APPENDIX B
Public Comments on DEIR and PRDEIR

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From: Rachel Fatoohi [mailto:Rachel.Fatoohi@santacruzcounty.us]
Sent: Tuesday, June 27, 2017 5:55 PM
To: Ryan Bane
Cc: Steve Wolfman; Aaron Becker
Subject: 1930 OSE 40-unit apartment development

Hi Ryan,

1 We have concerns from residents in the county regarding the stability of Graham Hill resulting from this project, specifically since the project proposes to cut down large trees in the steep area at the edge of the property that borders Graham Hill Road. While this project is in the city, any impact to the road in the area would impact residents in the city and county in the same way and there are extensive number of county residents that use the road. I was not able to access the project plans from your web site but, regardless of that, I trust that you will make sure that the project's civil and geotechnical engineers address the site and Graham Hill Road stability issue thoroughly.

Regards,

Rachel Fatoohi, Senior Civil Engineer
Storm Water Management Section
Department of Public Works
County of Santa Cruz
701 Ocean Street
Santa Cruz, Ca 95060
Phone (831) 454-2160
Fax (831) 454-2385
E-mail Rachel.fatoohi@santacruzcounty.us

LETTER A2

Monterey Bay Air Resources District
Serving Monterey, San Benito, and Santa Cruz Counties

24580 Silver Cloud Court
Monterey, CA 93940
PHONE: (831) 647-9411 • FAX: (831) 647-8501

June 27, 2017

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

Attention: Ryan Bane, Senior Planner

Email: rbane@cityofsantacruz.com

Re: 1930 Ocean Street Extension Residential Project - Draft EIR

Dear Mr. Bane:

Thank you for providing the Monterey Bay Air Resources District (Air District) with the opportunity to comment on the above-referenced document. The Air District has reviewed the document and has the following comments:

1

- Construction Dust - In order to minimize offsite drift of fugitive dust and maintain compliance with District Rule 402 (Nuisance), the District suggests that the following Best Management Practices for limiting construction dust be applied where appropriate:
    - Prohibit all grading activities during periods of high wind (over 15 mph)
    - Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure.
    - Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days)
    - Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations, or hydro-seed area.
    - Maintain at least 2'0" of freeboard in haul trucks.
    - Cover all trucks hauling dirt, sand, or loose materials.
    - Plant vegetative ground cover in disturbed areas as soon as possible.
    - Cover inactive storage piles.
    - Install wheel washers at the entrance to construction sites for all exiting trucks.
    - Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall be visible to ensure compliance with Rule 402 (Nuisance).

2

- Wood-burning Stoves - The operational emissions can be reduced further by prohibiting wood-burning fireplaces and stoves in the new development.

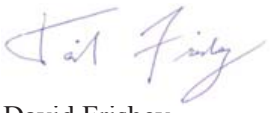
3

- Construction Equipment - Given the nearby proximity of residential and commercial land uses, the Air District recommends using cleaner construction equipment that conforms to ARB's Tier 3 or Tier 4 emission standards. We further recommend that, whenever feasible, construction equipment use alternative fuels such as compressed natural gas (CNG), propane, electricity or biodiesel.

4

- Building Demolition/Renovation - If any buildings are renovated or demolished as part of this project, Air District rules may apply. These include Rule 424, National Emissions Standards for Hazardous Air Pollutants and Rule 439, Building Removals. Rule 424 contains the investigation and reporting requirements for asbestos which includes surveys and advanced notification on structures being renovated or demolished. Notification to the Air District is required at least ten days prior to renovation or demolition activities. If old underground piping or other asbestos containing construction materials are encountered during trenching activities, Rule 424 could also apply. District Rule 439 prohibits the release of any visible emissions from building removals. Rules 424 and 439 can be found online at https://www.arb.ca.gov/drdb/mbu/cur.htm. Please contact Mike Sheehan, Compliance Program Coordinator, at (831) 718-8036 for more information regarding these rules.

Best Regards,



David Frisbey
Planning and Air Monitoring Manager

cc: Mike Sheehan, Compliance Program Coordinator

LETTER A3

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

Edmund G. Brown Jr.
Governor

Ken Alex
Director

July 6, 2017

RECEIVED
JUL 1 0 2017
CITY PLANNING DEPT

Ryan Bane
City of Santa Cruz
809 Center Street, Room 206
Santa Cruz, CA 95060

Subject: 1930 Ocean Street Extension
SCH#: 2016102018

Dear Ryan Bane:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on July 3, 2017. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

1 The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2016102018) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

LETTER A3

STATE OF CALIFORNIA
NATIVE AMERICAN HERITAGE COMMISSION
Environmental and Cultural Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710

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7-3-17
C

Edmund G. Brown Jr., Governor

July 3, 2017

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

sent via e-mail: rbane@cityofsantacruz.com

Re: SCH# 2016102018, 1930 Ocean Street Extension Project, City of Santa Cruz; Santa Cruz County, California

Dear Mr. Bane:

The Native American Heritage Commission (NAHC) has been **unable to review** the Draft Environmental Impact Report prepared by Dudek for the City of Santa Cruz Planning and Community Development Department. We have the following concerns:

2

1. We were unable to review this document for 2 reasons: we received a bad disk and could not open the files, and we received no response from the lead agency to our 6/28/17 request for electronic copies or an online link for the document.

The California Environmental Quality Act (CEQA)[1], specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.[2] If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.[3] In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52. (AB 52).[4] **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** AB 52 created a separate category for "tribal cultural resources"[5], that now includes "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.[6] Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.[7] Your project may also be subject to **Senate Bill 18 (SB 18)** (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. **Both SB 18 and AB 52 have tribal consultation requirements.** Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966[8] may also apply.

3

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/. Additional information regarding AB 52 can be found online at http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf, entitled "Tribal Consultation Under AB 52: Requirements and Best Practices".

[1] Pub. Resources Code § 21000 et seq.
[2] Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b); CEQA Guidelines Section 15064.5 (b)
[3] Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1); CEQA Guidelines § 15064 (a)(1)
[4] Government Code 65352.3
[5] Pub. Resources Code § 21074
[6] Pub. Resources Code § 21084.2
[7] Pub. Resources Code § 21084.3 (a)
[8] 154 U.S.C. 300101, 36 C.F.R. § 800 et seq.

4 The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

5 A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

Please contact me at gayle.totton@nahc.ca.gov or call (916) 373-3710 if you have any questions.

Sincerely,

Gayle Totton, B.S., M.A., Ph.D
Associate Governmental Project Analyst

Attachment

cc: State Clearinghouse

Pertinent Statutory Information:

Under AB 52:
AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:
Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice.
A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.[9] and **prior to the release of a negative declaration, mitigated negative declaration or environmental impact report**. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18).[10]
The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

a. Alternatives to the project.
b. Recommended mitigation measures.
c. Significant effects.[11]

1. The following topics are discretionary topics of consultation:
   a. Type of environmental review necessary.
   b. Significance of the tribal cultural resources.
   c. Significance of the project's impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. [12]
With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process **shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10.** Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.[13]
If a project may have a significant impact on a tribal cultural resource, **the lead agency's environmental document shall discuss** both of the following:

a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.[14]

Consultation with a tribe shall be considered concluded when either of the following occurs:

a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.[15]

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 **shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program**, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.[16]
If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, **the lead agency shall consider feasible mitigation** pursuant to Public Resources Code section 21084.3 (b).[17]
An environmental impact report **may not be certified**, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

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[9] Pub. Resources Code § 21080.3.1, subds. (d) and (e)
[10] Pub. Resources Code § 21080.3.1 (b)
[11] Pub. Resources Code § 21080.3.2 (a)
[12] Pub. Resources Code § 21080.3.2 (a)
[13] Pub. Resources Code § 21082.3 (c)(1)
[14] Pub. Resources Code § 21082.3 (b)
[15] Pub. Resources Code § 21080.3.2 (b)
[16] Pub. Resources Code § 21082.3 (a)
[17] Pub. Resources Code § 21082.3 (e)

c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days.[18]

This process should be documented in the Tribal Cultural Resources section of your environmental document.

Under SB 18:

Government Code § 65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of "preserving or mitigating impacts to places, features, and objects described § 5097.9 and § 5091.993 of the Public Resources Code that are located within the city or county's jurisdiction. Government Code § 65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

- SB 18 applies to **local governments** and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf
- Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.**[19]
- There is no Statutory Time Limit on Tribal Consultation under the law.
- Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research,[20] the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction.[21]
- Conclusion Tribal Consultation: Consultation should be concluded at the point in which:
  - The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.[22]

NAHC Recommendations for Cultural Resources Assessments:

- Contact the NAHC for:
  - A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
    - The request form can be found at http://nahc.ca.gov/resources/forms/.
- Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
  - If part or the entire APE has been previously surveyed for cultural resources.
  - If any known cultural resources have been already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

[18] Pub. Resources Code § 21082.3 (d)
[19] (Gov. Code § 65352.3 (a)(2)).
[20] pursuant to Gov. Code section 65040.2,
[21] (Gov. Code § 65352.3 (b)).
[22] (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- Avoidance and preservation of the resources in place, including, but not limited to:
  - Planning and construction to avoid the resources and protect the cultural and natural context.
  - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - Protecting the cultural character and integrity of the resource.
  - Protecting the traditional use of the resource.
  - Protecting the confidentiality of the resource.
- Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.[23]
- Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.[24]

The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.[25] In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

[23] (Civ. Code § 815.3 (c)).
[24] (Pub. Resources Code § 5097.991).
[25] per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).

LETTER A4

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

July 5, 2017

RECEIVED
JUL 7 2017
CITY PLANNING DEPT

Ryan Bane
City of Santa Cruz
809 Center Street, Room 206
Santa Cruz, CA 95060

Subject: 1930 Ocean Street Extension
SCH#: 2016102018

Dear Ryan Bane:

1 The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on July 3, 2017, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

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

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

LETTER A4

Document Details Report
State Clearinghouse Data Base

SCH# 2016102018
Project Title 1930 Ocean Street Extension
Lead Agency Santa Cruz, City of

Type EIR Draft EIR

Description The project application consists of a General Plan Amendment, Zoning Map Amendment, Tentative Condominium Plan, Design Permit, and Planned Development to construct a 40-unit apartment/condominium development. The General Plan Amendment is to change the land use designation from Low Density Residential to Low Medium Density Residential. The Zoning Map amendment is to rezone the site from R-1-10 (Single-Family Residential) to LM (Low Medium Density Residential). The Zoning Map amendment is to rezone the site form R-1-10 (Single-Family Residence) to RL (Multiple Residence - Low Density). The PD requests is for a variation to allow tandem parking. A variance to slope regulations is requested to permit development within 10 feet of 30 percent slopes.

Lead Agency Contact

Name Ryan Bane
Agency City of Santa Cruz
Phone 831-420-5141 **Fax**
email
Address 809 Center Street, Room 206
City Santa Cruz **State** CA **Zip** 95060

Project Location

County Santa Cruz
City Santa Cruz
Region
Lat / Long
Cross Streets Ocean St. Extension / Graham Hill Road / Ocean Street
Parcel No. 008-044-02
Township **Range** **Section** **Base**

Proximity to:

Highways 1, 17
Airports
Railways
Waterways San Lorenzo River
Schools
Land Use Vacant / R-1-10 (Single Family Residence) / Low Density Residential

Project Issues Air Quality; Biological Resources; Drainage/Absorption; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Traffic/Circulation; Water Quality; Aesthetic/Visual; Agricultural Land; Water Supply; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 3; Department of Parks and Recreation; California Highway Patrol; Caltrans, District 5; State Water Resources Control Board, Division of Drinking Water; Regional Water Quality Control Board, Region 3; Native American Heritage Commission; State Lands Commission

Date Received 05/18/2017 **Start of Review** 05/18/2017 **End of Review** 07/03/2017

LETTER B1

Rick Moe P.O. Box 3710 Santa Cruz, CA 95063 **Craig Rowell**

831-462-1590 Fax: 462-5773 Cell: 247-7022 831-426-9630 Fax: 457-2075 Cell: 818-0395
Perouse@aol.com craigrowell@gmail.com

June 30, 2017

VIA ELECTRONIC & U.S. MAIL

Ryan Bane
City of Santa Cruz
Department of Planning & Community Development
809 Center Street, Room 107
Santa Cruz, CA 95060
rbane@cityofsantacruz.com

Re: Comments on 1930 Ocean Street Extension Residential Project Draft EIR

Dear Mr. Bane:

We are the applicants for the 1930 Ocean Street Extension Residential Project (Project). We appreciate the city's efforts in preparing the Draft Environmental Impact Report (EIR) and, having reviewed the document, it is clear that the city and its consultants took great care to thoroughly analyze all of the Project's potential environmental impacts. We offer the following comments to assist the city in its evaluation of the Project.

1. Project Objectives

The project objectives are listed in Chapter 3, section 3.3, and are also discussed in Chapter 5. While we agree with the six objectives that are identified in the Draft EIR, the document does not include all of the project objectives that we provided to the city. We request that the following objectives, which were previously submitted to the city, also be included in the EIR:

- Provide work-force housing opportunities to a critically underserved community demographic, specifically police, government workers, emergency personal and teachers.

1

- Develop a project that:
  - Is consistent with the goals of infill development;
  - Provides housing opportunities at appropriate densities to serve critical housing needs;
  - Avoids urban sprawl by creating sensitive infill within the urban services area; and
  - Reduces impacts caused by excessive vehicle trips and commuter traffic patterns.

- Develop a project that provides the following off-site community improvements:
  - Upgrades 700'+ of the existing substandard Ocean St. Ext. to city standards;
  - Improves drainage retention and detention for the upgraded section of Ocean St. Ext.;

1 (cont.)

- Provides operational and safety improvements to the Graham Hill Rd. and Ocean St. Ext. intersection; and
- Provides improved pedestrian and bicycle access from the cemetery entrance to existing Ocean St. improvements.

2. Specific Comments on the Draft EIR by Page Number

The remainder of our comments suggest minor edits to clarify information in the Draft EIR or correct minor mistakes.

	Page No.	Comment
2	Fig. 4.1-2	Figure 4.1-2 is mislabeled "9130 Ocean Street Extension Residential Project."
3	4.4-5	We suggest the following edits to the description of project site drainage on page 4.4-5 (suggested deletions are shown in ~~strikeout~~ and added text is shown in red): Stormwater runoff from the site is conveyed via sheet flow across the site and flows ~~into an 18-inch storm drain that runs northerly along the east side of Ocean Street Extension along the project frontage and discharges~~ on the surface of the street until it flows into a drainage ditch past the project site or continues down the east side of the street to Crossing Street.
4	4.5-15	It should be noted that the 2014 traffic counts were less than two years old from the date of the traffic report and that Chris Schneiter and Ron Marquez considered whether updated traffic reports were needed and determined that the October 2014 counts were appropriate. As noted in the Draft EIR, subsequent traffic counts in the area demonstrate that the traffic counts relied upon in the traffic analysis are valid, if not conservative.
	4.5-20 – 4.5-21	The discussion of access and safety hazards should be updated to reflect the fact that the pine tree within the northeast island has been limbed up so that it no longer impedes the sight line up Graham Hill Rd. and the pepper tree in the northwest island has been removed. As noted in the Draft EIR, the removal of these trees, along with other improvements proposed as part of the project, will improve the safety at the Graham Hill Road / Ocean Street Extension intersection.
	4.5-21	We suggest the following edit: The project includes widening Ocean Street Extension to 20 feet along most of the project frontage from the ~~project~~ north side of the cemetery entrance south to Ocean St.

4 (cont.)	4.5-23	We suggest the following edit: The new sidewalk will start ~~across from the entrance to the project site~~ at the entrance to the cemetery and extend south to join the existing sidewalk south of the Graham Hill Rd. / Ocean Street Extension intersection.
5	5-14 – 5-15	As noted in our comments above, the Draft EIR does not include all of the project objectives that we provided to the city. We request that the omitted project objectives, identified above, be included in the EIR. The discussion in this chapter regarding whether the various alternatives meet the project objectives will also need to be updated, although we believe similar conclusions will be reached.
6	5-23 – 5-24	The Draft EIR overstates the ability of Alterative 3 to reduce environmental impacts compared to the Project. For example, regarding impact Noise-1 (Noise – Exposure to Noise Levels), buildings would still be exposed to Graham Hill Rd traffic noise under Alternative 3; regarding Impact Bio-1 (Nesting Birds), all of the eucalyptus trees along Graham Hill Road would still be removed under Alternative 3; and, regarding Impact Bio-2 (Heritage Tree Protection During Construction), the remaining heritage trees would still need the same protection during construction.

Thank you for the opportunity to comment on the Draft EIR. Please let us know if you have any questions.

Very truly yours,

R. Moe

Rick Moe and Craig Rowell

BIKE SANTA CRUZ COUNTY
703 Pacific Avenue • Santa Cruz, CA 95060
(831) 425-0665 www.bikesantacruzcounty.org

6/30/2017

Mr. Ryan Bane
Senior Planner
City of Santa Cruz
Department of Planning and Community Development
809 Center Street, Room 206
Santa Cruz, CA 95060

Dear Mr. Ryan Bane,

Bike Santa Cruz County requests that any development or road work in the vicinity of Ocean Street Extension and Graham Hill Road be made bicycle-friendly. This is necessary both to mitigate impacts from increased motor vehicle traffic and to proactively comply with various local and state mandates including Complete Streets.

Ocean Street Extension/Graham Hill Road intersection: The Ocean Street Extension/Graham Hill Road intersection is proposed to be improved by modifying current traffic islands. Leaving town on Ocean Street, there is a bike lane that fades out right before this intersection. **The bike lane should be extended through this intersection.** Coming into town downhill on Graham Hill Road, a bike lane begins just past this intersection (where the Road turns into Ocean Street). Cyclists will be riding in the travel lane downhill before veering toward the right to get into the bike lane. Motor vehicles hopefully are slowing down to veer left as the road curves into Ocean Street.

1

Adequate room, signing, and pavement markings (such as sharrows) should be provided to help prevent motor vehicle/bike conflicts on this downhill curve. It appears that with some slight additional modifications to the traffic islands and roadways the intersection could be adjusted to accommodate our recommendations. We welcome having further input with staff to design a bike-friendly intersection here.

Site Development: The subject site is proposed to be residentially developed with an internal road system. Bike Santa Cruz County takes no position on this development. But, if any development is to occur it should provide for bikes. Numerous General Plan policies support on-site facilities, and in particular corresponding Code Section 24.08.430.8 states, “The site plan shall encourage alternatives to travel by automobile where appropriate, through the provision of facilities for pedestrians and bicyclists, including covered parking for bicycles…” We note that the plans provide for bike parking, but all clustered at one location. **We recommend that the racks be dispersed so cyclists can lock their bikes closer to the residences they visit or live in.**

2

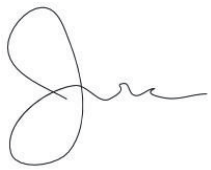
It appears that ends of the internal roadway are less than 100 feet from Graham Hill Road. **We recommend that there be a multi-use path connecting the roadway to Graham Hill Road.** If someone living in one of the proposed upper homes wanted to bike towards Scotts Valley on Graham Hill, they would first have to ride downhill, then ride along Ocean Street Extension, navigate the intersection with Graham Hill and then bike uphill along Graham Hill where there is little shoulder and no bike lane. They could avoid this inconvenience and shorten their route by about ¼ mile if they could simply bike up to Graham Hill Road from their house on a pathway through this site. Similar convenience would be afforded to those biking or walking down narrow Graham Hill Road to a proposed house on site. We would welcome further discussion with staff and the developer as to the best location for such an on-site path, given the terrain and trees.

3

Graham Hill Road Adjacent to the Site: Graham Hill Road borders the site's property boundary for about 400 feet. Graham Hill Road is slated for bike lanes in the City's *Active Transportation Plan* as opportunity arises. Site development is such an opportunity. The current shoulders are only about 2 1/5 to 3 feet wide – **so would need to be widened to at least four feet to function as bike lanes.** The site plan shows a five-foot dedication along part of its frontage with Graham Hill which would allow for such widening.

Thank you for your work on this project and for working with Bike Santa Cruz County to make our community safer for cyclists.

Warmly,



Janneke Strause
Executive Director
Bike Santa Cruz County

June 30, 2017

Ryan Bane, Senior Planner

City of Santa Cruz Planning and Community Development Department

809 Center Street, Rm. 206

Santa Cruz, CA 95060

RE: 1930 Ocean Street Extension, APNs 008-004-02, and -01

Comments on the Draft Environmental Impact Report Dear Mr. Bane:

1 The Ocean Street Extension Neighborhood Association (OSENA) thanks you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the 1930 Ocean Street Extension (OSE) project which proposes 40 condominiums on a site that currently the City states could support nine single-family dwellings. OSENA is a neighborhood association of over 50 residents of the area. OSENA objects to the proposed amendment to the subject parcel's General Plan designation and zoning to increase the density on this rural area straddling the City/County border. Such a proposal is inconsistent with the City's General Plan, Municipal Code, and flies in the face of basic land use principles. OSENA will continue to vigorously oppose any re-designations/rezoning of this parcel and will seek support from all City residents opposing the City Planning Department's proposed move to increased density in City neighborhoods without considering the environmental impact, ensuring adequate infrastructure improvement and maintaining consistency with current land use planning established in the 2030 General Plan. Indeed, higher density development is inappropriate on the City's fringe, which should be a transition area to more rural densities.

The DEIR addresses seven topics: aesthetics, air quality, geology and soils, hydrology, traffic, water supply and land use. Below we have provided comments first on these topics and then, in the following section, we have provided comments on an additional topic—biological resources--that we believe must be addressed to fully vet the potential environmental impacts of this project.

2 OSENA hereby incorporates by this reference all documents and reports that were submitted to the City Planning Department on behalf of OSENA during the initial processing of the proposed development of this parcel in 2010, and also all documents related to the emissions and operation of the crematory in the permit application proceeding to the Santa Cruz Memorial Park crematory relocation. If the City requires re-submission of these documents that are already in your files, please inform OSENA. We have included two of the more important documents, including the May 21, 2013 Risk Assessment Prepared by David Craft of the MBUAPCD

(Attachment 4) , and the July 2, 2012 Health Risk Assessment prepared by URS Corporation related to the Operation of the Crematory (Attachment 5)

Additionally, there have been multiple problems encountered by citizens attempting to gain information from the City and the Planning Department regarding the above referenced project in their quest to adequately respond to the DEIR. We have reported to the City: lack of posting and sign readability, Planning Website glitches and adequate and readable plans not being made available for our experts and the City has extended the time to provide the records that we have requested pursuant to the Public Records Act. These failures to provide documents and failure to extend the time to respond to the EIR is a deprivation of procedural due process for the community to effectively comment on the EIR.

2 (cont.)

Given the deficiencies in the project reports and analysis, OSENA requests that the attached comments be specifically addressed and the DEIR be recirculated for public comment. OSENA thanks you for this opportunity to comment on the DEIR and looks forward to reviewing the revised DEIR and providing additional comments as needed. OSENA requests notification of all project developments, including the issuance of the revised Draft EIR, Final EIR and any public hearings.

Respectfully Submitted,

Ocean Street Extension Neighborhood Association

Representing over 50 residents

Attachment 1: OSENA comments on the DEIR

Attachment 2: Photos

Attachment 3: Storm water system data from the winter of 2016-2017

Attachment 4: May 21, 2013 Risk Assessment Prepared by David Craft of the MBUAPCD

Attachment 5: July 2, 2012 Health Risk Assessment prepared by URS Corporation related to the Operation of the Crematory

Attachment 6: Traffic Accident Data from City of Santa Cruz, SC Netcom911, and CHP – plus chart of accident history

attachment 1

Attachment 1: OSENA Comments on the DEIR

Chapter 4.1 Aesthetics

4.1.1 Environmental Setting: Regulatory Setting

1) Deferment of Design Permit Findings: The DEIR describes the requirements of the "design permit" which is a process intended to promote the public health, safety and general welfare through the review of architectural and site development proposals and through application of recognized principles of design, planning and aesthetics and qualities typifying the Santa Cruz community. No design permit findings were provided. Since these findings provide the basis for evaluating the project design and impacts, it is improper to defer writing the findings until after the completion of EIR. The aesthetic analysis of the EIR is based upon these findings. As such,
3 they should be provided now.

2) Has a peer review been completed on the proposed design by an independent architect or otherwise qualified professional?

3) With the deferment of the Design Permit findings, it appears likely that no design professional has evaluated the architectural plans. If that is the case, how can the Aesthetic section of the EIR be completed? Whose analysis is being provided in the DEIR and what are their qualifications for providing that analysis?

4.1.2 Impacts and Mitigation Measures

1a. Scenic Views: The proposed project would substantially adversely affect the scenic views of the Pogonip, Mission Hill and Holy Cross Church from Graham Hill Rd.

4) This portion of Graham Hill Road provides a significant public scenic vista with views of the
4 Pogonip, Mission Hill, and Holy Cross Church. The General Plan DEIR/FEIR specifically calls out the Pogonip, Mission Hill and Holy Cross Church as having scenic value. Further, Graham Hill Road in this location is the gateway to the City from the San Lorenzo Valley and Scotts Valley. Views of the Pogonip and Mission Hill/Holy Cross Church and surrounds are significant to thousands of motorists who traverse Graham Hill Road on a daily basis. Our community values open space and views of our natural surroundings. This development would adversely

4 (cont.) affect, or entirely block a panoramic background mountain view of the Pogonip; one of our most-treasured open spaces as well as views to Mission Hill and the landmark Holy Cross church. To evaluate the impact of the development on the view, story poles or photo-simulations of the view from Graham Hill should be provided. Without additional visual information, the DEIR cannot adequately evaluate the effect of the development on the view.

1c. Visual Character of the Surrounding Area: The proposed development would substantially degrade the existing visual character and quality of the surrounding area due to the overall building density, height, scale, and mass which are incompatible with the surrounding area and would substantially adversely affect its rural and natural character.

5 5) Inadequate analysis has been provided of the existing versus proposed zoning/General Plan density and its resulting impact on the visual character of the surrounding area. The current zoning allows for detached housing while the proposed housing allows for attached housing. There is no attached housing in the built environment which provides the context for the proposed development. Graham Hill Road is a natural divide between the higher density development along Ocean and Jewell Streets and the lower density development along Ocean Street Extension and Crossing Street. Currently, the OSE's zoning on the north side of GH is R-1-10 on the east side with the Santa Cruz Memorial property zoned Public Facility. The Santa Cruz Memorial property, a historic resource, has a rural/open feel because most of the property's 17.5 acres is devoted to graves. Continuing north, OSE dips down through a wooded area and, at Crossing Street, enters the County jurisdiction where the zoning changes to Residential Agriculture with a one- acre minimum on the east side of OSE and Commercial Agriculture on the west side. This reflects OSE's long history as the Italians Gardens agricultural area. Leap-frogging multi-family zoning (with the resulting attached housing) over the existing single-family zoning to create an island of multi-family zoning would be grossly out of character with the area. Up- zoning the area to allow 40 units where nine units would have been possible, degrades the visual character as well as the quality of the site and its surroundings by introducing an incompatible development at the City/County boundary where, typically, the density and intensity of uses decreases. This topic has not been sufficiently addressed in the DEIR and warrants further analysis.

6) With an FAR (Floor Area Ratio) of .52, this project would have a density far greater than any adjacent property, and incongruous with the surrounding properties and historic rural character of Ocean St. Extension. While other multi-family developments exist in proximity, they are separated from the proposed project by both Graham Hill Rd. and the predominately open grounds of the 17.5 acre Santa Cruz Memorial Park, which together create a natural boundary between the urban and rural portions of the area.

7) The height and massing of the 10 proposed large boxy structures on the site would dwarf and overwhelm the nearest neighboring structure; the modest-sized but architecturally and historically significant SC Memorial Park and crematory. No other structures of similar height and mass are within visual proximity.

8) The DEIR suggests that the 10 buildings with footprints of about 2,100 are similar in scale to other multi-family developments in the vicinity along Ocean Street and similar to larger single-family homes built in the area. As noted above and multiple times before, Graham Hill provides a natural transition. Structures south of Graham Hill do not visually read as part of the same built environment and are not, therefore, relevant in terms of assessing compatibility and character. Even if those developments were to be considered as relevant, their scale is dramatically different. The 11-unit Jewell street development under construction does not step up the hill in the same way as the proposed development. The development on the southeast corner of Jewel is one-story at Ocean Street and then steps up to two stories on a level site. The next development south is two stories, but does not step up a slope. There are no houses in the vicinity—as the DEIR suggests-- that are equivalent to the size of these buildings.

6

9) The gable ends of the structures have no articulation, with 26- to 30-foot wall planes that are unbroken except by minimal fenestration. The eastern elevation on the bottom left of the DEIR Figure 4.1-2 lacks even modest fenestration and appears to be an afterthought. If sound attenuation is an issue, the design can do better than simply specifying small windows. The long, unbroken ridges of the buildings only amplify the massiveness of the structures as do the vertical lines of the board and batten siding in amplifying the structure's height. The faux chimney (is this rooftop equipment?) is a single-family visual reference that is contrary to the multi-family development. Does the zone district allow roof projections such as the one shown to exceed the zone district height limit? If so, what are the limitations on these projections?

7

10) The DEIR asserts that paint colors, ground level patios, and trellises on some of the sides of the buildings will break up the building mass. How will patios break up the mass of the building? In what way will trellises break up the mass of buildings with 30-foot wall planes? It is unclear where trellises are proposed since we have an incomplete set of elevation drawings. Please clarify. The proposed paint plan shows very modest variation that does not appear to reduce the apparent massiveness of the structures in any way given that the "spruce blue" stain is proposed for all of the board and batten, i.e. paint is not being used to break up the primary finish material.

