1 Portola Drive Parcels – Traffic Concerns.** The commenter thanks County staff for clarifying the comment process and indicates that there are neighbor concerns regarding Portola Drive and “traffic rerouting as implied by extending Avis Drive,” traffic issues implied by designs that would spill traffic onto 35th Avenue and Roland Drive, and resulting air and light pollution. The comment also suggests maintaining older trees along the waterway to preserve a green buffer and habitat.

Response: The comment is acknowledged, but does not address analyses or contents in the Draft EIR. Therefore, no response is required. However, the proposed Sustainability Update does not include any proposals to extend Avis Drive, although this concept was considered in the original Sustainable Santa Cruz County Plan. While this EIR analyzes transportation impacts in terms of VMT as required by the State CEQA Guidelines, traffic impacts associated with the reduction of lanes along Portola Drive and other LOS impacts are also addressed in Appendix G of the Draft EIR, and several intersection improvements are noted to maintain vehicle traffic flow along Portola Drive. In addition, future proposed development would have to offset their particular changes to LOS on street network operations as part of development approval, as well as be subject to payment of traffic impact fees that would be used for planned road and intersection improvements. Similarly, the retention of any trees located in a buffer area protecting a natural drainage feature would be analyzed at time of development.

- C1-2 Portola Drive Development.** The comment references the neighborhood in back of development along Portola Drive and asks that the County protect the neighborhood in ways compatible with needs of new housing.

Response: The comment is acknowledged, but does not address analyses or contents in the Draft EIR. Therefore, no response is required. However, the comment will be taken into consideration as part of the review of the project by County staff and decision makers. However, it is noted that the proposed project’s County Design Guidelines would require a minimum 20-foot buffer between the back of a building development project fronting Portola Drive, along with other elements to prevent and minimize aesthetic impacts to adjacent existing neighborhoods. See Draft EIR pages 4.1-18 to 4.1-22.

- C1-3 Tree Protection.** The commenter supports retaining existing large trees along waterways as noted in the County Code as it can mitigate height and density concerns and provides bird habitat.

Response: The comment is acknowledged, but does not address analyses or contents in the Draft EIR. Therefore, no response is required. However, tree protection is addressed on Draft EIR page 4.4-39.

- C1-4 Lighting and Light Pollution.** The commenter supports retaining existing large trees along waterways as noted in the County Code as it can mitigate height and density concerns and provides bird habitat.

Response: The comment is acknowledged, but does not address analyses or contents in the Draft EIR. Therefore, no response is required. However, potential light and glare impacts are addressed on Draft EIR pages 4.1-23 to 4.1-24.

- C1-5 **Parking and Traffic.** The commenter cites concerns regarding traffic and parking in the neighborhoods off of Portola Drive and suggests access and internal parking for new developments to reduce traffic in the neighborhood.

Response: The comment is acknowledged, but does not address analyses or contents in the Draft EIR. Therefore, no response is required. However, on-site parking standards for new developments are provided as proposed in Chapter 13.16 of the SCC. In addition, Appendix B of the County Design Guidelines, encourages parking away from Portola Drive toward the rear of sites whenever feasible. Parking allowed within setback areas is permitted when there are appropriate edge treatments to limit impacts on adjacent residential neighborhoods.

- C1-6 **Extension of Avis Street.** The comment expresses concern about the proposal to extend Avis Street to 35th Avenue and asks if this is no longer being considered.

Response: The comment is acknowledged, but does not address analyses or contents in the Draft EIR. Therefore, no response is necessary. However, the proposed Sustainability Update does not include a proposal to extend Avis Street to 35th Avenue; see also Response to Comment C1-1.

- C1-7 **35th Avenue Neighborhood.** The comment states that the 35th Avenue neighborhood is quiet, and while attending to needs to offer affordable housing, there should be language guiding development with respect to existing residents.

Response: The comment is acknowledged, but does not address analyses or contents in the Draft EIR. Therefore, no response is required. However, the purpose of the County Design Guidelines is to guide new development in a manner that is compatible with adjacent residential neighborhoods. See also Response to Comment C1-4.

- C1-8 **Portola Drive.** The comment letter includes a paragraph from the Draft EIR regarding parcels along Portola Drive proposed for land use redesignation at the end of the letter, but does not provide a comment to which a response can be provided.

LETTER C2

From: Michael Guth <mguth@guthpatents.com>
Sent: Wednesday, May 11, 2022 9:10 PM
To: Daniel Zazueta <Daniel.Zazueta@santacruzcounty.us>
Subject: GP Conservation Element Changes

So on the DEIR review of the GP and code changes:

For me the real question is: Why did the County choose to no longer explicitly, in the GP appendix list of species, list the monarch (given our significant portion of the entire US western habitat) as a species given sensitive habitat protection, and instead de-list it so that it depends upon its listing in other databases over which the County has no control. Yet ... they do explicitly list lots of other species in the GP (so it is not like they decided to just refer to other agencies' lists).

The current GP has appendix B which lists all sorts of species of concern to the County, in addition to fed and state listed, threatened, candidate etc species. Attached file has all appendices, incl B. But it looks like this (monarchs showing on this page):

Santa Cruz County General Plan

THREATENED, ENDANGERED OR ANIMALS OF SPECIAL CONCERN IN SANTA CRUZ COUNTY Updated 3/1/94			
SPECIES	STATE/FEDERAL LISTING	SPECIES OF SPECIAL CONCERN	KEY
SPIDERS AND RELATIVES			STATE
Doloff Cave Spider	C2		SE State listed Endangered
Santa Cruz Telemán Spider	C2		ST State listed Threatened
Empire Cave Pseudoscorpion	C2		SCE State candidate Endangered
GASTROPODS			SCT State candidate Threatened
California Brackish Water Snail	C2		
INSECTS			FEDERAL
Barbate (Mt. Herman) June Beetle	C2		FE Federally listed Endangered
Opler's Longhorn Moth	2R		FT Federally listed Threatened
Monarch Butterfly (wintering sites)	†		FPE Federally proposed Endangered
FISHES			FPT Federally proposed Threatened
Coho (Silver) Salmon		Yes	
Tidewater Goby	C2	Yes	C1 Sufficient data to support Federal listing
AMPHIBIANS AND REPTILES			C2 Listing may be warranted, but data insufficient to support Federal listing.
Santa Cruz Long-toed Salamander	SE/FE		
California Red-legged Frog	C2	Yes	1R Recommended for C1 status by U.S. Fish and Wildlife Service (USFWS).
Western Pond Turtle		Yes	
San Francisco Garter Snake	SE/FE		2R Recommended for C2 status by USFWS
Horned Lizard		Yes	
BIRDS			
Bank Swallow	ST		

C2-1

Replaced in the new GP updates with Appendix K, seen here relating to the pertinent part (also attached in full) - no monarch listing:

C2-1 ↑

C2-2 ↓

SPECIAL STATUS WILDLIFE

Common Name	Scientific Name	Status (Federal/State)	Habitat
Invertebrates			
Bay checkerspot butterfly	<i>Euphydryas editha bayensis</i>	FT/None	Serpentine grassland in Santa Clara and San Mateo Counties. Primary host plant is native plantain (<i>Plantago erecta</i>) with two secondary host plants: purple owl's-clover (<i>Castilleja densiflora</i>) and exerted paintbrush (<i>Castilleja exserta</i>).
Mount Hermon (=barbate) June beetle	<i>Polyphylla barbata</i>	FE/None	Known only from sand hills in vicinity of Mount Hermon, Santa Cruz County, where it occurs in sparsely vegetated ponderosa pine and chaparral habitat with sandy sedimentary derived soils in the Zayante Sandhills formation.
Ohlone tiger beetle	<i>Cicindela ohlone</i>	FE/None	Remnant native grasslands with California oatgrass (<i>Danthonia californica</i>) and purple needlegrass (<i>Stipa pulchra</i>) in Santa Cruz County
Smith's blue butterfly	<i>Euphilotes enoptes smithi</i>	FE/None	Restricted to Monterey and Santa Cruz Counties, where they occur in coastal sand dunes, coastal sage scrub, chaparral, grassland, and their ecotones.
Zayante band-winged grasshopper	<i>Trimerotropis infantilis</i>	FE/None	Open sandy areas with sparse, low annual and perennial herbs on high ridges and hills with sparse ponderosa pine within the Zayante Sandhills formation in Santa Cruz County.
Fishes			

The GP previously said to also see Appendix B for lists of specific habitats and/or species, now refers to Appendix K.

The GP now says this:

C2-2

ARC-3.1.2 5-1.2 (LCP) **Definition of Sensitive Habitat.** An area is defined as a sensitive habitat if it meets one or more of the following criteria:

- (a) Areas of special biological significance as identified by the State Water Resources Control Board.
- (b) Areas ~~which that~~ provide habitat for locally unique biotic species/communities, including coastal scrub, maritime chaparral, native rhododendrons and associated Elkgrass, mapped grasslands in the coastal zone and sand parkland; and Special Forests including San Andreas Live Oak Woodlands, Valley Oak, Santa Cruz Cypress, indigenous Ponderosa Pine, indigenous Monterey Pine and ancient forests.
- (c) Areas adjacent to essential habitats of rare, endangered or threatened species as defined in (e) and (f) below.
- (d) Areas ~~which that~~ provide habitat for Species of Special Concern as listed by the California Department of Fish and ~~Wildlife Game~~ in the Special Animals list, California Natural Diversity Database.
- (e) Areas ~~which that~~ provide habitat for rare or endangered species ~~which that~~ meet the definition of Section 15380 of the California Environmental Quality Act guidelines.
- (f) Areas ~~which that~~ provide habitat for rare, endangered or threatened species as designated by the ~~California State~~ Fish and Game Commission, United States Fish and Wildlife Service or California Native Plant Society.
- (g) Nearshore reefs, rocky intertidal areas, seacaves, islets, offshore rocks, kelp beds, marine mammal hauling grounds, sandy beaches, shorebird roosting, resting and nesting areas, cliff nesting areas and marine, wildlife or educational/research reserves.
- (h) Dune plant habitats.
- (i) All lakes, wetlands, estuaries, lagoons, streams and rivers.
- (j) Riparian corridors.

{See also Appendix BK: Sensitive Plant and Animal Species, for a list of specific habitats and/or species.}

so only the state list comes into play at (d), which is outside the County's control. so county special species are no longer in existence as most have been removed if not fed threatened/endangered.

From the state list:

Special Animals List – April 2022

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Chlosyne leanira elegans</i>	Oso Flaco patch butterfly		G4G5T1T2	S1S2	None	None		Yes	
<i>Coenonympha tullia yontockett</i>	Yontockett satyr		G5T1T2	S1	None	None		Yes	
<i>Danaus plexippus pop. 1</i>	monarch - California overwintering population		G4T2T3	S2S3	Candidate	None	USFS:S	Yes	
<i>Euchloe hyantis andrewsi</i>	Andrew's marble butterfly		G4G5T1	S1	None	None		Yes	

C2-2

so to be clear, a whole host of species identified as special to the County have been removed from explicit listing and now depend on the vicissitudes of other lists, and some are not on those lists.

Yet some species are selected to be explicitly included in Appendix K - yet all of the App K species are covered by category listings, as none in App K don't have a fed or state designation.

C2-3

But monarchs, which are special for this County, aren't explicitly listed anymore in our general plan. also many other plants and animals.

and this is not addressed in the DEIR analysis.

:)

And doing these changes in a "Sustainability Update" likely resulted in most conservation groups/folks not think to look at these changes. They are certainly not part of sustainability planning

--
 Yours Sincerely,
 Michael A. Guth
 Attorney at Law
 (831) 462-8270

LETTER C2: Michael Guth

C2-1 Monarch Butterfly Habitat Listing. The commenter asks why the monarch butterfly, which is included in the County's existing General Plan/LCP Appendix B Sensitive Species List, has been removed and no longer appears on the County's Sensitive Species list (now General Plan/LCP Appendix K) that is part of the proposed Sustainability Update.

Response: See Response to Comment B1-2.

C2-23 County Sensitive Habitat/Species List. The commenter indicates that with the proposed amendments, county special species are no longer on the list and only the state's Special Animal List would apply.

Response: See Response to Comment B1-3.

C2-3 Monarch Butterfly Listing. The commenter states that monarchs, which are special in the County, aren't explicitly listed in the proposed Update, in addition to other plants and animals, which is not addressed in the Draft EIR analysis.

Response: See Responses to Comments B1-2 and B1-3.

LETTER C3

From: Becky Steinbruner <ki6tkb@yahoo.com>
Sent: Sunday, May 15, 2022 9:28 AM
To: Environmental Comments
Cc: Becky Steinbruner
Subject: Public Comment re: Draft EIR for Santa Cruz County Sustainability Plan and Regulatory Update APPENDIX C: PROJECT GROWTH ASSUMPTIONS MEMORANDUM

**** CAUTION: This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Dear Staff,

I have reviewed Appendix C of the Draft Santa Cruz County Sustainability Plan and Regulatory Update EIR and have the following comments and questions:

- C3-1 | 1) This document is dated October 29, 2020, and does not reflect the current AMBAG Draft Sixth Cycle Regional Housing Needs Allocation (RHNA) Plan numbers that are essentially triple the required number of units required by the State. How will the Draft EIR accommodate this new RHNA requirement?
- C3-2 | 2) Page 2
The proposed development standards allow for the Urban High Flex (R-UHF) designation and up to 75% of the development to be residential units. (See Built Environment Element Policy BE-3.2.1: Residential Uses in Commercial Designations.)
- C3-3 | This is a significant change from the County's current requirement that Mixed Use Development include a 50% housing ratio to commercial use. How did the County develop this new ratio and what types of commercial uses would be allowed in the Mixed Use Developments? The 2045 AMBAG Economic Forecast shows little growth other than in the medical industry. How will medical uses in Mixed Use Developments affect traffic generation to these residential areas and how would parking needs be analyzed and mitigated?
- C3-4 | 3) Pages 3
"Additionally, parcels with results of less than two units were zeroed out to take a conservative approach to growth opportunities.".....
"Due to the analysis methodology which had a focus on infill development along major transportation corridors in the USL, the majority of the housing growth ended up being focused in mid-County primarily within the Live Oak area. "
- I feel that Live Oak is again being targeted unfairly for the bulk of the County's dense growth, without paying adequate consideration of the impacts this would impose on quality of life and infrastructure needs. Will this include the Santa Cruz Branch Line as a transportation corridor, as is alluded to on page 5. Why "zero out" other areas instead of providing a more widespread and less-dense approach countywide? How does this comply with SB 35?
- C3-5 | 4) Page 5
"2. The resulting service and retail jobs appropriately reflected current growth trends and policy assumptions in the Sustainability Update in that they were mostly focused within the USL around major transportation corridors. However, the locations of these jobs were further refined to reflect mixed-use growth along main street corridors, multimodal corridors, and around future potential transit stations along the Santa Cruz Branch Line, as well as commercial growth in the medical uses around Soquel Drive, and job growth related to the new Workplace Flex (C-3) Zone District, which was assumed to locate around multimodal corridors and in focused areas such as the 41st Avenue/Soquel Drive and 17th Avenue/Santa Cruz Branch Line areas."
- Why is the Workplace Flex Zone District only located around the rail corridor development in Live Oak, and not Aptos, where the Poor Clares and Par 3 properties provide potential growth and there could also be rail stations? Tables 5, 6 and 7 on pages 6 and 7 indicate there are a significant number of jobs forecast for the Aptos area, second only to Live Oak numbers.

C3-6 | 5) How will this Draft EIR analysis be adjusted if the current Measure D Greenway Initiative on the June 7 ballot is approved, essentially eliminating public transportation options on the Santa Cruz Branch Line rail corridor?

Thank you.
Sincerely,
Becky Steinbruner
3441 Redwood Drive
Aptos, CA 95003

From: Becky Steinbruner <ki6tkb@yahoo.com>
Sent: Sunday, May 15, 2022 11:35 PM
To: Environmental Comments
Cc: Becky Steinbruner
Subject: Please Extend Public Comment Time for Draft County Sustainability and Regulatory Update EIR

******CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Dear Planning Dept. Staff,

I have been doing my best to review the Draft EIR documents for the County Sustainability Plan and Regulatory Update but need more time due to the voluminous nature of the document.

Also, I have not been able to find the Draft EIR in the County Public Libraries. The published Notice of Public Hearing of the matter at the May 25, 2022 Planning Commission meeting failed to provide any access information to the Commission's website or agenda, and provided no access information for the virtual Public Hearing. The Planning Commission website failed to include the ID number for the Zoom meeting. <https://sccounty01.co.santa-cruz.ca.us/planning/plnmeetings/ASP/Display/ASPX/DisplayAcenda.aspx?MeetingDate=5/25/2022&MeetingType=1>

C3-7

I respectfully request a 30-day extension for the public comment period, and that the Draft EIR be made publicly available at all branches of the County Public Libraries as soon as possible.

Thank you.

Sincerely,
Becky Steinbruner
3441 Redwood Drive
Aptos, CA 95003

From: Becky Steinbruner <ki6tkb@yahoo.com>
Sent: Monday, May 30, 2022 1:04 PM
To: Environmental Comments <CEQA-NEPA@santacruzcounty.us>
Cc: Stephanie Hansen <Stephanie.Hansen@santacruzcounty.us>; Rachel Dann <Rachel.Dann@santacruzcounty.us>; Becky Steinbruner <ki6tkb@yahoo.com>
Subject: Please Extend Public Comment Period for Draft EIR of Sustainable Santa Cruz County Plan and Regulatory Update

****CAUTION:This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Dear Planning Dept. Staff,

Please extend the Public Comment Period for the Draft EIR of the County Sustainability Plan and Regulatory Update. At present, the Public Comment period closes tomorrow, May 31, 2022 at 5pm.

However, this voluminous document has not been made publicly available in hard copy at any public library in the County, thereby excluding members of the public who do not use computers for information access.

Furthermore, the County Planning Commission is not scheduled to review this Draft EIR until their July 13, 2022 final Study Session. Closing the Public Comment period on May 31, 2022 is therefore premature and unwise.

C3-8 It is concerning that only one member of the public spoke at the May 25, 2022 County Planning Commission's first Study Session that included only an overview of the Draft Sustainability Plan, causing Commissioner Dann to also raise her concerns about the low level of public participation on such a critical document.

The public has been given the Draft EIR at approximately the same time as the voluminous Draft Sustainability Plan and Regulatory Update documents themselves, and has had a compressed time period that is insufficient to review, understand and provide meaningful comment on all of this important information that will shape our County's neighborhoods and environment in the future.

It has taken since 2014 for the County to produce these documents, and the public simply needs more than 45 days to review and comprehend the Draft EIR that analysis of the major General Plan update.

Therefore, please extend the Public Comment period on the Draft EIR until August 1, 2022 to provide time for the County to place hard copies of the document in public libraries, and adequate time for thorough public review and meaningful comment.

Thank you.

Sincerely,
Becky Steinbruner
3441 Redwood Drive
Aptos, CA 95003

From: Becky Steinbruner <ki6tkb@yahoo.com>
Sent: Tuesday, May 31, 2022 5:00 PM
To: Environmental Comments <CEQA-NEPA@santacruzcounty.us>
Cc: Stephanie Hansen <Stephanie.Hansen@santacruzcounty.us>; Becky Steinbruner <ki6tkb@yahoo.com>
Subject: Public Comment re: Draft Sustainability Plan EIR

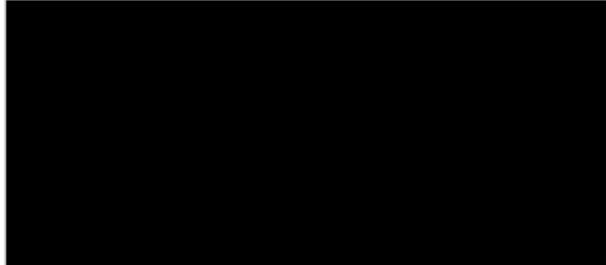
Dear CEQA Review Staff,

C3-9 I am submitting the following comments on the Draft EIR for the Sustainable Santa Cruz County Plan. I feel the public has not been given adequate time to review this document and that the Comment Period should be extended until August 1, 2022.

C3-10 Chapter 4 Water Resources
 1) Chapter paragraph 4.10.13
The County designates the areas where major groundwater recharge or infiltration is known to occur as Primary Groundwater Recharge areas on General Plan/LCP Resource Constraints Maps and County GIS system.

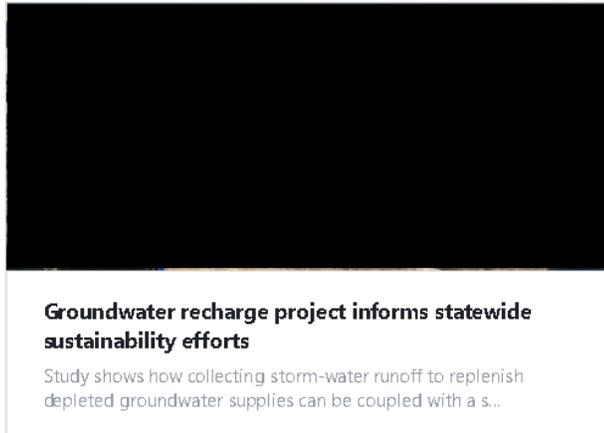
Please include that this work is actually done by Dr. Andrew Fisher, "The Recharge Initiative", at UCSC, having created the map of soils in Santa Cruz County that are best-suited for groundwater recharge projects. This will better-inform the public.

[The Recharge Initiative](#)



The Recharge Initiative

[Groundwater recharge project informs statewide sustainability efforts](#)



2) Page 4, 10-7

DWR classified the Basin as in critical overdraft because seawater intrusion is actively occurring (MGA 2019). Groundwater extractions in the Basin peaked between the mid-1980s and mid-1990s, causing groundwater overdraft. Over-pumping of Basin aquifers lowered groundwater elevations in the coastal portions of the Basin where the majority of municipal pumping takes place. Lowered groundwater levels allowed seawater intrusion into portions of the aquifer and posed a threat of more widespread seawater intrusion.

Please include the information regarding historical DWR classification of the MidCounty Groundwater Basin overdraft and former naming references of the Basin to provide better information for the public:

<https://www.soquelcreekwater.org/sites/default/files/documents/Reports/groundwater-management-plan-2007-final-complete-with-figures.pdf>

C3-11 page 14 of Report:

Bulletin 118 (DWR, 1975) defined a basin called the Santa Cruz Purisima Formation Highlands which included the area overlying the aquifers from north and east of Santa Cruz to a boundary with the Pajaro Valley as well as a separate basin named Soquel Valley. The 1980 update of Bulletin 118 (DWR, 1980) identified the Santa Cruz-Pajaro Basin, which included both the Santa Cruz Purisima Formation Highlands and Soquel Valley, and **was classified as subject to critical conditions of overdraft. This finding, according to Bulletin 118-80, was "at the request of the City of Santa Cruz and a Supervisor of Santa Cruz County".**

DWR revised Bulletin 118-80 again in 1992 and better defined the boundaries for Soquel Valley, Santa Cruz Purisima Formation Highlands and the Pajaro Valley Basins. It also cited that the Soquel-Aptos area was **not** subject to critical conditions of overdraft. This finding was primarily based on the Groundwater Management Program and Monitoring that was implemented by SqCWD in 1981. Bulletin 118 was most recently updated in 2003 and includes a written report and supplemental material consisting of individual hydrogeologic descriptions, maps, and GIS compatible data files of each delineated groundwater basin in California. Bulletin 118 (2003), however, **still does not clearly and accurately describe the hydrogeologic conditions of the Soquel-Aptos area.**

- C3-12 3) Summary of MidCounty Groundwater Sustainability Actions should include discussion of the Santa Cruz City Water Supply Advisory Committee (WSAC) work that occurred in 2013-2015. The City of Santa Cruz Water Department Administration and Operations/ Maintenance leaders continue to be guided by the WSAC Recommendations.
<https://www.cityofsantacruz.com/government/city-departments/water/water-supply-advisory-committee-recommendations>
 This integral information is critical for public understanding of the guidance for water supply and infrastructure improvements that would affect future land use in the County.
- C3-13 4)The Summary of the MidCounty and Santa Margarita Groundwater Sustainability Actions should also include discussion of the Santa Cruz City Water Rights Project because this will better-inform the public regarding possible conjunctive water supply coordination in the County. Please include a discussion of this and the 1914 Water Rights Law to better-inform the public and to provide accurate guidance for future decision-making bodies.
<https://www.cityofsantacruz.com/government/city-departments/water/water-rights-4231>
- C3-14 4a) Further discussion regarding the MidCounty Groundwater Agency actions need to include discussion of regional water management potential that include conjunctive use between the City of Santa Cruz and Soquel Creek Water District when water is abundant.
 Please include a discussion and reference to the Water Transfer Pilot Project between the two agencies and the following technical data showing no water quality problems relative to mixing groundwater and surface water sources within the distribution system, and the fact that there exists an intertie to allow this conjunctive water sharing. <https://www.soquelcreekwater.org/DocumentCenter/View/331/Water-Quality-Results-PDF?bidId=>
 This will better-inform the public and provide accurate information beneficial to future decision-making bodies.
- C3-15 5) Page 4.10-12
While the Porter-Cologne Water Quality Control Act requires the state to adopt water quality policies, plans, and objectives that protect the State's waters, the federal Clean Water Act (CWA) establishes basic guidelines for regulating discharges of both point and non-point sources of pollutants into the waters of the United States.² The CWA requires that states adopt water quality standards to protect public health, enhance the quality of water resources, and ensure implementation of the CWA.
 Please also include discussion of the State Water Law enacted by Resolution 68-16 requiring any project affecting high-quality surface waters and / or groundwater must conduct an Anti-Degradation Analysis to ensure that the waters of the State. Please include this reference:
https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf
 This will better-inform the public regarding the laws that exist to protect the high-quality waters of the State and that serve to protect the Public Trust
 Doctrine: <https://www.watereducation.org/aquapedia/public-trust-doctrine>
- C3-16 6) Page 4.10-16
*Currently, groundwater quality issues in the Santa Cruz Mid-County Groundwater Basin include one location with 1,2,3-trichloropropane (1,2,3-TCF) concentrations in groundwater, widespread nitrate in parts of the Aromas Red Sands aquifers, elevated ammonia concentrations in the western portion of the Basin, and saline water associated with seawater intrusion in two areas along the coast. **Otherwise,***

- Santa Cruz Mid-County Groundwater Basin groundwater quality is good, with no poor groundwater quality present within productive aquifers. The 1,2,3-TCP concentrations have been detected in the SqCWD Country Club well, which is screened in Aromas Red Sands and Purisima F aquifers (MGA 2019).**
- C3-16 This discussion does not include mention of significant problems with Hexavalent Chromium contamination in Soquel Creek Water District's four wells in the Seascape and La Selva Beach areas.
- Please include HexavalentChromium contamination and inherent State tentative changes that will lower the MCL for this carcinogen. <https://www.soquelcreekwater.org/219/Chromium-6>
- This will provide the public with clear, more accurate information regarding the groundwater quality issues in the Aromas Red Sands aquifer areas.
- 7) Page 4.10-16
Continuing to reference the paragraph quoted above, there is also no discussion regarding the chronic significant ammonia contamination of Soquel Creek Water District's O'Neill Ranch Well in Soquel, causing the District to take the well offline for the past few years.
- 8) Page 4.10-16
Further reference to groundwater quality discussion for the MidCounty Groundwater should include as a reference the following Vulnerability Assessment for Soquel Creek Water District's production wells: <https://www.soquelcreekwater.org/DocumentCenter/View/1390/O'Neill-Ranch-Well-DWSAP-Summary-PDF?bidId=>
- Please include a brief discussion and inclusion of this vulnerability assessment to better-inform the public with accurate information regarding groundwater quality.
- 9) Page 4.10-16
Further reference to groundwater quality discussion for the MidCounty Groundwater Basin should include the known PCE contamination plume in the Live Oak area that potentially could affect the water quality for the City of Santa Cruz Beltz Well Field supplies. This contamination was recently discovered at the 1500 Capitola Road construction site near the intersection of 17th Avenue and it ahs been determined the source is a former dry-cleaner business at 1600 Capitola Road that is now a laundromat. This volatile and highly-carcinogenic contamination has required vapor barrier mitigations for all structures there, which include low-cost medical and dental clinics and 57 affordable housing units. Tests confirmed the contaminant is also in teh groundwater, but to date, no mitigation efforts have been identified.
- C3-17 Please include a discussion of this known contamination site and groundwater contaminant plume, with references to provide accurate and complete information to inform the public: https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/1872693717/Environmental%20Mitigation%20at%201500%20Capitola%20Road%20-%20Frequently%20Asked%20Questions_Final_12-28-2020.pdf
- Please see and include in the EIR discussion the attached Analytical Report informing the State Water Board of the PCE contaminant plume in the groundwater that is traveling east toward the City of Santa Cruz production wells. This will better-inform the public and any future decision-making bodies.
- 10) Page 4.10-21
*The Storm Drain Master Plan identifies locations where storm drainage improvement and/or replacement is recommended with a high-, medium-, or low-priority ranking. Proposed improvements in the Live Oak planning area are generally ranked as low or medium priority and consist of scattered short storm drain segments, except for longer, medium-priority recommended improvements along 17th Avenue and Brommer Street. A series of low- and medium-priority recommendations are included in the Soquel planning area, and one high priority recommendation along Porter Street. **There are limited***
- C3-18

- ↑** *recommendations in the Aptos area, except for a high-priority recommendation in Rio Del Mar Flats.*
- C3-18 | Please include a discussion of the County of Santa Cruz Board of Supervisors recently voting to reject Federal funding to implement a major stormwater improvement project in the Rio del Mar Flats because property owners rejected a new tax to help fund ongoing operation of the improvements.
http://santacruzcountyca.igam2.com/Citizens/Detail_Legifile.aspx?Frame=&MeetingID=1880&MediaPosition=18756.615&ID=11286&CssClass=
- Any future development or density changes in this area will require improved stormwater drainage improvement infrastructure and a County commitment to dedicated funding. Please include this information in the EIR to better-inform the public and future decision-making bodies.
- C3-19 | I would like to submit further comment, but have run out of time before the deadline.
Sincerely,
Becky Steinbruner
3441 Redwood Dr.
Aptos, CA 95003



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September 30, 2020

Peter Detlefs
Economic Development Coordinator
County of Santa Cruz 701 Ocean Street, Room 520
Santa Cruz, California 95060

Update: *Chronology of Environmental Conditions Resulting in Required Environmental Mitigation that Decreases Property Value*

Site: **County of Santa Cruz Redevelopment Parcels**
1412, 1438, 1500 and 1514 Capitola Road, Santa Cruz (see *Location Map*, Figure 1)

Standard of care environmental assessment tasks were completed in furtherance of a proposed redevelopment project at the subject site (RRM 2020a, 2020b), dry cleaning solvents were discovered at the site, and a *Vapor Intrusion Mitigation System* plan was designed to be protective of human health and the environment (GeoKinetics, 2020). The design followed standard of care, regulatory agency guidelines established for all property developments (RWQCB-SFB, 2019). A copy of this guidance is included as Attachment A.