11) While each individual structure appears to conform to the 30' maximum height (which is a maximum, not an entitlement), the sloping topography will result in structures along the eastern frontage of the site that tower some 60' above Ocean St. Extension. There is nothing in the vicinity that is anywhere equivalent. The long side of their gable roofs running parallel to both

8

8 (cont.) Graham Hill and Ocean St. Ext. will result in all roof lines showing their maximum height and causing view obstruction along the entire length of each structure. As noted previously, the vertically-oriented board and batten finish materials will only highlight the verticality and heights of the structure. What is the method by which height is measured in the City? Since some of the structures at the maximum height, confirming the accuracy of the measurement is important to insure compliance. The intent of having a maximum height limit is to ensure that buildings do not have a negative aesthetic impact and are compatible with surrounding development.

9 12)The proposed materials and repetitive box-like design represent some of the cheapest possible construction methods. Designs very similar to this have been constructed countless times and demonstrate no particular architectural merit. The 2010 staff report suggesting that this development would render a "rural, farm-like style" is simply false. One large rectangular structure may have a "barn-like" quality to it if properly detailed, but 10 identical structures plus parking packed on to this site is unmistakably an apartment complex designed to maximize rental profit for the owner at the expense of the character of the neighborhood. Almost no articulation in the roof or wall planes is proposed. The proposed design bears no relationship to the natural site features or nearby buildings.

10 13)The assertion by the DEIR that limited windows would serve to "soften the overall building mass" is in direct contradiction to commonly-accepted architectural design principles. Would anyone argue that our local Costco appears less massive due to its lack of windows?

11 14) The photo simulations shown in Figure 4.1-3 of the DEIR are incomplete and misleading. The "North View with Project" is taken from a vantage point that is distant from the actual site, thereby using perspective to its advantage to diminish the apparent size of the proposed structures in relation to the adjacent neighboring structure in the foreground. Furthermore, it shows only the two proposed structures in direct proximity to Ocean St. Ext. and omits the additional buildings which step up the hillside. The "South View with Project" vantage point has been carefully chosen to provide a view where the structures are maximally obscured by trees in the foreground. Both simulations portray an image of the proposed project that is considerably less imposing than the real-world construction would appear from most public vantage points. Photo-simulations should be provided that more accurately capture the true impact of the development.

12 15) The erosion gully to the north is stabilized with hunks of concrete. Those concrete hunks are blight. It would be appropriate (nexus and proportional) for the developer to remove that blight and stabilize the gully with an engineered solution.

16) Municipal Code 24.14.030 (Slope Regulations) states in the applicability and purpose section, "A further purpose [of the slope regulations] is to avoid excessive height, bulk and mass normally associated with building on slopes." The idea inherent in this purpose is that by
13 avoiding steep slopes, the apparent height, bulk and mass will be lessened, i.e. slopes amplify these characteristics. In this case, the project includes a slope exception, meaning the project will not be complying with the slope regulations which are, in part, intended to safeguard against these aesthetic impacts of construction on slopes. How does the project meet the purpose of the slope regulations to avoid excessive height, bulk and mass when it includes 10 three-story, poorly articulated buildings, most of which are at the new zone district's height limit?

1d. Introduction of Light and Glare: It appears likely that the introduction of 40 new condo units at the urban edge will introduce a major new source of light.

14 17) To evaluate this, it is essential to provide a light study that provides actual data to analyze (i.e. a quantitative analysis as requested in the OSENA scoping comments). This is warranted given that the subject parcel is at the urban edge and that a rezoning and General Plan re-designation is requested for 31 additional units. These additional units appear likely to have a significant impact on our nighttime skies. General Plan policies support the reduction of light pollution (e.g. General Plan Policy HZ5.1).

4.2 Air Quality and Greenhouse Gas Emissions

- **At page 4.2-9, the draft EIR discusses mercury soils testing as follows:**

"In November 2010, soil testing for mercury was conducted at five points within the immediate area adjacent to the crematory, including three locations at the project site. All samples collected were well below the California screening levels. All results were below the laboratory reporting limit of 0.1 mg/kg but above the method detection limit of 0.005 mg/kg. The California Human Health Screening Values (CHHSLs) for Evaluation of Contaminated
15 Properties for total mercury for the protection of human health in soils with residential land use designation is 18.0 mg/kg dry weight. All samples collected from the 1930 Ocean Street Extension property were well below the CHHSL screening value" (Kinnetic Laboratories, November 2010).

18) There is nothing in the Kinnetic Laboratories report which indicates the scientific methodology used regarding the location or number of core samples taken. What was the

methodology used in taking these samples? What locations were the samples taken from, and would those samples accurately reflect the long term deposit of mercury onto the project site?

15 (cont.) 19) Were the samples taken at the appropriate time of year? In fact, the samples were taken a day following a 1+inch rainfall which resulted in significant runoff. Would that affect the validity of the sampling?

20) What is the scientific basis for asserting that this seven years old report represents current environmental conditions at this building site? What other toxins emitted from the crematory was the soil tested for?

- **At page 4.2-10 the draft EIR discusses the Mercury Modeling previously performed and states the following:**

"The results and conclusions of the MBUAPCD assessment indicate that the relocation of the crematory would have a less-than-significant impact on existing and future residential receptors in the area as the hazard index is below the California Air Resources Board mercury emission factor" (Monterey Bay Unified Air Pollution Control District, May 2013).

21) This statement represents only a half truth, as it fails to take into consideration a conclusion reached by the MBUAPCD in its May 2013 report, which reads:

"The District also conducted the screening assessment using a higher mercury emission factor calculated based on a mass balance approach. Under this scenario, existing and proposed residential receptors are located in an area with potential health impacts. Therefore, re-locating the crematory may impact existing and proposed residential receptors if a higher mercury emission factor was used to assess potential risks" (MPUAPCD, May memorandum May 21, 2013, Attachment 4 page 5 of 6).

16

The crematory remains operational at the time of this EIR in its present location, and there is no indication that it is being relocated any time soon. An EIR has to be based on existing site conditions, not on planned future changes to adjacent land use. While the emissions from this crematory are not caused by the proposed development, placing construction workers and future potential residents in harm's way has an environmental impact that cannot be ignored. For that reason, the EIR should address the following concerns, which it fails to do:

22) What is the impact of the proposed development given that the crematory continues to operate adjacent to the site?

23) In regard to the mercury modeling, what is the scientific basis for relying solely on the ARM mercury emission factor rather than the mass balance approach given that the crematory continues to the present day to operate adjacent to this site with no controls?

16 (cont.) 24) Even assuming the crematory relocates across the street at some point in the future, the EIR should evaluate the potentially toxic air emissions which will continue to be emitted as evidenced in the earlier environmental analysis performed on this site such as the HRA prepared by the URS Corporation dated July 2, 2012 Attachment 5

- **At page 4.2-20 of the draft EIR, it states the following:**

"Default trip rates in CalEEMod were adjusted to match the weekday trips provided by the traffic consultant for the project" (Hatch Mott MacDonald 2016).

The trip rates in the Hatch Mott report do not take into consideration:

- that there are areas shown in the floor plan of the condominiums that are likely to be used for sleeping quarters but are not labelled as such;

17

- that the LOS at the intersection of Graham Hill Road and NB Highway1 offramp with be at a LOS F, and there are no plans to install a signal as recommended as a mitigation effort, so there will be substantial idling traffic at this heavily traveled intersection, which will similarly back up traffic onto Highway 1 more frequently than it currently does, thereby causing additional idling vehicles on Highway1; and

- that the turn pocket to turn left off Graham Hill Road onto Ocean Street Extension will be extended to hold more vehicles, and will cause additional stopped traffic and those idling auto emissions.

25) How are these factors list above included in the modeling of the greenhouse gas emissions? What methodology is used to capture the emissions from the additional and stalled traffic due to this high density project?

4.3 Geology and Soils

3b Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in an on-site or off-site landslide or slope failure/instability.

18 This past winter 2017 Graham Hill Road was closed due to landslides approximately 1000 feet north of the project site. This reality is at odds with the 2014 Haro, Kasunich, and Associates geotechnical study which states that the, "The nearest mapped landslide deposit is approximately 2,000 feet north of the project site." It is worth noting that Cooper Clark data (which Mark Foxx partially relies upon in his letter) provides preliminary mapping of known and suspected landslides and is prepared via remote sensing (e.g. stereoscopic analysis of aerial photos). The Cooper Clark data is not, however, field checked for accuracy or completeness and cannot be

18 (cont.) relied upon for site-specific information. While there maybe no historic land sliding directly on the property, there is a significant concern that there are land stability issues on the slopes above the site.

Contributing to potential site stability issue is "run-on" from Graham Hill Road. The HKA report refers to road improvements on Graham Hill Road above the site, stating, "Storm runoff from Graham Hill Road where it borders the property is well controlled by an asphalt curb located along the outer edge of the payment" (4). And on page 5, Mark Foxx writes, "The location of those problems [erosion and instability] were related to areas where Graham Hill Road was poorly designed and lacked design features (such as the asphalt curb at the outer edge of the pavement that is present at the property proposed for development) to prevent problems associated with uncontrolled surface runoff" (5).

19

The asphalt curb along the outboard edge of Graham Hill Road does not, in fact, extend the length of the subject parcel's GH frontage; it terminates about 160' above the southerly property boundary next to the crematory. Where it terminates, all of the GH runoff flows along and onto the subject parcel (see photo attached).

(25) How many square feet of impervious area drains onto the site from where the asphalt curb terminates? Has this "run-on" been accounted for in the drainage analysis? The soils report should be updated to reflect the actual site conditions and account for the run-ons impact on slope stability, foundation design (including waterproofing), and erosion control.

Further, the HKA report states, "The project site will be exposed to strong ground-shaking during a major earthquake on any of the nearby faults, resulting in the exposure of people and/or structures to damage due to strong seismic shaking and potential liquefaction 4.3.2 (a) This is a potential significant impact." The report goes on to state if "non-liquefiable soils are not

20 found encountered at a reasonable depth it may be more cost effective to float structures on an earthen mat with structural slabs or grid foundations, although "floating" foundations will experience differential settlement over time and may require repair in the future (i.e. releveling with injection grouting)." In other words, the geotechnical engineer acknowledges that the site is subject to strong seismic shaking and potential liquefaction, yet defers resolving this significant feasibility question to a later stage despite the fact that extreme engineering efforts may be required to relevel the structures following differential settlement.

26) What is the scientific/engineering basis for concluding that this is not earthquake risk is not

21 a significant impact given the soils condition and construction into the 30% slope?

These extreme engineering efforts are a direct result of adding more density to the site. If the site were developed at the existing density where nine dwellings could be allowed, these extreme

21 (cont.) engineering efforts would not be required because the dwellings could be located away from Graham Hill and the thirty percent slopes.

22 27) The geotechnical report was prepared in 2007. What are the City's standards for updating reports? Does this report comply with those standards?

23 28) Unpredictable weather including increased storm force due to climate change is in our future . Please explain how the geotechnical report and drainage report account for increased storm strength and rainfall such as we had during the winter of 2016-2017?

A portion of the erosion gully is located on the subject parcel. The gully is severely eroded and appears to be stabilized by hunks of concrete. Given the ongoing erosion, the gully and its proximity to the northern most building should be evaluated. It appears some analysis already occurred and a remedy for the instability was provided. See "Response of City of Santa Cruz's Environmental Consultants Phone and E-mail Comments" by Haro, Kasunich and Associates, dated 8/11/10. Page 3 of this letter states:

> Based on the Bowman and Williams preliminary grading plan dated 22 February 2010, the existing erosion gulley bordering the north end of the development will be filled with a 2:1 (horizontal:vertical) engineered fill slope, buttressing the vertical free face of the gulley. The earth materials below Building 4 and below the driveway B, will therefore be permanently contained by the stabilization of the adjacent gulley. The existing slope at the northwest corner of the property is about 12 feet high and inclined at 1.5"1 (horizontal:vertical). … The top of this slope is setback 30 feet from Building 3. … However, erosion and sloughing soil from this slope during intense rainfall could flow down onto the inboard side of Ocean Street Extension. Mitigation measures would consistent of the placement of a more heavy duty erosion control blanket over this slope."

24

29) Why has this mitigation measure not been incorporated into the project when the project engineer recommends it? No explanation has been provided as to why this is no longer needed. The erosion from this gully has a significant effect on water quality and sediment from it reduces the capacity of downstream drainage facilities. In the storms of the winter of 2017, a substantial amount of sediment accumulated on Ocean Street Extension and Crossing Street.

25 Section 24.14.030(d) (Slope Regulations) of Title 24 of the City Code states that, "No building shall be located on a slope of thirty to fifty percent, or within twenty feet of a thirty to fifty

percent slope, unless an exception is granted pursuant to section 24.14.040 or a variance is granted pursuant to section 24.08.810." Similarly, Section 24.14.030(g) prohibits buildings from encroaching on thirty percent slopes. Finally, the ordinance states in (h) that no new lot shall be created which would require the house to be sited within twenty feet of a thirty-percent slope; in this last case, no exception is allowed. The purposes of these regulations are to minimize the risks associated with project development in areas characterized by unstable slopes such as slopes over thirty percent. Development on slopes can have aesthetic, slope stability and erosion impacts so exceptions to slope regulations must be carefully considered.

In this case, there are two areas where the proposed buildings encroach into 30 percent slopes. The first is the area downslope of Graham Hill Road where buildings encroach into 30 percent slopes. The second area is to the erosion gully to the north. In this later case, building 4 appears cantilevered over the slope (see Sheet C1.0). Regardless of the construction method, this structure clearly does not meet the 10-foot minimum setback from descending slopes required in the 24.14.040 slope exception. Further, it will not meet the building code required setback from descending slopes which is also intended to increase site safety.

25 (cont.)

30) Since the City's minimum 10-foot setback is intended to preserve site safety (but also aesthetic and erosion impacts of constructing on steep slopes), how has this issue been addressed in the DEIR? The findings necessary to substantiate the granting of an exception have not been provided, so it is unclear on what basis the environmental impacts have been addressed. If the findings cannot be made, then presumably, this would indicate that an environmental impact would result. Relying on the geotechnical engineer to determine what constitutes a significant impact in the DEIR is not appropriate as the engineer's technical expertise may not include CEQA.

It appears unlikely that all seven findings for a slope exception can be made as required by Municipal Code 24.08.820. For example, finding six requires that architectural and design elements be used to reduce the mass and bulk of structures. It suggests that this may include—multiple floor levels which follow natural slopes (the proposed development does not follow the natural slopes), multiple roof lines (the roofs are one long, unbroken ridge), foundation types which minimize cut and fill and the need for retaining walls (this project proposes 8,000 cubic yards of grading and many retaining walls—some up to 15 feet in height).

31) Why is the slope modification exception findings and/or variance findings not provided as a part of the EIR?

As noted previously, the proposed slope exception appears to be in conflict with Municipal Code 24.14.030(1)(h) which prohibits new lots (such as those being created by this land division) from being located within 20 feet of a 30 percent slope. Even if this project removed the land division component (i.e. became an all-rental project), the project does not appear to comply with the

exceptions standards where a minimum ten-foot slope setback is required (Section 24.14.030(1)(g)).

25 (cont.)

31) How will the project demonstrate compliance with these Code sections given that the intent of them is to minimize the environmental impacts associated with construction on steep slopes and to ensure site stability and safety?

26

32) Why has the quantitative slope analysis not been conducted despite this being the recommendation of the geotechnical feasibility investigation (DEIR page 4.3-11). How can the project be fully vetted without first performing that analysis? Deferring that analysis to post approval is not appropriate since the resulting outcome of it could significantly alter the site, landscape, and/or architectural plans.

The project proposes to remove 10 heritage trees along the outboard edge of Graham Hill. As noted in the DEIR, much of Graham Hill's roadbed is composed of fill.

33) Has any analysis been performed on the effect of tree removals (which are proposed close to the roadbed)?

Throughout the County during the winter of 2016-2017, we witnessed road failures when trees supporting roadways fell. In addition, a large PG&E gas line that serves the San Lorenzo Valley is located within the Graham Hill right-of-way. This gas line would likely suffer or fail if there were a road failure.

27

34) How will the voids left by the removal of the trees be addressed? Has the geotechnical engineer evaluated this issue? Shouldn't additional borings be done is the area to evaluate the composition of the soil relative to this issue?

35) Has the County commented on this potential threat to a major arterial roadway which, during the winter when Highway 9 is closed, provides the only access to and from the San Lorenzo Valley? Can the County afford to repair yet another road if the development destabilizes the roadbed? What is the impact to the San Lorenzo Valley of the potential loss of this major arterial roadway?

36) Has PG&E evaluated the risk to its gas line?

28

Given these concerns, a full geology report should be provided for the development. This is supported by and General Plan policy HZ6.2.1 (Require engineering geology reports when… excavation and grading have the potential for exposure to slope instability or the potential to create unstable slope or soils conditions). Understanding the overall stability of the area, not just the subject parcel, is essential to understanding the potential environmental impacts.

28 (cont.) 37) What is the engineering rationale supporting the lack of performing a full geology report on this project?

3c The project, which proposes 8,000 cubic yards of grading, is likely to result in substantial erosion and the sedimentation of downstream drainage facilities and the San Lorenzo River.

29

The subject parcel's soils are highly erodible. No effort has been made to minimize grading; 8,000 cubic yards of grading is proposed (i.e. 800 dump trucks worth of soil). This volume of grading is likely to result in substantial erosion, resulting in downstream sedimentation of drainage facilities and the San Lorenzo River. The erosion gully is of particular concern.

30 38) Given the scope of the project, it would be appropriate for the project to address the erosion issues associated with the gully. What is the basis for failing to perform an analysis regarding potential erosion of the gully? During the winter of 2016-2017, rainstorms resulted in large amounts of sand and other sediment being washed downstream (see attached photos of sedimentation in general). The project should be required to stabilize the gully as recommended by Haro, Kasunich and Associates in their letter "Response of City of Santa Cruz's Environmental Consultants Phone and E-mail Comments" dated 8/11/10. No explanation has been provided explaining why this aspect of the project has been eliminated? Please explain.

31 39) Is off-site grading proposed? Are those volumes included in the overall grading totals? Additional grading is likely to lead to additional erosion and siltation of downstream drainage features. In order to assess the erosion/sedimentation potential of the project, the total grading volume should be provided. If off-site grading is proposed, has the developer secured authorization from the owner?

32 40) The drainage report specifically identifies that no mitigation was provided for the Ocean Street Extension road improvements (Appendix D-2 Drainage Areas 11 and 12). This is the equivalent of the construction of a large single-family dwelling without mitigation. Given that the downstream facilities are informal, unlined swales that were undersized for even the first winter (2016-2017) storm (i.e. even before the soils were saturated), which resulted in flooding of properties on Crossing Street, how can unmitigated and uncontrolled runoff be released from the project site?

33 41) Because the drainage swales are informal and unlined, additional erosion is likely to take place, causing sedimentation of drainage facilities and water quality issues for the San Lorenzo River. Has this been addressed?

3d One of the foundation options recommended by the soils engineer (depending on the results of additional testing) is anticipated to result in the eventual deformation of building foundations as a result of differential settling which may require releveling by injection grouting.

34 Differential settling on the scale requiring injection grouting could result in a substantial risk to life and property. Since the deformation of foundations and damage to structures is already expected, this would appear to result in meeting the threshold of significance. To rule out the need for a floated foundation (and therefore eliminate meeting the threshold of significance), the additional soil testing should be done now to either rule out the use of such a foundation or to mitigate the use of it.

42) Is additional soil testing being contemplated in light of the anticipated differential settling?

35 A failure of the retention/detention system designed could isolate residents of OSE behind a deeply eroded channel across Ocean Street Extension -- more or less opposite the swale just north of 1930 and across from Crossing Street

43) How is the potential hazard being addressed as an environmental impact?

4.4 Hydrology and Water Quality

The Hydrology section of the DEIR relies upon the Bowman & Williams Preliminary Stormwater Control Plan (revised to July 20, 2016). This report contains analysis and recommendations that are problematic. The following should be addressed in order to adequately evaluate the environmental impacts of the stormwater management plan.

36 The storm water management plan was based upon the 10- and 25-year storms. During the winter of 2016-2017, it became clear that the drainage system downstream of the project site is already at, or over, capacity during storm events. Given this circumstance, the design storm should be increased to the 50-year storm in order to provide for larger retention and detention volumes to avoid downstream flooding. Residents on Crossing Street routinely sandbag their properties to prevent overflow from the drainage system from flooding their homes which are below the grade of the street. One resident recorded the impacts of the storm, including the capacity of the culverts (see attached). This information should be evaluated by the project drainage engineer as a part of a thorough downstream assessment.

44) Given current conditions and recent storm activity, why wasn't the storm water management plan required to use a 50-year storm as the design in order to minimize downstream impacts?

36 (cont.) 45) Why doesn't the drainage plan account for the widely predicted increase of intense storms due to climate change?

37 46) Have the drainage calculations accounted for the "run-on" from Graham Hill Road? As noted above in the Geology and Soils section, the asphalt curb does not, in fact, extend the length of the subject parcel's frontage along Graham Hill. Where it terminates, storm water enters the parcel. This run-on should be quantified (i.e. how many square feet of GH drain onto the property) and accounted for in sizing the drainage features.

The gully located north of the building site is partially located on the subject parcel. Runoff from the gully causes a significant amount of erosion which entrains a substantial amount of sediment.

38 47) Shouldn't the project be responsible for ensuring that this water quality issue is addressed as a part of the application? If not, why? In addition, shouldn't the project be responsible for stabilizing the gully to prevent further erosion as recommended by Haro, Kasunich and Associates in their letter, "Response of City of Santa Cruz's Environmental Consultants Phone and E-mail Comments,", dated 8/11/10? The author states on page three:

> Based on the Bowman and Williams preliminary grading plan dated 22 February 2010, the existing erosion gulley bordering the north end of the development will be filled with a 2:1 (horizontal:vertical) engineered fill slope, buttressing the vertical free face of the gulley. The earth materials below Building 4 and below the driveway B, will therefore be permanently contained by the stabilization of the adjacent gulley. The existing slope at the northwest corner of the property is about 12 feet high and inclined at 1.5"1 (horizontal:vertical). ... The top of this slope is setback 30 feet from Building 3. ... However, erosion and sloughing soil from this slope during intense rainfall could flow down onto the inboard side of Ocean Street Extension. Mitigation measures would consistent of the placement of a more heavy duty erosion control blanket over this slope.

39 48) The winter of 2016-2017 resulted in sediment accumulating on OSE and Crossing Street as well as the sedimentation of drainage facilities. Additional uncontrolled runoff will amplify that sedimentation as runoff scours the unlined ditches that comprise the downstream path. Water quality is of concern given the properties proximity to the City's water intake and the San Lorenzo River, a habitat for wildlife. What analysis has been provided relative to this?

40 49) Is the "rock energy dissipater" an engineered solution or simply a cheaper solution than the engineered solution proposed above? What assurances are there that it will be effective? If the dissipater is effective, the runoff will drop its sediment load in that location; what maintenance regime is proposed to ensure the continued functioning of the dissipater?

41 A portion of the additional impervious area proposed as a part of the OSE improvements is not mitigated or metered. The downstream path consists of informal ditches and

culverts that were not sized based on engineering and, this past winter, flooded multiple times this past winter.

41 (cont.)

50) How can the project release additional runoff without mitigating and metering all of the project runoff given the failing existing conditions? Shouldn't the area in the right-of-way devoted—it appears---to mitigating the building site area be reserved to mitigate/meter runoff generated by the road improvements?

51) Will the City be liable for flooding exacerbated by improvements constructed in the right-of-way that are not mitigated? Why would the City accept this liability rather than requiring the developer to scale back the project to a size that can be mitigated on-site? Flooding already occurs downstream. Adding more water to that existing problem would be a significant impact.

42

The drainage plan relies heavily on high-tech improvements to make the project feasible since the site itself is not suitable for mitigation given the overwhelming size of the development and the site's very low reported percolation rate. These high-tech solutions are prone to failure without electricity (electrical outages routinely happen during winter storms), regular maintenance, and oversight.

52) How will future owners of the property be advised of this issue? Will the City inspect the improvements to ensure that the maintenance is occurring?

43

53) Is it prudent to add 1.2 acres of impervious area to a downstream system that is already overcapacity, i.e. a failure of the high-tech improvements could be catastrophic for downstream home owners? Once the detention and retention facilities fill with runoff, all subsequent rain will leave the site as uncontrolled sheet flow.

44

54) The "antecedent moisture" estimate do not include the likelihood of a series of closely-spaced storms as was experienced multiple times this past winter. What is the rationale for the antecedent moisture estimate not being increased. In these calculations?

45

55) Why is retention proposed for this site where the infiltration rate is so low? Won't the retention reservoirs simply fill up since virtually no infiltration will occur, resulting in uncontrolled flows from the property in subsequent rainfall events? How quickly are these retention volumes anticipated to drain?

Sheet C1.0 shows what appears to be a detention or retention area in the southwest corner of the parcel (parallel to OSE). The HKA February 25, 2010 report specifically states on page 2 that, "If on-site retention is considered, the area at the south end of the site should be avoided due to saturated winter conditions unless the area can be effectively drained."

45 (cont.) 56) Is this unlabeled area on Sheet C1.0 to be used for retention? If so, how is the area being effectively drained?

46 57) Why is pervious asphalt being used on a site that with such a low infiltration rate? Given the reported low infiltration rate, the pervious paving should be considered impervious area for purposes of sizing the retention and detention volumes since the use of pervious paving will result in a negligible amount of infiltration. What justification is there for not considering the pervious paving as impervious given the site characteristics?

47 58) As noted in the maintenance requirements, vacuuming is an important maintenance task for pervious paving. How will the timing of the vacuuming occur? Regularly scheduled vacuuming is unlikely to be effective since the filling of the asphalt's voids typically occur following large storm events that entrain sediment. Without the vacuuming, the asphalt paving effectively becomes an impervious surface. This speaks again to the prudence of assuming that all of the paving is impervious in calculating retention and detention volumes.

48 59) Is the bioswale located in the public right-of-way designed to mitigate the development on the subject parcel? Have soil borings to establish percolation rates in Ocean Street Extension been performed? If not, how can we know if the bioswales will function as designed? Once the bioswales fill up during large storm events, will flooding occur on Ocean Street Extension? Was the pipe running below OSE sized appropriately? Has safe overflow been provided? If so, how?

49 60) How will the retention/detention areas in the street function with gas and water lines located directly below them? Is it feasible to locate these drainage features in this location without compromising the gas and water lines while maintaining the functionality of the drainage feature? Could a significant environmental impact occur during construction of the retention/detention (and road improvements) if the gas line is breached and an explosion occurs?

61) Has PG&E reviewed the project plans and provided comments? What are PG&E's comments?

62) Has the City of Santa Cruz Water District reviewed this proposal relative to potential construction impacts to their water lines? What are the District's comments?

50 63) Has the downstream path been evaluated in terms of its sizing? The drainage report provides a narrative description about the facilities, but it does not appear that a capacity or condition analysis was provided. Data collected by a resident of Crossing Street indicates that the storm drain system was at or over capacity multiple times during this past winter (see attached exhibit). Is it reasonable or safe to add the unmitigated runoff

50 (cont.) from OSE improvements to the system? What will happen if a series of storms (as occurred last winter) fill up the detention and retention facilities? In that case, even a small storm will result in uncontrolled runoff leaving the site and entering the already over-capacity downstream storm water system. Has safe overflow been provided? In the absence of a plan for safe overflow, this could result in widespread roadway damage as well as marooned inhabitants farther north, if the culvert under OSE is undermined as was seen across the County this past winter.

51 64) The DEIR asserts that the project meets the 55% coverage allowed for parcels located in groundwater recharge. The calculations of this number were not provided in the DEIR and civil drawings were not available at the Planning Department. It appears that a portion of OSE right of way may have been included in the parcel area which would change the overall percentage. Please clarify.

52 65) The City's water intake is located near where the project storm water runoff will discharge into the San Lorenzo River and contaminants, if present, could effect the water quality of the City's drinking water and the health of the San Lorenzo River. With respect to water quality: Has a Phase 2 Environmental Assessment been completed to evaluate

53 whether or not there are in fact contaminants from the crematory operations present in the soil that could become mobilized through project grading or expose construction workers and residents to contamination?

4.5 Traffic and Transportation

General Questions:

54 66) Was a peer review of the traffic study completed? If so, by whom? What was the conclusion of the review?

67) How are the affected intersections determined? Is there a professional standard for selecting the intersections affected by a given development?

55

68) Why wasn't the Hwy 9 / Hwy 1 intersection evaluated? Since its current operation is at a LOS of E, should the project be required to mitigate its increment of additional traffic? Was this considered and, if not, why? Surely, the southbound and northbound trips to/from the project site will impact that intersection.

69) Why wasn't the Felker / Ocean St. Intersection evaluated?

70) Is the Ocean St. / Highway 17 intersection under the City or Caltrans' jurisdiction? If Cal Trans, did CalTrans provide review?

71) Is the mitigation for the southbound Hwy 1 off-ramp in the City's capital improvement plan?

72) Has the signal/widening been designed for this extremely complicated segment of Ocean Street? Has its feasibility been confirmed? If not, and if this is not in the City's CIP, how can the development's impacts be mitigated if there is no assurance that the mitigation will be constructed or is even feasible? If feasibility has been determined, what funding is available for this improvement?

73) Were AM peak trips evaluated? If not, why not? Graham Hill is the major route for San Lorenzo Valley traffic entering Santa Cruz. The AM peak appears to be more concentrated than PM peak due to simultaneous school and work traffic.

55 (cont.)