1.0 BACKGROUND

Standard of care environmental assessment tasks were completed in furtherance of a proposed redevelopment project at the 3.7-acre subject site⁽¹⁾. Specifically, historical and regulatory research collected as part of a *Phase I Environmental Site Assessment* identified a potential environmental liability attributed to an agency-closed fuel leak located approximately 200 feet east of the subject property (RRM, 2020a). The report concluded:

"It is possible that detectable residual hydrocarbon contamination from the former Live Oak Texaco at 1671 Capitola Road has spread in groundwater and possibly soil vapor, beneath the 1514 Capitola Road parcel."

To address this potential environmental risk, two (2) soil vapor samples were collected on the subject site, along the northeastern property line (RRM, 2020b). The State-certified laboratory results did not contain any significant fuel-related contaminants but instead contained very elevated concentrations of the dry cleaning solvent PCE (tetrachloroethylene).

A follow-up review of historic land use at and in the vicinity of the site identified the likely source of the property line contamination to originate from a former dry cleaning business that previously operated on

¹: The proposed redevelopment project would result in redevelopment of the underutilized site into a mixed-use development consisting of a medical clinic (Santa Cruz Community Health Center) and dental office (Dientes), and 57 affordable residential rental apartments (MidPen Housing Corporation).

Chronology of Environmental Conditions
Resulting in Required Environmental Mitigation that Decreases Property Value
1412-1514 Capitola Road, Santa Cruz

the adjoining property to the east (i.e., Former Fairway Dry Cleaners, 1600 Capitola Road).

The California Regional Water Quality Control Board Central Coast Region (RWQCB-CCR), as the overseeing agency with jurisdiction for chemical release sites, was notified of the release (GeoTracker, 2020) and provided with a *Workplan to complete an Expedited Site Characterization for an Imminent Multi-use Redevelopment* (WHA, 2020a). In addition, a *Voluntary Cost Recovery* agreement was entered between the County of Santa Cruz (on behalf of the Santa Cruz County Redevelopment Successor Agency) and the RWQCB-CCR.

Confirmation Sampling of Chemical Release (Soil, Soil Vapor and Groundwater Testing)

On February 25, 2020, following notification to the CRWQCB-CCR, forty-four (44) passive soil gas samplers were installed in a grid pattern that extended outward from the northeastern property boundary which is the location of the former Fairway Dry Cleaners. This preliminary site screening confirmed this former Dry Cleaners was the source of a release of the dry cleaning solvent PCE to the subsurface. The highest concentrations of PCE (**1,830 ug/m³**) were detected along the property boundary at levels significantly exceeding risk-based agency threshold limits for commercial and residential land uses (i.e, **67 and 15 ug/m³**, respectively). The grid of shallow passive soil sampling data also showed that concentrations dropped off (attenuated) as you move westward away from the source (figure of plume footprint included as Attachment 2). Follow-up sampling of soil, soil gas, and groundwater samples:

- a) Confirmed encroachment of dry cleaning solvent contamination from the adjoining property to the east. And,
- b) Provided data needed for the design of a vapor barrier system for the proposed multi-use development project.

2.0 CONCLUSION AND RECOMMENDATION

Standard of care characterization sampling of a recently discovered chemical release has confirmed the source of the solvent contamination is from the adjoining property to the east where a dry cleaning business formerly operated (1600 Capitola Road, see Attachment 2). The overseeing regulatory agency concurs the source is on the adjoining property and has recently issued a directive to the adjoining property to start the source characterization and cleanup process (GeoTracker Former Fairway Dry Cleaners, 2020). See Attachment 3.

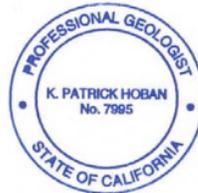
However, the responsible party (i.e. the property owners) are retired, without funds, and will need to obtain State grant monies, which may take a number of years to qualify. In the meantime, overseeing State and Local agencies (the RWQCB-CCR, and the County of Santa Cruz Health Services Agency) require installation of the *Vapor Intrusion Mitigation System* prior to occupancy of any residential or commercial development at the site.

Chronology of Environmental Conditions
Resulting in Required Environmental Mitigation that Decreases Property Value
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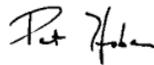
Limitations: Our service consists of professional opinions and recommendations made in accordance with generally accepted geologic and engineering principles and practices. The analysis and conclusions in this report are based on sampling and testing which are necessarily limited. Additional data from future work may lead to modification of the opinions expressed herein. If you have any questions regarding this report, or any aspect of this project, please contact us at (831) 722-3580.

Sincerely,

WEBER, HAYES AND ASSOCIATES



By



Pat Hoban, PG
Principal Environmental Geologist

cc: County of Santa Cruz, Department of Public Works
- Kimberly Finley, Peter Detlefs

- Attachment 1: Agency guidance Development on Properties with a Vapor Intrusion Threat
- Attachment 2: Vicinity Map (aerial) and Active Soil Vapor Results
- Attachment 3: RWQCB-CCR directive: to Initiate Investigation at the Adjoining Property, Former Fairway Dry Cleaners, 1600 Capitola Road, Santa Cruz, August 4, 2020

REFERENCES

California Regional Water Quality Control Board, San Francisco Bay Region (RWQCB-SFB):

- (RWQCB-SFB, 2019) guideline document: “*Fact Sheet: Development on Properties with a Vapor Intrusion Threat*”, July.
 - o https://geotracker.waterboards.ca.gov/view_documents?global_id=T10000014098&enforcement_id=6436799

California Regional Water Quality Control Board, Central Coast Region (RWQCB-CCR):

- (GeoTracker, **SC-Development Properties**): RWQCB-CCR *Public-Right-to-Know* archive of site-specific reports for the 1412, 1438, 1500 and 1514 Capitola Road properties:
 - o https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000014098
- (GeoTracker, **former Fairway Dry Cleaners**) RWQCB-CCR *Public-Right-to-Know* Information regarding the former Fairway Dry Cleaners solvent release site at 1600 Capitola Road:
 - o https://geotracker.waterboards.ca.gov/view_documents?global_id=T10000014098&document_id=6023573

Chronology of Environmental Conditions
Resulting in Required Environmental Mitigation that Decreases Property Value
1412-1514 Capitola Road, Santa Cruz

(References continued)

- (GeoTracker, **Texaco Fuel Leak**): Geotracker Archive of site-specific reports for the Live Oak Texaco fuel leak case at 1671 Capitola Road fuel leak site (reports dated between 1990-2012):
 - o https://geotracker.waterboards.ca.gov/prc/file_report.asp?global_id=T0608700286

GeoKinetics Consulting

- (GeoKinetics, 2020) *Vapor Intrusion Mitigation System (VIMS) and the Operating, Monitoring, and Maintenance (OM&M) Plan for the Santa Cruz Community Health Centers and Live Oaks Apartments located at 1412 to 1514 Capitola Road in Santa Cruz*, September 28.
 - o https://geotracker.waterboards.ca.gov/view_documents?global_id=T10000014098&document_id=6029539

Remediation Risk Management, Inc. (RRM) reports regarding 1412, 1438, 1500, and 1514 Capitola Road:

- (RRM, 1994): *Remedial Action Summary Report for 1438 Capitola Road*, October 3.
- (RRM, 2020a): *Phase I Environmental Site Assessment (ESA)*, January 6.
 - o https://geotracker.waterboards.ca.gov/view_documents?global_id=T10000014098&document_id=6017423
- (RRM, 2020b): *Limited Soil Vapor Investigation (Phase II)*, January 20.
 - o https://geotracker.waterboards.ca.gov/view_documents?global_id=T10000014098&document_id=6017424

Weber, Hayes and Associates (WHA) reports for 1412, 1438, 1500 and 1514 Capitola Road, Santa Cruz:

- (WHA, 2020a): *Workplan – Expedited Site Characterization for an Imminent Multi-use Redevelopment*, Feb 17.
 - o <https://drive.google.com/open?id=182qjxIFfHPRDrzmWrDbj3YC3IVRQFEo>
- (WHA, 2020b): *Update: Passive Soil Gas Sample Results & Planned Follow-up Sampling*, Mar-20.
 - o https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/9783261954/2020-03-20%20Update%20to%20Workplan.paf

*Chronology of Environmental Conditions &
Justification for Decreased Property Value
1412-1514 Capitola Road, Santa Cruz*

Attachment 1

**CRWQCB-SFB guideline document:
Fact Sheet: Development on Properties with a Vapor Intrusion Threat
July 2019**

Weber, Hayes & Associates



San Francisco Bay Regional Water Quality Control Board

Fact Sheet: Development on Properties with a Vapor Intrusion Threat – July 2019

The San Francisco Bay Regional Water Board (Regional Water Board) oversees an increasing number of cleanups at properties where volatile organic compounds (VOCs) are present in soil vapor and development is occurring. These VOCs can pose a health threat to building occupants if they migrate into buildings through vapor intrusion (VI). We will continue to require site cleanup where threats to human health or the environment exist. However, we recognize that achieving cleanup standards may take years given currently available remedial technologies, and therefore interim protective measures may be needed. Typically, VI mitigation systems (VIMS) are installed in the interim to mitigate VI threats. VIMS are not a substitute for cleanup. Operation, maintenance, and monitoring (OM&M) and agency oversight are typically warranted to ensure effectiveness. The Regional Water Board's approach to regulating VIMS has evolved since the 2014 release of our *Framework for Assessment of Vapor Intrusion at TCE-Contaminated Sites in the San Francisco Bay Region* (VI Framework). This fact sheet is intended to provide developers, cities, homeowners associations, and the public a summary of expectations for development at sites where VI may pose a threat.

Types of VIMS

Traditional VIMS for the soil vapor intrusion pathway can be divided into two main categories: Subslab Depressurization Systems (SSDS) and Vented VIMS. SSDS rely on active electromechanical means to divert subslab vapors and generate a constant negative pressure beneath a building's slab foundation to prevent contaminated vapors from migrating up into the building. Vented VIMS rely on passive or active mechanisms (e.g., thermal gradients, wind driven ventilation, or powered fans) to dilute vapors beneath the building and vent them into the outdoor air.

MICHAEL MONTGOMERY, EXECUTIVE OFFICER

1515 Clay St., Suite 1400, Oakland, CA 94612 | www.waterboards.ca.gov/sanfranciscobay



Updated Approach to VIMS

In the 2014 VI Framework, the Regional Water Board expressed a preference for passive venting systems, which have fewer moving parts and potentially require less maintenance, and we typically did not require monitoring after occupancy. Since 2014, our concerns about long-term effectiveness of VIMS have increased due to awareness of failures and limited monitoring at buildings with VIMS. We now prefer SSDS for slab on grade design because they provide greater protection and allow for simpler monitoring.

In 2019, the Regional Water Board also updated our approach to VI assessment by providing more stringent soil gas and groundwater VI Environmental Screening Levels (ESLs) based on empirical attenuation factors rather than those determined using the Johnson and Ettinger VI model. We also updated the ESL guidance to recommend verification of VI model predictions and evaluation of the sewer/utility conduit air pathway. See the [ESL Webpage](#) for more information.

Evaluating Effectiveness

For vented VIMS, ongoing monitoring of contaminant concentrations (subslab and/or indoor air) is needed to demonstrate effectiveness. Long-term monitoring of indoor air can be problematic because it requires access permission, is intrusive to occupants, and data interpretation can be challenging due to confounding factors from indoor and outdoor sources of VOCs. For SSDS, the measurement of cross-slab vapor pressure differential can be used to monitor if subsurface vapors are migrating into the building. Pressure differential monitoring can provide real-time, continuous readings more cost effectively than indoor air monitoring. This reduces the need for long-term indoor air monitoring except as a contingency measure.

Evaluating Operational Lifetime

The Regional Water Board encourages active cleanup to reduce or eliminate the ongoing need for VIMS. Therefore, the operational lifetime of the VIMS is related to the cleanup timeframe and may be years to decades until the VI threat is abated. OM&M and Regional Water Board oversight are needed for the entire duration to ensure

protectiveness. The operational lifetime of the VIMS will depend on site-specific data on the VI threat. An estimate of the operational lifetime should be included in the VIMS plans. The operational lifetime of the VIMS should be reevaluated as part of long-term monitoring reports and 5-year reviews conducted under our oversight. Soil vapor monitoring near the source of pollution where the VIMS is installed provides the best evidence to evaluate the VI threat and evaluate when VIMS are no longer needed. VIMS operation can be discontinued when we determine that the VI threat has ceased.

Regional Water Board Oversight

For cases under Regional Water Board oversight, we should be informed early in the development planning process of VI issues and the need for VIMS. When we concur that VIMS are necessary, we will typically need to review the documents summarized in Table 1, below. All documents should be prepared under the direction of an appropriately licensed professional. In addition, some documents will also require approval by local agencies including, but not limited to; the local building department, local environmental health agency, air quality agency, and local water agency. Local building departments routinely rely on regulatory oversight agency concurrence with milestone documents before granting building permits or approving occupancy.

Table 1. Documents Needed for a VIMS

Document Title	Milestone
VIMS Plan(s) – Including VIMS design, OM&M, contingency plans, and financial assurance.	Pre-construction
VIMS Construction Completion Report – Including as-built drawings	Post-construction and pre-occupancy
Long-Term Monitoring Reports	Ongoing post-construction
Five-Year Review Reports	Every five years post-construction

Financial Assurance

Financial assurance is typically required to ensure sufficient funds are available to operate, maintain, and monitor the VIMS, and pay regulatory oversight cost recovery for the anticipated operational lifetime of the VIMS. Prior to construction, a financial assurance mechanism should be created to fund costs associated with the VIMS (e.g., OM&M, reporting, potential contingency measures, Regional Water Board oversight). Financial assurance may be in the form of a trust fund, surety bond, letter of credit, insurance, corporate guarantee, qualification as a self-insurer by a financial means test, or other acceptable mechanism. A detailed cost estimate should be provided to quantify the amount of the financial assurance needed and should be based on the length of time that residual contamination may pose a vapor intrusion risk, up to 30 years.

Expectations for Regulatory Review Timeframes

For planning purposes, assume the Regional Water Board will need 60 days per submittal for review. Actual review times may vary depending on workload and project complexity (e.g., alternative designs, site complexity). Expectations for our oversight and review timeframes should be explicitly discussed with the site's case manager.

Questions or Comments

For general questions about our VIMS guidance, contact ESLs.ESLs@waterboards.ca.gov. For questions regarding a specific site, contact the Regional Water Board case manager. Contact information for the case manager can be accessed on the [GeoTracker](https://geotracker.waterboards.ca.gov/) database (<https://geotracker.waterboards.ca.gov/>). To request oversight on a project, refer to the "Requesting Oversight" information and complete the new case application on our [Site Cleanup Webpage](https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/sitecleanupprogram.html#RequestingOversight) (https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/sitecleanupprogram.html#RequestingOversight).

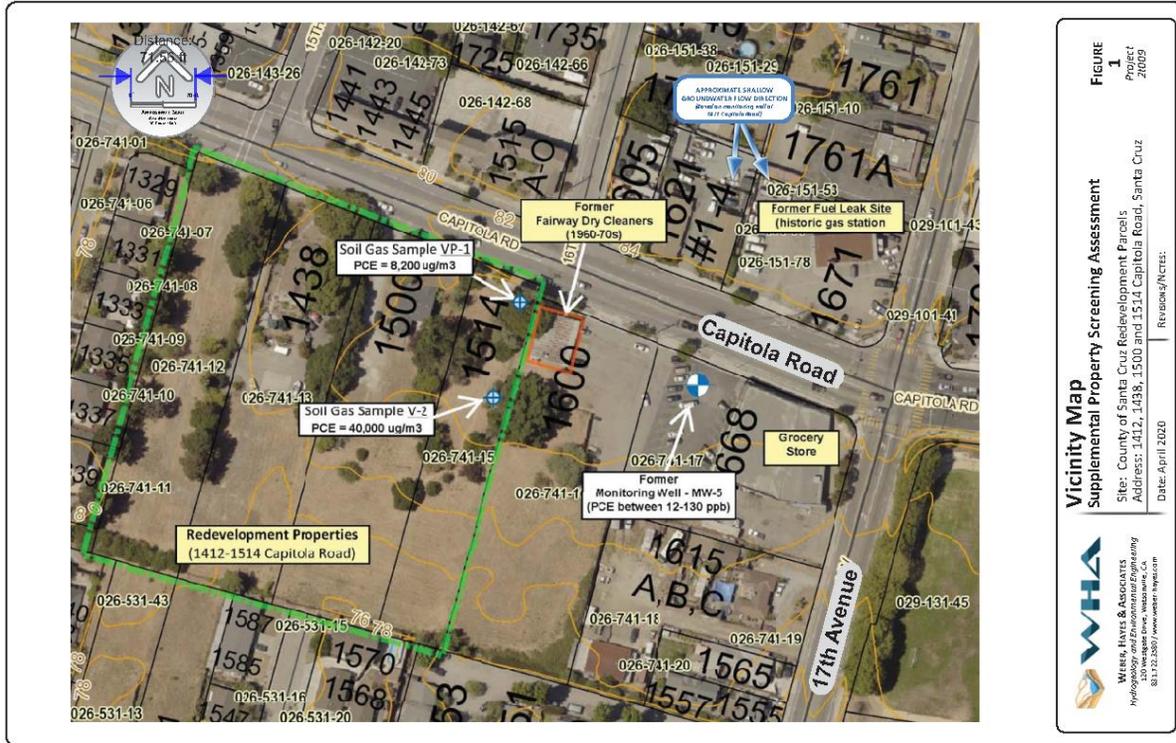
*Chronology of Environmental Conditions &
Justification for Decreased Property Value
1412-1514 Capitola Road, Santa Cruz*

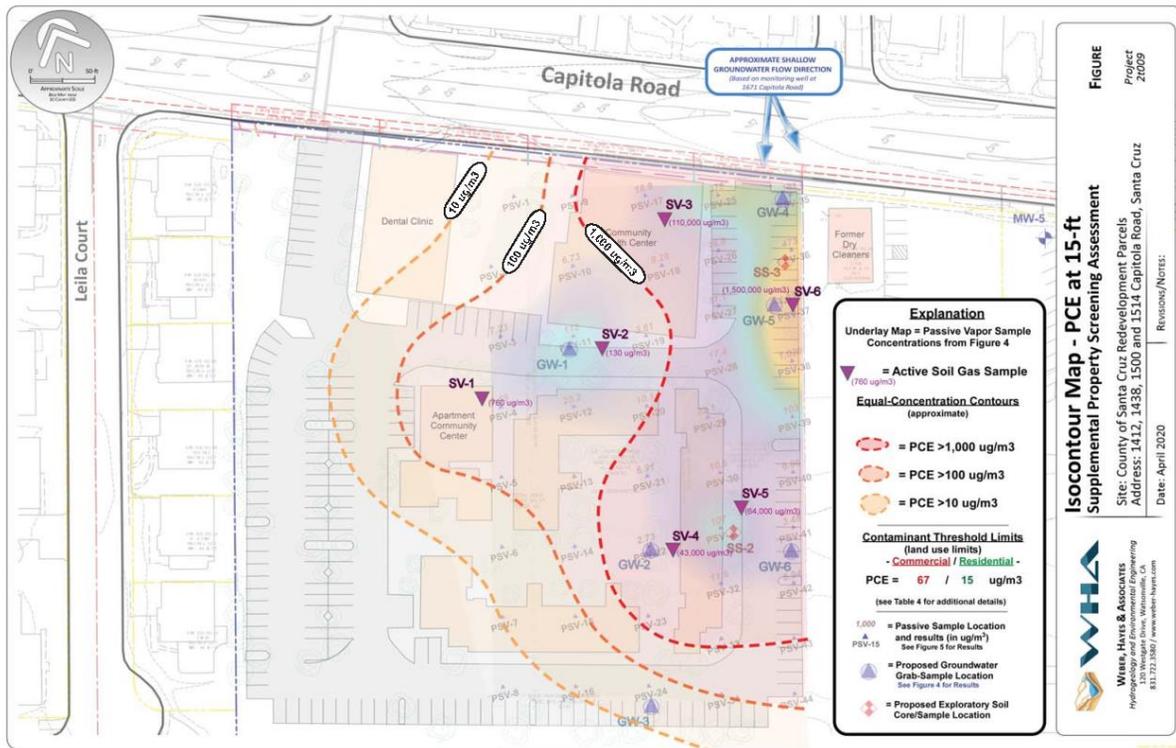
Attachment 2

Figure 1: Vicinity Map (aerial)

**Figure 2: Soil Vapor Results
- Isocontour Map of Soil Vapor Detections**

Weber, Hayes & Associates





*Chronology of Environmental Conditions &
Justification for Decreased Property Value
1412-1514 Capitola Road, Santa Cruz*

Attachment 3

**RWQCB-CCR directive: to Initiate Investigation at the Adjoining Property
Former Fairway Dry Cleaners, 1600 Capitola Road, Santa Cruz
August 4, 2020**

https://geotracker.waterboards.ca.gov/view_documents?global_id=T10000014098&document_id=6023573

Weber, Hayes & Associates



Central Coast Regional Water Quality Control Board

August 4, 2020

17th & Capitola, LP
Huei Hsien Sally Chang
Chuan Sheng Frank Chang
1818 Harper Street
Santa Cruz, CA 95062

Certified Mail 7019 0700 0001 7649 9905

Dear Mr. Chang:

SITE CLEANUP PROGRAM: FORMER FAIRWAY DRY CLEANING AND LAUNDRY, 1600 CAPITOLA ROAD, SANTA CRUZ, SANTA CRUZ COUNTY – REQUIREMENT TO SUBMIT AN INVESTIGATION WORK PLAN AND COMPLETED QUESTIONAIRES PURSUANT TO CALIFORNIA WATER CODE SECTION 13267

On April 16, 2020, the Central Coast Regional Water Quality Control Board (Central Coast Water Board) received a data submittal package¹ prepared by Weber, Hayes & Associates for a redevelopment project at 1412, 1438, 1500, and 1514 Capitola Road², Santa Cruz. Weber, Hayes performed the site characterization at the County of Santa Cruz Department of Public Works' request because volatile organic compounds, including the dry-cleaning solvent tetrachloroethylene (PCE), were detected in shallow soil vapor samples on the 1500 and 1514 Capitola Road properties in March 2020.

The Central Coast Regional Water Quality Control Board (Central Coast Water Board) and the County of Santa Cruz Environmental Health oversee cleanup of waste discharges at properties throughout the County of Santa Cruz. Our regulatory oversight of the proposed development on Capitola Road has produced information that indicates 17th & Capitola, LP owns the parcel at 1600 Capitola Road, APN 019-028-15. Weber, Hayes provided information that Fairway Dry Cleaning and Laundry operated at APN 019-028-15 from 1964 to 1971, during which time it may have discharged dry-cleaning wastes to waters of the State. This letter is an order that requires you to take specific actions per a defined schedule as described below. The Central Coast Water Board may assess significant monetary penalties for failure to comply with this order, so please read this order carefully and contact us at the numbers indicated below if you have questions.

¹ The data submittal package: *Soil Vapor, Groundwater and Soil Sample Results – Expedited Site Characterization for an Imminent Multi-Use Development* can be found at this link:

<https://geotracker.waterboards.ca.gov/?url=0sdbm>

² More information about the development project can be found at this link:

https://geotracker.waterboards.ca.gov/regulators/screens/menu?global_id=T10000014098

DR. JEAN-PIERRE WOLFF, CHAIR | MATTHEW T. KEELING, EXECUTIVE OFFICER

17th & Capitola, LP

- 2 -

August 4, 2020

As detailed in Weber, Hayes' data submittal package, the highest soil vapor concentration of PCE was detected along the northeastern property boundary of 1514 Capitola Road in PSV-37 at 1,830 $\mu\text{g}/\text{m}^3$, which is above both residential and commercial environmental screening levels³ for PCE, which are 67 $\mu\text{g}/\text{m}^3$ and 15 $\mu\text{g}/\text{m}^3$. In addition, the highest groundwater concentration of PCE was detected in GW-6 at 192 $\mu\text{g}/\text{L}$, which is above the California Maximum Contaminant level⁴ for PCE (5 $\mu\text{g}/\text{L}$). The data submittal package and other reports produced for the development at Capitola Road indicate that PCE and other volatile organic compounds that may have originated from historical dry-cleaning operations at APN 019-028-15 have been discharged to the development properties.

To evaluate if APN 019-028-15 is the source of the PCE and dry-cleaning solvents found at the development properties, the Central Coast Water Board requires 17th & Capitola, LP to submit a work plan to investigate the presence and distribution of dry-cleaning solvents in soil vapor, soil, and groundwater. A work plan for this investigation is required by **September 30, 2020**. As part of the work plan, you must also include the completed questionnaires attached to this letter.

Legal Requirements

the Central Coast Water Board suspects that discharges of volatile organic compounds have occurred at APN 019-028-15 and that dry-cleaning solvents have degraded the local groundwater quality in this area.

This order identifies 17th & Capitola, LP as the fee title owner and the party responsible for the suspected discharge due to the type of operation and the nature and concentrations of the wastes at and near the property.

Section 13267(b)(1) of the California Water Code states, in part:

In conducting an investigation, the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports and shall identify the evidence that supports requiring that person to provide the reports.

Pursuant to section 13267(b) of the California Water Code, the Central Coast Water Board requires that 17th & Capitola, LP submit the following **by September 30, 2020**:

- 1) Completed Chemical Use and Storage Questionnaire, Attachment 1.
- 2) Completed Site Audit Questionnaire, Attachment 2.

³ Information about San Francisco Bay Environmental Screening Levels can be found at this link: https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/esl.html

⁴ Information about California Maximum Contaminant Levels can be found at this link: https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Chemicalcontaminants.html

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- 3) Any information regarding former Fairway Dry Cleaning and Laundry operations and redevelopment of the parcel or change of use from a dry-cleaning to coin-operated laundry business.
- 4) Any maps or drawings showing the layout of current or historical business operations. For example, identify the location of existing utility lines, any former dry-cleaning equipment, underground used-oil storage tanks, heating oil tanks, sumps, clarifiers, etc. on APN 019-028-15.
- 5) An investigation workplan to evaluate whether chemicals were discharged to the environment from operations conducted historically or currently on parcel 019-028-15. The work plan must be prepared by a professional geologist or engineer licensed in California. The Central Coast Water Board suggests that you propose the installation of at least eight soil vapor, soil, and/or groundwater monitoring wells and propose to collect samples from each of these media.

The above items shall be submitted by **September 30, 2020**, to the Central Coast Water Board at dan.niles@waterboards.ca.gov, County of Santa, Environmental Health at John.Gerbrandt@santacruzcounty.us, and uploaded to the State Water Resources Control Board's GeoTracker database at this internet link: <http://geotracker.waterboards.ca.gov/?qid=T10000015553>

Additional Legal Requirements

The Central Coast Water Board, under authority of California Water Code section 13267, subdivision (b)(1), requires you to include a perjury statement in all reports submitted under the 13267 order. The perjury statement shall be signed by a senior authorized company representative (not by a consultant). The perjury statement shall be in the following format:

I, [NAME], certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The State Water Board adopted regulations (Chapter 30, Division 3 of Title 23 & Division 3 of Title 27, California Code of Regulation) requiring the electronic submittal of information for all site cleanup programs, starting January 1, 2005. To comply with the above referenced regulation, you are required to upload all technical reports, documents, and well data to GeoTracker⁵ by the due dates specified in the Central Coast Water Board letters and orders issued to you or for the property. However, we

⁵ All of the information on electronic submittals and GeoTracker contacts can be found at http://www.waterboards.ca.gov/ust/electronic_submittal

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may request that you submit hard copies of selected documents and data to the Central Coast Water Board in addition to electronic submittal of information to GeoTracker.

This order is made pursuant to the provisions of section 13267 of the California Water Code. Pursuant to section 13268 of the California Water Code, a violation of an order made pursuant to California Water Code section 13267 may subject you to monetary civil liability of up to \$1,000 per day.

The historical information and work plan required by the Central Coast Water Board is needed to evaluate the extent of discharges of wastes in groundwater beneath and potentially migrating from the subject parcel. 17th & Capitola, LP is required to submit these reports because soil vapor and groundwater wastes have been detected adjacent to your parcel. Current and historical business operations at the subject parcel may be the source of the wastes in soil vapor and groundwater. More detailed information is available in the Central Coast Water Board's public file on this matter and on the GeoTracker database.

The burdens, including costs, of these reports bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The information is necessary to determine the nature and scope of the discharges of waste at and near the property that have impacted the beneficial uses of waters of the state.

The issuance of this order is an enforcement action by a regulatory agency and is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15321(a)(2), Chapter 3, Title 14 of the California Code of Regulations. This order requires a review of technical and/or monitoring reports and work plans. The proposed activities under the work plans are not yet known. It is unlikely that implementation of the work plans associated with this order could result in anything more than minor physical changes to the environment. If the implementation may result in significant impacts on the environment, the appropriate lead agency will address the CEQA requirements prior to implementing any work plan.