The DEIR relies upon the project traffic analysis completed by Hatch Mott and Macdonald to inform the DEIR traffic analysis. Multiple deficiencies in that report should be addressed:

74) Hatch Mott and MacDonald's traffic counts were completed in October 2014. Traffic counts that are no less than two years old should be used. Traffic counts should be done in the summer to account for the increase in seasonal traffic. In addition, it does not account for increases in commuter traffic due to recent job growth in the area and in the Bay Area. Are updates in the traffic stdy going to be performed?

The cumulative project totals are shown as essentially the same as existing plus project. It is standard traffic engineering practice to include an assumption of increased demand resulting from increasing population growth. Further, it seems unlikely that the traffic study's cumulative numbers reflect the cumulative totals analyzed in the General Plan which presumably would have projected traffic to 2030. For example, can it be correct to assert that there will be NO additional delay with cumulative conditions as asserted in Exhibit 4 of the traffic study (see Intersections 1 and 2).

75) Did the General Plan EIR account for the 11-unit Jewel St or Memory Care project? Did those projects mitigate for their traffic? If those projects did not mitigate for their traffic, shouldn't the cumulative impact of those projects be

incorporated into the project traffic analysis? Neither project is yet occupied so the traffic study's existing traffic counts would not capture the traffic generated by these projects.

76) Did the City's General Plan EIR contemplate development located within the County? For example, the Mount Herman project—an outdoor recreation park—is a project that is currently under review in the County. This project was not contemplated at the time of the General Plan adoption. What effect would traffic generated from projects within the County have upon the project vicinity? The link to County projects found in the "CEQA Considerations" section (page 5-5) is to projects that do not rise to the level of a public hearing and is in no way a comprehensive list of County development projects. That list also does not evaluate trips generated by population growth or new homes built with a building permit, i.e. projects not requiring a discretionary permit. Further analysis of County projects should be provided since, in aggregate, these projects will have a cumulative effect on City roads and Caltrans' highways. Was this evaluated in the City's peer review of this traffic study? What is the basis for the cumulative estimate? What effect would traffic generated from projects within the County have upon the project vicinity?

55 (cont.)

77) There appears to be an error in Exhibit 4 Intersection Levels of Service: The table indicates that Intersection 2 is going to get better with the project. The delay will go from 1.8 seconds to 1.7. This is implausible- please explain how this calculation was derived. The Highway 1 northbound on-ramp data are not consistent with actual delays (see discussion below regarding blocked lanes/congestion).

78) Actual delays for the northbound left turn lane (for intersection 2) far exceed the data provided. During the PM peak, it is common to wait two cycles of the signal in the left hand turn from northbound Ocean St. to Ocean St. going north past Denny's as a result of blockages. Depending on the blockage (e.g. if someone is trying to turn left onto Felker Street, or if the northbound Highway 1 drivers have blocked the northbound through traffic), delays can extend to three or four signal cycles. For example, at 5:45 pm on Tuesday June 25th this writer experienced a 4 cycle wait to turn left at that intersection. Similarly, during summer and any sunny weekend or holiday, Highway 17 southbound traffic frequently blocks the intersection, causing gridlock.

Does the Hatch Mott MacDonald analysis account for lane blockages? Page 4.5-18 of the DEIR indicates that the HCM 2010 does not account for queue blockages. If true, the HCM 2010 methodology (and Syncro 8, if it relies on the HCM) cannot be used to effectively model traffic at intersections where queue

blockages occur. Please explain how this is discrepancy is accounted for in this analysis. As noted, blockages routinely occur in three of the four intersections analyzed by the project traffic engineer. Given this, a different methodology should be provided that accurately accounts for the actual situation. Without such a methodology, the traffic analysis is meaningless. Why was this methodology utilized when blockage exists at these intersections?

With a different methodology, it is highly likely that the LOS for northbound Highway 1 traffic would be deficient. The Felker/Ocean St. intersection is also likely deficient as is the Ocean St./Highway 17 intersection. This warrants additional and different analysis.

79) During congested summer months and any sunny weekend day or holiday, the Highway 17 southbound through traffic blocks the intersection, causing gridlock. Wouldn't it be appropriate to analyze the weekend trips relative to the congestion caused by beach-related traffic? How does the Highway 17/Ocean St. intersection operate then? How would project traffic impact the Highway 17/Ocean St. intersection? This is especially true given the current explosion in use of WAZE and other traffic apps that re-route drivers avoiding the Highway 17 fishhook down Graham Hill Road.

55 (cont.)

80) The report relies on ITE trip generation numbers. Those trip generation numbers are used to determine the number of peak trips and are therefore integral to the intersection/LOS analysis which, in turn, is integral to determining mitigations for the project. In short, the ITE numbers are the heart of the traffic study and there is a reasonable question about whether or not the ITE's trip generation numbers are appropriate for this context.

ITE trip generation numbers come from counts in specific geographical areas. Since Santa Cruz is one of the most expensive real estate markets in the country, it is reasonable to assume that this would lead to more residents per unit than in less expensive areas of the country. It also seems likely that more adults work in Santa Cruz households than in other parts of the country resulting in more peak trips. Given these circumstances, the ITE trip generation could substantially underestimate the trip generation of a project like this one at the urban edge resulting in an underestimation of environmental impacts. There is an academic body of literature that speaks to this very point, i.e. the ITE's trip generation can be wildly off. The ITE itself notes that local data should be collected. Has this been done, i.e. has the ITE trip generation numbers been "ground truthed" for the local conditions? If so, what were the results of that study?

81) This also raises the issue of the modal split. The DEIR asserts that there is a

bus stop within one-half mile and access to the levy ped/bike trails is also one half-mile away, the suggestion being that these amenities are nearby. The DEIR discounts the fact that the pedestrian/biking environment is likely the most inhospitable in the City with three highway interchanges, a homeless encampment, thousands of vehicles, and a very busy surface street intersection (Ocean St./Felker).

82) Pedestrian and biking improvements are negligible with the bike lane (particularly northbound Ocean St at the northbound Highway 1 entrance) being routinely breached by cars attempting to pass the left-turning cars. The sidewalk between Ocean Street Extension has no landscape strip to buffer pedestrians from vehicles and it is obstructed in multiple places, e.g. five or more telephone poles and a sign are located within the sidewalk. Has the DEIR or traffic study considered the pedestrian/bicycle environment—not just distance-- relative to the mode split and other considerations in the traffic study? Is the application of that mode split reasonable for a parcel at the urban edge that is separated from the urban center by an extremely complicated road network and inhospitable biking/pedestrian environment?

55 (cont.)

Consider whether or not the traffic report accurately calculates the project trip generation relative to the project floor plans, absence of alternative transportation, and likely demographics of future residents of the project?

83) Page 4.5-22 asserts that the project will generate 40 bicycle trips and 44 pedestrian trips per day. What is the methodology for these very high numbers? As noted above, the appropriateness of using the city-wide mode split should evaluated relative to the location of the subject parcel at the urban edge and with an inhospitable biking and walking environment between it and town.

84) The DEIR states that OSE is a local street. The City's General Plan 2030 shows OSE as an arterial roadway to Crossing Street (page 60). The proposed improvements do not reflect OSE's status as an arterial roadway. In particular, the proposed road section makes no provision for bicycles. This is at odds with the General Plan which has multiple policies supporting bike improvements (e.g. M1.3.1, M2.3.1, M2.2.3, M4.2.3 and M4.3.1). It also raises a safety issue. The traffic study asserts that the project will result in 40 new bicycle trips. While that number appears to be too high, is it safe or appropriate to anticipate that number of bikers and not provide a safe path of travel for them?

In addition to the omission of a bicycle lane, the proposed improvements raise a number of issues.

Currently, when a regular vehicle meets a farm, garbage, propane, UPS, or casket truck, it is usually necessary for the vehicle on the western side to pull into the shoulder to allow the two to pass. Although the paved area will increase by almost three feet—an additional 1.5 feet per lane—the formalized improvements will make this type of maneuver impossible as the should will now be occupied by parked cars. The proposed 10-foot travel lane show in the road section would be undersized for the existing uses on OSE. The addition of 40 new households will only exacerbate this sub-standard situation.

85) What standards were used to size the travel lanes? Does this City have criteria for arterial roadways? If the right-of-way is too narrow to accommodate the improvements, shouldn't the subject parcel be required to dedicate area to widen the right-of-way in this section?

86) Has the safety of the accessible path of travel been evaluated? It currently ends where there are no roadside improvements and no cross walk. How will users of the accessible path safely reach the sidewalk, particularly since there is a bioswale in the way? This appears to create a serious hazard for users of the path.

55 (cont.)

87) Why doesn't the project include improvements along the entire length of the subject parcel's frontage? The current proposal shows the resurfacing stopping at two-thirds of the length of the parcel's frontage. Isn't it standard for the project to improve the length of the subject parcel's frontage?

88) Has the transition between the proposed improvements and the existing improvements been adequately analyzed relative to flowlines and hazards (where the paving ends a new subtle curve is proposed)?

89) What justification is there to eliminate about 14 parking spaces in order to provide space for storm water mitigation in the public right-of-way which, as noted above, is already very constrained? The OSE shoulder in this location is heavily used by PGE and tree crews, walkers, runners and bikers who stage their activities here, campers, and carpoolers. By eliminating this heavily-used public area, will this create environmental impacts elsewhere?

90) Similarly, during large memorial events at Santa Cruz Memorial, where will the overflow parking go that currently uses the OSE on-street parking? Has the parking demand of the Santa Cruz Memorial been accounted for? Given how old the SCM is, this use may be nonconforming relative to parking. If so, SCM's basic functionality may be reliant on the use of the on-street parking and eliminating much of this parking (in

55 (cont.) addition to increasing the demand for on-street parking by adding 40 new residences) may compromise this important community facility. Has this been considered?

56 91) Has PGE been routed the improvement plans? Are they in agreement that the plans are feasible and will not be a hazard given the proximity of the proposed road improvements to the dated and fragile gas line that is below the proposed roadside improvements? What precautions will be taken to ensure that a San Bruno-type disaster doesn't occur?

57 92) Has an arborist report been provided for the two cedar trees shown adjacent to the proposed improvements at the southern end of OSE? An arborist should evaluate the construction impacts of the project on these trees, as well as the other trees located in proximity to the proposed improvements. Are the cedar trees within the right-of-way? If not, does the developer have the authority to remove them—if required--without the consent of the property owner?

93) The western side of the OSE right-of-way should be shown on the project plans. How can we be sure of the location of the improvements if the right-of-way is not shown? Is the engineer confident that the improvements will all fit within the existing right-of-way? If not, has a dedication been secured from Santa Cruz Memorial?

94) Near the utility box at the southern end, it appears that additional right-of-way must be obtained. Has this occurred? If not, is the project feasible, i.e. can pedestrian improvements, as required by the General Plan, be provided?

58 95) The proposed turn pocket on GH for the left turn onto OSE can hold three cars. The PM peak estimates 16 peak in-bound trips from the project alone (i.e. not counting existing trips in). Is the proposed left turn pocket sized adequately for the volume of calculated traffic? What will happen if cars stack into the through lane of GH? Will this obstruct through traffic? Has this been analyzed by the traffic consultant or City staff?

96) The proposed southern end of the OSE travelled way has a width of about 19.5 feet counting the gutter pan. Deducting the two-foot wide gutter pan, the travelled way is about 17.5 feet. This width is inadequate for the existing development when trucks are present and will be even more inadequate once the project traffic is added. Has this been evaluated? For comparison, 17.5 feet is less than the width required by the County for roads serving just three dwellings. How can this be adequate for a road serving 40 new units in addition to about 49 existing households on OSE and an unknown number of households from Paradise Park?

97) Where OSE is to be narrowed to a travelled way of 17.5 feet (see above), this is in the

location of the very difficult right turn for southbound GH drivers turning onto OSE. After entering the transition lane to OSE, drivers must make a sharp right turn where the line of sight is blocked because of topography. In order to complete the turn, drivers must enter the southbound OSE lane. With the narrowing of OSE and the formalized improvements, there will be no room for evasive maneuvers should the driver making the right turn meet a southbound driver. Has this been evaluated? Has the line of sight at this turn been evaluated? Will the project's additional trips and proposed improvements exacerbate this dangerous condition?

98) Has a formal line of sight analysis (i.e. calculated line of sight) been performed for the left turn from OSE onto northbound GH using the actual, not posted, speeds of drivers and the proposed new location of the stop sign? For the actual conditions, what distance should be visible to drivers and how much distance will be available? Currently, this is a very tricky turn, requiring careful consideration. The improvements will locate drivers further back on OSE, i.e. further behind the curve on GH, which would reduce the line of sight even further. This is currently an unsafe condition and, with the project improvements, appears likely to worsen.

99) The traffic study's narrative line of sight analysis talks about a "hedge." Please provide additional information identifying the hedge. If trimming the hedge is required, does the developer have authorization from the property owner to do so? This could affect the feasibility of the improvement plan.

58 (cont.)

100) Has the location of the proposed radar sign been evaluated for its potential effect on line of sight?

As noted above, the southern end of OSE has a travelled way width of about 19.5 feet counting the gutter pan, i.e. the travelled way is about 17.5 feet. This is totally inadequate for the existing use let alone the existing plus project.

101) Is the fire district aware of the narrowness of this portion of the roadway? Although the City of Santa Cruz's Fire Department does not have road standards available online, the nearby Central Fire Protection District (CFPD) does. Since the project is not under CFPD's jurisdiction, the following standards are not directly relevant, but are offered here as a reference point. For 6+ units, 24 feet curb-to-curb must be provided. For subdivisions, 36 feet curb-to-curb which includes parking on both sides and two-way traffic. For all projects over six units, then, CFPD requires a minimum of 24 feet of travelled way for two-way traffic, i.e. 12-foot travel lanes. Although the City's Fire Department has reviewed this project, were they aware of the improvements proposed to OSE, i.e. the project includes not just new internal circulation on the subject parcel, but a total reconstruction of the southern end of OSE? If highlighted to the Fire Department, will they accept a road width of 17.5 feet, i.e. travel lanes of 8.75 feet? If so, it will be

58 (cont.) important to understand the rationale since, in the face of an emergency, even a few vehicles could obstruct OSE, let alone a flood or wildfire at Paradise Park, where hundreds of residents would be fleeing southward on OSE at the same as emergency vehicles travelling north on OSE, potentially causing a total block of the street (for an example of the consequence of too narrow roadways relative to resident egress and first responder ingress, see the 1991 Berkeley/Oakland Firestorm).

59 102) The project includes an exception to allow for tandem parking. Has the traffic engineer or City staff analyzed the potential effect of this exception on the street parking and, possibly, emergency access? Tandem parking is impractical for day-to-day use which will likely result in residents parking on OSE. Since drainage improvements (swales) are proposed to take up a significant portion of the existing on-street parking, leaving just eight on-street spaces (where currently there is an estimated 22 spaces), it seems likely that guests and residents who are averse to being "boxed in" by tandem parking will use the on-street parking. Because so little on-street parking is available, it seems likely that the on-street parking will fill, and, drivers will then park their vehicles where they can find shoulder space. For example, drivers are likely to park in unimproved frontage area of the parcel (the northern third of the parcel's frontage). This area is located near a hill that blocks line of sight. If parked vehicles intrude into the travelled way, northbound OSE drivers will have to pull into the southbound lane, which because of the hill, could result in an accident or an obstruction for emergency vehicles. This situation will only be exacerbated when Santa Cruz Memorial hosts large memorials. Has the traffic engineer considered this?

60 103) The Reported Collision History at OSE and Graham Hill Road is incomplete and does not include all the accident history available for this intersection. Attachment 6 is an accounting of accident history obtained from the City of Santa Cruz Police Department, the CHP for the period 2001 to 2016 the record documents 31 collisions on 15 years injuries rather than the 10 accidents in 13 years reported in the EIR. An additional report was obtained listed vehicle accidents in the vicinity of OSE and Graham Hill Road compiled by Santa Cruz Netcom 911. The accident data from 9-1-1 Netcom are not included in the count of 31 collisions – represent additional accident history reported in this area. Additional accident history is likely available from Santa Cruz Memorial Park owners who have records regarding the number of times vehicles have destroyed the fence bordering Graham Hill Road and the cemetery, and from the Developer Brooks building the Jewell St condos whose construction fence has been hit by vehicles at least twice since that project started in 2016 by vehicles unable to navigate the turn at the bottom of Graham Hill Road. Additional accidents have occurred at the OSE/Graham Hill Road Intersection as recently as on April 17, 2017, and a serious injury motorcycle accident where the rider did not navigate the turn on M ay 28, 2017.

60 (cont.) The traffic report needs to be revised to include an accurate accounting of accidents at this intersection and include all the reported accidents provided as an attachment to this comment.

4.6 Water Supply-Service

Usage:

In The EIR it states:

"*The adopted 2015 UWMP forecasts a 20-year water demand forecast at approximately 3,200 MGY. This is slightly reduced from the estimated 3,500 MGY forecast in the 2010 UWMP due to continuing conservation efforts (City of Santa Cruz, August 2016).*"

104) This is irresponsible as the report is using a reduced consumption value citing continuing conservation as a way of justifying more water users. The citizens of SC have conserved extreme amounts in prior drought events and there may be little additional conservation that can be realized in the future. What is the basis for using conservation in this manner?

"*The UWMP predicts a decrease in water use of approximately 100 MGY over the next 20 years despite regional population growth forecasts*"

61

105) Decreasing our consumption of water by 100 MGY from an already decreased usage would put the City water users at less than at our peak decreased water consumption in 2015 in the second year of severe rationing. This paragraph is not as clear. It appears that the report is saying that in 20 years our water consumption will be around 2,200 MGY and there is no justification for this unless the City has plans to do a major overhaul of our infrastructure to allow for grey water pipes to be placed all over the city. What is the basis for this statement?

To use these projected decreased usage values as a means to justify a large increase in users is dangerous. You only need to look a page further to see where this logic fails when the City's own advisory committee is talking about our marginally adequate storage capabilities: "*Santa Cruz's lack of storage makes it particularly vulnerable to multi-year droughts. The key management strategy currently available for dealing with this vulnerability is to very conservatively manage available storage. This strategy typically results in regular calls for annual curtailments of demand that may lead to modest, significant, or even critical requirements for reduction. In addition, the Santa Cruz supply lacks diversity, thereby further*

increasing the system's vulnerability to drought conditions and other risks. The projected worst-year gap between peak season available supply and demand during an extended drought is about 1.2 billion gallons. While aggressive implementation of conservation programs will help reduce this gap, conservation alone cannot close this gap."

61 (cont.)

The report goes on to say: **"***The City predicts that future water demand will be met for <u>90 percent of all normal water years</u> and that existing and planned sources of water available to the City over the next twenty years will meet the predicted total annual water demand of about 3,200 to 3,300 MGY (City of Santa Cruz, August 2016)*"

106) What is the rationale for this analysis being sound water planning.?

***Aquatic Habitat Requirements*:**

The above estimated water usage and available resources is an assumption based on what the City has been allowed to do but the City's Habitat Conservation Plan (HCP) isn't done. It is a significant impact to move forward with any growth in the City until that is finalized. This plan will operate under the Federal Endangered Species Act to protect Steelhead and Coho Salmon. Right now the city is operating under voluntary reduced take on an "interm basis" but they acknowledge that the final reduction will likely be even more severe: "*the City forecasts that ultimate compliance will result in less water being available from the City's surface water*

62 *sources for supply in future years compared to the past. This, in turn, will place greater reliance on water stored in Loch Lomond Reservoir to meet the community's annual water needs and exacerbate the potential vulnerability to shortages described above*"

Without knowing what the final regulations will be for the HCP the City cannot know what the future water availability will be from the San Lorenzo and Northcoast sources which together account for 81% of the City's water. These regulations will be both regulated both federally and by the State and are not adequately addressed in the EIR.

106) How are you able to make these assumptions prior to the HCP being in place? What impact will the HCP have on these assumptions?

***<u>Groundwater Issues</u>*:**

The EIR says:

63 *Over-pumping in the Soquel-Aptos Basin resulted in a groundwater overdraft condition and seawater intrusion along the coast. The portion of the Purisima aquifer from which the City pumps has been recognized locally as being threatened by potential over-pumping with an*

ongoing risk of seawater intrusion that could jeopardize the future production of the City's groundwater sources (City of Santa Cruz, August 2016)."

63 (cont.) To say that our water supply is threatened by saltwater intrusion due to over-pumping our wells is perhaps the biggest understatement in this water supply analysis. Soquel already has a serious problem with saltwater intrusion and once it starts the only way to reverse it is by "no use" with sustained groundwater recharge. Because they can't do "no use" they continue to make it worse which means at some point those wells will not be able to pump without the water being treated by reverse osmosis (desalinization).

105) How will this project impact the potential for over-pumping which will have a significant environmental impact?

4.7 Land Use

7b The proposed project conflicts with the General Plan and multiple zoning regulations.

64 106) How does the project comply with section 24.14.010 which lists as one of its purposes, "Minimize cut, fill, earthmoving, grading operations and other such man-made effects on the natural terrain."? This project proposes 8,000 cubic yards of grading (i.e. 800 dump truck loads). The buildings are not terraced to follow the existing topography, but rather, are cut into the hillside to preserve enough room to allow parking for this project which is fundamentally too large for the site. Please explain how grading has been minimized given the civil drawings.

107) Does the project comply with the intent of section 24.08.710 which speaks to planned development permits? The intent indicates that PD permits will be issued only where a parcel is large enough to make innovative and creative site planning possible. In what ways in the project site plan "innovative" or "creative"? Will it be possible to make the PD findings which call for consistency with City planning documents, service to public purposes, coordination with existing development of surrounding areas and results in an amenity level and open space amount ***that will be greater than*** what would have been permitted by the underlying district regulations? What analysis has been done of these findings?

65

108) Does each dwelling have a minimum of 400 square feet of usable open space as required by 24.10.450?

109) Does each unit have the 200 cubic feet of enclosed storage space within the development (not counting traditional storage areas with the units such as kitchen cabinets and closets) as is

required by section 24.12.180(4)?

110) Does the request for tandem parking comply with section 24.12.280(4) which appears to allow tandem parking only for single-family and two-family dwellings, i.e. not for four-plexes as is proposed with the subject project?

65 (cont.)

111) Does the project comply with section 24.12.280(9)(b) which requires 10 percent of the parking area to be devoted to permanent landscaping?

112) Does the project, which includes improvements to OSE, comply with section 24.12.710 (Provisions) which requires the undergrounding of utilities?

113) Does the project comply with section 24.12.115 (Special Street Setback Requirements of Designated Streets) which calls for special setbacks from Graham Hill Road?

114) The project does not appear to comply with 24.14.030 (Slope Regulations) or 24.08.820 (Findings Required). Section 24.14.030(d) (Slope Regulations) of Title 24 of the City Code states that, "No building shall be located on a slope of thirty to fifty percent, or within twenty feet of a thirty to fifty percent slope, unless an exception is granted pursuant to section 24.14.040 or a variance is granted pursuant to section 24.08.810." Similarly, Section 24.14.030(g) prohibits buildings from encroaching on thirty percent slopes. Finally, the ordinance states in (h) that no new lot shall be created which would require the house to be sited within twenty feet of a thirty-percent slope; in this last case, **no exception is allowed**. The purposes of these regulations are to minimize the risks associated with project development in areas characterized by unstable slopes such as slopes over thirty percent. Development on slopes can have aesthetic, slope stability and erosion impacts so exceptions to slope regulations must be carefully considered. How are they considered in the EIR?

66

115) In this case, there are two areas where the proposed buildings encroach into 30 percent slopes. The first is the area downslope of Graham Hill Road where buildings encroach into 30 percent slopes. The second area is to the erosion gully to the north. In this later case, building 4 appears cantilevered over the slope (see Sheet C1.0). Regardless of the construction method, this structure clearly does not meet the 10-foot minimum setback from descending slopes required in the 24.14.040 slope exception. Further, it will not meet the building code required setback from descending slopes which is also intended to increase site safety. Since the City's minimum 10-foot setback is intended to preserve site safety (but also aesthetic and erosion impacts of constructing on steep slopes), how has this issue been addressed in the DEIR?

116) The findings necessary to substantiate the granting of an exception have not been provided, so it is unclear on what basis the environmental impacts have been addressed. If the findings cannot be made, then presumably, this would indicate that an environmental impact would result. Relying on the geotechnical engineer to determine what constitutes a significant impact in the DEIR is not appropriate as the engineer's technical expertise may not include CEQA.

117) It appears unlikely that all seven findings for a slope exception can be made as required by Municipal Code 24.08.820. For example, finding six requires that architectural and design elements be used to reduce the mass and bulk of structures. It suggests that this may include—multiple floor levels which follow natural slopes (the proposed development does not follow the natural slopes), multiple roof lines (the roofs are one long, unbroken ridge), foundation types which minimize cut and fill and the need for retaining walls (this project proposes 8,000 cubic yards of grading and many retaining walls—some up to 15 feet in height). Why are the slope modification exception findings and/or variance findings not provided as a part of the EIR?

66 (cont.)

118) As noted previously, the proposed slope exception appears to be in conflict with Municipal Code 24.14.030(1)(h) which prohibits new lots (such as those being created by this land division) from being located within 20 feet of a 30 percent slope. Even if this project removed the land division component (i.e. became an all-rental project—which it is not), the project does not appear to comply with the exceptions standards where a minimum ten-foot slope setback is required (Section 24.14.030(1)(g)). How will the project demonstrate compliance with these Code sections given that the intent of them is to minimize the environmental impacts associated with construction on steep slopes and to ensure site stability and safety?

67 119) Does the project comply with the height limit of the zone district? How is height measured?

120) The parcel appears to be mapped as Groundwater Recharge. Municipal Code 24.14.090 (Groundwater Recharge Areas) states, "Development within groundwater recharge areas…shall be planned to minimize adverse environmental impacts. Structures and other impervious surfaces in the R-1, R-L and R-M zoning districts shall not cover more than 55 percent of the project site." The DEIR asserts that the project is in compliance, but the calculations were not made transparent. Was a portion of OSE included in the basis for calculating the percentage of coverage? Was the pervious area counted as coverage?

68

121) EQ Element Policy 2.3.2 states, "Within undeveloped groundwater recharge areas, new parcel divisions shall be limited to one unit per 10 acres and new uses that would pollute the groundwater shall be prohibited" (source Appendix G City of Santa Cruz General Plan / Local Coastal Plan Policies that Relate to City Creeks and Wetlands). If the site is indeed groundwater recharge, then how would the proposed development comply with this policy since it proposes 40 units where one (one per 10 acres) would be allowed?

122) With respect to Table 4.7-1, the DEIR's analysis of the project's compliance with the General Plan is not correct in many instances, including the following and we are requesting to know the justification for these table assertions:

- **CD1.2** As described in the aesthetics section, the project does affect public scenic views of Mission Hill/Holy Cross Church and the Pogonip.

- **CD1.3** The project does not "terrace up" the existing slopes to minimize grading. Rather, the project proposes deep cuts into the slope to facilitate the inclusion of parking. The project in no way minimizes grading. 8,000 cubic yards is proposed, i.e. 800 dump truck loads.

- **LU1.2** The DEIR asserts that the project will not result in the conversion of agricultural land yet no analysis has been provided in the DEIR on the pressure to develop ag land that comes from a creeping urban edge.

- **M2.4.12** The project is located on an arterial street as indicated by the General Plan (page 60).

69

- **M3.1.3** As noted in the Traffic section above, there are multiple problems with the analysis provided in the traffic study. Until the traffic study is updated, the assertion that project traffic will not result in a decrease in LOS below D at any signalized intersection cannot be made.

- **M3.2** The project will result in a poorly re-designed intersection of OSE and GH (see Traffic section above) as well as a redesign of OSE that results in no room for bicycles and a travelled road width of 8.75. The road is not safe for "all" users given that no accommodation has been made for bicyclists.

- **M3.2.3** As noted above, the proposed travelled way will be 8.75 feet. This is wholly inadequate for a road that would serve about 90 homes on OSE as well as an unknown number on Paradise Park. Farm, propane, garbage, casket, and delivery trucks will have an extremely difficult time navigating this narrow portion of the redesigned OSE.

- **M3.3.5** The project does not encourage bicycle connections as no bike lane is included in the re-design of OSE despite numerous General Plan policies supporting bike improvements in addition to this policy.

- **CC5.1.8** The project will not maintain pre-development runoff levels. Once the retention and detention volumes fill, uncontrolled sheet flow will leave the site. The proposed use of retention is illogical given the low percolation rates. In a wet winter, that volume could fill and never empty, meaning any subsequent storms would leave the site uncontrolled and unmetered.

69 (cont.)

- **CC5.1.9** The project will not reduce stormwater pollution. Although features like pervious paving, the Kristar DVS-36 hydronymanic separator, and the bioswales will provide some cleaning benefits, these have significant design flaws. Pervious paving on a site with a low percolation rate will quickly become ineffective. The Kristar DVS-36 will be overwhelmed and not function in large storm events when the most sediment and pollutants are entrained. Electrical outages will further compromise the unit's performance. The bioswales, depending on design, may have cleaning benefits if maintained properly but will also become overwhelmed in a large storm event. The 40-unit condominium project will become a new source of pollution that these compromised water quality treatment facilities will not be equipped to address. 96 parking spaces for cars and their attendant oil/gas/antifreeze and other petrochemicals, in addition to household chemical waste, introduce a new source of pollution. This issue is particularly significant given the site's proximity to the San Lorenzo River and the fact the City of Santa Cruz Water District's water intake is located where runoff from the project will outlet.

- **HZ1.2.5** As noted previously in the Traffic section, the proposed redesign of OSE will result in a travelled way width of 17.5 feet, i.e. 8.75 feet wide travel lanes. This width is below any nearby jurisdiction's standard for multiple dwellings, let alone the standards for a road proposed to serve about 89 dwellings (49 existing OSE dwellings plus 40 proposed condominium units). It is unclear whether or not the fire department is aware that the project includes these narrow widths on OSE, i.e. their review should include not just the internal circulation, but the OSE improvements as well. It appears that the project team provided the most favorable road section instead of highlighting the most narrow and problematic road section.

- **HZ6.2** Development is proposed on steep slopes. Buildings 10 and 4 encroach into areas of thirty percent slope. If the DEIR is asserting that, because the project proposes to regrade to 2:1 slopes that the project is not occurring on steep slopes, that would be misleading. There continues to be concerns about the slope stability. Slope stability must consider not just the project site but the overall setting, including the upslope areas. Landsliding occurred this past winter on Graham Hill, 1,000 feet from the subject parcel. The asphalt berm that is relied upon by the geotechnical and drainage engineers is not present for the full length of the parcel, potentially causing slope stability and erosion issues. Whether or not the slopes are stable has not yet been resolved. A full geology report with a global stability analysis would conclusively answer this. This would be appropriate given that the proposed increase in density which, because the site is too small for 10 large buildings, is pushing some of the buildings into unsafe areas. Further, the increase in density is amplifying the risk of death or injury by putting more people in harm's way.

- **HZ6.3** To the contrary, the project does not reduce the potential for life loss, injury and property and economic damage from earthquakes, liquefaction and other seismic hazards. As noted above, because of the proposal to increase the site density which is driving the need to construct three-story buildings (to accommodate parking on the ground floor) with retaining walls of up to 15 feet, on slopes that have not been fully vetted in terms of slope stability, the project will increase the potential for life loss, injury and property damage in a large earthquake event.

- **HZ6.3.6** The project site's soils have the potential to liquefy in a large seismic event. A geologic investigation should be provided (see above).

69 (cont.)

- **NRC1.2.1** Water quality impacts are anticipated from this project. Additional erosion will result in downstream sedimentation of the San Lorenzo River. The proposed BMPs will not adequately mitigate this issue given the site's steep slopes, highly erodible base geology, and the fact that the downstream path is composed of unlined swales which will themselves be subject to erosion with additional runoff. In addition, a portion of the site is the southern flank of the erosion gully. That gully produces a substantial amount of sediment during storms. This should be mitigated as a part of the project.

- **NRC2.1.3** As noted below, the biotic report's methodologies are flawed. Additional surveys are required to vet whether or not the project will result in impacts to special-status plant and animal species.

70 124) The City's General Plan includes a number of policies and actions to promote use of alternative transportation modes. This is not a project that is served in a useful way by alternative transportation modes. This is not a walkable or pedestrian-friendly project given its location separated from the commercial area by three freeway off-ramps, thousands of cars, and a homeless encampment. As the DEIR admits, there is no transit nearby. No bicycle lane is provided in the redesign of OSE. This will be a car-based development. Why is alternative transportation not addressed?

71 125) According to the 2030 General Plan 2015-2023 Housing Element, "The element must address the needs of residents, the vitality and stability of neighborhoods, the quality of the environment, and the availability of resources and infrastructure, as well as other important issues that affect the health and well-being of residents" (HE 7.1). This higher density project will greatly affect the neighborhood around the project in regard to traffic and, most importantly, emergency access for fire and ambulances. The crematory next door will be burning up to 600 human bodies a year 50' from some of the residents' windows. While CEQA case law may indicate that the environmental document need only evaluate the impacts of the project, not the impacts of other land uses on the project, the project must comply with this Housing element policy which does speak to the general health and well-being of residents.

71 (cont.) How is the well being of residents addressed in the EIR?

126) How does this project comply with the "Complete Streets" vision since no bike lane is provided? Even in instances where there is insufficient right-of-way to provide a bike lane, it is still possible to provide a safe bike travel lane. No accommodation has been made for bicyclists.

127) The City's General Plan has multiple policies supporting the goal of "Complete Neighborhoods" (e.g. policy LU4.2 Encourage land use changes that reduce the need for autos….). The intent of these policies is to protect the environment by reducing overall vehicle trips through developing residential uses where a variety of uses are present. Unlike along transit corridors within the City, the parcel is located at the City/County boundary where there are no schools, parks, grocery stores, libraries, medical offices or other shopping opportunities. The project appears to be a car-based development since, as noted earlier, there are no nearby bus stops and the proposed OSE road section has not
72 accounted for bicycle traffic. Given this, the project should be evaluated for conformance with the General Plan policies written in support of the "Complete Neighborhoods" vision. What efforts has the applicant made to reduce the number of trips generated by the development (M31.1 Seek ways to reduce vehicle trip demand and reduce the number of peak hour vehicle trips.)?

128) Similarly, how does the project comply with the General Plan, which calls for trip reductions, since it is not located along a city transit or commercial corridor and there is no apparent way in which the project has attempted to reduce vehicle trips? (LU4.1 Encourage a transition to higher densities along the city's transit and commercial corridors; and M31.1 Seek ways to reduce vehicle trip demand and reduce the number of peak hour vehicle trips.) Did not the City determine that higher density was to occur on major transit arteries with established roadway infrastructure and transit improvements as proposed by the Corridor Plan, which does not include this parcel? What is the effect of proposing to allow infill density of this parcel outside the public process and design of the Corridor Planning Process?

129) What are the City's standards for the "shelf-life" of technical data? The reports shown below are outdated and inadequate to determine credibility of important issues for the land use environmental impact of this project.

73

Mercury Soil Testing date: Nov 9, 2010

Grading Plan: April 4, 2007 and Feb 10, 2010

73 (cont.)

Geotech responses to Wittwer: Nov 20, 2014

Response to Env. Consultant: Aug 19, 2010

Response to Env. Consultant: Aug 19, 2010

Greenhouse Gas Analysis: July 1. 2010

Noise Assessment Study: Oct 29, 2009
Traffic Study with traffic counts older than two years.

7e Project compatibility with and potential effects to agricultural operations in the vicinity.

Properties on the west side of OSE just north of city limits are designated as "Prime Farmland" in the State Farmland Maps and are zoned Commercial Agriculture. On the east side of OSE are parcels that have a one acre minimum parcel size. The low densities along OSE ensure that conflicts between farms, such as the highly productive Route 1 Farm, and residents are minimized.

74

130) The proposed increase in density at the City/County boundary would put pressure on the agricultural lands further north both in terms of existing operations and in relationship to eventual pressure to convert those lands to housing. Why did the DEIR not address this issue?

131) In addition, the DEIR addresses land use conflicts between agricultural and non-agriculture uses, citing noise, dust, odors, and pesticide drift as potential sources of conflict. Why doe the DEIR, fails to address how the proposed road improvements and increased traffic generated by the project will conflict with agricultural operations?

132) Farm trucks will be required to navigate the southern end of OSE with the formalized road improvements that leave little room for larger vehicles. Conflicts between project residents and farm-related traffic are likely. How will farm vehicles (in addition to casket, UPS, water district, propane, garbage and other trucks) navigate the extremely narrow proposed improvements along OSE? Will a travel lane of 8.75 feet accommodate farm vehicles? Was this project routed to the Farm Bureau for comment?

75

7e This proposal would intensify the subject parcel's land use in a manner that would be incompatible with the surrounding land uses and with the general character of the area.

The proposed redesignation/rezoning to allow 31 additional units—a quadrupling in density at the urban edge where densities and intensity of uses typically decrease-- and attached multi-family housing is fundamentally incompatible with the surrounding land uses and general character of the area. Graham Hill Road provides a natural physical divide between the multi-family zoning found along Ocean Street and the single-family zoning found on OSE. This project effectively leap-frogs multi-family zoning over the R-1-10 single-family zone district which conflicts with the existing pattern of development, puts development pressure on the agricultural lands located further north within the County's jurisdiction.

Context As you turn from Graham Hill Rd. onto Ocean St. Ext. and proceed north towards Paradise Park, you first encounter and negotiate a dangerous and substandard intersection where numerous accidents have occurred (see Traffic section). After the intersection, there is a mausoleum and then an operational crematory on the right. The crematory burns up to 600 human bodies a year. Santa Cruz Memorial Park Cemetery is on your left. As proposed, you would then find 10 three-story buildings 50 feet from the crematory on a steep, undeveloped hillside below Graham Hill Road on the rural fringe of the City of Santa Cruz.

75 (cont.)

Proceeding north past the proposed project site, on the east side is a steep erosion gully and a steep oak-studded hillside. On the left is Crossing St. which is the boundary between the City of Santa Cruz and the County of Santa Cruz. There are about 49 modest single-family dwellings and farms along Crossing St. and OSE, a rural, dead end road. The road is barely passable by two cars in many places.

The proposed change to the City of Santa Cruz General Plan and Zoning Regulations will create an incongruous and illogical mix of uses i.e. cemetery, mausoleum, crematory, next to 10- three story multi-family buildings in a rural setting with one acre minimum single-family parcels and Commercial Agriculture-zoned parcels. The 10 three-story building will block the bucolic view corridor of cars coming into Santa Cruz from Scotts Valley and the San Lorenzo Valley.

132) The DEIR (Impacts and Mitigation Measures) incorrectly states that "there are no residential or commercial uses immediately adjacent to the project site that would be affected by this change in land use intensity." Santa Cruz Memorial hosts memorial services on a regular basis. These memorial services routinely exceed the parking capacity of the parking lot, resulting in attendees parking on OSE. There are currently about 22 informal, on-street parking spaces. With the proposed bioswales and formalize parking, the on-street parking will be reduced to eight parking spaces. This will have a significant impact upon Santa Cruz Memorial. Santa Cruz Memorial provides an important public facility function. The existing parking lot may be nonconforming relative to current parking standards and reliant upon OSE street parking. Has this issue been considered?

76

In addition, the approximately inhabitants of the 49 existing residences on OSE (and an unknown number of Paradise Park residents) will be affected by the project on a daily basis given that OSE is their sole means of ingress/egress. The formalized improvements are anticipated to
77 heighten the existing intersection hazard and the proposed formalized improvements are too narrow to accommodate existing traffic (including truck traffic) let alone the proposed traffic and parking. As currently design, downstream flooding of Crossing Street properties is anticipated since the drainage plan relies upon pervious paving and retention on site that has an extremely low percolation rate.

Further, the DEIR states that, "It is also noted that the proposed project is of similar size and scale as other existing multi-family developments on Ocean Street south of the project site...."

78 133) No other project in the vicinity is the size and scale of the proposed project. Ten three-story buildings is grossly out of character with existing development. The multi-family developments along Ocean Street are more than 500' from the proposed project and are physically divided by a busy traffic corridor, i.e. how can a development on a busy road be compared to the project site which is located on a rural dead-end road?

II. Topics not addressed in the DEIR

- Biological Resources

There was no Biological Impacts section in the DEIR.

Summary of biotic reports provided - Biotic Report survey in 2007 was too long ago to remain valid in 2016, and the Biotic Report update in 2016 was insufficient to determine whether adequate methods were used. Based on the 2007 Biotic Report, it does not appear that adequate
79 methods were used, nor were sufficient vulnerable species surveyed for:

- Ohlone Tiger Beetle (*Cicindela ohlone*) survey was insufficient and outdated – not enough information in the Biotic Report on weather conditions or the survey methods the one day in March 2007 when a survey was conducted (e.g., the biologist needs to check for burrows as well as adult beetle activity; survey conditions must include a certain minimum air temperature to be able to detect adult beetle activity), and need more than one survey to confirm presence/absence, particularly of rare species.

- A local expert on the tiger beetle commented that, "One insect survey is a joke, especially for rare species. Given their dependence on weather and ephemeral life cycle and activity period, insects are even more difficult to survey and require many days, in some cases more than one year, to get accurate presence/absence." Furthermore, the description of the site in 2007 does not match what was observed in late 2016, specifically the low vegetation structure (low grasses) vs. "high structure" stated in the biotic report, and the presence of bare ground important for the tiger beetle along deer trails that criss-cross the site vs. "lack of bare ground" stated in the report.

- Biotic survey was deemed "novice and unacceptable" for endangered plants by a local expert, and it does not appear that the California Department of Fish and Wildlife standardized Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations was followed, which was specifically designed to avoid inadequate biological information during the environmental review process, assist reviewing agencies to make informed decisions regarding the direct, indirect and cumulative effects of a proposed development, and meet CEQA requirements for adequate disclosure of potential impacts. Species of issue in the one March survey include Santa Cruz tarplant (*Holocarpha macradenia*), robust spineflower (*Chorizanthe robusta*), Santa Cruz clover (*Trifolium buckwestiorum*), San Francisco popcorn flower (*Plagiobothrys diffuses*). White-Rayed Pentachaeta (*Pentachaeta bellidiflora*; California-endangered) was not even surveyed for. Surveys must be conducted no earlier than May for many of these species.

79 (cont.)

- Surveys for Monarch Butterflies (*Danaus plexippus*) are outdated and insufficient (conducted on Dec. 26, 2007 and Jan. 14, 2008) – *Monarch Management Guidelines* by Bell et al. (1993) states that a grove of trees is a dynamic and ever-changing system, with natural or human-caused processes that may render it suitable or unsuitable for Monarch overwintering through time. Additionally, while over-wintering Monarch sites may have butterflies from November to early March, the time to detect the greatest numbers of butterflies is mid-November to mid-December (Marriott 1993, the *Monarch Program*), prior to when the 2007-2008 surveys were conducted, as some monarchs shift to other sites, or disperse, or die after that period. The Biotic Report did not contain enough detail to determine whether Monarchs are present, particularly in the grove of eucalyptus trees bordering the site.

- Site might contain Mt. Hermon June Beetle (*Polyphylla barbata*) – surveys should at a minimum be conducted on 3 nights in May-Aug.

- Site might contain Kangaroo Rat (*Dipodomys californicus*), as questioned by an expert in transitional sandhill habitat, but this species was not surveyed for at all.

79 (cont.) 134) Please indicate why are you not providing additional surveys conducted in May-August, including both day and night surveys, for the species listed above.

135) Sedimentation from 1930 OSE and the gully partially located on this parcel – timing of heavily sedimented runoff observed in early 2017 may have overlapped with endangered steelhead and coho salmon adult in-migration up the San Lorenzo (which for steelhead occurs February – April and for coho from January – March; CDFW 2015) How is this consistent with the City's Habitat Conservation Plan?

136) The tidewater goby was listed as federally endangered in 2013. In particular, sedimentation and contaminated runoff from the 1930 OSE parcel may negatively affect the tidewater goby, which has been documented in the lower San Lorenzo River (USFWS 2005, USFWS 2007). The San Lorenzo River habitat for the goby is designated as "Water Quality Limited" by State Water Resources Control Board, tainted by multiple sources including urban runoff/storm/sewers (USFWS 2005). Contamination stemming from the site could include construction disturbance of the subject parcel's soils mobilizing likely contaminants from the
80 crematorium such as mercury, arsenic, hexavalent chromium (VI), and/or polyychlorniated dibenzo-p-dioxan and dibenzofuran (PCDD/F). New residents may improperly dispose of household waste, cleaners and other household products, and animal waste. The addition of 96 parking spaces for cars and their attendant oil/gas/antifreeze and other petrochemicals also raises concerns about water quality throughout the life of this project. How is this significant impact addressed in the DEIR?

Given these issues in the data collection that is at the heart of the biotic report, this report should be updated to use the survey standards described above. The existing report is inadequate upon which to base an EIR as it is unclear whether or not a significant impact to a biotic resource could result from the project.

References:

U.S. Fish and Wildlife Service. 2005. Recovery Plan for the Tidewater Goby (*Eucyclogobius newberryi*). U.S. Fish and Wildlife Service, Portland, Oregon. vi + 199 pp.

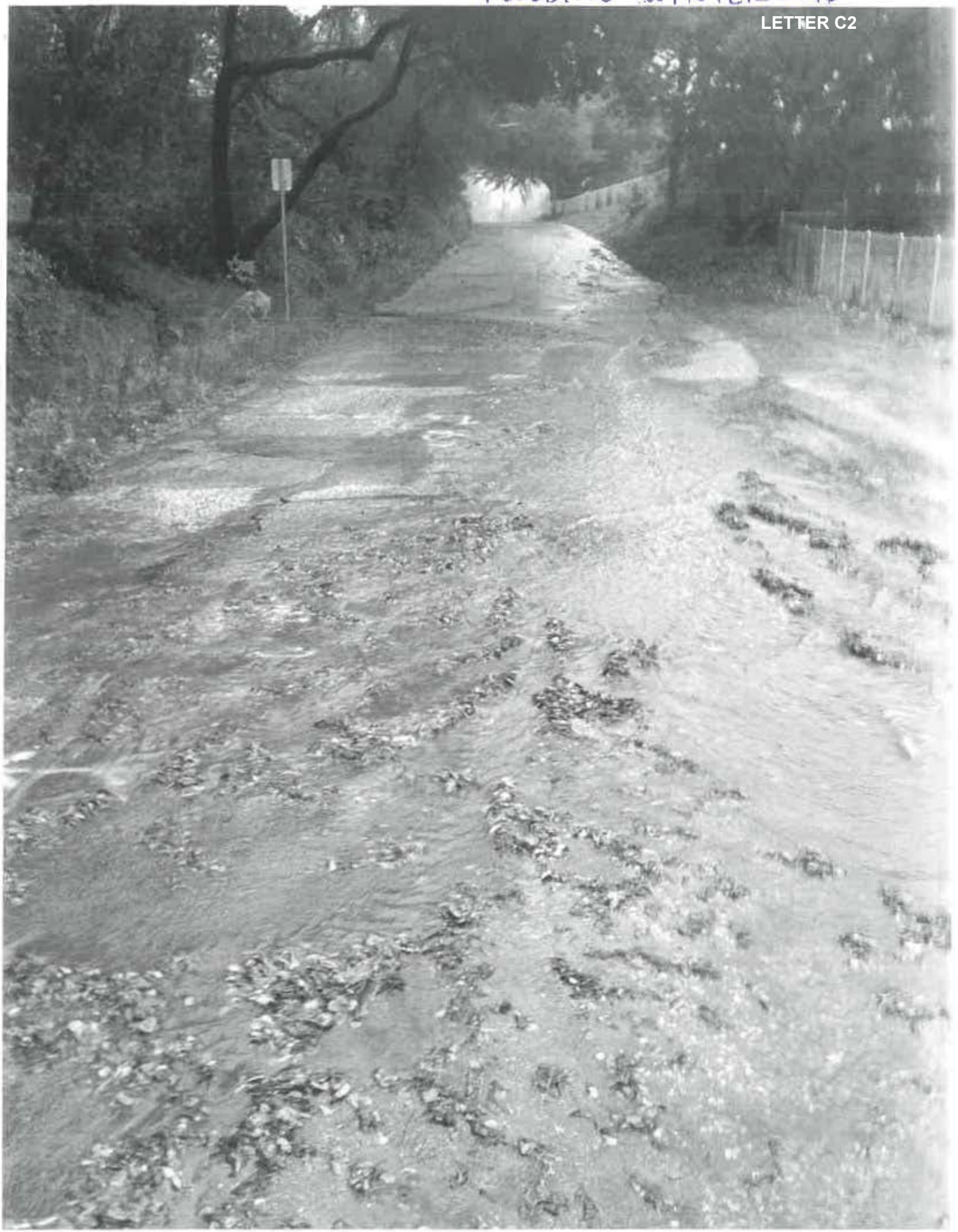
Attachment 2

LETTER C2

ACCIDENT 11/2014

FLOODING WINTER 2016

LETTER C2



FUNERAL PARKING 2015

LETTER C2

LETTER C2

PARKING PROBLEM 2015

LETTER C2

FUNERAL 2015

OCEAN ST @ HWAY 17 TRAFFIC NIGHTMARE

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Feb 4, 2016

LETTER C2

Accident 2013.JPG

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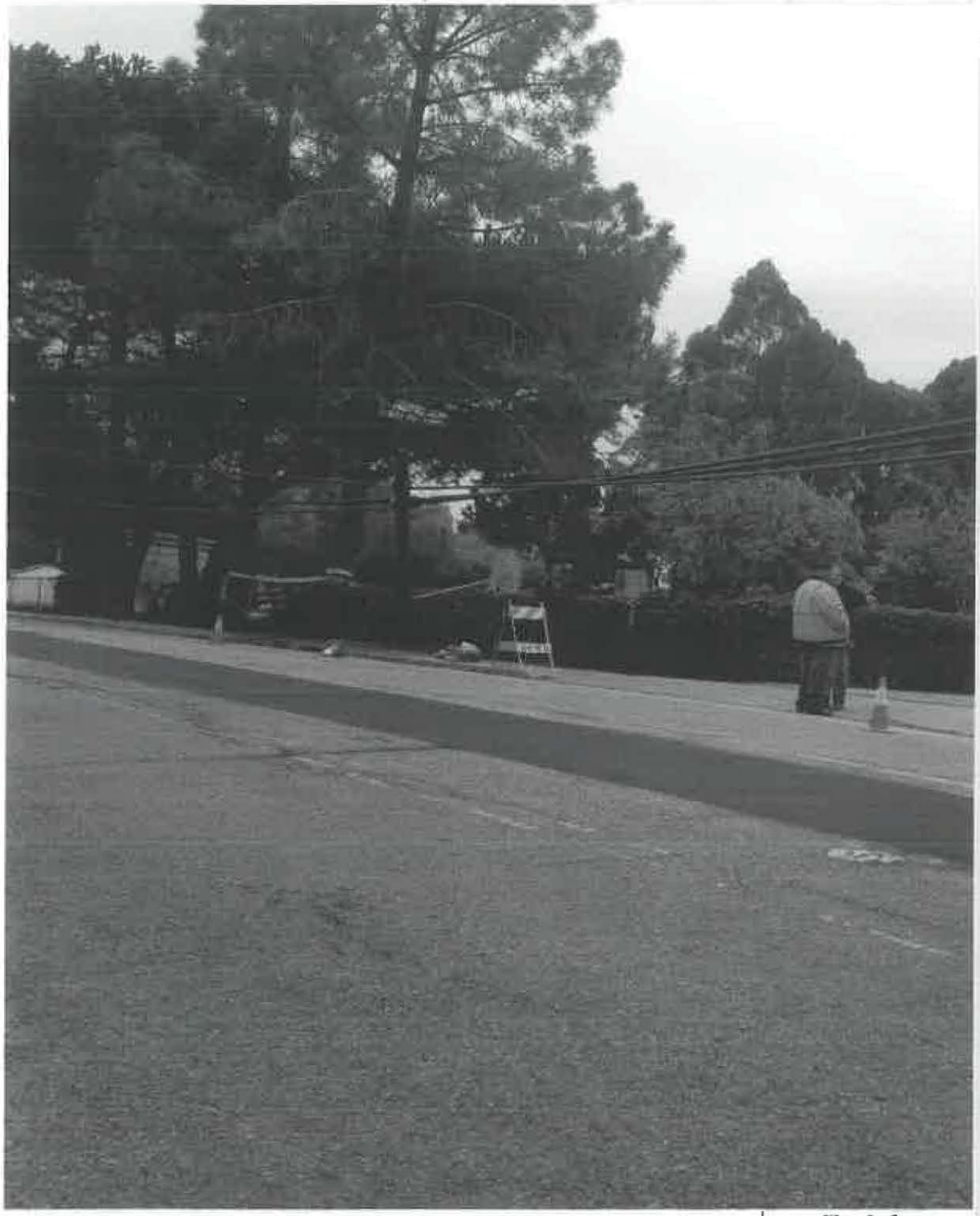

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LETTER C2

Crematory Smoke4141.jpg
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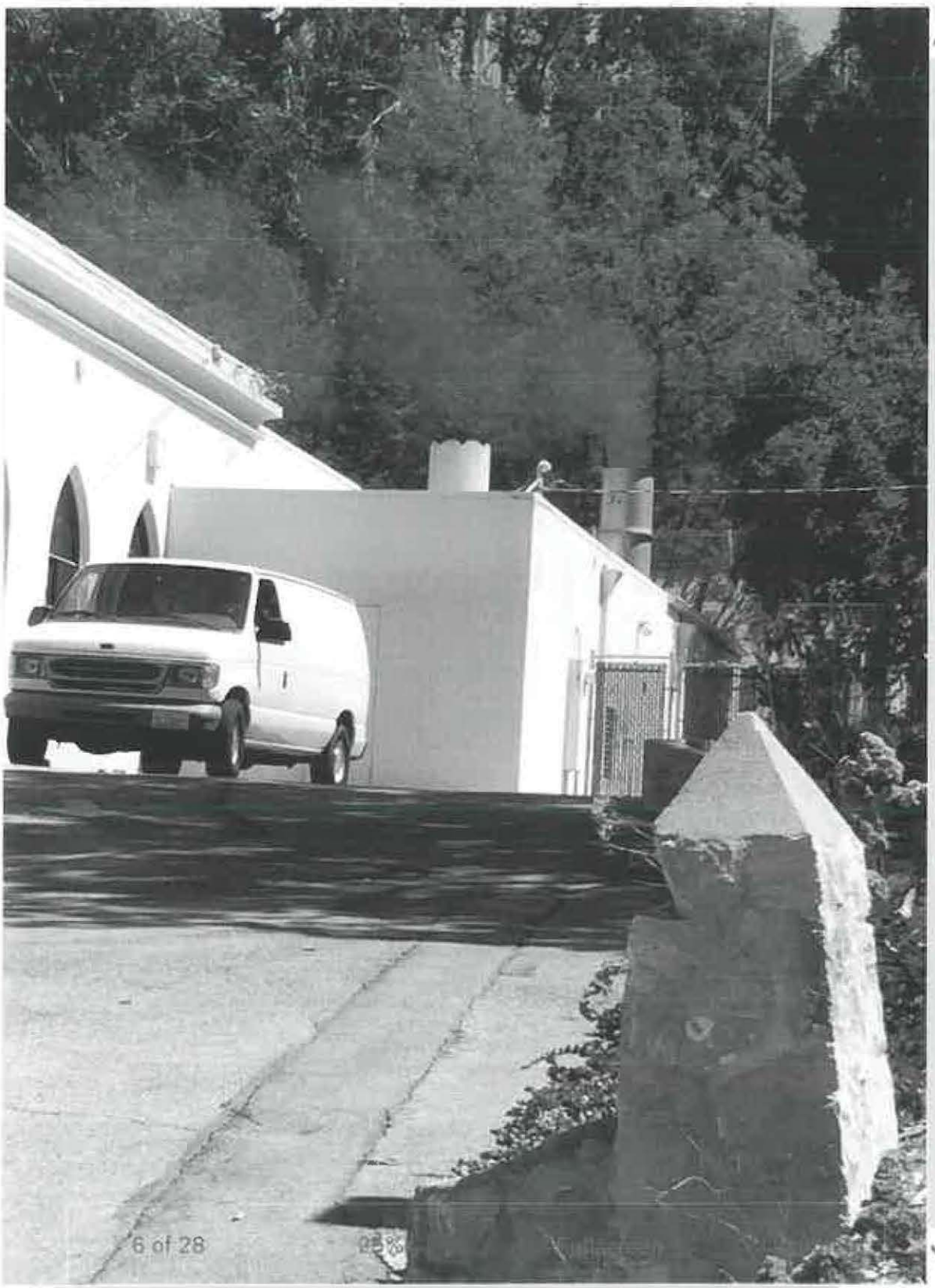


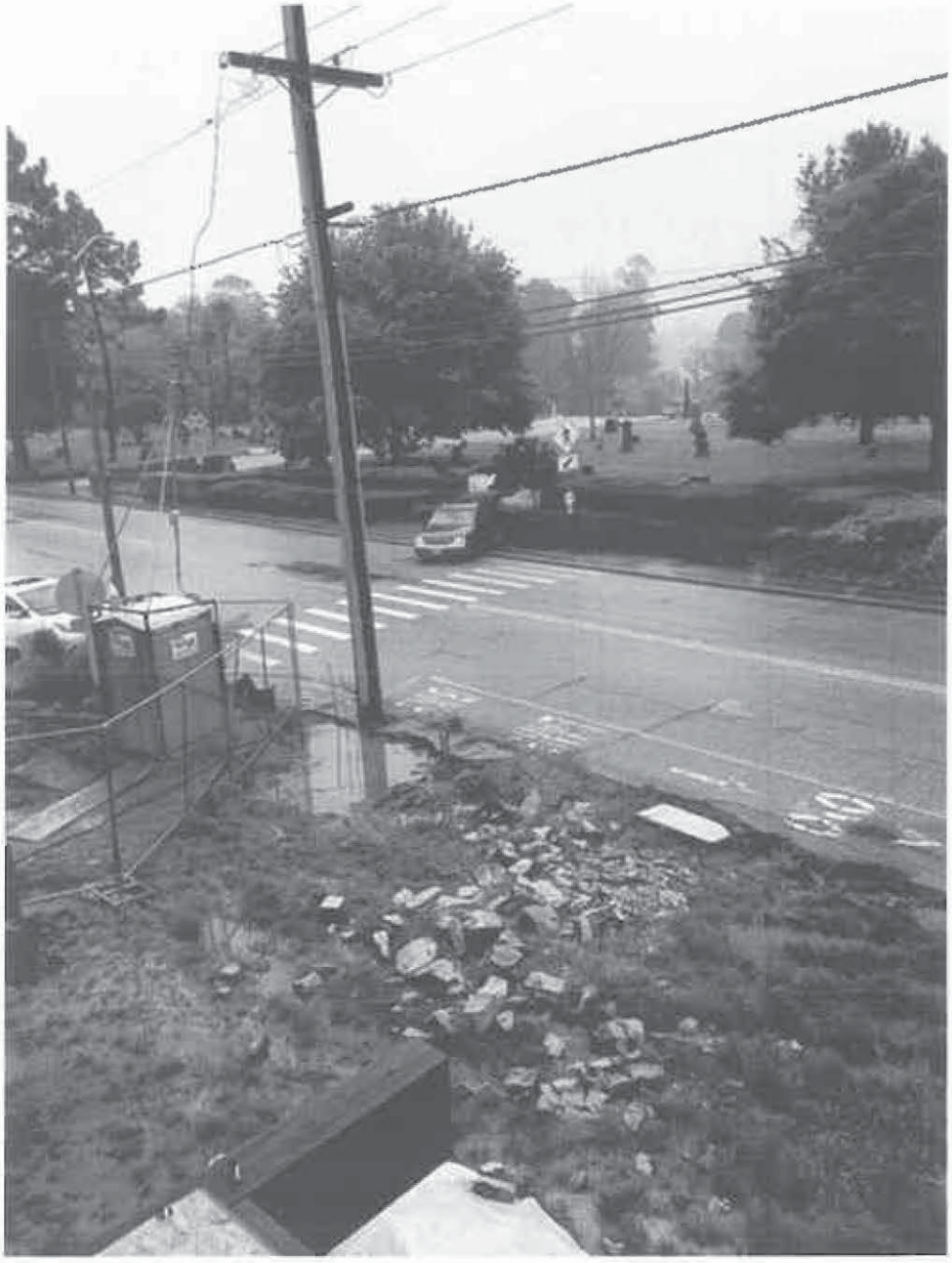
[redacted]