Any person affected by this action of the Central Coast Water Board may petition the State Water Board to review the action in accordance with section 13320 of the California Water Code and Title 23, California code of Regulations, Section 2050. The petition must be received by the State Board within 30 days of the date of this order. Copies of the law and regulations applicable to filing petitions are available at the State Water Board web site.⁶

If you have any questions, please contact Dan Niles at (805) 549-3355 or by email at dan.niles@waterboards.ca.gov or Sheila Soderberg at (805) 549-3592.

Sincerely,

for Matthew T. Keeling
Executive Officer

⁶ State Water Resources Control Board petition instructions:
https://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml

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Attachment 1: Chemical Use and Storage Questionnaire

Attachment 2: Site Audit Questionnaire

cc:

Kimberly Finley, County of Santa Cruz, Kimberly.Finley@santacruzcounty.us

Julie Conway, County of Santa Cruz, Julie.Conway@santacruzcounty.us

John Gerbrandt, County of Santa Cruz, John.Gerbrandt@santacruzcounty.us

Pat Hoban, Weber, Hayes & Associates, pat@weber-hayes.com

Dan Niles, Central Coast Water Board, dan.niles@waterboards.ca.gov

Sheila Soderberg, Central Coast Water Board, sheila.soderberg@waterboard.ca.gov

Harvey Packard, Central Coast Water Board, harvey.packard@waterboards.ca.gov

Water Board internal file: r:\rb3\shared\scp\sites\santa cruz co\santa cruz\1600 capitola road - fairway dry cleaners\08-03-2020_scp_fairwaydc_13267order.docx

GeoTracker file: <http://geotracker.waterboards.ca.gov/?qid=T10000015553>

BizFlow Task A07000 Site Cleanup Program

LETTER C3: Becky Steinbruner

- C3-1 Regional Housing Needs Allocation.** The commenter indicates that Appendix C of the Draft EIR does not reflect the current Regional Housing Needs Allocation (RHNA) and asks how the EIR will address this requirement.

Response: The RHNA covers an eight-year period that coincides with the timeframe for required General Plan Housing Elements. Appendix C reflects the 2014-2023 RHNA that is currently in place. The recent draft of the upcoming 2023-2031 RHNA was not available at the time Appendix C or Draft EIR were prepared. The baseline date for the EIR analyses is the date the EIR NOP was issued, which is August 2020. The EIR analyzes impacts to the year 2040 based on adopted regional growth forecasts in place when the Draft EIR was prepared. However, in response to Comment A1-9, the Draft EIR text has been updated to note the draft 2023-2031 RHNA. See Response to Comment A1-9.

- C3-2 Urban High Flex Development Standard.** In reference to Appendix C of the Draft EIR, the commenter notes that development standards for the proposed Urban High Flex designation allow up to 75% of the development to be residential units, which is a significant change from the County's current requirement that mixed-use development include 50% residential units, and asks how the County developed this ratio and what types of commercial uses would be allowed in mixed-use developments.

Response: The comment is acknowledged, but does not address analyses or contents in the Draft EIR. Therefore, no response is required. However, as currently drafted, Urban High Residential Flex is a residential land use designation allowing for 100% residential units, not a mixed-use zone district. Mixed-use development is allowed in most commercial zone districts, and the project raises the ratio of allowed residential square footage in mixed-use developments from 50% to 75%. This is due to a reduced demand for commercial development and an increased need for residential units to address the housing crisis. Mixed-use developments providing affordable housing units have recently applied density bonus concessions to increase residential square footage to 75% to render developments economically feasible.

- C3-3 Medical Mixed Uses.** The commenter asks how medical uses in mixed-use developments will affect traffic to residential areas and how parking would be addressed.

Response: Transportation impacts are addressed in Section 4.15 and Appendix G of the Draft EIR. Parking is not an issue to be evaluated under CEQA, but future development projects would be subject to County General Plan/LCP policies and regulations, which specify parking requirements for all proposed uses. Mixed uses are required to calculate minimum parking spaces for each type of use on site.

- C3-4 Infill Development.** In reference to Appendix C of the Draft EIR, the commenter indicates that Live Oak is again being targeted unfairly for the bulk of the County's dense growth, without adequate consideration of the impacts this would impose on quality of life and infrastructure needs. The

commenter asks if the Santa Cruz Branch Line as a transportation corridor is included, why “zero out” other areas instead of providing a more widespread and less-dense approach countywide, and how does this comply with SB 35.

Response: The comment regarding Live Oak expresses an opinion of the commenter and is acknowledged. Potential growth from 2020-2040 is spread out throughout the county’s urban areas where potential exists for new or infill development, particularly along multi-modal lines providing transit and other urban services. The methodology does provide a conservative analysis so as to not over- or under-state the potential growth from 2020-2040. “Quality of life” is not an impact category under CEQA, which focuses on significant impacts on the physical environment. Impacts related to public utilities and infrastructure are evaluated in Section 4.16 of the Draft EIR. As indicated on page 3-19 of the Draft EIR, the proposed Access + Mobility Element continues support for use of the Santa Cruz Branch Line and the Santa Cruz Big Trees rail corridors for recreational travel, freight and high-quality transit service, as determined by the SCCRTC and other rail corridor owners, and thus, the rail corridor is considered a transportation corridor. The other question regarding SB35 is not related to analyses or contents in the Draft EIR, and no response is required,

- C3-5 **Workplace Flex Zone.** In reference to Appendix C of the Draft EIR, the commenter asks why the Workplace Flex Zone is only located around the rail corridor in Live Oak and not Aptos and that Tables 5, 6, and 7 indicate a significant number of jobs forecast for the Aptos area, second only to the Live Oak area.

Response: The proposed flex zone is tied to employment generating uses, and as indicated on page 5 of Appendix C, locations of these jobs were refined to reflect mixed-use growth along main street corridors, multimodal corridors, and around future potential transit stations along the Santa Cruz Branch Line, as well as commercial growth in the medical uses around Soquel Drive, and job growth related to the new Workplace Flex (C-3) Zone District, which was assumed to locate around multimodal corridors and in focused areas such as the 41st Avenue/Soquel Drive and 17th Avenue/Santa Cruz Branch Line areas. Soquel Drive within the Aptos planning area also would be considered for intensified, multi-use development.

- C3-6 **Measure D Greenway Initiative.** The commenter asks how the Draft EIR analysis will be adjusted if the Measure D Greenway Initiative on the June 7, 2022 ballot is approved, which would essentially eliminate public transportation options on the Santa Cruz Branch Line rail corridor.

Response: Measure D was not approved, and no changes to the Draft EIR analyses or assumptions in Appendix C are required.

- C3-7 **Draft EIR Public Review Period.** The commenter states that she has not been able to find the Draft EIR in public libraries and requests a 30-day extension for the public comment period and that the Draft EIR be made available in all branches of “County Public Libraries.”

Response: Both the Notice of Availability of the Draft EIR and the Draft EIR (pages 2-6 to 2-7) indicate where the Draft EIR was available for review: online, at the County Planning Department, and at three public libraries – Felton, Downtown, and Watsonville branches, so as to be available throughout the county. The request for extension of the public review period and availability of the Draft EIR at all libraries is acknowledged; however, both the comment period and the location of hard copies available to the public met state law requirements.

- C3-8 **Draft EIR Public Review Period.** The commenter asks that the County extend the Draft EIR public comment period. The comment also indicates that the document was not made publicly available in hard copy at any public library in the county, thereby “excluding members of the public who do not use computers for information access,” and that the time period to review the Draft EIR and Draft Sustainability Plan and Regulatory Update was not sufficient.

Response: See Response to Comment C3-7. The draft General Plan/LCP and County Code amendments and the County Design Guidelines, as well as proposed map amendments were publicly available for three months before the close of the public comment period for the Draft EIR and continue to be available throughout the public hearing adoption process.

- C3-9 **Draft EIR Public Review Period.** The commenter expresses an opinion that the public has not been given adequate time to review the Draft EIR and ask that the comment period be extended to August 1, 2022.

Response: See Response to Comment C3-7.

- C3-10 **Groundwater Recharge.** In reference to groundwater recharge areas identified in the County GIS system, the commenter asks to include “that this work is actually done by Dr. Andrew Fisher, the Recharge Initiative at UCSC, having created the map of soils in Santa Cruz County that are best-suited for groundwater recharge projects.”

Response: Comment is acknowledged, but addresses the County’s GIS maps and not analyses or contents in the Draft EIR.. Therefore, no response is required. However, the Draft EIR notes this Initiative on page 4.10-33.

- C3-11 **Mid-County Groundwater Basin Classifications.** The commenter cites a paragraph on page 4.10-7 of the Draft EIR regarding the Santa Cruz Mid-County Groundwater Basin classification and condition and asks that the EIR include information regarding historical DWR classifications of the Mid-County Groundwater Basin overdraft and former naming references of the Basin to provide better information for the public.

Response: CEQA requires reporting existing environmental conditions at the time the EIR NOP is released, and the EIR need not provide historical background not relevant to existing conditions that provide the basis for impact analyses. It does appear that the comment excerpts paragraphs from previous studies and also provides a website link that is not currently active.

- C3-12 **City of Santa Cruz Water Supply Advisory Committee (WSAC).** The commenter states that the summary of Mid-County groundwater sustainability actions should include discussion of the City of Santa Cruz WSAC work that occurred in 2013-2015.

Response: Groundwater basin management actions and projects are summarized on Draft EIR pages 4.10-8 to 4.10-9, in which City of Santa Cruz projects are included. The WSAC is also referenced on Draft EIR page 4.16-5 as part of the background on the City of Santa Cruz water supply planning. See Section 4.16 of the Draft EIR for discussion of water supply purveyors and impacts of the proposed project on water utilities.

- C3-13 **City of Santa Cruz Water Rights Project.** The commenter states that the summary of the Mid-County and Santa Margarita Groundwater Sustainability Actions should also include discussion of the Santa Cruz City Water Rights Project because this would better inform the public regarding possible conjunctive water supply coordination in the County. The commenter also asks that a discussion of the “1914 Water Rights Law” be included to provide accurate guidance for future decision-making bodies.

Response: As indicated above in Response to Comment C3-12, groundwater basin management actions and projects are summarized on Draft EIR pages 4.10-8 to 4.10-9, in which City of Santa Cruz projects are included. The City’s proposed water rights modifications are discussed on Draft EIR page 4.16-6 as part of the background on the City of Santa Cruz water supply planning. See Section 4.16 of the Draft EIR for discussion of water supply purveyors and impacts of the proposed project on water utilities. The 1914 Water Rights Law referenced in the comment is not applicable to the analyses of the proposed Sustainability Update included in the Draft EIR.

- C3-14 **Conjunctive Water Use.** Regarding the Mid-County Groundwater Agency (MGA) actions, the commenter asks that a discussion of conjunctive water use between the City of Santa Cruz and Soquel Creek Water District and the Water Transfer Pilot Project between the two agencies be included in the EIR, including reference to technical data on water quality between water sources.

Response: The Draft EIR summarizes management options of the MGA’s Groundwater Sustainability Plan on page 4.10-9 of the Draft EIR; water transfers are mentioned in Group 2. A discussion of water exchanges between the City of Santa Cruz and Soquel Creek Water District, as well as Central and San Lorenzo Valley Water Districts, is provided on pages 4.16-5 of the Draft EIR. The referenced technical water quality data is noted, but is not necessary to describe as part of the impact analyses of the proposed project, which rely on adopted plans that address groundwater management and water supply availability, the latter of which is discussed in Section 4.16, Utilities and Service Systems, of the Draft EIR.

- C3-15 **Water Quality.** In reference to the discussion of the Porter-Cologne Water Quality Control Act on page 4.10-12 of the Draft EIR, the commenter asks that the EIR include discussion of the State Water Law enacted by Resolution 68-16 requiring any project affecting high-quality surface waters and/or groundwater must conduct an Anti-Degradation Analysis to ensure that the waters

of the State better-inform the public regarding the laws that exist to protect the high-quality waters of the State.

Response: There is an explanation of the California Antidegradation Policy and Resolution No. 68-15 on page 4.10-25 of the Draft EIR.

- C3-16 **Water Quality - Chromium.** In reference to the discussion of groundwater quality on page 4.10-16 of the Draft EIR, the commenter requests that discussion include hexavalent chromium contamination in Soquel Creek Water District (SqCWD) wells.

Response: Although Chromium 6 is a naturally occurring constituent and the referenced section addresses pollutants/contaminants that may affect surface water quality, additional text has been added based on information on SqCWD's website link cited in the comment. See Section 3.2.9 in Chapter 3, Changes to Draft EIR, of this document.

- C3-17 **Water Quality.** In reference to the discussion of groundwater quality on page 4.10-16 of the Draft EIR, the commenter states that there is no discussion regarding the chronic significant ammonia contamination of Soquel Creek Water District's O'Neill Ranch Well in Soquel, causing the District to take the well offline for the past few years. The comment also requests that EIR include reference to and a brief discussion of the Vulnerability Assessment for Soquel Creek Water District's production wells and a discussion of PCE contamination groundwater plume moving toward City of Santa Cruz production well in Live Oak.

Response: The referenced section describes general groundwater quality issues related to pollutants and contaminants, but is not focused on drinking water quality of specific wells of water purveyors. Public water utilities are addressed in Section 4.16 of the Draft EIR, and as indicated on pages 4.16-25 to 4.16-26, drinking water quality must meet federal and state standards. Thus, details of individual wells throughout the county is not required for the "program"-level analyses included in the Draft EIR.

- C3-18 **Storm Drainage Plan.** In reference to the discussion of stormwater drainage in the last paragraph on page 4.10-21 of the Draft EIR, the commenter asks that the EIR include a discussion of the County of Santa Cruz Board of Supervisors recently voting to reject federal funding to implement a major stormwater improvement project in the Rio del Mar Flats because property owners rejected a new tax to help fund ongoing operation of the improvements.

Response: The Draft EIR text has been revised as suggested in the comment. See Section 3.2.9 in Chapter 3, Changes to Draft EIR, of this document.

- C3-19 **Draft EIR Public Review Period.** The commenter indicates that she would like to submit further comments, but did not have time before the deadline.

Response: Comment is acknowledged; see Response to Comment C3-7.

LETTER C4

DEIR 4/22 County OSC Review
Wayne Thompson
Pacific Paleontology

I would like to thank the County of Santa Cruz for allowing review of this DEIR. I am a native Santa Cruz resident and paleontologist and was raised in an amusement park filled with actual-sized animatronic dinosaurs that my family built in Scotts Valley in the early 1960's; "The Lost World" and "Tree Circus".

C4-1 I became a paleontologist at U.C. Berkeley and worked in paleontological research for the U.S. Geological Survey early in my career and have been teaching Science in k-16 classrooms for the past 25 years. I am retiring this year and building a paleontological mitigation company, Pacific Paleontology, here in Santa Cruz.

There are currently no paleontologists working in mitigation paleontology in the Monterey Bay area; all of that work being infilled with archeologists and geologists. I am looking forward to working with our local community, our municipalities, k-16 schools, our local residents in building a sustainable Santa Cruz, and continuing my work and research with our local museums; the Santa Cruz Museum of Natural History, the California Academy of Sciences, the University of California Museum of Paleontology, among others.