[redacted]

To: [redacted] Ellen Aldridge

Subject: Fwd: Spin out 4/17/17

Begin forwarded message:



Julie Thayer, Ph.D., Biological Sciences

LETTER C2

date	Ben Lomond rainfall	Soquel rainfall	rain gauge 100 Crossing St. (8am to following 8pm)	location (see modified Bowmen & Williams map)	time	Culvert % full	notes	drain measurement (from center top of drainpipe down to surface of flowing water), i.e., inches clear from top of culvert	rain level notes
15-Oct-16	3.10	0.48			7:30		see photos; had to start sandbagging 100 Crossing St.		rain measurements were past 24h from 5am following day
15-Oct-16	3.10	0.48		Pt D (between OSE & 100 Crossing St)	7:45		see photos		rain measurements were past 24h from 5am following day
16-Oct-16	2.97	1.36							rain measurements were past 24h from 5am following day
8-Dec-16	1.00	0.99		Pt A (below gully)	6:37	83%	calc'd from inches	3 13/16	rain measurements were past 24h from 5am following day
8-Dec-16	1.00	0.99		Pt D (between OSE & 100 Crossing St)	6:42	84%	calc'd from inches	3 11/16	rain measurements were past 24h from 5am following day
9-Dec-16	1.77	2.21							rain measurements were past 24h from 5am following day
10-Dec-16	1.85	1.26		Pt A (below gully)	6:47	79%	calc'd from inches	4 7/16	rain measurements were past 24h from 5am following day
10-Dec-16	1.85	1.26		Pt D (between OSE & 100 Crossing St)	7:00	79%	calc'd from inches	4 1/2	rain measurements were past 24h from 5am following day
10-Dec-16	4.16	2.67		Pt A (below gully)	13:36	99%	calc'd from inches	11/16	rain measurements were past 24h from 5pm
10-Dec-16	4.16	2.67		Pt D (between OSE & 100 Crossing St)	13:43	99%	calc'd from inches	5/8	rain measurements were past 24h from 5pm
10-Dec-16	4.16	2.67		Pt A (below gully)	13:53	99%	approximate by eye; no photo taken		rain measurements were past 24h from 5pm
10-Dec-16	4.16	2.67		Pt D (between OSE & 100 Crossing St)	14:01	100%			rain measurements were past 24h from 5pm
15-Dec-17				Pt A (below gully)			from photos		
15-Dec-17				Pt D (between OSE & 100 Crossing St)			from photos		
7-Jan-17				Pt D (between OSE & 100 Crossing St)	20:47	90%	approximate by eye; photo did not turn out		
7-Jan-17				Pt D (between OSE & 100 Crossing St)	22:10	100%			
18-Jan-17			1.70						
19-Jan-17				Pt D (between OSE & 100 Crossing St)	5:06	99%	approximate by eye; photo did not turn out		
19-Jan-17				Pt D (between OSE & 100 Crossing St)	5:55	120%	Overflowing Christman's culvert/driveway substantially! Photos did not turn out in dark! Water flowed down into Christman's yard and then through our yard, flooding our porch (water mark up on redwood		
19-Jan-17				Pt D (between OSE & 100 Crossing St)	6:17	100%			
19-Jan-17	2.84	2.59	3.00	Pt A (below gully)	5:49	100%			online rain measurements were past 24h from 5pm
20-Jan-17			3.70				Christman's tenant bought sandbags for Pt. D		
7-Feb-17				Pt D (between OSE & 100 Crossing St)	12:45	100%	FLOOD! Water came halfway up Crossing St., to white marker along the road. Water pouring down from uphill along culverts, pooling and running over culvert/ driveway; 6-8" of water inside the house, 14-18" of water outside		
7-Feb-17				Pt. C (drain to river)	12:45	>100%	completely flooded, >6' underwater		
20-Feb-17				Pt D (between OSE & 100 Crossing St)	9:05	>100%	completely flooded, ~1' water flowing over culvert (1-2" over driveway)		

Attachment 3

Culvert Capacity Sampling, OSE and Crossing Streets, Winter 2016-17

Julie Thayer, Ph.D., Biological Sciences

date	Ben Lomond rainfall	Soquel rainfall	rain gauge 100 Crossing St. (8am to following 8am)	location (see modified Bowman & Williams map)	time	Culvert % full	notes	drain measurement (from center top of drainpipe down to surface of flowing water), i.e., inches clear from top of culvert
15-Oct-16	3.10	0.48			7:30		see photos; had to start sandbagging 100 Crossing St.	
15-Oct-16	3.10	0.48		Pt D (between OSE & 100 Crossing St)	7:45		see photos	
16-Oct-16	2.97	1.36						
8-Dec-16	1.00	0.99		Pt A (below gully)	6:37	83%	calc'd from inches	3 13/16
8-Dec-16	1.00	0.99		Pt D (between OSE & 100 Crossing St)	6:42	84%	calc'd from inches	3 11/16
9-Dec-16	1.77	2.21						
10-Dec-16	1.85	1.26		Pt A (below gully)	6:47	79%	calc'd from inches	4 7/16
10-Dec-16	1.85	1.26		Pt D (between OSE & 100 Crossing St)	7:00	79%	calc'd from inches	4 1/2
10-Dec-16	4.16	2.67		Pt A (below gully)	13:36	99%	calc'd from inches	11/16
10-Dec-16	4.16	2.67		Pt D (between OSE & 100 Crossing St)	13:43	99%	calc'd from inches	5/8
10-Dec-16	4.16	2.67		Pt A (below gully)	13:53	99%	approximate by eye; no photo taken	

date	Ben Lomond rainfall	Soquel rainfall	rain gauge 100 Crossing St. (8am to following 8am)	location (see modified Bowman & Williams map)	time	Culvert % full	notes	drain measurement (from center top of drainpipe down to surface of flowing water), i.e., inches clear from top of culvert
10-Dec-16	4.16	2.67		Pt D (between OSE & 100 Crossing St)	14:01	100%		
15-Dec-17				Pt A (below gully)			from photos	
15-Dec-17				Pt D (between OSE & 100 Crossing St)			from photos	
7-Jan-17				Pt D (between OSE & 100 Crossing St)	20:47	90%	approximate by eye; photo did not turn out	
7-Jan-17				Pt D (between OSE & 100 Crossing St)	22:10	100%		
18-Jan-17			1.70					
19-Jan-17				Pt D (between OSE & 100 Crossing St)	5:06	99%	approximate by eye; photo did not turn out	
19-Jan-17				Pt D (between OSE & 100 Crossing St)	5:55	120%	Overflowing Christman's culvert/driveway subst turn out in dark! Water flowed down into Chris through our yard, flooding our porch (water ma	
19-Jan-17				Pt D (between OSE & 100 Crossing St)	6:17	100%		
19-Jan-17	2.84	2.59	3.00	Pt A (below gully)	5:49	100%		
20-Jan-17			3.70				Christman's tenant bought sandbags for Pt. D	
7-Feb-17				Pt D (between OSE & 100 Crossing St)	12:45	100%	FLOOD! Water came halfway up Crossing St., to road. Water pouring down from uphill along cul over culvert/ driveway; 6-8" of water inside the outside	
7-Feb-17				Pt. C (drain to river)	12:45	>100%	completely flooded, >6' underwater	
20-Feb-17				Pt D (between OSE & 100 Crossing St)	9:05	>100%	completely flooded, ~1' water flowing over culv	

rain level notes
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Julie Thayer, Ph.D., Biological Sciences

rain level notes
rain measurements were past 24h from 5pm
tantially! Photos did not :tman's yard and then rk up on redwood siding).
online rain measurements were past 24h from 5pm
) white marker along the lverts, pooling and running house, 14-18" of water
'ert (1-2" over driveway)

Attachment 4

MBUAPCD
Monterey Bay Unified Air Pollution Control District
Serving Monterey, San Benito, and Santa Cruz Counties

MEMORANDUM

DATE: May 21, 2013

TO: Richard Stedman

FROM: David Craft

CC: Amy Clymo, Greg Chee, Mike Gilroy

RE: Santa Cruz Crematory Screening Risk Assessment for Proposed Crematory Relocation

INTRODUCTION

District staff prepared this screening risk assessment in response to a request from the Santa Cruz Crematory. The purpose of the screening assessment is to assist with the decision of whether relocating the crematory would result in lower mercury concentrations and lower potential health risks for nearby receptors. This risk assessment was prepared to provide assistance to the crematory operator but was not required by the District for regulatory purposes or for compliance with CEQA. Only mercury emissions were modeled in the screening assessment because mercury is the major contributor to the potential short term health impacts from the crematory operation. This memorandum summarizes the methodology, results, and conclusion of the screening risk assessment.

METHODOLOGY

Dispersion Modeling

The AERSCREEN model was used to estimate downwind concentrations of mercury. AERSCREEN is a screening model based on AERMOD and provides estimates of worst-case 1-hour concentrations. Several different scenarios were modeled:

1. Each crematory retort was modeled separately because each one has different stack parameters. It was assumed that all the mercury is released within the first hour of cremation and that there is no overlap of the first hour of retort operation.
2. Two different mercury emission factors were applied:
    a. Emission factor from the California Air Resources Board's (ARB) California Air Toxics Emission Factor (CATEF) database (2.26 g/body modeled at a rate of 0.00063 g/sec), and
    b. Emission factor based on the 95th percentile of a mass balance approach (6.4 g/body modeled at a rate of 0.0018 g/sec).

Input Parameters

The modeling input stack parameters applied are summarized in Table 1.

Table 1. Stack Parameters

Manufacturer	Stack Heights (feet)	Stack Diameter (feet)	Stack Temperature (F)	Flow rate (ACFM)
All Crematory[1]	20, 25,30	1.5	1,304	2,555
Power Pak II[2]			1,109	2,010

Notes:

1. Parameters from manufacturer and based on a 3-15-1994 source test for a similar model 1701-M94 retort.
2. Parameters from manufacturer and based on a 1-15-2003 source test on the same model.

In addition to the stack parameters above, the following parameters were used in the dispersion modeling:

1. Building Downwash:
    a. Building Length = 59 feet
    b. Building Width = 20 feet
    c. Building Height = 12 feet
2. Meteorological Conditions:
    a. Minimum Ambient Temperature = 28 F
    b. Maximum Ambient Temperature = 105 F
    c. Minimum Wind Speed = 1.64 feet/sec (default value)
    d. Anemometer Height = 10 meters
3. Surface Characteristics were based on grasslands/winter conditions, providing worst case met conditions:
    a. Albedo = 0.29
    b. Bowen Ratio = 0.925
    c. Surface Roughness = 0.0403
4. Receptors:
    a. Receptor Height = 1.5 meters
    b. Distance to Proposed Condo Project to the SE = 350 feet (107 meters)
    c. Distance to existing House to the NNW = 467 feet (142 meters)

The modeling results and procedure used in this risk assessment are different from the prior risk assessment URS prepared for the crematory. The URS modeling used the ISCST3 dispersion model and different stack parameters. For the current modeling and assessment, District staff contacted the retort manufacturer to obtain stack parameters to be used with the AERSCREEN model.

Risk Assessment

The potential acute risk from mercury exposure was based on using the 1-hour reference exposure level (REL). The REL is the concentration at or below which no adverse health effects are anticipated. The 8-hour REL for mercury was not used in this assessment because this exposure period is not consistent with the operation of the crematory. The 8-hour REL for mercury is based on a continuous exposure of eight hours per day, five days per week. As stated above, the release of mercury upon cremation was assumed to occur within the first hour of cremation and the typical duration time for a cremation is four hours. Therefore, the 1-hour REL for mercury is consistent with the expected operation of the crematory and exposure duration for receptors.

RESULTS

Results of the modeling are presented in the tables below and in the attachments. Table 1 presents mercury concentration and hazard index using the ARB mercury emission factor based at receptor distances representing:

1. The point of maximum impact (25 meters)
2. The existing home to the north 467 feet (142 meters), and
3. The proposed condo project 350 feet away (107 meters) to the east.

Table 2 presents the mercury concentration and hazard index using the mass balance calculated mercury emission factors at receptor distances representing:

1. The point of maximum impact (25 meters)
2. The existing home to the north 467 feet (142 meters), and
3. The proposed condo project 350 feet away (107 meters) to the east.

The 1-hour REL for mercury is 0.6 $\mu g/m^3$ so modeled concentrations less than this value are not anticipated to have an adverse health effect. The acute risk from exposure to mercury was considered significant if the hazard index value was greater than one.

Table 1a. Downwind Mercury Concentrations Based on ARB Mercury Emission Factor

Stack Height (feet)	Retort Type	Maximum Mercury Concentration ($\mu g/m^3$) at 25 meters	Mercury Concentration ($\mu g/m^3$) at 107 meters	Mercury Concentration ($\mu g/m^3$) at 142 meters
20	All	**0.71**	0.29	0.27
	Power Pak	**0.80**	0.39	0.36
25	All	0.33	0.17	0.15
	Power Pak	0.37	0.24	0.10
30	All	0.18	0.14	0.11
	Power Pak	0.21	0.10	0.09

Table 1b. Potential Acute Risk Based on ARB Mercury Emission Factor

Stack Height (feet)	Retort Type	Hazard Index at 25 meters	Hazard Index at 107 meters	Hazard Index at 142 meters
20	All	**1.2**	0.48	0.45
	Power Pak	**1.3**	0.65	0.60
25	All	0.55	**0.28**	0.25
	Power Pak	0.62	0.40	0.17
30	All	0.30	0.23	0.18
	Power Pak	0.35	0.16	0.15
Significance Threshold		**1.0**	**1.0**	1.0

Notes:

1. The REL for mercury is 0.6 $\mu g/m^3$.
2. Bolded values indicate an exceedance of the mercury REL or Hazard Index of 1.

Table 2a. Downwind Mercury Concentrations Based on Mass Balance Approach Mercury Emission Factor

Stack Height (feet)	Retort Type	Mercury Concentration ($\mu g/m^3$) at 25 meters	Mercury Concentration ($\mu g/m^3$) at 107 meters	Mercury Concentration ($\mu g/m^3$) at 142 meters
20	All	**2.03**	**0.78**	**0.78**
	Power Pak	**2.28**	**1.12**	**1.05**
25	All	**0.95**	0.46	0.40
	Power Pak	**1.05**	**0.78**	**0.60**
30	All	0.52	0.29	0.26
	Power Pak	0.59	0.38	0.33

Table 2b. Potential Acute Risk Based on Mass Balance Approach Mercury Emission Factor

Stack Height (feet)	Retort Type	Hazard Index at 25 meters	Hazard Index at 107 meters	Hazard Index at 142 meters
20	All	**3.38**	**1.30**	**1.30**
	Power Pak	**3.80**	**1.87**	**1.75**
25	All	**1.58**	0.77	0.67
	Power Pak	**1.75**	**1.30**	**1.00**
30	All	0.87	0.48	0.43
	Power Pak	0.98	0.63	0.55
Significance Threshold		1.0	**1.0**	1.0

Notes:
1. The REL for mercury is 0.6 $\mu g/m^3$.
2. Bolded values indicate an exceedance of the mercury REL or Hazard Index of 1.

CONCLUSIONS

The results show the hazard index estimated at existing and proposed residential receptors would be less than one using the ARB mercury emission factor. Therefore, re-locating the crematory would have a less than significant impact on existing and proposed residential receptors.

The District also conducted the screening assessment using a higher mercury emission factor calculated based on a mass balance approach. Under this scenario, existing and proposed residential receptors are located in an area with potential health impacts. Therefore, re-locating the crematory may impact existing and proposed residential receptors if a higher mercury emission factor was used to assess potential risks.

LETTER C2

California Air Toxics Emission Factors - Detail Report

System

System Type:	Crematory
Material Type:	Propane/Bodies
APC Device:	None
Other Description:	None

Codes

SIC:	N/A
SCC:	31502101
SCC Description 1:	MISC. INDUSTRIES
SCC Description 2:	HEALTH CARE
SCC Description 3:	CREMATORY STACK
SCC Description 4:	

Substance

Substance Category:	Metals
Substance:	Mercury
CAS:	7439-97-6

Ratings

Method Rating:	C
Population Rating:	3
ARB Rating:	C3-v0
EPA Rating:	E

Factor

Mean:	4.88E-03 lbs/body
Median:	4.88E-03 lbs/body
Maximum:	4.99E-03 lbs/body
Minimum:	4.77E-03 lbs/body

Stats

Number of Sources:	1
RSD,%:	3.17
Uncertainty, %:	28.50
Detection Ratio:	1.00

Attachment 5

Health Risk Assessment of Santa Cruz Crematory on Future Residents of 1930 Ocean Street Extension

Prepared for:

City of Santa Cruz
Planning and Community Development Department
809 Center Street, Room 206
Santa Cruz, CA 95060
Contact:
Janice Lum: 831.420.5196

Prepared by:
URS Corporation - Oakland
1333 Broadway
Oakland, CA 94612
Contacts:
David Wright: 510.874.1724

July 2, 2012

INTRODUCTION

This health risk assessment (HRA) evaluates whether the existing Santa Cruz crematorium located at 1927 Ocean Street Extension poses health risks to future residents of condominiums to be located at 1930 Ocean Street Extension. Ten condominium buildings (40 dwelling units) are proposed for the empty parcel located at 1930 Ocean Street Extension in Santa Cruz, California.

As Figure 1 shows, the proposed development is located north of and adjacent to the crematorium. The crematorium includes two furnaces. Each furnace can cremate two bodies per day.

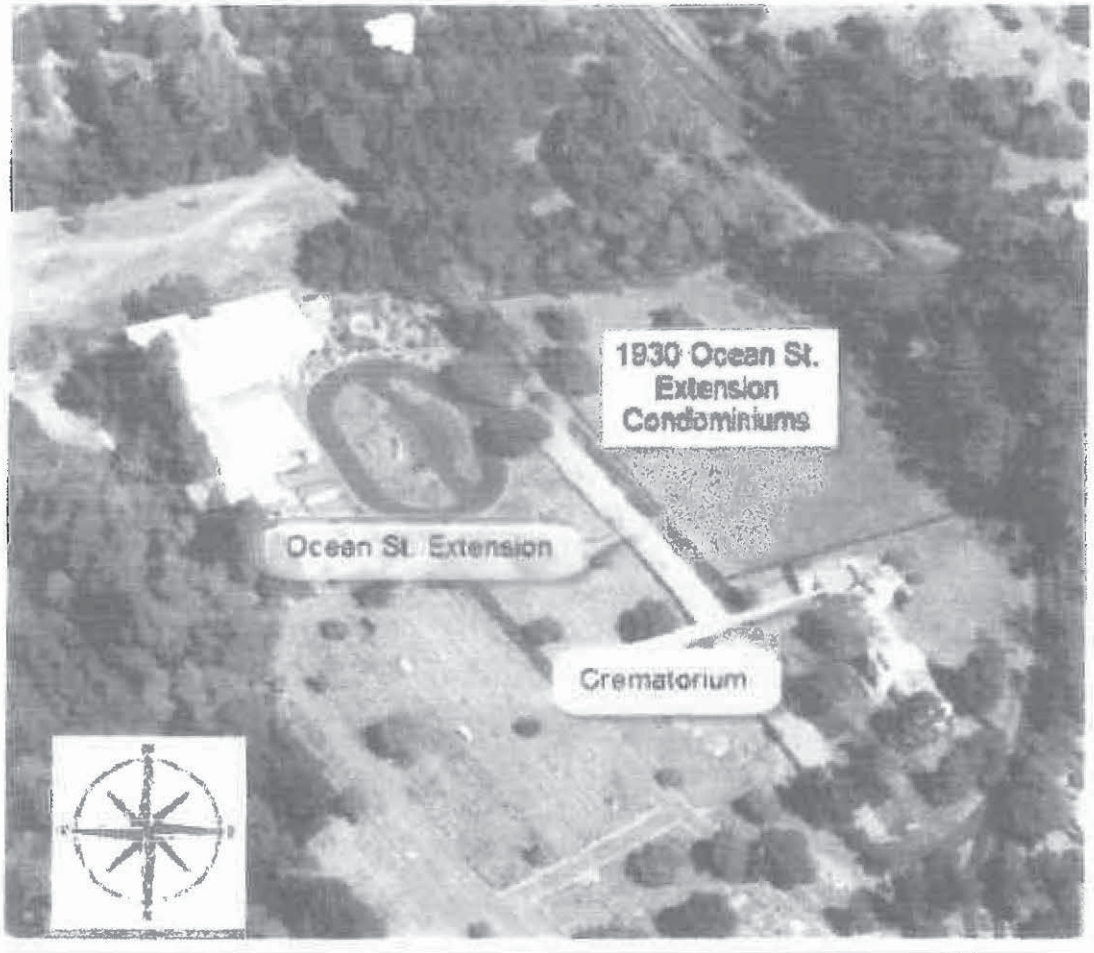

Figure 1. Location of 1930 Ocean Street Extension Condominiums and Crematorium

Toxic air contaminants (TAC) emitted by the crematorium's two furnaces have the potential to cause health risks to future condominium residents. Mercury emissions represent the primary human health risk from crematories. Mercury emissions result predominately from the combustion of dental amalgams, of which mercury is a major constituent. In addition to mercury emissions, this HRA addresses other TACs emitted by crematories.

The mercury (and associated TAC) emission rates used for this health risk assessment are based on recommended guidelines provided by the Monterey Bay Unified Air Pollution Control District (Craft, D., 2012). In preparing this health risk assessment, URS evaluated crematory emission rates for mercury that have been identified by various agencies through a variety of methods, including emission tests, mass-balance studies, and compliance source tests. Among the mercury emission rates considered were those cited by the Bay Area Air Quality Management District, the United States Environmental Protection Agency, the California Air Resources Board, and the San Diego Air Pollution Control District.

The MBUAPCD has recommended that mercury emission rates of 5.91 grams per body (maximum) and 1.31 grams per body (average) be used in modeling mercury emissions for the health risk assessment. Other agencies and source tests have cited emissions rates as low as 1.44 grams per body (maximum) and 0.50 grams per body (average), and there is a significant variation among the emission rates used by different agencies. This health risk assessment determines theoretical ambient mercury concentrations (and concentrations of other TACs) based on modeling, but the MBUAPCD has indicated that it is unclear how much mercury from crematory stacks is actually dispersed as an airborne contaminant into the environment.

Regulatory agencies are in the process of reevaluating the issue of mercury emissions from crematoria as well as the calculations of appropriate emission rates. On August 31, 2011 the BAAQMD changed the mercury emission rates it recommends be used to prepare health risk assessments for crematoria in the Bay Area (Lundquist, J. 2011). The MBUAPCD has indicated that a subcommittee of the California Air Pollution Control Officers Association (CAPCOA) is in the process of developing industry-wide crematory guidelines to be adopted at the state level. Using the Monterey Bay Unified Air Pollution Control District's (MBUAPCD's) HRA guidelines, three types of health risks were evaluated:

- acute (1-hour and 8-hour) non-carcinogenic risks,
- chronic (long-term) non-carcinogenic risks, and
- carcinogenic (long-term) risks.

A two-step process was used to evaluate health risks. In the first step, an air quality dispersion model was used to estimate maximum ambient concentrations of TACs released during crematory operation. In the second step, the health risks associated with these maximum concentrations were calculated. Again, the approach used to conduct this HRA is consistent with guidance issued by the MBUAPCD (Craft, D. 2012).

The two steps used to develop this HRA are described below.

For 1-hour emission rates, the analysis uses the estimated maximum emission rates shown in Table 3. The analysis assumes that both furnaces operate concurrently and that the estimated emissions for all TACs are released during the first hour of operation. Using mercury as an example, the estimated maximum 1-hour emission rate is as follows:

1-hr mercury emission rate (grams/sec) = 5.91 grams/body x 2 bodies/hr x hr/3600 seconds
= 0.003283 grams mercury per second (or 0.026 lbs/hr).

For the 8-hour mercury emission rates, the analysis also uses the estimated maximum Table 3 emission rates and assumes that each furnace would burn two charges over an 8-hour period. The crematory's estimated maximum 8-hour mercury emission rate is calculated as follows:

8-hour mercury emission rate (grams/sec) = 5.91 grams/body x 4 bodies/8 hrs x 8 hrs/28,800 seconds
= 0.00082 grams mercury per second (or 0.0065 lbs/hr).

To estimate annual mercury emission rates, the analysis uses the estimated average mercury emission rates shown in Table 3 and assumes that 342 bodies would be cremated per year. This represents the average annual number of cremations for the Santa Cruz crematory. The estimated average annual mercury emission rate is calculated as follows:

Annual mercury rate (grams/sec) = 1.31 grams/body x 342 bodies per yr x yr/31,536,000 seconds
= 1.42×10^{-5} grams/sec (or 0.9868 pounds/year).

Table 3. Crematory Toxic Air Contaminant Emission Rates

Chemical	CAS #	Maximum g/body	Average g/body
Metals:			
Antimony	7440-36-0	0.0423	0.04201
Arsenic	7440-38-3	0.0738	0.07378
Barium	7440-39-3	0.0312	0.02765
Beryllium	7440-41-7	0.0029	0.00154
Cadmium	7440-43-9	0.0145	0.01257
Cobalt	7440-48-4	0.0021	0.00197
Chromium	7440-47-3	0.0435	0.0345
Chromium VI	18540-29-9	0.0420	0.0297
Copper	7440-50-6	0.0350	0.03166
Lead	7439-92-1	0.0787	0.07614
Manganese		0.0000241	0.0000184
Mercury	**7439-97-6**	**5.91**	**1.31**
Nickel	7440-02-0	0.0453	0.04375
Phosphorus		0.0005089	0.000475
Selenium		0.0000026	0.0000018
Silver	7440-22-4	0.0147	0.00845
Vanadium	7440-52-2	0.0703	0.06678
Zinc	7440-66-6	0.4839	0.40713
PAHs:			
Acenaphthylene	208-96-8	0.0004	2.74E-04
Acenaphthene	83-32-9	0.0003	2.56E-04

Chemical	CAS #	Maximum g/body	Average g/body
Flourene	86-73-7	0.0013	9.47E-04
Phenanthrene	85-01-8	0.0089	5.11E-03
Anthracene	120-12-7	0.0012	7.29E-04
Flouranthene	206-44-0	0.0008	4.59E-04
Pyrene	129-00-0	0.0005	3.67E-04
Naphthalene		0.1548	0.155
VOCs:			
Acetaldehyde	75-07-0	0.126	0.0792
Formaldehyde	50-00-0	0.126	0.3038
Acids:			
Hydrochloric acid	7647-01-0	384	127
Hydrogen Flouride	7664-39-3	1.68	0.76
Dioxins:			
TCDD-p-dioxins 2,3,7,8	1746-01-6	4.88E-07	2.40E-07
Total Tetrachlorodibenzo		9.70E-06	4.59E-06
PeCCD-p-dioxins 1,2,3,7,8	40321-76-4	1.42E-06	7.49E-07
Total Pentachlorodibenzo		1.64E-05	7.07E-06
HxCDD 1,2,3,4,7,8	39227-28-6	2.01E-06	8.93E-07
HxCDD 1,2,3,6,7,8	57653-85-7	3.06E-06	1.29E-06
HxCDD 1,2,3,7,8,9	19408-74-3	4.10E-06	1.60E-06
Total Hexachlorodibenzo		4.10E-05	1.84E-05
HpCDD 1,2,3,4,6,7,8	35822-46-9	2.69E-05	1.23E-05
Total Heptachlorodibenzo		5.60E-05	2.63E-05
Total Octachlorodibenzo	3268-87-9	3.28E-05	1.96E-05
Total Polychlorinateddibenzo		1.94E-04	9.30E-05
Dibenzofurans:			
TCDF 2,3,7,8	51207-31-9	2.57E-06	1.76E-06
Total Tetrachlorodibenzofurans		8.21E-05	3.57E-05
PeCDF 1,2,3,7,8	57117-41-5	2.16E-06	1.33E-06
PeCDF 2,3,4,7,8	57117-31-4	5.59E-06	4.26E-06
Total Pentachlorodibenzofurans		5.22E-05	2.10E-05
HxCDF 1,2,3,4,7,8	70648-26-9	6.35E-06	3.12E-06
HxCDF 1,2,3,6,7,8	57117-44-9	6.35E-06	2.79E-06
HxCDF 1,2,3,7,8,9	72918-21-9	1.19E-05	5.43E-06
HxCDF 2,3,4,6,7,8	60851-34-5	2.39E-06	1.12E-06
Total Hexachlorodibenzofurans		8.21E-05	3.54E-05
HpCDF 1,2,3,4,6,7,8	67562-39-4	3.69E-05	2.05E-05
HpCDF 1,2,3,4,7,8,9	55673-89-7	2.50E-06	2.50E-06
Total Heptachlorodibenzofurans		4.48E-05	2.47E-05
Total Octachlorodibenzofurans	39001-02-0	8.58E-06	5.28E-06
Total Polychlorinateddibenzofurans		2.50E-06	1.46E-04
Criteria Pollutants/Toxics			
Sulfur Dioxide	7446-09-5	183	85
NOx (as NO_2)	10102-44-0	558	341
Carbon Monoxide	630-08-0	309	136
Source: (Craft, D., 2012)			

Sensitive Receptors

The ISCST3 model was used to estimate ambient concentrations at the future condominiums. Ten discrete receptors were used to represent the location of each proposed condominium building. These future sensitive receptors are identified as numbers one through ten in Figure 3 and are marked by a blue plus sign (+). In addition to these 10 discrete receptors, a dense receptor grid was included for the condominium parcel. Each receptor in this grid was located at 10-meter intervals and is shown in the gray grid in Figure 3.

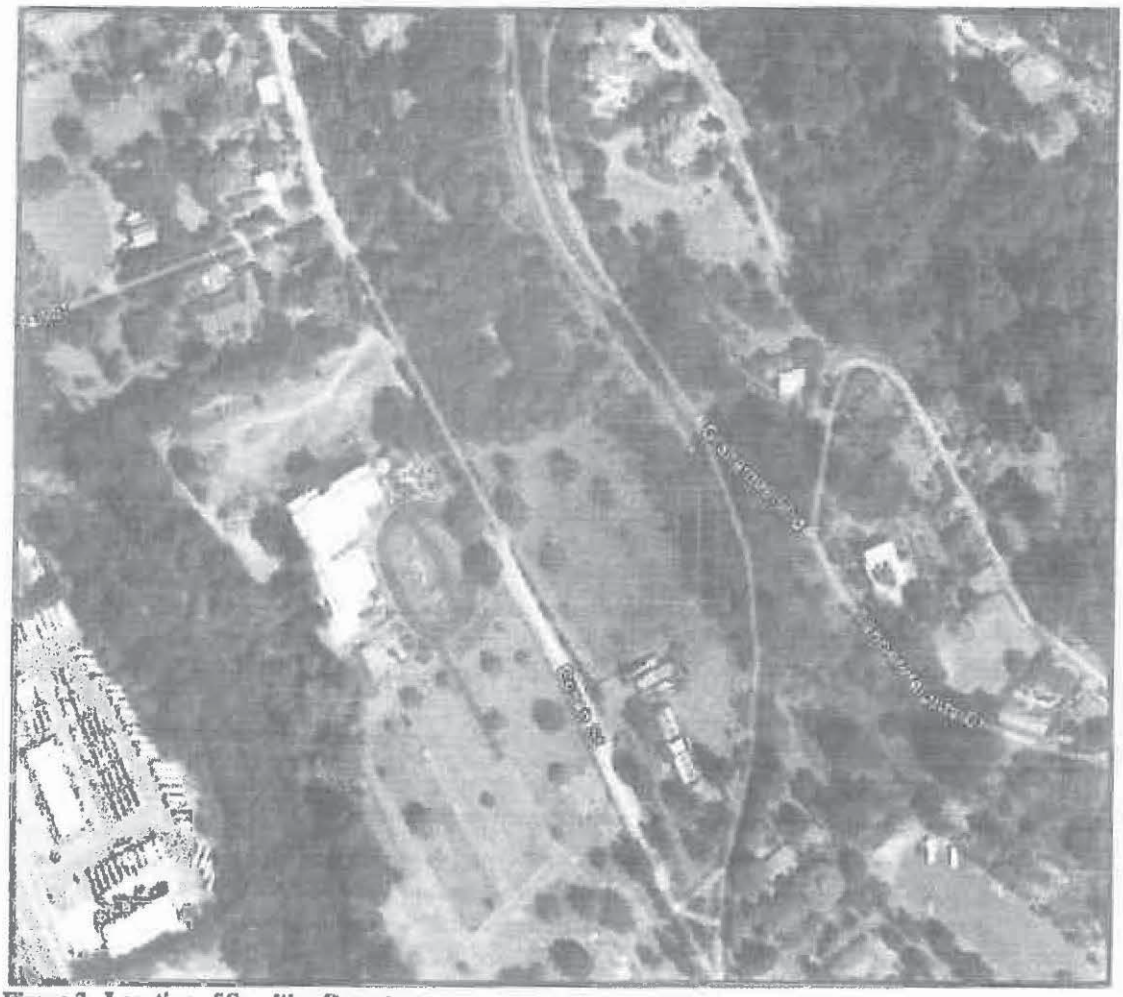

Figure 3. Location of Sensitive Receptors

Building Locations and Heights

The ISCST3 modeling included three-dimensional characterizations of buildings in the immediate vicinity of the crematorium emission stacks. Figure 4 depicts the buildings, (looking north towards the buildings), that were included in the ISCST3 model in relation to the emission stacks.

Building information, including building widths and heights, are used by ISCST3 to predict the impacts of building downwash on nearby sensitive receptors. Building downwash is a phenomenon caused by eddies created by air movement around and over building obstacles.

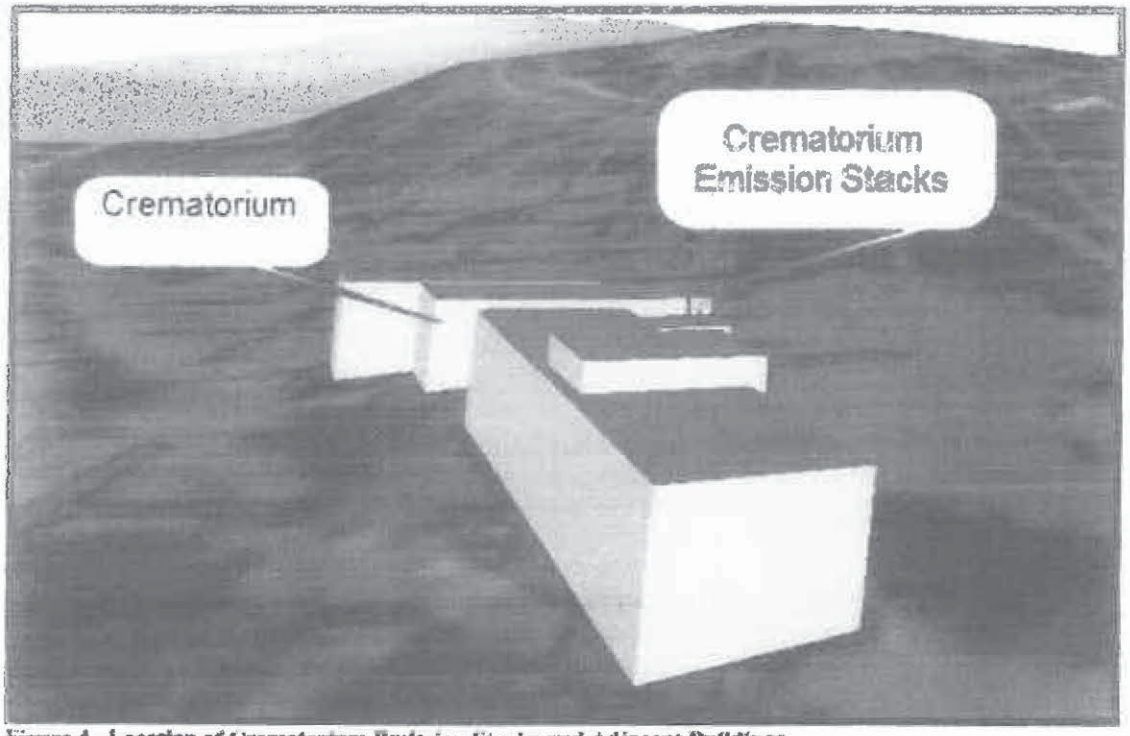

Figure 4. Location of Crematorium Emission Stacks and Adjacent Buildings

Terrain Characteristics

United States Geological Service digital terrain elevation data was incorporated into the ISCST3 modeling runs. Figure 5 depicts the terrain elevations for the project area. Terrain elevations are important because they accommodate several sensitive receptors that are located at or above the height of the emission stacks. This type of modeling scenario is known as complex terrain.

Figure 5. Terrain Contours

LETTER C2

Averaging Period

Concentrations were estimated for the worst-case 1-hour, 8-hour, and annual periods. The 1-hour and 8-hour concentrations were used to estimate short-term or acute health risks. Annual concentrations were used to estimate long-term chronic and carcinogenic health risks.

Step 2 – Calculate Health Risks

The California Air Resources Board's (ARB) HARP ON-Ramp and HARP software models were used to estimate the 1-hour acute, chronic, and carcinogenic health risks associated with crematory operation.

HARP On-Ramp

ARB's HARP On-Ramp software (Version 1, 02.03.2009) was used to convert the ISCST3-estimated concentrations at each receptor into a format usable by HARP. The HARP On-Ramp is a software tool made available by the ARB (2011).

The On-Ramp software requires several pieces of information that it uses to generate files that can be read and processed by HARP. One crucial piece of information is speciated TAC emission rates for crematories. TAC emission rates were obtained from the MBUAPCD (Craft, 2012). TAC emission rates in pounds per day and pounds per year were entered into a file read by the HARP On-Ramp. In addition, files containing the maximum hourly and annual concentrations (as estimated by ISCST3) were read into the HARP On-Ramp model. Once all required data had been read into the HARP On-Ramp, the model generates files that can be read by HARP.

HARP

The HARP model (version 1.4d, January 2011) was used to estimate health risks associated with pollutant concentrations estimated by ISCST3. HARP uses the predicted ISCST3 concentrations (modeled at 1 gram per second for each source) and the actual speciated TAC emission rates (processed for HARP by the HARP On-Ramp) to estimate actual 1-hour and average annual concentrations.

HARP then uses the speciated concentrations and the estimated health risks associated with each chemical species to predict acute, chronic, and carcinogenic health risks. The evaluation of estimated health risks accounts for various exposure pathways where substances can enter a receptor's body, including from inhalation, dermal adsorption, and ingestion.

The acute and chronic Reference Exposure Levels (RELs) are defined as the concentration at which no adverse noncancer adverse health effects are anticipated. To calculate the noncancer health risks for a TAC, that TAC's REL is divided by the estimated concentration for that TAC. If the resulting value exceeds 1.0, the health risk is significant.

The most sensitive health effect is used as the REL if the TAC affects multiple organ systems. Unlike cancer health effects, noncancer acute and chronic health effects are generally assumed to

have thresholds for adverse effects. In other words, acute or chronic injury from a pollutant will not occur until exposure to that pollutant has reached or exceeded a certain concentration (i.e., threshold). The acute and chronic RELs are intended to be below the threshold for health effects for the general population.

Cancer risk assessment involves estimating exposure to carcinogenic chemicals and multiplying the dose times the cancer potency factor. Cancer risk is calculated by multiplying the inhalation dose by the inhalation cancer potency factor to yield the potential inhalation excess cancer risk. The following equation illustrates the formula for calculating cancer risk:

(Inhalation Dose (mg/kg-day)) x (Cancer Potency $(mg/kg\text{-}day)^{-1}$) = Cancer Risk

To convert this to chances per million of developing cancer, the potential cancer risk is multiplied by one million. The HARP model automatically generates estimates of 1-hour, chronic, and carcinogenic health risks.

Acute 8-hour health risks cannot be estimated using the HARP model. This is important because an 8-hour mercury REL has recently been developed by the California Office of Environmental Health Hazard Assessment (OEHHA). Consequently, a spreadsheet was developed to estimate mercury 8-hour health risks using the criteria developed by OEHHA (2003).

Health Risk Results – Existing Operations

As required by the MBUAPCD's HRA guidance, the crematorium's existing operations assumed maximum operation of the furnaces. Each furnace is assumed to burn two charges per day, and both furnaces are assumed to operate concurrently, rather than sequentially. In addition, the estimated emissions are assumed to be released during the first hour of cremation. For annual emissions, a maximum of 342 charges per year is assumed, which is the average of the three most recent years of operation.

Table 4 shows the estimated health risks for future condominium residents. The existing crematorium's operations result in acute 1-hour and 8-hour health risks that exceed the REL significance criteria of one. For the 1-hour acute health risk, 96.4% of the risk is attributable to mercury. The remaining 3.6% of the 1-hour acute health risk results from other pollutants. For the 8-hour acute health risks, 100% of the risk is attributable to mercury. Eliminating mercury emissions would eliminate both the 1-hour and 8-hour acute health risks to less than the significance threshold.

Table 4 shows that the crematory's existing operations does not pose either a chronic or carcinogenic health risk. The project would not cause carcinogenic health risks to exceed the guideline significant exposure threshold of 10 in one million at any of the proposed condominiums.

For the chronic health risks, approximately 45% of the health risk is due to mercury, with the other pollutants contributing the remaining 55% of the health risk. For the carcinogenic health risks, all of the risk is associated with non-mercury pollutants because mercury is not considered a carcinogenic pollutant. Of the carcinogenic health risk, approximately 20% is contributed by

arsenic, 50% by hexavalent chromium (VI), and 15% by polychlorinated dibenzo-p-dioxan and dibenzofuran (PCDD/F) emissions.

Table 4. Operational Health Risks

Sensitive Receptor Location	Acute 1-hour health risks	Acute 8-hour health risks	Chronic health risks	Carcinogenic
Proposed Condominiums	**22.2**	**31.4**	0.41	4.5 per million
Significance Threshold	1.0	1.0	1.0	10 per million
Exceed Threshold?	**Yes**	**Yes**	No	No

Note: **Bolded values indicate potential health risks.** Acute and chronic health risks were estimated by first dividing each TACs reference exposure level by that TAC's estimated concentration. The resulting values for each TAC are then summed.

Based on the results shown in Table 4, the health risks from the crematory's operation are primarily the result of its short-term (1-hour and 8-hour) mercury emissions[1]. Consequently, to reduce the crematory's acute health risks, mercury emissions must be reduced substantially or eliminated.

HEALTH RISK MITIGATION OPTIONS

Several options are available to mitigate the health risks associated with operation of the crematorium. Those options include:

- Ceasing operations,
- Relocating the crematorium,
- Changing existing operations,
- Installing add-on controls, and
- Removing teeth prior to cremation.

Each option is discussed below.

Cease Operations

Under this alternative, the crematorium would cease operations. As a result, the facility would no longer pose a health risk to future residents.

Relocate the Crematorium

Under this alternative, the crematorium would be relocated to a different site. Relocation could not occur until an HRA shows that the relocated facility would not pose a significant health risk to future residents living near the facility.

[1] The crematory does not pose significant chronic or carcinogenic health risks based on its average number of cremations per year (342). Increasing or reducing the annual number of cremations would have no effect on short-term (1-hour and 8-hour) health effects.

Install Add-On Controls

Post-cremation control devices all employ processes that filter crematorium gases before they leave the chimney. A 96% reduction in mercury emissions would be needed to reduce both 1-hour and 8-hour health risks to a less than significant level. The most effective systems available reduce emissions by 94% to 99% (OSPAR Commission, 2003). These include adsorption techniques that use lime and activated carbon to remove mercury. A honeycomb catalytic adsorber specifically designed for mercury removal can remove 99.9% of the mercury in the flue gas (OSPAR Commission, 2003).

Change Existing Operations

The estimated 1-hour and 8-hour health risks from existing operations are substantially above the REL significance threshold of 1.0. Consequently, operational changes were evaluated to see if they would reduce health risks to less than the REL thresholds.

The first operational alternative examined how the estimated 1-hour health risks change if the crematory's operations were limited to only one charge per hour. Table 5 shows that this option would reduce the estimated acute 1-hour health risks. However, the estimated maximum acute 1-hour health risks would still exceed the REL significance threshold of 1.0.

Table 5. Alternative Operations Scenario Health Risks

Sensitive Receptor Location	Acute 1-hour health risks @ one charge per hour	Acute 8-hour health risks @ one charge per 8 hours
Condos	**14.0**	**7.6**
Significance Threshold	1.0	1.0
Exceed Threshold?	**Yes**	**Yes**

Note: Acute and chronic health risks are estimated by first dividing each TACs reference exposure level by that TAC's estimated concentration. The resulting values for each TAC are then summed. All health risks in this table are based on the MBUAPCD's crematorium emission rates.

The second alternative scenario examined how the estimated 8-hour health risks would change by limiting the crematory to only one charge burned per eight hours. Table 5 shows that this option would reduce the estimated health risks as compared to existing operations, but would still result in significant estimated 8-hour health risks to residents of the proposed condominiums.

Remove Amalgam-Containing Teeth Prior to Cremation

Removal of amalgam-containing teeth prior to cremation appears to be the least expensive option for eliminating the crematory's acute health risks.

CONCLUSIONS

The key criteria used to estimate the crematory's health risks included its operating conditions, emission factors, and meteorological data. As currently configured, the crematory consists of

two furnaces. Each furnace can burn a maximum of two charges per day. This equates to a maximum of two charges for the worst-case hour (one per furnace) and four charges for the worst-case 8-hour period.

The emission factors used for this HRA were based on the recommendations of the MBUAPCD. The meteorological data used for this analysis were based on the DeLaveaga data set provided by the MBUAPCD for 1991, 1993, 1994, and 1995.

Using the crematory's maximum operating conditions, and MBUAPCD-recommended emission rates and meteorological data, this HRA finds that the crematory would have the potential to cause significant 1-hour and 8-hour acute health risks at the proposed condominiums. These acute health risks are the result of mercury emissions resulting from the combustion of dental amalgams. The crematory does not pose significant long-term chronic or carcinogenic health risks. Consequently, the health risks posed by the crematory are acute risks resulting from mercury emissions. The health risks resulting from other TACs were found to be less than significant for acute, chronic, and carcinogenic health risks.

This report evaluates several alternatives to determine whether health risks could be reduced or eliminated. Closing the crematory would remove the health risks faced by future condominium residents located near the existing crematory. Moving the crematory would also remove health risks in the immediate vicinity of the project. Installing add-on controls could reduce or eliminate the crematory's acute health risks.

Also considered were changes to the project's existing operations. The operational changes assume that only one charge would be burned during the worst-case hour and during the worst-case 8-hour period. These revised operating assumptions reduce the estimated 1-hour and 8-hour health risks as compared to the maximum operating assumptions. However, even under these reduced operating conditions, the estimated maximum 1-hour and 8-hour health risks would still be significant at the proposed condominiums.

Removing amalgam-containing teeth prior to cremation was also evaluated. This option is cost-effective and would reduce or eliminate the crematory's acute health risks.

Attachment 6

COLLISION ANALYSIS 2001 to 2016...OCEAN ST.EXT/GRAHAM HILL/OCEAN ST.INTERSECTION

	Draft EIR Report Using City of SC chart		CHP SWITRS REPORT (accidents not included in DEIR report)		Santa Cruz Police Dept Report from Zach Friend dated 10/5/2010 stating 20 accidents from 2001 to 2010. This number is reduced below by 3 accidents reported by developers analysis in 2007-2008	
YEAR	Date	cause/ Injury	Date	cause/ Injury	Dates not available	Injury
2001 to 2007					17	2
2003 - 2007	(no accidents reported in EIR report)				(no dates included in report)	
2007	6/14/2007	rear-end				
	10/3/2007	rear-end				
2008	12/8/2008	1 hit object				
2009						
2010			9/29/2010	hit object		
			11/29/2010	1 hit object		
2011						
2012	5/13/2012	overturned	6/30/2012	1 (pedestrian-severe)		
2013						
2014	4/6/2014	sideswipe	3/15/2014	hit/run		
2015	7/31/2015	rear-end				
	12/20/2015	hit object				
2016	1/6/2016	improper turn				
	2/6/2016	1 overturned				
	3/30/2016	sideswipe				
TOTAL	10 collisions	2 injured	4 collisions	2 injured	17 collisions	2 injured

GRAND TOTAL - 31 COLLISIONS/6 INJURIES DOCUMENTED BY CITY, SCPD and CHP FROM 2001 -2016

These totals far exceed what was reported in the developer's study on which the DEIR is based. Their study shows **"collision rate of approximately 0.18 per million vehicle miles" (based on 10 collisions in in a 13 year span) "which is below the statewide average of 0.30 collisions per million vehicle miles reported by Caltrans at similar intersections within California." The DEIR conclusion that "there is not a significant reported collision issue at the Graham Hill/Ocean intersection (Mott Hatch Mcdonald, October 2016)" appears to be based on faulty data.**

There are other reports of accidents at the intersection witnessed by local residents which are not included in these numbers.

SANTA CRUZ REGIONAL 9-1-1
SECONDS MATTER

495 Upper Park Road, Santa Cruz, CA 95065 | 831.471.1000 fax 831.471.1010

LETTER C2

Accidents Incl. Hit and Run - Ocean St Ext
January 01, 2006 - December 31, 2016

1927 OCEAN ST EXT

Incident No.	Time of Call	Address	Apt	Call Type	Primary Unit	Call Disposition	Call Source
LSP081208077681	12/8/2008 4:48:21AM	1927 OCEAN ST EXT		ACCINJ	1R126	A53- DUPLICATE W/ASIPS DISPO	911
LSP120513036549	5/13/2012 3:40:05AM	1927 OCEAN ST EXT		ACCINJ	1C171	A53- DUPLICATE W/ASIPS DISPO	7-digit
LSP121216100796	12/16/2012 10:25:48AM	1927 OCEAN ST EXT		20002C	2M126	H52- HAN AT SCENE ACCIDENT NONINJRY	7-digit
LSP150318022053	3/18/2015 4:18:47PM	1927 OCEAN ST EXT		ACCINJ	2M131	R52- REPORT, ACCIDENT NONINJURY	911
LSP151224103051	12/24/2015 11:44:58AM	1927 OCEAN ST EXT		ACCINJ	2C127	H50- HAN AT SCENE TRAFFIC	911
LSP160805061332	8/5/2016 8:20:03AM	1927 OCEAN ST EXT		ACCNON	2M192	I52- CITE INF ACCIDENT NONINJURY	7-digit
LSP161114089693	11/14/2016 3:15:44PM	1927 OCEAN ST EXT		ACCUNK	2M170	H52- HAN AT SCENE ACCIDENT NONINJRY	911

GRAHAM HILL RD&OCEAN ST

Incident No.	Time of Call	Address	Apt	Call Type	Primary Unit	Call Disposition	Call Source
LSP060318013913	3/18/2006 1:52:07AM	GRAHAM HILL RD&OCEAN ST		ACCINJ	1C125	H50- HAN AT SCENE TRAFFIC	7-digit
LSP061209068350	12/9/2006 1:42:24PM	GRAHAM HILL RD&OCEAN ST		ACCUNK	2M170	G50- GOA/UTL TRAFFIC	7-digit
LSP070406019671	4/6/2007 7:36:45PM	GRAHAM HILL RD&OCEAN ST		ACCINJ	2M167	R51- REPORT, ACCIDENT INJURY	911
LSP080321016442	3/21/2008 10:57:22PM	GRAHAM HILL RD&OCEAN ST		ACCNON	3B124	R52- REPORT, ACCIDENT NONINJURY	911
LSP080503025774	5/3/2008 6:29:21PM	GRAHAM HILL RD&OCEAN ST		ACCNON		CHP- TRANSFER TO CHP	911
LSP080930062156	9/30/2008 10:45:35AM	GRAHAM HILL RD&OCEAN ST		20002	2M196	G50- GOA/UTL TRAFFIC	911
LSP080930062173	9/30/2008 12:03:11PM	GRAHAM HILL RD&OCEAN ST		ACCNON	2M179	F52- FOLLOW UP, ACCIDENT NONINJURY	7-digit
LSP081019066424	10/19/2008 3:35:30PM	GRAHAM HILL RD&OCEAN ST		ACCNON	2M196	R52- REPORT, ACCIDENT NONINJURY	7-digit
LSP090414023420	4/14/2009 1:10:04AM	GRAHAM HILL RD&OCEAN ST		ACCINJ	1E143	H60- HAN AT SCENE OTHER ACTIVITY	911
LSP091230086177	12/30/2009 3:59:27PM	GRAHAM HILL RD&OCEAN ST		ACCNON	2M125	H52- HAN AT SCENE ACCIDENT NONINJRY	7-digit

Accidents Incl. Hit and Run - Ocean St Ext
January 01, 2006 - December 31, 2016

GRAHAM HILL RD&OCEAN ST

Incident No.	Time of Call	Address	Apt	Call Type	Primary Unit	Call Disposition	Call Source
LSP100303013314	3/3/2010 11:07:42PM	GRAHAM HILL RD&OCEAN ST		20002	3B168	R52- REPORT, ACCIDENT NONINJURY	911
LSP110307014387	3/7/2011 6:53:34AM	GRAHAM HILL RD&OCEAN ST		ACCINJ	1S111	H74- HAN AT SCENE CAMPING	7-digit
LSP111008068868	10/8/2011 8:54:22PM	GRAHAM HILL RD&OCEAN ST		ACCNON	3R174	G50- GOA/UTL TRAFFIC	7-digit
LSP120625049042	6/25/2012 10:36:57AM	GRAHAM HILL RD&OCEAN ST		ACCUNK	2M126	G52- GOA/UTL ACCIDENT NONINJURY	911
LSP130509036495	5/9/2013 3:11:49PM	GRAHAM HILL RD&OCEAN ST		ACCNON	2M190	G52- GOA/UTL ACCIDENT NONINJURY	911
LSP130815066542	8/15/2013 9:23:27PM	GRAHAM HILL RD&OCEAN ST		ACCNON		HBD- HANDLED BY DISPATCHER	911
LSP140406027052	4/6/2014 12:06:04AM	GRAHAM HILL RD&OCEAN ST		ACCUNK	1E139	A53- DUPLICATE W/ASIPS DISPO	911
LSP140406027065	4/6/2014 2:02:09AM	GRAHAM HILL RD&OCEAN ST		ACCNON	1E139	A53- DUPLICATE W/ASIPS DISPO	911
LSP160106001122	1/6/2016 1:40:45AM	GRAHAM HILL RD&OCEAN ST		ACCUNK	1C159	R50- REPORT, TRAFFIC	911
LSP160116003853	1/16/2016 2:55:38PM	GRAHAM HILL RD&OCEAN ST		ACCNON	2R168	DUP- DUPLICATE RECORD	911
LSP160604042997	6/4/2016 1:20:52PM	GRAHAM HILL RD&OCEAN ST		ACCNON		HBD- HANDLED BY DISPATCHER	7-digit
LSP160708053625	7/8/2016 5:44:04PM	GRAHAM HILL RD&OCEAN ST		ACCNON		DUP- DUPLICATE RECORD	911
LSP160720056765	7/20/2016 7:28:30AM	GRAHAM HILL RD&OCEAN ST		ACCNON		DUP- DUPLICATE RECORD	911
LSP160720056778	7/20/2016 8:25:30AM	GRAHAM HILL RD&OCEAN ST		ACCINJ	2B165	H52- HAN AT SCENE ACCIDENT NONINJRY	7-digit

GRAHAM HILL RD&OCEAN ST EXT

Incident No.	Time of Call	Address	Apt	Call Type	Primary Unit	Call Disposition	Call Source
LSO060306015449	3/6/2006 7:39:43AM	GRAHAM HILL RD&OCEAN ST EXT		ACCINJ	7D105	J02- ASSIST OUTSIDE AGENCY	Other
LSO070303013878	3/3/2007 12:36:29AM	GRAHAM HILL RD&OCEAN ST EXT		ACCNON	23	J02- ASSIST OUTSIDE AGENCY	Other
LSO070920065871	9/20/2007 11:52:26AM	GRAHAM HILL RD&OCEAN ST EXT		ACCUNK	12	J02- ASSIST OUTSIDE AGENCY	Other
LSO120630049041	6/30/2012 8:10:16PM	GRAHAM HILL RD&OCEAN ST EXT		ACCINJ	SOM2	NOTIF- NOTIFICATION ONLY	911
LSP060219008782	2/19/2006 6:43:36AM	GRAHAM HILL RD&OCEAN ST EXT		ACCUNK	SPM1	HBD- HANDLED BY DISPATCHER	911