I commend the efforts of all the stakeholders in this DEIR, the County of Santa Cruz, Dudek, and others in making mitigation paleontology in our community a priority. Mitigation Paleontology as a practice and legislative endeavor has been my passion for many years now and I am looking forward to contributing to the process here in Santa Cruz now that I have the time and resources.

C4-2 The DEIR looks great from a Paleontological standpoint, however I have a few concerns. Regretfully, some of these may simply be due to my unfamiliarity with the process and structure of the DEIR. Most importantly, I want to make sure the work is based on the most recent work in mitigation paleontology from within the paleontological community itself in addition to within the Federal, State, and Local Regulatory landscape. There have been recent advancements in the field that are not recognized in the DEIR, however being new I don't know if this is the place for those; they are annotated below, along with my other comments.

Please let me know should the team need any clarifications or assistance in any way. I'm sure in the coming years I will be meeting some of you and I look forward to working together.

Kindly,

Wayne Thompson

FROM THE INTRODUCTION...

C4-3

Table 1-1. Summary of Project Impacts and Mitigation Measures

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact GEO-4: proposed Sust expansive soil, not create sub required polici	<p>Since the Plan Area includes Formations which are Paleontologically Highly Sensitive shouldn't this be "Significant" prior to Mitigation Practices and have MM GEO-5 outlined here?</p>		Less than Significant
Impact GEO-5: Unique Geologic Features and Paleontological Resources. Adoption and implementation of the proposed Sustainability Update would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	Less than Significant	None	Less than Significant
Greenhouse Gas Emissions			
Impact GHG-1: Greenhouse Gas Emissions. Adoption and implementation of the proposed Sustainability Update would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	Less than Significant	None	Less than Significant

CH. 4.7 REVIEW APPEARS BELOW... 4/2022

C4-4

The total area of mapped geologic paleontological resource areas in the county is approximately 6,161 acres, or approximately 1.6 percent of Museum of Paleontology contains records (Santa Cruz 2017).

4.7.2 Regulatory Framework

4.7.2.1 Federal Regulations

There are a host of federal and state regulations that apply to paleontological resources. Paleontological resources have recently been separated from archeological remains in the regulatory landscape (Section 21083.09 (CEQA), Division 13, Ch. 532, Sec. 8 (Ch. 1433, Ch. 2.6: 2015) and thus fossils are more aligned with Geology and Soils rather than cultural resources now. A brief list of current federal and state paleontological mitigation regulations should appear somewhere in the SC General Plan if they are not already included somewhere. Local Paleontological mitigation regulations are discussed in section 4.7.2.3 below so it would be expected that they should appear here at the federal and state level as well.

Federal regulations do not directly apply to geology and soils with respect to the proposed project. Nonetheless, installation of underground infrastructure/utility lines must comply with national industry standards specific to the type of utility (e.g., National Clay Pipe Institute for sewers, American Water Works Association for water lines), and the discharge of contaminants must be controlled through the National Pollutant Discharge Elimination System (NPDES) permitting program for management of construction and municipal stormwater runoff. These standards contain specifications for installation, design, and maintenance to reflect site-specific geologic and soils conditions.

Federal (9 Codes & Regulations) and State (7 Sections) legislation applies to paleontological resources. Pg. 4.7-12

C4-5

Impact GEO-5: Unique Geologic Features and Paleontological Resources (Significance Threshold GEO-5). Adoption and implementation of the proposed Sustainability Update would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (*Less than Significant*)

Potential development that could occur under the proposed project could result in excavation activities that could potentially damage or destroy unique paleontological or geologic features, if present. None of the 23 parcels proposed for General Plan/LCP and/or zoning map amendments are mapped as being within an area of paleontological resources (County of Santa Cruz 2021c).

However, and proposed General Plan/LCP policies outlined in Table 4.7-5 would also serve to avoid or reduce impacts to these features. Specifically, Policy ARC-6.1.1 seeks to protect the specific identified significant unique features. Additionally, SCC Chapter 16.44 seeks to protect paleontological resources and provides methods and regulations for the identification and treatment of paleontological resources within the county, including preparation of a paleontological survey for specified developments in areas of known paleontological resources, and implementation of measures to

Because of it's importance to this study, and since this was determined with the current Santa Cruz GIS (<https://gis.santacruzcounty.us/gisweb/>) but not Figured, is it possible to create a map overlay of these results on a Geologic Map showing the surrounding highly-sensitive paleontological formations that are not in the area of the 23 parcels (SCM, Santa Margarita, Purisima, etc)?

April 2022
4.7-26

Pg. 4.7-26

C4-6

Ponti, D.J. and R.E. Wells. 1991. *Off-fault ground Ruptures in the Santa Cruz Mountains, California: Ridge-top Spreading Versus Tectonic Extension During the 1989 Loma Prieta Earthquake.* Bulletin of the Seismological Society of America, Volume 81, Number 5, October 1991. Accessed online October 6, 2021 at <https://pubs.geoscienceworld.org/ssa/bssa/article-abstract/81/5/1480/119497/Off-fault-ground-ruptures-in-the-Santa-Cruz>.

Society of Vertebrate Paleontology. 2010. *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources.* 11 p. Accessed June 2, 2020 at http://vertpaleo.org/The-Society/Governance-Documents/SVP_Impact_Mitigation_Guidelines.aspx.

United States Department of Agriculture (USDA) Soil Conservation Service. *Soil Conservation Service Geologic Map of Santa Cruz County, California.*

United States Geological Survey (USGS). 1981a. *Geology of the Santa Cruz Mountains* by T.H. Nilsen and included in *Upper Cretaceous and Paleocene Geology of the Santa Cruz Mountains, Pacific Section, SEPM (Society for Sedimentary Geology)*. http://archives.datapages.com/data/meta/pac_sepm/035/

04/22 EIR COSC is relying on data from a decade old white paper. Newest update of this is Murphey, 2019. See Refs enclosed.

REFERENCES:

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- Murphey, Paul, et. al. 2019. A Foundation for Best Practices in Mitigation Paleontology. Proceedings of the San Diego Society of Natural History, #47
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- PG&E, 2014, "Paleontological Resources Standards and Procedures" by Pacific Gas and Electric Company, 3401 Crow Canyon Road, San Ramon, CA 94583
- Society of Vertebrate Paleontology (SVP), 1995, Assessment and mitigation of adverse impacts to nonrenewable paleontological resources -- standard guidelines: Society of Vertebrate Paleontology News Bulletin, no. 163, p. 22-27.
- Society of Vertebrate Paleontology (SVP), 1996, Conditions of receivership for paleontological salvage collections: Society of Vertebrate Paleontology News Bulletin, no. 166, p. 31-32.
- Society of Vertebrate Paleontology. 2010. Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. News Bulletin 163. 1-11pp.
- Society of Vertebrate Paleontology. 2011. Assessment and Mitigation of Adverse Impacts to Nonrenewable Paleontologic Resources: Standard Guidelines

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SUMMARY

- **Four decades* of experience in Santa Cruz and Monterey County stratigraphy and paleontology.
- **USGS Research Associate* in DSDP Gulf of Aden & North Slope projects, Menlo Park, CA
- *Familiarity with Federal, California, County, and City paleontological **regulatory statutes**.
- **Museum Research Associate*, University of California, Museum of Paleontology, Berkeley, California.
- *Knowledgeable in Initial Identification and Evaluation Reports, and **mitigation plans and reports**.
- **Museum Research Associate*, Dept. Invertebrate Zoology & Geology, CA Academy of Sciences.
- **Knowledge & ability* in stratigraphic mapping & interpretation of sedimentary sequences.
- *Skilled in **vertebrate and invertebrate** fossil recognition, extraction, consolidation, and identification.
- **Santa Cruz City Museum Collections*: acquiring, preparing and cataloging fossils, designing exhibits.
- *Experienced in all aspects of paleontological **site monitoring, lab management, & technical research**.
- *Skilled in **vertebrate** and invertebrate fossil **collection, preparation, casting and preservation**.
- *Ability to effectively manage *fossil collections*, networking with museums, colleagues, for research.
- **Ba.Sc. Paleontology, Honors*, U.C. Berkeley.

GOAL:

Paleontological Resource Mitigation in the Monterey Bay Area

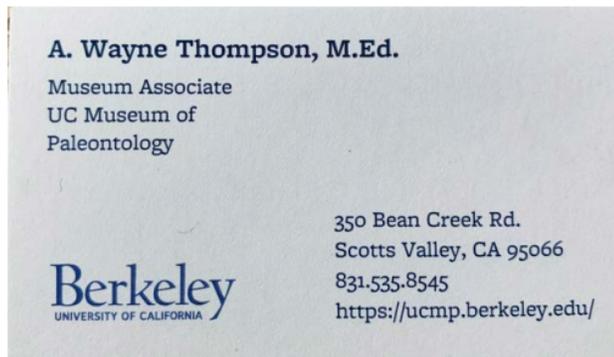
The regulatory landscape of mitigation paleontology in the Monterey Bay Area is changing significantly in the coming year due to regulatory modification happening to CEQA and mitigation recommendations from the Society of Vertebrate Paleontology, which has been driving mitigation paleontology in California for the past 20 years. For example, with the advent of the upcoming Santa Cruz County Sustainability Report work there is a significant need to have professional paleontologists with an extensive local background of the evolutionary history of life in the Monterey Bay on site during construction projects. A professional paleontologist is someone who is published in paleontology, educated and degreed, experienced in both field and research, and employed in the paleontological profession. Geologists and Archeologists are traditionally not trained to this degree. It would add regulatory capacity to the operations that are about to take place with the Sustainability Update statute improvements. I am a Santa Cruz native and have lifelong interests, experiences, skills, knowledge, and abilities in Coastal Zone Paleontological work here in Santa Cruz and Monterey Counties and I am forming a paleontological mitigation B-Corp that will be filtering into k-16 education, recreation, arts and culture, historic, basic applied scientific research, resource preservation, and more that will emphasize alignment to regulatory mandates and recommendations for mitigation that will preserve in perpetuity for the public the evolutionary history of life in the Monterey Bay.



Technical Research, Publications, Manuscripts, Projects, Grants

- ✓ [Invertebrate Taphofacies Sequence Stratigraphy of the Northern Monterey Bay Purisima Formation](#), publication in process.

- ✓ [Biostratigraphy of the Purisima Formation \(Miocene-Pliocene\), Along Monterey Bay, Central California](#), publication in process with Charles L. Powell, II, Austin Hendy, & Frank Perry
- ✓ [Mastodon \(*Mammot americanum*\) Populations of California, with New Records from Santa Cruz County](#), Santa Cruz City Museum of Natural History, UCMP Paleobios publication in process
- ✓ New Mollusca Species from the Pliocene part of the Purisima Formation exposed along northern Monterey Bay, central California, The Nautilus, publication in process with Charles Powell
- ✓ [An Unusual Molluscan faunule from the Upper Part of the Monterey Formation \(middle to late Miocene\) in Arroyo Seco, Monterey County, Central California](#), coauthored with Charles L. Powell, Emeritus, USGS.
- ✓ [3D Photogrammetric rendering](#) of stratigraphy and rockfall data in the Purisima Formation., Capitola.
- ✓ With Lisa White, [The Use of Virtual Field Experiences in the Purisima Formation of Coastal California for Scientific Study, Public Outreach, and K-12 Education](#), 25 September, 2019
- ✓ [Bringing Caminalcule Evolution into the 21st Century: 3D STEAM-ifying a Classic Evolutionary Pattern Modeling Lab](#) with the [iDigFossils](#) UFL team and ms students, project funding by NSF.
- ✓ [Foraminiferal Biostratigraphy of the Pliocene Purisima Formation](#); Implications for Age and Depth Analyses of Sediments from northern Monterey Bay, Santa County, publication in process.
- ✓ [Virtual Field Trip to the Pliocene Purisima Formation](#), Capitola, CA, Reviewer & Collaborator, EPICC-UCMP; University of California Museum of Paleontology, Virtual Field Experience; Lisa White, Coordinator, engaging students through basic field digital data collection, work in process.
- ✓ [A Pliocene Whale](#) from the beach cliffs at Capitola, CA, [Santa Cruz City Museum of Natural History](#).
- ✓ [Vertebrates of the Santa Margarita Formation, Miocene, Scotts Valley CA, Santa Cruz City Museum of Natural History](#), publication in process.



- ✓ [The Hyoid and Associated Skeleton of an Unnamed late Pliocene Odontocete](#) from the Purisima Formation of Santa Cruz County, CA, [University of California at Berkeley, Dept of Paleontology](#), publication in process.

- ✓ [Shell Morphology Ecolines of *Anadara trilineata* \(Bivalvia, Arcidae\) from Capitola and Its Significance in Paleoecology](#), [University of California at Berkeley, Department of Paleontology](#).

- ✓ [Sharktooth Hill Bonebed](#), Excavations in a Pliocene vertebrate fauna from Bakersfield, CA, [Los Angeles County Museum of Natural History, Department of Paleontology](#).
- ✓ [Dinosaurs from the Hell Creek Formation](#), eastern Montana, [U.C. Berkeley, Department of Paleontology](#). Summer field work with Bill Clemens. Discovered [Triceratops](#) skull, now in UCMP Library exhibit.
- ✓ [Summer Field work Searching for Supersaurus](#), Dry Mesa Colorado, University of Utah, Provo, [Department of Vertebrate Paleontology](#). Summer field work.
- ✓ [A New Pliocene Whale](#) from the Terwer Valley, Humboldt County, CA.
- ✓ [Red Alder Ecology](#) in Relation to Flow Changes in the San Lorenzo River, Santa Cruz County, CA, [University of California at Santa Cruz](#).
- ✓ [Sea Water Analysis](#) of Santa Cruz Harbor in Relation to Mass Fish Die-Offs, Implications for Bottom Water Circulation.





SKILL AREAS:

Leadership

- *Effective in creating new **opportunities**, motivating, public speaking, and mentoring.
- *Encourage alignment with the organization's **mission statement** at all levels.
- *Skilled in **defining goals** and developing a vision of unity and shared values.
- *Successfully organize and execute around **balanced priorities** with integrity.

Management

- *Ability to effectively navigate **sensitive situations** with attention to confidentiality.
- *Broad range of **human resources experiences**, confident and straightforward in approach.
- *Effective time management, concentrating on **priorities** and setting realistic goals.
- *Able to skillfully manage around **deadline** and heavy workload situations.



Purisima Fm. vertebrates; <https://youtu.be/cta1NNJLaR0>

Fossil Recovery, Site Monitoring, Acquisition, Preparation, Curation, Archiving, & Stewardship

- *Sensitive to **regulatory laws** concerning fossil collecting, especially vertebrates.
- *Skilled and experienced in **field mapping specimens**, digital and handwritten **field notes**.
- ***Section mapping and interpretation** experience allows accurate stratigraphic interpretations.
- ***Specimen extraction** experience from molluscs to dinosaurs, from DSDP forams to whales.
- *Knowledge and ability in post-fieldwork **specimen preparation techniques**, including **casting**.
- ***Over four decades of** experience in personal, museum, and USGS curation of specimens.

Federal, State, County, and City Paleontological Regulatory Ordinances and Statutes.

- *Familiarity with Title 54 Code of Federal Regulations and Proposed CFR Title 49 mandates.
- *Understanding of PRPA (2009), FLPMA (1976), NEPA (1969), NHPA (1966), FHA (1935), and the Antiquities Act of 1906.
- *Knowledgeable about CEQA, the California Coastal Act of 1976, and the CPRC in general.
- *Familiarity with the Santa Cruz County Sustainability Plan, EIR Report, and the City of Santa Cruz Public Resources Code §5097.5 governing paleontological resource mitigation.

Reporting Protocols: Identification Reports, Evaluation Reports, Mitigation Plans and Reports.

- *Familiarity with Regulatory Setting, Preliminary Identification, and Evaluation Reports
- *Knowledgeable in Mitigation Plans and Reports.
- *Focus on Stewardship Summaries, Educational Service, Museum Acquisition and Networking.

Familiarity with Relevant Literature

- *Murphey, Paul, et. al. 2019. A Foundation for Best Practices in Mitigation Paleontology. Proceedings of the San Diego Soc. Nat. Hist. 47(1); p.p. 1-43.
- *Murphey, Paul, et. al. 2014. A Foundation for Best Practices in Mitigation Paleontology. Research Gate Pub.
- *PG&E, 2014, "Paleontological Resources Standards and Procedures" by Pacific Gas and Electric Company, 3401 Crow Canyon Road, San Ramon, CA 94583
- *Society of Vertebrate Paleontology (SVP), 1995, Assessment and mitigation of adverse impacts to nonrenewable paleontological resources -- standard guidelines: Society of Vertebrate Paleontology News Bulletin, no. 163, p. 22-27.

Analytical Thinking, Complex Problem-Solving, Communication, Facilitation, and Teaching Ability

- *Ability to accommodate **multiple skill levels** and promote commitment through involvement.
- *Enable others to define **personal goals** and develop a vision of shared values.
- *Promote a paradigm of **integrity** based on a sense of quality and commitment.
- *Diversity in teaching method accommodates a wide range of **learning modalities**.
- *I utilize a variety of **teaching styles** such as inquiry, PBL, cooperative learning, and discovery.

EDUCATION

- B.A.Sc. Paleontology (Honors)**, U.C. Berkeley, Dept. of Paleontology --(09/82-06/84)
- M.Ed. Leadership and Administration**, San Jose State University—(08-2009)
- B.S. Biology (equiv.)**, U. C. Santa Cruz—(09/88-06/89)
- A.S. General Science**, Cabrillo Community College, Aptos--(09/79-06/82)



EMPLOYMENT

Laboratory Research Associate (12/1984-08/1988); 4 years

Department of the Interior, United States Geological Survey, 345 Middlefield Rd., Menlo Park, CA (415-329-4972), Dr. Kristin McDougall, Lead.



Museum Associate (6/1978-8/1982); 4 years

Santa Cruz City Museum of Natural History, 1305 East Cliff Dr, Santa Cruz, CA (831-420-6115), Frank Perry, Co-worker; Charles Prentiss, Curator

Science Teacher (10/1996-4/2004); 8 years

Fortuna Union High School, 379 12th St. Fortuna, CA (707-725-4461) Mr. Marty Mathiesen, Principal

Science Teacher and Department Chair (08/2008-2/2022); 14 years

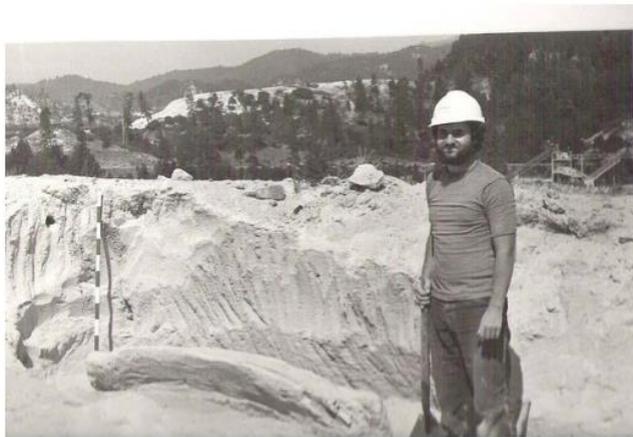
C.T. English Middle School, 23800 Summit Rd., Los Gatos, CA (408-353-1123) Ms. Lisa Fraser, Superintendent

ADJUNCT & VOLUNTARY POSITIONS

Research Associate, University of California Museum of Paleontology (UCMP), Current

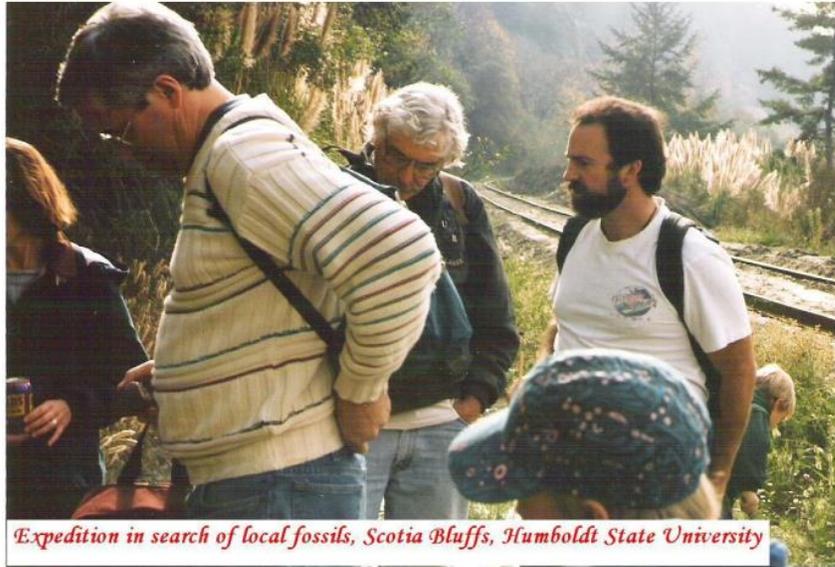
University of California, Berkeley, CA

Research on the vertebrate paleontology of Santa Cruz & San Mateo Counties



Page 5

05/27/2022



Research Associate, California Academy of Sciences, Current

San Francisco, CA

Research into the invertebrate paleontology of Santa Cruz & San Mateo Counties

Vice Chair, Sanctuary Education Panel, (8/2011-9/2012)

Monterey Bay National Marine Sanctuary,

Simona Bartle, Chair, sbartl@mlml.calstate.edu

iDigFossils Presenter (July, 2017)

Santa Cruz County Office of Education, Santa Cruz

Presented lesson on NGSS Modeling of Evolution and Field Trip to Capitola Beach, CA

iDigFossils Teacher Leader (May, 2018-present)

Univ. of Florida, School of Teaching and Learning, Pavlo Antoneko, Principal

Investigator, P.O. Box 117048, Gainesville, FL, (352) 273-4176



Wayne Thompson: Paleontologist

September 8, 2019



<https://www.santacruzmuseum.org/wayne-thompson-paleontologist/>

Memberships and Professional Associations, Past & Present

- ✓ Society of Vertebrate Paleontology
- ✓ Society for Materials & Methods in Paleontology
- ✓ California Association of Environmental Professionals, Monterey Bay Chapter
- ✓ U.C. Santa Cruz Alumni Association
- ✓ U.C. Berkeley Alumni Association
- ✓ Museum Research Associate, UCMP (University of California Museum of Paleontology)
- ✓ Research Associate, CAS (California Academy of Sciences)

PROFESSIONAL REFERENCES

- **Charles Powell**, Emeritus Paleontologist, U.S. Geological Survey, Menlo Park, CA, Associate for 34 years. 408-679-1612
- **Lisa D. White**, Education & Outreach, U.C. Berkeley Museum of Paleontology, CA, Associate for 34 years. 415-987-7064
- **Austin Hendy**, Collections Manager, Department of Invertebrate Paleontology at the Natural History Museum of Los Angeles County, Associate for 4 years, 310-851-4764
- **Christina Garcia**, Invertebrate Zoology and Geology Collections Manager, California Academy of Sciences. Associate for 4 years.

- **Mary McGann**, Research Paleontologist, Pacific Coastal and Marine Science Center, U.S. Geological Survey, Menlo Park, CA, Associate for 34 years. 650-329-4979.
- **Kathleen Aston**, Collections Manager, Santa Cruz Museum of Natural History. Associate for 4 years.

Sierra

THE MAGAZINE OF THE SIERRA CLUB

CLIMATE & ENERGY

LANDS & WATERS

ADVENTURE

LIFESTYLE

MAGAZINE

DONATE



Paleontologist Wayne Thompson | Photos by Gabriela Hasbun

Field-Tripping Adults Chase Megalodon in Monterey Bay How I traveled through time during the pandemic

<https://contentdev.sierraclub.org/sierra/2021-2-summer/field-trip/field-tripping-adults-chase-megalodon-monterey-bay>



[Wayne Thompson, Research Gate](#)



DIGITAL BUSINESS CARD

Page from "Fossil Talk" the journal of the Northern California Paleontological Society, which I founded in 1993 (clickable link).

EDUCATION * RESOURCES COORDINATION * CONSERVATION



FOSSIL TALK

NORTHERN CALIFORNIA
PALEONTOLOGICAL SOCIETY

Vol. 1 * No. 2 February 1993

We Must be Doing Something Right!

The last meeting of the Northern California Paleo Society had close to 40 in attendance for a record turnout in January! Dr. Doris Niles delivered a slide show on Humboldt County fossils and Wayne Thompson spoke on some of the sites we know of which preserve entire faunas.

We also established several new committees which will be responsible for the inner workings of the society:

Newsletter Committee

all the support we've shown to-date with a field trip or potlach in March--give us your suggestions at the February 23 meeting.

Please send in your dues contribution now to ensure that our group continues to meet and that your name remains on the newsletter mailing list.

We're also in need of

without a strong newsletter to get information to our members the group will be much less effective. So, please tuck some cash away for the meeting at the end of the month or mail your subscription in now. There is a membership application included in this newsletter mailing.

We also spoke about the idea of having a joint meeting between NCPS (that's us) and the Sierra Club as well as the Redwood Camera Club. The general consensus at

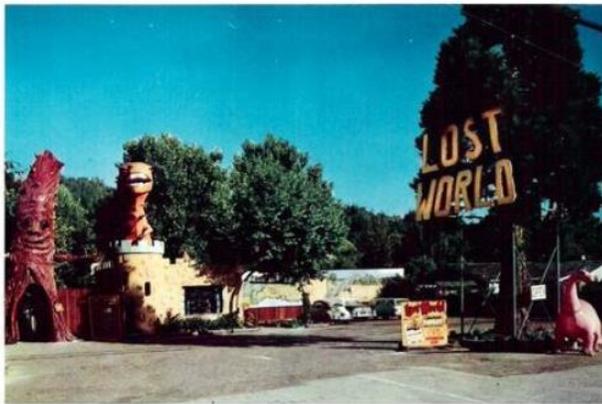
GROWING UP WITH DINOSAURS AND ENCHANTED TREES

APRIL 8, 2010

The Lost World

A Childhood of Adventure

from "The T. rex & the Apple Orchard" by Wayne Thompson



STORYBOOK LAND

One part of Dinosaur Land was the fanciful "Storybook Land" in which dinosaurs and other extinct creatures came to life to form a musical ragtime band, a city jail complete with jailed cave men and dinosaur guards, and

other magical scenarios. Storybook Land was for three young kids the gateway to Carbonero Creek a once-wild and untouched area of Scotts Valley where rich deposits of turtles and arrowheads could be found.

THE ENCHANTED FOREST

The Enchanted Forest, also known as the Tree Circus and Mystery Forest, was the creation of Axel Erlandson, a farmer from Turlock, CA, whom my father Larry met in the late 1950's. I spent half my childhood growing up in the Enchanted Forest. They struck up a friendship and when Axel could no longer care for his



incredible creations my father purchased the Circus and built the Lost World around them so that passers-by on Hyw 17 would see the large dinosaurs and be attracted to the Forest. These 70 incredible trees were each a unique friend to a young and impressionable boy who grew up in the forest.

Dinosaur Land

This area of the Lost World Amusement Park was where I spent the first 18 years of my life as a young boy. Growing up in a somewhat "real life" Jurassic Park provided countless hours of wonder and a myriad of whimsical stories. I remember when the motors inside the animatronic Triceratops would break down my brother and I would jump for joy because it meant we could climb inside the belly of the huge beast to rock the giant I-beams supporting the head and growl in our best dinosaur voice for the customers strolling through the park.

Wayne Thompson.



PAGE 1

GROWING UP WITH DINOSAURS AND ENCHANTED TREES

APRIL 8, 2010

GREETING THE PUBLIC AS THEY ENTERED THE LOST WORLD



Favorite Friend; *A cave boy.*
Best conversation as a kid; *My animatronic tree; with my mom on the other end at the microphone greeting customers.*

The Castle at the Lost World is where I grew up. There was a gift shop in front and our quarters to the rear. I remember best spending summer nights in the park. The entrance to the park via our animatronic tree; it would bat its eyelashes, move its "limbs" and we would talk to customers through the microphone. The Triceratops with the goldfish pond below it was my favorite reading spot after school. It was a signature attraction and I remember it arriving on the long tractor trailer one day when I was less than five. Dino the baby "brontosaurus" was a favorite of children for photographs. My mother's belt from one of her

dresses formed the leash harness. This tree still stands today at the front of Gene Bustichi's Tree Circus Center on Scotts Valley Drive



The Lost World was filled with magic and wonder for the children who grew up in the Enchanted Forest, Storybook Land, and Dinosaur Land.

ANATOMY OF THE ENTRANCE



A WORLD OF WONDER

Little did I know it at the time but in a very fundamental way my experience with dinosaurs, sunday school, and the sense of place I was immersed in while my mother ran the park would sculpt my dichotomous world-view for years to come and allowed me a perspective of life that would be difficult to duplicate today; all childhoods are unique.

PAGE 2

LETTER C4: Wayne Thompson

- C4-1 **Background.** The commenter indicates that he is a paleontologist, working in mitigation paleontology.

Response: Comment is acknowledged, but does not address analyses or contents in the Draft EIR. Therefore, no response is required,

- C4-2 **Draft EIR.** The commenter commends the efforts of the stakeholders in the Draft EIR, but has some concerns, particularly to ensure that the EIR is based on the most recent work in mitigation paleontology.

Response: The comment is acknowledged, and specific responses are provided to specific comments below.

- C4-3 **Impact GEO-5: Unique Geologic Features and Paleontological Resources.** With regards to Table 1-1 in Section 1, Summary, the commenter asks whether Impact GEO-5 should be significant without mitigation and whether a new mitigation should be added.