Accidents Incl. Hit and Run - Ocean St Ext
January 01, 2006 - December 31, 2016

GRAHAM HILL RD&OCEAN ST EXT

Incident No.	Time of Call	Address	Apt	Call Type	Primary Unit	Call Disposition	Call Source
LSP060306011627	3/6/2006 7:33:22AM	GRAHAM HILL RD&OCEAN ST EXT		ACCUNK	1B187	CHP- TRANSFER TO CHP	911
LSP060306011628	3/6/2006 7:35:57AM	GRAHAM HILL RD&OCEAN ST EXT		ACCINJ		DUP- DUPLICATE RECORD	7-digit
LSP071003060043	10/3/2007 8:28:02AM	GRAHAM HILL RD&OCEAN ST EXT		ACCNON	2M184	R52- REPORT, ACCIDENT NONINJURY	7-digit
LSP071010061470	10/10/2007 8:00:26AM	GRAHAM HILL RD&OCEAN ST EXT		ACCNON		CHP- TRANSFER TO CHP	7-digit
LSP071206072419	12/6/2007 10:50:23PM	GRAHAM HILL RD&OCEAN ST EXT		ACCINJ	3S101	H00- HANDLED AT SCENE ADMINISTRATIV	911
LSP080202006131	2/2/2008 10:02:28AM	GRAHAM HILL RD&OCEAN ST EXT		ACCINJ	2M179	R51- REPORT, ACCIDENT INJURY	7-digit
LSP080823052895	8/23/2008 1:20:59AM	GRAHAM HILL RD&OCEAN ST EXT		ACCINJ	1B140	H63- HAN AT SCENE AOD	7-digit
LSP100602034331	6/2/2010 12:05:39PM	GRAHAM HILL RD&OCEAN ST EXT		20002		CHP- TRANSFER TO CHP	911
LSP100702041906	7/2/2010 3:28:18PM	GRAHAM HILL RD&OCEAN ST EXT		ACCINJ		DUP- DUPLICATE RECORD	911
LSP101129075656	11/29/2010 10:47:35AM	GRAHAM HILL RD&OCEAN ST EXT		ACCUNK	2M196	R52- REPORT, ACCIDENT NONINJURY	911
LSP111101075761	11/1/2011 1:36:10PM	GRAHAM HILL RD&OCEAN ST EXT		ACCUNK		DUP- DUPLICATE RECORD	7-digit
LSP120213011921	2/13/2012 4:09:45AM	GRAHAM HILL RD&OCEAN ST EXT		ACCINJ		DUP- DUPLICATE RECORD	7-digit
LSP120301016687	3/1/2012 12:33:12PM	GRAHAM HILL RD&OCEAN ST EXT		ACCUNK	2M141	H63- HAN AT SCENE AOD	911
LSP120521038837	5/21/2012 2:59:04PM	GRAHAM HILL RD&OCEAN ST EXT		ACCUNK	2M125	G50- GOA/UTL TRAFFIC	911
LSP120630050694	6/30/2012 8:10:23PM	GRAHAM HILL RD&OCEAN ST EXT		ACCINJ	3C153	R50- REPORT, TRAFFIC	911
LSP120926076839	9/26/2012 4:17:10PM	GRAHAM HILL RD&OCEAN ST EXT		ACCNON	2M170	H52- HAN AT SCENE ACCIDENT NONINJRY	911
LSP121010081426	10/10/2012 2:03:01PM	GRAHAM HILL RD&OCEAN ST EXT		ACCNON		HBD- HANDLED BY DISPATCHER	7-digit
LSP131024087357	10/24/2013 9:49:40AM	GRAHAM HILL RD&OCEAN ST EXT		ACCUNK	2M192	R51- REPORT, ACCIDENT INJURY	911
LSP131025087644	10/25/2013 9:02:56AM	GRAHAM HILL RD&OCEAN ST EXT		ACCUNK	2C197	G50- GOA/UTL TRAFFIC	7-digit
LSP140521040071	5/21/2014 7:26:55AM	GRAHAM HILL RD&OCEAN ST EXT		ACCNON	2M192	G50-	911
LSP140905071652	9/5/2014 5:45:23PM	GRAHAM HILL RD&OCEAN ST EXT		ACCNON	2R180	G50- GOA/UTL TRAFFIC	7-digit

Accidents Incl. Hit and Run - Ocean St Ext
January 01, 2006 - December 31, 2016

GRAHAM HILL RD&OCEAN ST EXT

Incident No.	Time of Call	Address	Apt	Call Type	Primary Unit	Call Disposition	Call Source
LSP150731062288	7/31/2015 7:45:02PM	GRAHAM HILL RD&OCEAN ST EXT		ACCINJ	3R143	R51- REPORT, ACCIDENT INJURY	911
LSP151220102138	12/20/2015 4:14:56PM	GRAHAM HILL RD&OCEAN ST EXT		ACCNON	2C139	R52- REPORT, ACCIDENT NONINJURY	911
LSP160126006394	1/26/2016 6:39:14PM	GRAHAM HILL RD&OCEAN ST EXT		ACCNON		RPCAN- R/P CANCELLATION	7-digit
LSP160902069314	9/2/2016 9:06:23AM	GRAHAM HILL RD&OCEAN ST EXT		20002	2M131	H50- HAN AT SCENE TRAFFIC	911

JEWELL ST&OCEAN ST

Incident No.	Time of Call	Address	Apt	Call Type	Primary Unit	Call Disposition	Call Source
LSP100112002576	1/12/2010 3:17:43PM	JEWELL ST&OCEAN ST		ACCINJ	2M126	R51- REPORT, ACCIDENT INJURY	911

OCEAN ST EXT&GRAHAM HILL RD

Incident No.	Time of Call	Address	Apt	Call Type	Primary Unit	Call Disposition	Call Source
LSP060227010281	2/27/2006 9:37:09AM	OCEAN ST EXT&GRAHAM HILL RD		ACCNON	2M170	R52- REPORT, ACCIDENT NONINJURY	7-digit
LSP070503025211	5/3/2007 11:51:10AM	OCEAN ST EXT&GRAHAM HILL RD		ACCNON	S107	R52- REPORT, ACCIDENT NONINJURY	911
LSP080627038733	6/27/2008 8:06:03PM	OCEAN ST EXT&GRAHAM HILL RD		ACCNON		DUP- DUPLICATE RECORD	911
LSP100412022003	4/12/2010 3:41:07PM	OCEAN ST EXT&GRAHAM HILL RD		ACCNON		CHP- TRANSFER TO CHP	911
LSP110401020069	4/1/2011 12:43:25PM	OCEAN ST EXT&GRAHAM HILL RD		ACCUNK		DUP- DUPLICATE RECORD	911
LSP120701051010	7/1/2012 7:08:05PM	OCEAN ST EXT&GRAHAM HILL RD		ACCNON	2M125	H52- HAN AT SCENE ACCIDENT NONINJRY	911
LSP160805061311	8/5/2016 6:51:37AM	OCEAN ST EXT&GRAHAM HILL RD		ACCNON	1C129	H50- HAN AT SCENE TRAFFIC	911

OCEAN ST EXT&OCEAN ST

Incident No.	Time of Call	Address	Apt	Call Type	Primary Unit	Call Disposition	Call Source
LSP120319021374	3/19/2012 9:26:36AM	OCEAN ST EXT&OCEAN ST		ACCNON	2M125	H50- HAN AT SCENE TRAFFIC	7-digit
LSP130228016959	2/28/2013 7:15:54PM	OCEAN ST EXT&OCEAN ST		ACCINJ	Z321	R50- REPORT, TRAFFIC	911
LSP130510036886	5/10/2013 4:47:09PM	OCEAN ST EXT&OCEAN ST		ACCNON	3R139	H52- HAN AT SCENE ACCIDENT NONINJRY	7-digit

Accidents Incl. Hit and Run - Ocean St Ext
January 01, 2006 - December 31, 2016

OCEAN ST&GRAHAM HILL RD

Incident No.	Time of Call	Address	Apt	Call Type	Primary Unit	Call Disposition	Call Source
LSO060318018222	3/18/2006 1:52:55AM	OCEAN ST&GRAHAM HILL RD		ACCINJ	23	J02- ASSIST OUTSIDE AGENCY	Other
LSP060109001126	1/9/2006 2:03:17PM	OCEAN ST&GRAHAM HILL RD		ACCNON	2M170	H50- HAN AT SCENE TRAFFIC	7-digit
LSP060813045649	8/13/2006 7:30:53PM	OCEAN ST&GRAHAM HILL RD		ACCINJ	SPM2	DUP- DUPLICATE RECORD	911
LSP070617035087	6/17/2007 3:23:03PM	OCEAN ST&GRAHAM HILL RD		ACCNON		DUP- DUPLICATE RECORD	7-digit
LSP071005060620	10/5/2007 9:22:16PM	OCEAN ST&GRAHAM HILL RD		ACCINJ	3M182	R51- REPORT, ACCIDENT INJURY	7-digit
LSP071128070763	11/28/2007 4:45:20PM	OCEAN ST&GRAHAM HILL RD		ACCNON		CHP- TRANSFER TO CHP	911
LSP080313014569	3/13/2008 3:08:44PM	OCEAN ST&GRAHAM HILL RD		ACCNON	2M174	G52- GOA/UTL ACCIDENT NONINJURY	911
LSP080326017339	3/26/2008 1:38:08PM	OCEAN ST&GRAHAM HILL RD		20002C	2M196	H50- HAN AT SCENE TRAFFIC	7-digit
LSP080411020766	4/11/2008 4:57:55PM	OCEAN ST&GRAHAM HILL RD		ACCNON	2M179	H52- HAN AT SCENE ACCIDENT NONINJRY	911
LSP080730047009	7/30/2008 9:52:10AM	OCEAN ST&GRAHAM HILL RD		ACCNON	2M196	R52- REPORT, ACCIDENT NONINJURY	911
LSP090413023280	4/13/2009 1:06:33PM	OCEAN ST&GRAHAM HILL RD		ACCNON	2M125	H50- HAN AT SCENE TRAFFIC	911
LSP090517031376	5/17/2009 10:23:35AM	OCEAN ST&GRAHAM HILL RD		20002C	2M141	H52- HAN AT SCENE ACCIDENT NONINJRY	7-digit
LSP091106074421	11/6/2009 4:33:37PM	OCEAN ST&GRAHAM HILL RD		ACCUNK	2M125	G50- GOA/UTL TRAFFIC	7-digit
LSP101220080037	12/20/2010 5:19:08PM	OCEAN ST&GRAHAM HILL RD		ACCNON	2M126	H52- HAN AT SCENE ACCIDENT NONINJRY	911
LSP110307014520	3/7/2011 3:32:30PM	OCEAN ST&GRAHAM HILL RD		ACCNON	2S102	H50- HAN AT SCENE TRAFFIC	7-digit
LSP120618047073	6/18/2012 2:06:34PM	OCEAN ST&GRAHAM HILL RD		ACCNON	2M126	R51- REPORT, ACCIDENT INJURY	911
LSP130405026317	4/5/2013 12:41:20AM	OCEAN ST&GRAHAM HILL RD		ACCINJ	1E142	A53- DUPLICATE W/ASIPS DISPO	911
LSP130509036478	5/9/2013 2:04:21PM	OCEAN ST&GRAHAM HILL RD		ACCNON	2R131	DUP- DUPLICATE RECORD	7-digit
LSP141220100823	12/20/2014 1:21:19AM	OCEAN ST&GRAHAM HILL RD		ACCNON	1E176	H50- HAN AT SCENE TRAFFIC	911
LSP160119004508	1/19/2016 9:08:35AM	OCEAN ST&GRAHAM HILL RD		ACCNON	2M170	H50- HAN AT SCENE TRAFFIC	911

Accidents Incl. Hit and Run - Ocean St Ext
January 01, 2006 - December 31, 2016

OCEAN ST&GRAHAM HILL RD

Incident No.	Time of Call	Address	Apt	Call Type	Primary Unit	Call Disposition	Call Source
LSP160206009440	2/6/2016 4:25:25PM	OCEAN ST&GRAHAM HILL RD		ACCINJ	2M165	R51- REPORT, ACCIDENT INJURY	7-digit
LSP160703051679	7/3/2016 3:43:40PM	OCEAN ST&GRAHAM HILL RD		ACCINJ	2M193	R51- REPORT, ACCIDENT INJURY	911
LSP161214096921	12/14/2016 6:53:59PM	OCEAN ST&GRAHAM HILL RD		20002	3C157	H50- HAN AT SCENE TRAFFIC	911

OCEAN ST&JEWELL ST

Incident No.	Time of Call	Address	Apt	Call Type	Primary Unit	Call Disposition	Call Source
LSP061222070567	12/22/2006 8:10:58AM	OCEAN ST&JEWELL ST		ACCNON	2M184	A52- DUPLICATE W/ASIPS DISPO	Other
LSP080313014583	3/13/2008 4:00:48PM	OCEAN ST&JEWELL ST		ACCNON	2M179	R51- REPORT, ACCIDENT INJURY	Other
LSP080728046586	7/28/2008 11:27:59AM	OCEAN ST&JEWELL ST		ACCINJ	2M196	R52- REPORT, ACCIDENT NONINJURY	911
LSP080806048941	8/6/2008 7:43:30PM	OCEAN ST&JEWELL ST		ACCNON	3M182	H52-	7-digit
LSP090119004135	1/19/2009 4:11:21PM	OCEAN ST&JEWELL ST		ACCNON	2M146	G50- GOA/UTL TRAFFIC	7-digit
LSP090901058163	9/1/2009 4:55:38PM	OCEAN ST&JEWELL ST		ACCINJ	4R185	R51- REPORT, ACCIDENT INJURY	911
LSP100330019274	3/30/2010 2:56:33PM	OCEAN ST&JEWELL ST		20002	2M146	R50- REPORT, TRAFFIC	7-digit
LSP100918059909	9/18/2010 1:00:29PM	OCEAN ST&JEWELL ST		ACCNON	2M141	S52- SUB CONT, ACCIDENT NONINJURY	911
LSP111111078238	11/11/2011 11:50:05AM	OCEAN ST&JEWELL ST		ACCUNK	2M141	R52- REPORT, ACCIDENT NONINJURY	911
LSP120304017599	3/4/2012 6:06:36PM	OCEAN ST&JEWELL ST		ACCINJ	3C129	R51- REPORT, ACCIDENT INJURY	911
LSP130621049744	6/21/2013 12:10:20PM	OCEAN ST&JEWELL ST		ACCNON	2M141	G52-	Other
LSP140515038181	5/15/2014 10:11:14AM	OCEAN ST&JEWELL ST		ACCNON	2C157	S50- SUB CONT, TRAFFIC	7-digit
LSP160330024104	3/30/2016 2:26:13AM	OCEAN ST&JEWELL ST		ACCUNK		DUP- DUPLICATE RECORD	911
LSP160330024200	3/30/2016 11:25:58AM	OCEAN ST&JEWELL ST		20002C	2M192	H52- HAN AT SCENE ACCIDENT NONINJRY	7-digit

OCEAN ST&OCEAN ST EXT

Incident No.	Time of Call	Address	Apt	Call Type	Primary Unit	Call Disposition	Call Source

Accidents Incl. Hit and Run - Ocean St Ext
January 01, 2006 - December 31, 2016

OCEAN ST&OCEAN ST EXT

Incident No.	Time of Call	Address	Apt	Call Type	Primary Unit	Call Disposition	Call Source
LSO111209089716	12/9/2011 6:17:04AM	OCEAN ST&OCEAN ST EXT		ACCNON	1S23	J02- ASSIST OUTSIDE AGENCY	Other
LSP070917056723	9/17/2007 10:55:57AM	OCEAN ST&OCEAN ST EXT		20002C	2S120	R52- REPORT, ACCIDENT NONINJURY	Other
LSP071109067436	11/9/2007 5:51:17PM	OCEAN ST&OCEAN ST EXT		20002	3C195	DUP- DUPLICATE RECORD	911
LSP091022070552	10/22/2009 6:03:21PM	OCEAN ST&OCEAN ST EXT		20002	2R174	G52- GOA/UTL ACCIDENT NONINJURY	7-digit
LSP100319016737	3/19/2010 5:32:50PM	OCEAN ST&OCEAN ST EXT		20002C	3C186	H50- HAN AT SCENE TRAFFIC	7-digit
LSP110314016115	3/14/2011 1:54:30PM	OCEAN ST&OCEAN ST EXT		ACCNON	2C180	R52- REPORT, ACCIDENT NONINJURY	911
LSP111214086810	12/14/2011 1:52:51PM	OCEAN ST&OCEAN ST EXT		ACCINJ	2M125	G50- GOA/UTL TRAFFIC	911
LSP130303017616	3/3/2013 2:34:54PM	OCEAN ST&OCEAN ST EXT		ACCNON	2C194	H50- HAN AT SCENE TRAFFIC	911
LSP131004081763	10/4/2013 11:59:35AM	OCEAN ST&OCEAN ST EXT		ACCNON	2M141	G52- GOA/UTL ACCIDENT NONINJURY	911
LSP150227016273	2/27/2015 4:07:48PM	OCEAN ST&OCEAN ST EXT		ACCNON	CHP	CASE- INC CREATED TO ISSUE CASE NUM	911
LSP150401026141	4/1/2015 2:09:47AM	OCEAN ST&OCEAN ST EXT		20002C	1C168	G50- GOA/UTL TRAFFIC	911
LSP150603044333	6/3/2015 1:19:52PM	OCEAN ST&OCEAN ST EXT		ACCNON	2M131	DUP- DUPLICATE RECORD	7-digit
LSP150923077967	9/23/2015 2:14:11PM	OCEAN ST&OCEAN ST EXT		ACCNON	2J151	R51- REPORT, ACCIDENT INJURY	Other
LSP160709053955	7/9/2016 9:36:40PM	OCEAN ST&OCEAN ST EXT		ACCNON	3C139	H63- HAN AT SCENE AOD	7-digit

Zach Friend Response

LETTER C2

Santa Cruz Police - Accident Stats

From: **Zach Friend** (zfriend@cityofsantacruz.com) 420-5810
Sent: Tue 10/05/10 10:21 AM
To: 'janeyld@hotmail.com' (janeyld@hotmail.com)

9/29/2010 ? Accident. on CHP report

Hi Janey-

Here are the stats you requested for accidents at (or very near) that intersection since 2001.

Non-Injury Accidents: 17
Injury Accidents: 3

TOTAL: 20 2001 → 2010

2001 → to 10/5/2010

Sincerely,

Zach Friend
Santa Cruz Police Department

Info available at Police Dep through "public Records Act"

Traffic Engineering 420 5862 Scott Garner

2001 – 2010 per Zach Friend 17 accidents

Swithers report

LETTER C2

Report from Lupita Alamos
rec'd 12/21/16

Jenny's cc

Santa Cruz PD
155 Center St, Santa Cruz, CA 95060
CA0440200

Traffic Collisions

Count of Traffic Accidents

	2010	2011	2012	2013	2014	2015	2016 YTD	Total
Ocean St Ext and Graham Hill Rd	1	0	1	0	2	2	2	8

2010 1 | 2011 0 | 2012 1 | 2013 0 | 2014 2 | 2015 2 | 2016 2

only 1 reported in EIR collision table (from city) in 2014 so I added one on chart in 3rd column

State of California—Transportation Agency EDMUND G. BROWN Jr., Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
P. O. Box 942898
Sacramento, CA 94298-0001
(916) 843-4230
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)

April 24, 2017

File No.: 042.A15572.A11952.170500

Elien Aldridge
2126 Ocean Street Extension
Santa Cruz, CA 95060

Dear Ms. Aldridge:

Enclosed is a two page listing of collisions occurred on Graham Hill Road at intersection with Ocean Street Extension and Ocean Street, in the City and County of Santa Cruz, as requested by your letter dated March 28, 2017. The time period covered was from 2007 through available 2015/2016/2017. Any year missing information had no reported collisions for the requested location at this time.

Should there be any questions, please contact Ann Lui at (916) 843-4230.

Sincerely,

G. K. Rakkar for

I. J. TILLMAN
Commander
Support Services Section

Enclosures

cc: Director of Public Works
City of Santa Cruz
809 Center Street
Santa Cruz, CA 95060

Report run on: 4/13/2017
Total Count: 12

#170500 2007-AV. 2016/2017 COLLISIONS ON GRAHAM HILL RD AT INTERSECTION OF OCEAN ST. EXTENSION & OCEAN ST., CITY & COUNTY OF SANTA CRUZ

Case Listing
LETTER C2

Primary Rd GRAHAM HILL RD Distance (ft) 250 Direction N Secondary Rd OCEAN ST NCIC 4402 State Hwy? N Route Postmile Prefix Postmile Side of Hwy
City SANTA CRUZ County SANTA CRUZ Population 5 Rpt Dist Beat Type CalTrans Dist Badge 179 Collision Date 20070614 Time 1108 Day THU
Primary Collision Factor TOO CLOSE Violation 21703 Collision Type REAR END Severity PDO # Killed 0 # Injured 0 Tow Away? N Process Date 20071031
Weather1 CLEAR Weather2 Rdwy Surface DRY Rdwy Cond1 NO UNUSL CND Rdwy Cond2 Spec Cond 0
Hit and Run Motor Veh Involved With OTHER MV Lighting DAYLIGHT Ped Action Cntrl Dev NT PRS/FCTR Loc Type Ramp/Int

PARTY INFO

Party	Type	Age	Sex	Race	Sobriety1	Sobriety2	Move Pre Coll	Dir	SW Veh	CHP Veh	Make	Year	Sp Info	OAF1 Viol	OAF2	Safety Equip
1	DRVR	17	F	W	HNBD		PROC ST	S	A	0000	KIA	2000	- C	N	-	G -
2	DRVR	27	M		HNBD		PROC ST	S	F	0000	GMC	2005	- C	N	-	G -

VICTIM INFO

Role	Ext of Inj	Age	Sex	Seat Pos	Safety Equip	Ejected

Primary Rd GRAHAM HILL RD Distance (ft) 50 Direction N Secondary Rd OCEAN ST NCIC 4402 State Hwy? N Route Postmile Prefix Postmile Side of Hwy
City SANTA CRUZ County SANTA CRUZ Population 5 Rpt Dist Beat C41 Type CalTrans Dist Badge 184 Collision Date 20071003 Time 0810 Day WED
Primary Collision Factor UNSAFE SPEED Violation 22350 Collision Type REAR END Severity PDO # Killed 0 # Injured 0 Tow Away? N Process Date 20080324
Weather1 CLEAR Weather2 Rdwy Surface DRY Rdwy Cond1 NO UNUSL CND Rdwy Cond2 Spec Cond 0
Hit and Run Motor Veh Involved With OTHER MV Lighting DAYLIGHT Ped Action Cntrl Dev NT PRS/FCTR Loc Type Ramp/Int

PARTY INFO

Party	Type	Age	Sex	Race	Sobriety1	Sobriety2	Move Pre Coll	Dir	SW Veh	CHP Veh	Make	Year	Sp Info	OAF1 Viol	OAF2	Safety Equip
1F	DRVR	47	M	B	HNBD		PROC ST	S	D	2200	CHEVR	2001	- 3	N	-	M G
2	DRVR	55	M	W	HNBD		STOPPED	S	F	2600	FORD	1990	- 3	N	-	A G

VICTIM INFO

Role	Ext of Inj	Age	Sex	Seat Pos	Safety Equip	Ejected

Primary Rd OCEAN ST Distance (ft) 36 Direction W Secondary Rd GRAHAM HILL RD NCIC 4402 State Hwy? N Route Postmile Prefix Postmile Side of Hwy
City SANTA CRUZ County SANTA CRUZ Population 5 Rpt Dist 4402 Beat Type CalTrans Dist Badge 126 Collision Date 20081208 Time 0449 Day MON
Primary Collision Factor DRVR ALC|DRG Violation 23152A Collision Type HIT OBJECT Severity INJURY # Killed 0 # Injured 1 Tow Away? Y Process Date 20090731
Weather1 CLEAR Weather2 Rdwy Surface DRY Rdwy Cond1 NO UNUSL CND Rdwy Cond2 Spec Cond 0
Hit and Run Motor Veh Involved With FIXED OBJ Lighting DARK - NO ST LTS Ped Action Cntrl Dev NT PRS/FCTR Loc Type Ramp/Int

PARTY INFO

Party	Type	Age	Sex	Race	Sobriety1	Sobriety2	Move Pre Coll	Dir	SW Veh	CHP Veh	Make	Year	Sp Info	OAF1 Viol	OAF2	Safety Equip
1F	DRVR	22	M	H	HBD-UI		RAN OFF RD	N	B	0101	HONDA	1999	- 3	L	N	- H

VICTIM INFO

Role	Ext of Inj	Age	Sex	Seat Pos	Safety Equip	Ejected
DRVR	COMP PN	22	M	1	H -	3

Primary Rd OCEAN ST Distance (ft) I Direction Secondary Rd GRAHAM HILL RD NCIC 4402 State Hwy? N Route Postmile Prefix Postmile Side of Hwy
City SANTA CRUZ County SANTA CRUZ Population 5 Rpt Dist 4402 Beat 00C Type CalTrans Dist Badge 196 Collision Date 20100929 Time 1133 Day WED
Primary Collision Factor DRVR ALC|DRG Violation 23152A Collision Type HIT OBJECT Severity PDO # Killed 0 # Injured 0 Tow Away? Y Process Date 20110920
Weather1 CLEAR Weather2 Rdwy Surface DRY Rdwy Cond1 NO UNUSL CND Rdwy Cond2 Spec Cond 0
Hit and Run Motor Veh Involved With FIXED OBJ Lighting DAYLIGHT Ped Action Cntrl Dev NT PRS/FCTR Loc Type Ramp/Int

PARTY INFO

Party	Type	Age	Sex	Race	Sobriety1	Sobriety2	Move Pre Coll	Dir	SW Veh	CHP Veh	Make	Year	Sp Info	OAF1 Viol	OAF2	Safety Equip
1F	DRVR	61	M	W		DRUG	RAN OFF RD	S	D	2200	FORD	1987	- 3	A 22350	-	G -

VICTIM INFO

Role	Ext of Inj	Age	Sex	Seat Pos	Safety Equip	Ejected

X

Primary Rd OCEAN ST EXT Distance (ft) I Direction Secondary Rd GRAHAM HILL RD NCIC 4402 State Hwy? N Route Postmile Prefix Postmile Side of Hwy
City SANTA CRUZ County SANTA CRUZ Population 5 Rpt Dist 4402 Beat 00C Type CalTrans Dist Badge 196 Collision Date 20101129 Time 1048 Day MON
Primary Collision Factor IMPROP TURN Violation 22107 Collision Type HIT OBJECT Severity INJURY # Killed 0 # Injured 1 Tow Away? N Process Date 20111128
Weather1 CLEAR Weather2 Rdwy Surface DRY Rdwy Cond1 NO UNUSL CND Rdwy Cond2 Spec Cond 0
Hit and Run Motor Veh Involved With FIXED OBJ Lighting DAYLIGHT Ped Action Cntrl Dev NT PRS/FCTR Loc Type Ramp/Int

PARTY INFO

Party	Type	Age	Sex	Race	Sobriety1	Sobriety2	Move Pre Coll	Dir	SW Veh	CHP Veh	Make	Year	Sp Info	OAF1 Viol	OAF2	Safety Equip
1F	DRVR	45	M	W	HNBD		PROC ST	S	A	0100	CHRYS	1992	- 3	A 146012	-	B L

VICTIM INFO

Role	Ext of Inj	Age	Sex	Seat Pos	Safety Equip	Ejected
DRVR	COMP PN	45	M	1	B L	0

X

Primary Rd GRAHAM HILL RD Distance (ft) 0 Direction N Secondary Rd OCEAN ST NCIC 4402 State Hwy? N Route Postmile Prefix Postmile Side of Hwy
City SANTA CRUZ County SANTA CRUZ Population 5 Rpt Dist 4402 Beat 00C Type CalTrans Dist Badge 153 Collision Date 20120630 Time 2012 Day SAT
Primary Collision Factor UNSAFE SPEED Violation 22350 Collision Type AUTO/PED Severity INJURY # Killed 0 # Injured 1 Tow Away? Y Process Date 20130928
Weather1 CLEAR Weather2 Rdwy Surface DRY Rdwy Cond1 NO UNUSL CND Rdwy Cond2 Spec Cond 0
Hit and Run Motor Veh Involved With PED Lighting DARK - NO ST LTS Ped Action IN RD, SHLDR Cntrl Dev NT PRS/FCTR Loc Type Ramp/Int

PARTY INFO

Party	Type	Age	Sex	Race	Sobriety1	Sobriety2	Move Pre Coll	Dir	SW Veh	CHP Veh	Make	Year	Sp Info	OAF1 Viol	OAF2	Safety Equip
1F	DRVR	20	M	W	HNBD		PROC ST	S	A	0100	HYUND	2000	- 3	-	-	G -
2	PED	52	M	W	HNBD		PROC ST	S	N	6000	-		- 3	N	-	- -

VICTIM INFO

Role	Ext of Inj	Age	Sex	Seat Pos	Safety Equip	Ejected
PED	SEVERE	52	M	9	- -	3

X

X Those marked with X not in City DEIR

#170500 2007-AV. 2016/2017 COLLISIONS ON GRAHAM HILL RD AT INTERSECTION OF OCEAN ST. EXTENSION & OCEAN ST., CITY & COUNTY OF SANTA CRUZ

X

Primary Rd OCEAN ST **Distance (ft)** I **Direction** **Secondary Rd** GRAHAM HILL RD **NCIC** 4402 **State Hwy?** N **Route** **Postmile Prefix** **Postmile** **Side of Hwy**
City SANTA CRUZ **County** SANTA CRUZ **Population** 5 **Rpt Dist** SANTA **Beat** **Type** **CalTrans Dist** **Badge** 141 **Collision Date** 20140315 **Time** 1519 **Day** SAT
Primary Collision Factor NOT STATED **Violation** **Collision Type** HIT OBJECT **Severity** PDO **# Killed** 0 **# Injured** 0 **Tow Away?** N **Process Date** 20150212
Weather1 CLEAR **Weather2** **Rdwy Surface** DRY **Rdwy Cond1** NO UNUSL CND **Rdwy Cond2** **Spec Cond** 0
Hit and Run MSDMNR **Motor Veh Involved With** FIXED OBJ **Lighting** DAYLIGHT **Ped Action** **Cntrl Dev** FNCTNG **Loc Type** **Ramp/Int**

PARTY INFO

Party	Type	Age	Sex	Race	Sobriety1	Sobriety2	Move Pre Coll	Dir	SW Veh	CHP Veh	Make	Year	Sp Info	OAF1 Viol	OAF2	Safety Equip
1F	DRVR	998		IMP UNK	IMP UNK		U-TURN	S	F	2500	-	-	3	A 22100B	-	- B