Response: As explained in Section 2.1 of both the Draft EIR and this Final EIR document, the 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, which for the proposed project consists of a series of amendments to the County’s General Plan/LCP and County Code. The project would not directly result in new development with potential impacts, nor is any change to the County’s regulations regarding paleontological resources proposed. As explained on page 4-26 of the Draft EIR, future development that may occur under the proposed project could result in excavation activities that could potentially damage or destroy unique paleontological or geologic features, if present. However, proposed General Plan/LCP policies outlined in Table 4.7-5 and existing regulations in SCCC Chapter 16.44 would serve to avoid or reduce impacts to these features. Specifically, Policy ARC-6.1.1 seeks to protect specific identified significant unique features. Additionally, SCCC Chapter 16.44 seeks to protect paleontological resources and provides methods and regulations for the identification and treatment of paleontological resources within the county, including preparation of a paleontological survey for specified developments in areas of known paleontological resources, and implementation of measures to protect resources during ground-disturbing development activities. With implementation of proposed policies and existing regulations to evaluate and protect unique paleontological and geologic features, the proposed Sustainability Update would not result in destruction of these features, resulting in a less-than-significant impact

- C4-4 **Paleontological Mitigation Regulations.** The commenter indicates that paleontological resources have recently been separately from cultural resources and are now aligned with Geology and Soils and asks that a brief list of current federal and state paleontological regulations be included in the General Plan. The comment notes CEQA section 21083.09.

Response: The commenter is correct that consideration of paleontological resources are now considered under geology instead of cultural resources, and referenced CEQA section cited in the comment directed the state to make this this separation. The impact thresholds of significance used in the analyses as outlined on page 4.7-16 of the Draft EIR are based in part on Appendix G of the State CEQA Guidelines regarding paleontological impacts as indicated on that page. Other known federal and state regulations pertaining to paleontological resources have been added to the EIR. See Section 3.2.7 in Chapter 3, Changes to Draft EIR, of this document.

- C4-5 **Paleontological Resource Mapping.** The commenter asks if a map can be created from the County's GIS to show sensitive paleontological formations.

Response: The County's GIS shows major geo-paleo features and can be accessed on the County's website at:

[https://www.santacruzcounty.us/Departments/GeographicInformationSystems\(GIS\).aspx](https://www.santacruzcounty.us/Departments/GeographicInformationSystems(GIS).aspx).

Sensitive areas identified by the County are summarized on pages 4.7-11 to 4.7-12 of the Draft EIR. The properties proposed for amendments to General Plan/LCP land use or zoning designations are not within these areas.

- C4-6 **Paleontological Mitigation References.** The commenter indicates that the Society of Vertebrate Paleontology is old and the newest update is Paul Murphey, which is cited in the comment.

Response: Both references are used in professional paleontological resource analyses, but the Murphey reference provides more specific details on management or mitigation measures for specific development projects.

LETTER C5

From: Alex Vartan <alex.vartan@gmail.com>
Sent: Thursday, April 14, 2022 3:41 PM
To: Environmental Comments
Subject: Draft EIR at Capitola Library??

****CAUTION:This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

C5-1|Is there any plans for the EIR + appendixes to be made available there? I hope so!
Alex

LETTER C5: Alex Vartan

C5-1 **Notice of Availability.** The commenter asks whether the EIR and Appendices will be provided at the Capitola Library.

Response: See Response to Comment C3-7. The location of the hard copies of the Draft EIR and Appendices were provided to the commenter.

LETTER C6

From: nitroxbaby@gmail.com <nitroxbaby@gmail.com>
Sent: Tuesday, May 31, 2022 5:28 PM
To: Stephanie Hansen <Stephanie.Hansen@santacruzcounty.us>; manu.koenig@santacruzcounty.us;
Annie Murphy <Annie.Murphy@santacruzcounty.us>; Matt Machado
<Matt.Machado@santacruzcounty.us>; jamie.seborn@santacruzcounty.us; Natisha Williams
<Natisha.Williams@santacruzcounty.us>; Paia Levine <Paia.Levine@santacruzcounty.us>
Cc: Betsy Andersen <spark@cruzio.com>; Lynn <lynndmadden@comcast.net>; Wilma Chandler
<wilmakchndl@gmail.com>; John Chandler <jochandl@aol.com>; Email <kyrakyra15@gmail.com>
Subject: Support for comments on EIR and Sustainability Study overlapping areas of concern

C6-1 | Hello Supervisors,
I would like to echo my support for Betsy's comments (below).
Colleen

Colleen Young
35th Ave resident

Sent from my iPhone

On May 31, 2022, at 4:43 PM, Betsy Andersen <spark@cruzio.com> wrote:

Dear Manu, Stephanie, Natisha and planning staff for sustainability study,

Thank you for writing today, Natisha, to clarify what is due in and when. Today's deadline is for EIR comments but in looking it over it is rather theoretical in that it is difficult to see what the real world implications to the area on Portola will overlap with some sustainability language. That said, I do think that the neighbors concern expressed in this email overlaps EIR considerations expressed in **3.5.4.1 Portola Drive Nine parcels such as " the presence of environmental constraints."**

Our concerns, meeting the EIR deadline for comment, includes traffic rerouting as implied by extending Avis Drive, traffic issues implied by designs which would spill traffic onto 35th Avenue and Roland drive by extension, air pollution from increased traffic, light pollution which often can't be observed during office hours, maintaining the older large diameter trees along the waterway to preserve a green buffer and habitat for owls.

Comments on the rezoning along Portola Drive and sustainable communities and neighborhood compatibility. We believe this ties into EIR and sustainability study.

*The phrase "the back of" the property/ parcels to be developed neglects to understand that the back of the development along Portola will be alongside an existing neighborhood. The idea that street appeal is only relevant to Portola Drive ignores the needs of the existing neighborhood. We would like to see this language changed to reflect the reality of what is already here. We do not want this allowed in

developers proposal. We want the county to protect the neighborhood in ways which are compatible to the needs of new housing.

*We need to keep existing large trees along the waterway as noted in county code for trees of a large diameter. This can mitigate the height and density concerns from the existing neighborhood as the redevelopment occurs.

*It is a habitat for birds, like nesting owls.

*Lighting is a concern. Keeping new lights on the redeveloped property from making the neighborhood lit up is important.

* Light pollution is a concern.

*Parking and traffic through our already dense neighborhood is a concern we neighbors share. We suggest that parking is included in the property's center as exists in the apartment/condo directly across from the proposed development on 35th. We suggest a green-scaped front trellis wall on Portola Drive which would obscure development and create a visual but oxygen rich shield for parking along Portola rather than the "rear" of the property. We also suggest that both entry and exit from this huge development is on Portola, relieving possible traffic through the residential established neighborhood and keeping it where it belongs, on Portola.

*We are concerned about the proposal for Extending Avis Street to 35th Ave. Not sure if this is still a topic but it was at one point. This would create a brightly lit through way which is not even very far back from Portola. Seems a bad idea and would create fast traffic through the neighborhood. See reprint of document below. Is this no longer being considered?

The 35th Avenue neighborhood is quiet, so while attending to the needs to offer affordable housing to our community we should develop this project and language guiding development with respect for the existing residents. We look ahead to hearing back.

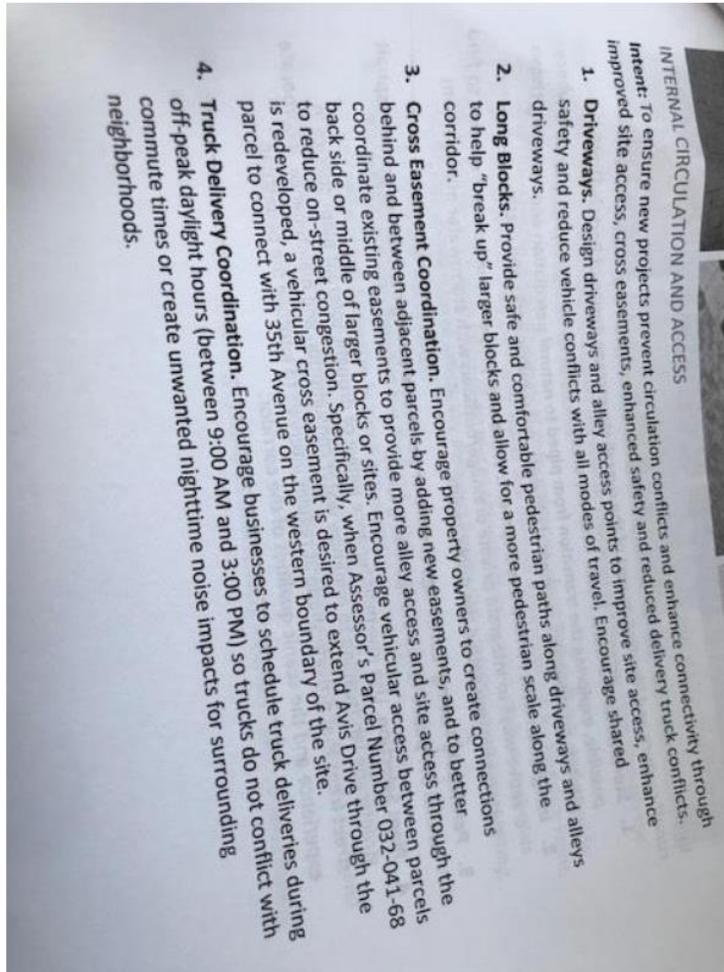
Sincerely Yours,

Betsy Miller Andersen, John Andersen and Kyra Andersen, Wilma Chandler, John Chandler and Lynn Madden

FROM EIR

3.5.4.1 Portola Drive Nine parcels are identified along Portola Drive for both General Plan land use redesignation and rezoning as summarized in Table 3-11 and shown on Figures 3-6B and 3-6C. The purpose of these proposed land use designation and zoning changes is to implement the Pleasure Point Commercial Corridor Vision and Guiding Design Principles that call for transition and redevelopment of underutilized properties and to rezone underutilized **sites for housing**. Specifically, the Design Principles encourage the transition of underutilized properties and auto-oriented properties on the north side of Portola Drive west of 36th Avenue to mixed-use and residential development, with zoning and development standards that support attainable housing (including smaller units suitable for seniors and singles). This EIR, which is a program EIR analyzing policy and regulatory revisions to the County General Plan and County Code, will not analyze particular development layouts as none are proposed at this time. Future development potential of any site depends on many factors, including the presence of

environmental constraints and consistency of a proposed development with the General Plan and County Code in place at the time of application.



LETTER C6: Colleen Young

C6-1 **Support for Comments.** The commenter indicates that support of comments contained in Letter C1.

Response: Comment is acknowledged; see responses to comments in Letter C1.

DRAFT EIR PUBLIC MEETING

**Comments and Questions from Community Meeting #6
Environmental Impact Report
May 9, 2022**

Transcript of Verbal Comments and Questions

00:33:59.290 --> 00:34:11.730

Darius

Can you go a little more detail on what's going on? What exact those ten parcels on Portola? There's a bunch on Portola and then Thurber. But which parcels in particular, and what is that? What's the Strategy there.

00:34:18.080 --> 00:34:25.490

Stephanie Hansen

That's more of a question than an EIR comment. There are nine specific parcels, and I don't know that I have the map up right now, but the strategy is to start to see the redevelopment of that western part of Portola Drive to be consistent with the Pleasure Point Plan and offer a mix of housing and commercial in that in that area. I can point you in the in the right direction and the project website if you want a email me tomorrow.

00:35:04.060 --> 00:35:07.460

Darius

OK, I'll go look, I'll spend more time noodling around on it, maybe I can find it. Thank you.

00:36:00.190 --> 00:36:07.940

Darius

I'm just curious, given this is the EIR related and so forth, where in this mix is that whole Park Ave 36-unit project. How does what's going on with this EIR modulate with the Park Ave project. Does it have any impact on Park Ave project?

00:36:28.230 --> 00:36:33.590

Stephanie Hansen

Yeah, I'm happy to try to address that, that the Sustainability EIR is completely different than the Park Ave project, which is something allowed by the state under home key funding. And so that project is right now undergoing the process of federal environmental review and trying to get their funding from the state and then would submit permits and be subject to that regulatory process, and the Sustainability Update wouldn't affect that at all and vice versa.

00:37:16.990 --> 00:37:17.130

Darius

OK. Yeah. Thank you.

00:39:14.200 --> 00:39:42.170

David Reid

Hi, Stephanie. Could you just take a second and explain what the response process is for community members that make a comment versus a question versus a suggestion in the EIR process and what is our response to those if they just make a comment versus if they ask a question or make a suggestion, just for people who've never maybe commented it on an EIR, so they understand. How we respond to comments, questions, suggestions and such?

00:39:47.180 --> 00:39:49.320

Stephanie Hansen

Thank you, David. That's very helpful. Stephanie, can I rely on you to answer that question for David and

the other members of the public, because I agree it can get confusing if you're commenting on the project versus just asking a question and what actually gets addressed in the ERP process.

00:40:15.360 --> 00:40:44.810

Stephanie Strelow

Sure, so the comments we will be looking at in the final EIR will take in all the comments that come in, but we will be responding to comments that are specifically related to analyses in the Draft EIR. So it's most helpful if the comments on the Draft EIR are addressing some component of the analyses in the EIR, the impacts, the mitigation measures. If there's a suggestion, we'll look at that and we'll respond to that in the Final EIR. Sometimes people ask questions in the comments. We don't encourage that. It's more useful when there's a comment on the analysis in the EIR or suggestions on mitigation measures or alternatives. But all comments will be included in the final EIR document. Does that help?

00:41:23.790 --> 00:41:30.650

Stephanie Hansen

Thank you. I yes, it I think it helps, but I'm wondering, Dave did we answer the question adequately?

00:41:31.540 --> 00:41:43.170

David Reid

Yeah. No, I understand it. And I think that hopefully that helps people understand how to direct or how to phrase or form their comments to be most productive to what they're interested in or of value to your point to the process. So thank you.

00:41:46.050 --> 00:42:04.540

Stephanie Hansen

Thank you, and if there are just questions on what's in the project or where can I find something, we're happy to help with that and people can email me directly or the Sustainability Update email either, right.

D: Draft EIR Public Meeting

Several questions about the EIR public review process and project components were asked and answered, but no comments were provided regarding the Draft EIR analyses.

LATE COMMENTS

From: Sandra Baron <sandybar3@gmail.com>
Sent: Friday, June 3, 2022 10:18 AM
To: Environmental Comments <CEQA-NEPA@santacruzcounty.us>
Subject: Coastal Oak Woodland

Please accept my comment on the Biological Resources Section of the Draft EIR

In the Biological Resources Section page 4.4-4, there is a description of "Coastal Oak Woodland" that is unclear and confusing. It sounds like you are referring to oak forests in the coastal zone, but the description sounds like oak forests inland. These are two different forest types. Inland oaks grow in mixed forests with many other tree species, but in the coastal zone the forests are primarily coast live oak and I have never seen a cottonwood, sycamore, black or valley oak.

Our coastal oak forests are ecologically important, they have a complex understory (which includes *Corylus cornuta*) and are highly productive for wildlife. They are also constantly threatened by farming and development. They deserve to be described correctly for their unique attributes.

Also, maritime chaparral is missing.

Thank you,
Sandra Baron
Watsonville

Late Comments – No Responses Are Required

The comment letter was received after the close of the public review period, and no response is required.