VICTIM INFO

Role	Ext of Inj	Age	Sex	Seat Pos	Safety Equip	Ejected

Primary Rd GRAHAM HILL RD **Distance (ft)** 15 **Direction** S **Secondary Rd** OCEAN ST **NCIC** 4402 **State Hwy?** N **Route** **Postmile Prefix** **Postmile** **Side of Hwy**
City SANTA CRUZ **County** SANTA CRUZ **Population** 5 **Rpt Dist** 4402 **Beat** 00C **Type** **CalTrans Dist** **Badge** 198 **Collision Date** 20140406 **Time** 0008 **Day** SUN
Primary Collision Factor DRVR ALC|DRG **Violation** 23152 **Collision Type** SIDESWIPE **Severity** PDO **# Killed** 0 **# Injured** 0 **Tow Away?** Y **Process Date** 20150316
Weather1 CLEAR **Weather2** **Rdwy Surface** DRY **Rdwy Cond1** NO UNUSL CND **Rdwy Cond2** **Spec Cond** 0
Hit and Run MSDMNR **Motor Veh Involved With** PKD MV **Lighting** DARK - NO ST LTS **Ped Action** **Cntrl Dev** NT PRS/FCTR **Loc Type** **Ramp/Int**

PARTY INFO

Party	Type	Age	Sex	Race	Sobriety1	Sobriety2	Move Pre Coll	Dir	SW Veh	CHP Veh	Make	Year	Sp Info	OAF1 Viol	OAF2	Safety Equip
1F	DRVR	37	M	W	HBD-UI		PROC ST	S	A	0100	VOLKS	1998	-	- A 21658A	-	- B
2	PRKD	998					PARKED	N	A	0100	NISSA	1991	-	- N	-	- -

VICTIM INFO

Role	Ext of Inj	Age	Sex	Seat Pos	Safety Equip	Ejected
PASS		21	F	3	F H	3

Primary Rd GRAHAM HILL RD **Distance (ft)** I **Direction** **Secondary Rd** OCEAN ST EXT **NCIC** 4402 **State Hwy?** N **Route** **Postmile Prefix** **Postmile** **Side of Hwy**
City SANTA CRUZ **County** SANTA CRUZ **Population** 5 **Rpt Dist** 4402 **Beat** **Type** **CalTrans Dist** **Badge** 143 **Collision Date** 20150731 **Time** 1945 **Day** FRI
Primary Collision Factor IMPED TRAFFIC **Violation** 22400 **Collision Type** REAR END **Severity** INJURY **# Killed** 0 **# Injured** 1 **Tow Away?** N **Process Date** 20150829
Weather1 CLEAR **Weather2** **Rdwy Surface** DRY **Rdwy Cond1** NO UNUSL CND **Rdwy Cond2** **Spec Cond** 0
Hit and Run **Motor Veh Involved With** OTHER MV **Lighting** DAYLIGHT **Ped Action** **Cntrl Dev** NT PRS/FCTR **Loc Type** **Ramp/Int**

PARTY INFO

Party	Type	Age	Sex	Race	Sobriety1	Sobriety2	Move Pre Coll	Dir	SW Veh	CHP Veh	Make	Year	Sp Info	OAF1 Viol	OAF2	Safety Equip
1F	DRVR	20	M	H	HNBD		PROC ST	S	A	0100	FORD	2012	-	3 N	-	- G
2	DRVR	52	F	W	HNBD		PROC ST	S	A	0100	TOYOT	2012	-	3 N	-	- G
3	DRVR	21	M	W	HNBD		PROC ST	S	D	2200	CHEVR	-	3	N	-	- G

VICTIM INFO

Role	Ext of Inj	Age	Sex	Seat Pos	Safety Equip	Ejected
PASS		32	F	3	G	- 0
PASS	COMP PN	9	M	6	G	- 0
PASS		9	M	4	G	- 0
PASS		21	M	3	G	- 0

Primary Rd GRAHAM HILL RD **Distance (ft)** I **Direction** **Secondary Rd** OCEAN ST EXT **NCIC** 4402 **State Hwy?** N **Route** **Postmile Prefix** **Postmile** **Side of Hwy**
City SANTA CRUZ **County** SANTA CRUZ **Population** 5 **Rpt Dist** 4402 **Beat** 00C **Type** **CalTrans Dist** **Badge** 139 **Collision Date** 20151220 **Time** 1536 **Day** SUN
Primary Collision Factor UNKNOWN **Violation** **Collision Type** HIT OBJECT **Severity** PDO **# Killed** 0 **# Injured** 0 **Tow Away?** N **Process Date** 20160212
Weather1 RAINING **Weather2** **Rdwy Surface** WET **Rdwy Cond1** NO UNUSL CND **Rdwy Cond2** **Spec Cond** 0
Hit and Run **Motor Veh Involved With** FIXED OBJ **Lighting** DAYLIGHT **Ped Action** **Cntrl Dev** NT PRS/FCTR **Loc Type** **Ramp/Int**

PARTY INFO

Party	Type	Age	Sex	Race	Sobriety1	Sobriety2	Move Pre Coll	Dir	SW Veh	CHP Veh	Make	Year	Sp Info	OAF1 Viol	OAF2	Safety Equip
1	DRVR	34	F	W	HNBD		PROC ST	S	A	0100	HONDA	1999	-	3 A 22107	-	- C

VICTIM INFO

Role	Ext of Inj	Age	Sex	Seat Pos	Safety Equip	Ejected

Primary Rd GRAHAM HILL RD **Distance (ft)** I **Direction** **Secondary Rd** OCEAN ST EXT **NCIC** 4402 **State Hwy?** N **Route** **Postmile Prefix** **Postmile** **Side of Hwy**
City SANTA CRUZ **County** SANTA CRUZ **Population** 5 **Rpt Dist** 4402 **Beat** 00C **Type** **CalTrans Dist** **Badge** 196 **Collision Date** 20160106 **Time** 0141 **Day** WED
Primary Collision Factor IMPROP TURN **Violation** 22107 **Collision Type** HIT OBJECT **Severity** PDO **# Killed** 0 **# Injured** 0 **Tow Away?** N **Process Date** 20160303
Weather1 CLOUDY **Weather2** **Rdwy Surface** WET **Rdwy Cond1** NO UNUSL CND **Rdwy Cond2** **Spec Cond** 0
Hit and Run **Motor Veh Involved With** FIXED OBJ **Lighting** DARK - NO ST LTS **Ped Action** **Cntrl Dev** NT PRS/FCTR **Loc Type** **Ramp/Int**

PARTY INFO

Party	Type	Age	Sex	Race	Sobriety1	Sobriety2	Move Pre Coll	Dir	SW Veh	CHP Veh	Make	Year	Sp Info	OAF1 Viol	OAF2	Safety Equip
1F	DRVR	66	M	W	HNBD		PROC ST	N	A	0100	LOTUS	2005	-	3 F	-	- L

VICTIM INFO

Role	Ext of Inj	Age	Sex	Seat Pos	Safety Equip	Ejected

Primary Rd OCEAN ST EXT **Distance (ft)** I **Direction** **Secondary Rd** GRAHAM HILL RD **NCIC** 4402 **State Hwy?** N **Route** **Postmile Prefix** **Postmile** **Side of Hwy**
City SANTA CRUZ **County** SANTA CRUZ **Population** 5 **Rpt Dist** 4402 **Beat** 000 **Type** **CalTrans Dist** **Badge** 165 **Collision Date** 20160206 **Time** 1625 **Day** SAT
Primary Collision Factor UNKNOWN **Violation** **Collision Type** OVERTURNED **Severity** INJURY **# Killed** 0 **# Injured** 1 **Tow Away?** N **Process Date** 20160316
Weather1 CLEAR **Weather2** **Rdwy Surface** DRY **Rdwy Cond1** NO UNUSL CND **Rdwy Cond2** **Spec Cond** 0
Hit and Run **Motor Veh Involved With** NON-CLSN **Lighting** DAYLIGHT **Ped Action** **Cntrl Dev** FNCTNG **Loc Type** **Ramp/Int**

PARTY INFO

Party	Type	Age	Sex	Race	Sobriety1	Sobriety2	Move Pre Coll	Dir	SW Veh	CHP Veh	Make	Year	Sp Info	OAF1 Viol	OAF2	Safety Equip
1	BICY	45	M	O	HNBD		PROC ST	S	L	0400	-	-	3	N	-	- -

VICTIM INFO

Role	Ext of Inj	Age	Sex	Seat Pos	Safety Equip	Ejected
BICY	OTH VIS	45	M	1	W	- 1

X = not in city report

wittwer / parkin

June 30, 2017

VIA EMAIL AND U.S. MAIL

Mr. Ryan Bane, Senior Planner
City of Santa Cruz
Planning and Community Development Department
809 Center Street, Room 107
Santa Cruz, CA 95060
Email: rbane@cityofsantacruz.com

Re: 1930 Ocean Street Extension Residential Project
Comments on Draft Environmental Impact Report (SCH No. 2016102018)

Dear Mr. Bane:

This law firm represents the Ocean Street Extension Neighborhood Association (OSENA) regarding the above referenced matter. OSENA has multiple concerns regarding this project.

1 After careful review of the Draft Environmental Impact Report (DEIR) we have concluded that the document is woefully inadequate. The DEIR must be revised to address a number of issues that were not discussed, and released for a second round of public review.

Below, we provide specific itemized comments, each requiring a response pursuant to CEQA Guidelines § 15088(a).

2 1) Relying on CEQA Guidelines § 15128, the DEIR buries important discussion regarding impacts and mitigations. Section 15128 does not allow the City to rely on the Initial Study for potentially significant impacts and mitigations. The City may only defer to the Initial Study for subject matters where there is clearly no impact. The DEIR's extreme reliance on section 15128 makes the document confusing for the public and for the decisionmakers.

For instance, the DEIR never discusses biological impacts and noise, yet the Initial Study concludes that biological resources and noise are "potentially significant unless mitigation incorporated." (In the alternatives analysis, the DEIR also states that impacts to nesting birds and heritage trees are significant impacts. (DEIR, p. 5-14.)) Then the Initial Study recommends conditions of approval and mitigation measures for biological resources and noise. And, the

2 (cont.) DEIR does not discuss cultural resources yet also recommends conditions of approval. Section 15128 does not allow the City to dismiss discussion of biological resources, noise and cultural resources because they are discussed in the Initial Study. This severe flaw in the DEIR requires substantial revisions and recirculation of the DEIR.

3 2) The City revised the Initial Study in lieu of including information in the DEIR. There is no authority for the City to revise an Initial Study after the public has commented on the document, and then use the revised Initial Study instead of including information in the body of the DEIR. This also creates undue confusion. Highlighting this issue is that at first the Initial Study concluded that the Project would result in a potentially significant impact related to wildland fires, but then the amended Initial Study changes this conclusion and determines that the impact is less than significant. This sleight of hand is not permitted. The DEIR should be revised to address the significant wildfire risk.

3) The Project Objectives listed are a complete ruse. In fact, the Project Objectives misstate City policy in an attempt to cast the project as providing affordable housing. This attempt to shill the project is not only inappropriate, but misstates the true nature of the project.

4 The DEIR lists six project objectives. The first one states as an objective to "provide 40 new work force housing opportunities to the City of Santa Cruz per the Housing Element, Goal 1." (DEIR, p. 3-2.) However, Goal 1 says nothing about "work force" housing and simply states as a goal to provide diversity of housing types and affordability levels. A multi-family housing development is no better than a single-family housing development at meeting this goal since they both fit the portfolio of diverse housing.

4) What is the developers' definition of "work force" housing, and how does that differ from the definition of work force housing as defined by the City?

5 5) The DEIR states as an objective "to provide 40 affordable-by-design, moderate cost housing opportunities per the Housing Element, Goal 2." (DEIR, p. 3-2.) However, Goal 2 calls for providing and protecting "affordable housing to extremely low, very low, low, and moderate income households." The goal is designed to protect and increase affordable as defined by income levels, not the developer's own view of "affordable-by-design." The City's General Plan defines "affordable housing" as:

> Housing capable of being purchased or rented by a household with very low, low, or moderate income, based on a household's ability to make monthly payments necessary to obtain housing. Housing is considered affordable when a household pays less than 30 percent of its gross monthly income (GMI) for housing including utilities.\

(2030 General Plan, p. 186.)

These condominiums are market rate units. There is no indication anywhere in the information provided that this will be an affordable housing project for "moderate income" families. Moderate income has a specific definition. This is not a "moderate income" housing project designated and managed for moderate income families. Indeed, objective 6 is "To develop new housing opportunities in the ***free market***... ." Thus, this is not affordable housing and this objective must be removed.

5 (cont.)

6) What is the current income level that defines "moderate income" in Santa Cruz?

7) Will the developer agree to restrict the project to those with "moderate incomes" as defined in Santa Cruz?

8) The DEIR also states as an objectives "To provide housing opportunities to persons with disabilities, per the Housing Element Goal 3." (DEIR, p. 3-2.) This shamelessly stretches the term of housing for persons with disabilities beyond recognition. Goal 3 was intended to serve persons with physical and mental disabilities. Other than presumably meeting all ADA requirements for new development (which is required for all projects), this project is not designed specifically for the population intended to be served by Goal 3, and does not provide "supportive services" for this population as called for in Goal 3.

6

9) What specific amenities will be provided in the project for those with disabilities?

10) The DEIR also states in objective 4 that this is "infill housing." (DEIR, p. 3-3.) How is this "infill" development? The project, on the City's fringe, is separated from more dense development by other uses, agriculture and low density development. If this is infill development, then everything in the City is infill development. The project fails to meet this basic objective.

7

11) The DEIR states in objective 5 that the project will provide "housing opportunities that: Is close to Santa Cruz City core and services, [and c]an be accessed by public transportation... ." (DEIR, p. 3-3.) As the DEIR states elsewhere, "There is no current transit service in the area." (DEIR, p. 4.7-9.) Moreover, this project is not in the City's core. If this project is in the City's core, than all projects in the City are in the "City core." The DEIR renders the term "City core" absolutely meaningless. Thus, the project does not even meet this objective, and the DEIR must be revised accordingly.

8

12) Objective 6 is not a project objective at all and should be deleted. Developing homes

9

in the "free market," without "subsidies", "while paying application fees," and "providing substantial off-site community improvements" are not objectives. First, there can be no project without paying application or providing necessary off-site community improvements. Both are required for any project, and the DEIR does not state that the developers are paying for any additional improvements that they are not already obligated to provide. Application fees are simply required for any project. The fact that the developers are not seeking subsidies and are selling market-rate housing does not mean that these are project objectives, any more than a project objective "to finance a project through a bank" would be an objective. Finally, the argument that the developers' project provides jobs is besides the point. The developers contribution to the local economy is not the reason they are building the project. Objective 6 must be deleted as it is not a project objective under CEQA.

9 (cont.)

13) Because of the flawed project objectives, the Alternatives Analysis is also flawed. The discussion of the ability of alternatives to meet the project objectives is skewed. Indeed, under a true measurement of the project against the project objectives means that the project cannot meet the objectives. For instance, the project does not provide affordable housing.

10

14) The Community Design Standards referenced in the DEIR at page 4.1-2 includes "compatible exterior design and appearance with other existing buildings and structures in neighborhoods which has established architectural character worthy of preservation." The standards of significant include whether the project is "incompatible with the scale of the surrounding area... ." (DEIR, p. 4.1-6.) The Aesthetics section of the DEIR downplays the immediate vicinity of the project that would inform the review of this project pursuant to Community Design Standards. The DEIR never acknowledges the impacts of the project on the historic mausoleum on the Santa Cruz Cemetery site, and the impacts on the cemetery itself. The mausoleum is listed in the Santa Cruz Historic Building Survey. The DEIR never even mentions this fact, let alone analyze the impact on the surrounding use with a zoning designation of "Public Facility." The DEIR must be revised to address these impacts, and must address the impacts to adjacent historic mausoleum.

11

12

15) The DEIR contains a glaring error regarding "landmarks." The DEIR concludes that with respect to General Plan Policy CD3.2, which ensures "that the scale, bulk and setbacks of new development preserve public views of city landmarks where possible," that the project does not conflict with this project. "Project does not affect public views or City landmarks as none exist in the vicinity of the project." (DEIR, p. 4.7-9.) However, the mausoleum is on the Santa Cruz Historic Building Survey. The General Plan defines "landmark" as follows:

13

> (1) A building, site, object, structure, or significant tree, having ***historica***l, architectural, social, or cultural significance and marked for preservation by the local, state, or federal

13 (cont.)

government.
(2) A visually prominent or outstanding structure or natural feature that functions as a point of orientation or identification.

(2030 General Plan, p. 198 (emphasis added).) There are host of policies in the General Plan that protect landmarks such as the mausoleum. The DEIR must be revised to include impacts to the surrounding landmark and analyze the inconsistencies of the project with the General Plan.

14

16) Compounding the problem associated with the analysis of aesthetic impacts is the DEIR's comparison of the project to townhomes, condominiums and apartments on Ocean Street. (*See* for example, DEIR, p. 4.1-3, 4.1-10, 4.1-11, 4.7-2.) The property is located on the Ocean Street Extension, which has a very different feel and aesthetic than Ocean Street. Moreover, in a nod to the fact that Ocean Street Extension is a rural area, the DEIR states that a previous staff report for the project "indicated that the architectural designs and exterior finishes render a 'rural, farm-like style, which is appropriate for the rural context of the site.'" (DEIR, p. 4.1-10.) The DEIR must be revised to reflect the true, and admitted, rural location of the site, rather than comparing it to Ocean Street.

17) Why are there only two photo simulations of the area? Given the density differences between the project and the immediately surrounding uses, more simulations are necessary to show and analyze the significance of the project's impacts on aesthetics.

15

18) The DEIR's analysis of exterior lighting is inadequate. It simply concludes that as part of the Design Permit, lighting will be "directed downward." The intensity of the light also matters. Will there be a limit on lumens? Or will there be a limit on the number of lights on the exterior so that they are limited to what is necessary for security? The analysis must be updated to account for exterior nighttime lighting.

16

19) The DEIR states that because the project would contribute to the Ocean Street/Highway 1 Southbound Off Ramp intersection, there is a significant traffic impact. The mitigation then states that the project will contribute to the cost of signalizing the intersection and widening the off ramp.

"A commitment to pay fees without any evidence that mitigation will actually occur is inadequate." *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 140. When a project will result in an adverse change to the physical environment, CEQA instructs that

"the agency 'shall provide that measures to mitigate or avoid significant effects on the

> environment are fully enforceable through permit conditions, agreements, or other measures' ([Public Resources Code] § 21081.6, subd. (b)) and must adopt a monitoring program to ensure that the mitigation measures are implemented ([Public Resources Code] § 21081.6, subd. (a)). *The purpose of these requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded.* (See § 21002.1, subd. (b).)"

Federation of Hillside & Canyon Associations v. City of Los Angeles (2000) 83 Cal.App.4th 1252, 1260–126 (fn. omitted.)

In *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, the court considered a fair share mitigation fee program that required the proposed project to pay 16.87 percent of the estimated cost of an interstate highway interchange. *Id.* at 1188. After noting fee-based mitigation programs may constitute adequate measures under CEQA, *Anderson First* cautioned that "[t]o be adequate, these mitigation fees, in line with the principle discussed above, must be part of a reasonable plan *of actual mitigation* that the relevant agency commits itself to implementing." *Id.* at 1188 (italics added.) The mitigation measure in that case did not pass muster under CEQA because it was "vague regarding 'the program to provide [those] improvements'; in staff reports, City states it [was] preparing an update to the traffic impact fee program to include the I—5 interchange improvements, and note[d] that 'Condition 16 requires payment of the impact fee.'" *Id.* at 1188–1189. Instead, the City of Anderson was required to "make these fees part of a reasonable, enforceable plan or program that is sufficiently tied to the actual mitigation of the traffic impacts at issue." *Id.* at p. 1189.

16 (cont.)

The DEIR fails to disclose a plan for actual mitigation, and it must do so.

20) Is there a dedicated fund for these improvements Ocean Street/Highway 1 Southbound Off Ramp intersection?

21) Are there plans to actually complete the improvements to this intersection and off ramp of the Ocean Street/Highway 1 Southbound Off Ramp intersection? If so, what is the current estimated time for completion of these improvements?

17 22) The City's calculation for the net developable area of the parcel is incorrect. Page 4.7-3 of the DEIR states that there are 96,503 square feet of developable area based on 2.21 acres. The DEIR should be corrected to state that it is 96,267.6 (2.21 x. 43,560 square feet per acre).

18 23) The DEIR half-heartedly chooses to include a threshold of significance based on the

18 (cont.) City's General Plan: "introduce new land uses or alter the intensity of land uses, which could be considered incompatible with the surrounding land uses or with the general character of the area." The DEIR attempts to downplay inconsistency and states that "A potential effect on development patterns is not a potential impact under CEQA which is focused on physical impacts on the environment." Then it again uses development on Ocean Street as a reason why the project is compatible with surrounding land uses, which is completely different than Ocean Street Extension. The DEIR must analyze inconsistencies with General Plan policies related to density at the City's fringe, and incompatibility with surrounding land uses. The City's argument that this policy is not related to an environmental impact is entirely false. The policy clearly takes into account restrictions on infrastructure, availability of infrastructure, aesthetics, community compatibility and other qualities.

19 24) The DEIR fails to truly analyze the inconsistency of the project with the slope regulations in the Municipal Code. Municipal Code § 24.08-800 states emphatically that slope regulation modifications are for unique situations "where strict compliance with Section 24.14.030, subsection (d) creates a particular physical hardship and where no reasonable alternative to the exception exists... ." With a subdivision for 40 units, with a requested General Plan and zoning change t allow more dense development, there is no physical hardship and none could possibly be demonstrated. What is the physical hardship of complying with the slope regulations?

20 25) The DEIR concludes that Alternative 1 could have "similar or slightly reduced" impacts on visual character. (DEIR, p. 5-17.) However, as admitted elsewhere in the EIR, the proposed project "would appear more massive than a typical home as the second living floor would have the same floor area as the first, which is not always typical of larger single-family homes that have partial second stories." DEIR, p. 4.1-9.) Thus, to say that the Alternative 1, which is residential development under existing conditions, is similar or slightly reduced is incorrect. The DEIR must be corrected to reflect that there is a significant aesthetic difference between the proposed project and what could be constructed under the existing General Plan and zoning designations.

21 26) The DEIR notes that a heritage tree removal permit has already been approved. When discussing the alternatives, the DEIR then states that Alternative 1 "may result in a reduction of the number of trees to be removed. It is noted, however, that a heritage tree removal permit has already been approved by the City." (DEIR, p. 5-17.) This same statement was made for Alternative 2. (DEIR, p. 5-19.) And, it is noted that a tree removal permit has already been issued with respect to Alternative 3. (DEIR, p. 5-21.) The DEIR is fatally flawed in this regard, because it must analyze the impact of the tree removal as part of the project. A tree permit should not have been issued for those trees. Nevertheless, the DEIR must analyze the project and

21 (cont.)

the tree removal together. What the DEIR has done is "piecemeal" or "segment" review of these project-related actions.

The CEQA Guidelines state that "'Project' means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment... ." 14 Cal. Code Regs. § 15378(a). Precedent has long established that the environmental impacts of a project cannot be submerged by chopping a larger project into smaller pieces. *See Burbank-Glendale-Pasadena Airport Authority v. Hensler (1991)*233 Cal.App.3d 577, 592. "A project may not be divided into smaller projects to qualify for one or more exemptions" to avoid the responsibility of considering the environmental impact of the project as a whole. 14 Cal. Code Regs §21159.27.

> A public agency is not permitted to subdivide a single project into smaller individual subprojects in order to avoid the responsibility of considering the environmental impact of the project as a whole. "The requirements of CEQA, 'cannot be avoided by chopping up proposed projects into bite-size pieces which, individually considered, might be found to have no significant effect on the environment or to be only ministerial.' [Citation.]" [Citation] "[The] term 'project,' . . . means the *whole of an action* which has a potential for physical impact on the environment, and . . . '[the] term "*project*" *refers to the underlying activity and not the governmental approval process*.' [Citation.]" [Citation.] "It is, of course, too late to argue for a grudging, miserly reading of CEQA . . . . [The] Legislature intended CEQA 'to be interpreted in such manner as to afford the *fullest possible protection* to the environment within the reasonable scope of the statutory language.' (Italics added.) . . . [para.] One . . . overwhelming consideration which militates against deferring the preparation and consideration of an EIR . . . is the mandate of CEQA that environmental considerations do not become submerged by chopping a large project into many little ones–each with a minimal potential impact on the environment–which cumulatively may have disastrous consequences." (*Bozung* v. *Local Agency Formation Com.* (1975) 13 Cal.3d 263, 274, 283-284... .)

Orinda Ass'n v Board of Supervisors (1986) 182 CA 3d 1145, 1171. CEQA mandates "that environmental considerations do not become submerged by chopping a large project into many little ones — each with a . . . potential impact on the environment — which cumulatively may have disastrous consequences." *Bozung v. Local Agency Formation Comm., supra,* 13 Cal.3d at 283-284.

When evaluating environmental impacts under CEQA, it is key to properly define the scope of the project. A project is required to be defined broadly. "A public agency is not permitted to subdivide a single project into smaller individual subprojects in order to avoid the

responsibility of considering the environmental impact of the project as a whole." *Orinda Ass'n v. Board of Supervisors*, *supra*, 182 CA 3d at 1171; *City of Santee v. County of San Diego (Santee)* (1989) 214 Cal.App.3d 1438, 1452. "An accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." *Burbank-Glendale-Pasadena Airport Authority v. Hensler, supra,* 233 Cal.App.3d at 592, *citing McQueen v. Bd. of Directors* (1988) 202 Cal. App. 3d 1136, 1143. "A narrow view of a project could result in the fallacy of division, that is, overlooking its cumulative impact by separately focusing on isolated parts of the whole." *Id.* There exists a real danger in the filing of separate environmental documents for the same project because consideration of the full impact on the environment may never occur. *Santee*, *supra,* 214 Cal. App. 3d at 1452, *citing Citizens Assoc. For Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 166.

Segmentation is present when a project is part of a much larger project. *Arviv Enterprises, Inc v. South Valley Area Planning Commission* (2002) 101 Cal.App.4th 1333 (where a developer sought approval of a project through a series of numerous applications for categorical exemptions, mitigated Negative Declarations and variances, an EIR was required for the entire project.) An EIR must analyze two actions together when they are steps to achieve the same objective. *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214 (an agency engaged in unlawful segmentation of its environmental review of a proposed home improvement center because the Negative Declaration did not identify and analyze the impacts of constructing improvements to adjacent roadways which were a required condition of approving the center); *Nelson v. County of Kern* (2010) 190 Cal. App. 4th 252 (mining company's proposed mining operations and reclamation plan together constituted a single project because both aspects were integrally related and constituted the whole of the action or the entire activity for which approvals were being sought); *Association for a Cleaner Environment v. Yosemite Community College Dist.* (2004) 116 Cal.App.4th 629 (closure, cleanup and destruction of a shooting range, as well as the transfer of the shooting range operations to a new location, should be considered one project for purposes of CEQA).

21 (cont.)

The DEIR here clearly violates this standard. This flaw is compounded by the DEIR pretending that all alternatives are equal regarding tree removal simply because a permit is already issued. The DEIR must be revised to include discussion of the tree removal permit and its impacts in relation to the development, and the alternatives must be revised to assume that the trees do not have to be removed. Moreover, even if a permit has been issued, the applicant can elect not to remove the trees pursuant to the permit.

27) For hydrology and water quality impacts for Alternative 1, the DEIR assumes that "This alternative would have nine buildings with an expected similar footprint [to the project]. Thus, impervious surfaces would be similar or slightly reduced than the proposed project."

22

(DEIR, p. 5-18.) However, this is disingenuous. The proposed project would have far more parking and impervious surfaces than a single-family home development. The DEIR must be revised to compare the total impervious surface area, including all parking lots and other facilities for the proposed project, as compared to Alternative 1.

22 (cont.)

28) How many square feet of impervious area will be created under the proposed project?

29) How many square feet of impervious area would be created under Alternative 1?

30) The DEIR concludes that Alternative 3 best meets project objectives. However, as discussed above, the project objectives are flawed and illusory. Moreover, it is clear that Alternative 1 has less impacts than Alternative 3. Alternative 1 has less impacts for scenic resources and GHG emissions. (DEIR, p. 5-24.) The DEIR states that Alternative 3 does not meet objectives 1, 2 and 6 (DEIR, p. 5-22), and that Alternative 2 does not meeting objectives 1, 2, 4 and 6. (DEIR, p. 5-19). Thus, the DEIR concludes that the only difference is objective 4. However, Objective 4 is to provide new infill housing. As we have stated in these comments, this project is not infill development. Nevertheless, assuming for the sake of argument that this is an infill parcel, whatever development occurs is then infill, whether it is nine units or 40. Moreover, since the project cannot by any stretch of the imagination meet its own objectives 1 and 2 regarding affordable housing, the Alternatives cannot be penalized for not meeting this objective. The Alternatives Analysis is fatally flawed.

23

31) The project objectives were drawn too narrowly. For instance, objective 6 simply states as an objective to build 40 units. However, to cast alternatives as not meeting objectives because it does not meet this magic number violates CEQA. This objective is so narrowly tailored that viable alternatives become "infeasible" in the DEIR's analysis.

> The purpose of an EIR is not to identify alleged alternatives that meet few if any of the project's objectives so that these alleged alternatives may be readily eliminated. Since the purpose of an alternatives analysis is to allow the decision maker to determine whether there is an environmentally superior alternative that will meet most of the project's objectives, the key to the selection of the range of alternatives is to identify alternatives that meet most of the project's objectives but have a reduced level of environmental impacts.

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Watsonville Pilots Assn. v. City of Watsonville, supra, 183 Cal.App.4th at 1089.

Moreover, the remainder of the flawed objective 6 can be met with any of the alternatives. For instance, they can all be constructed without subsidies, while paying application

fees, providing substantial offsite improvements, and creating jobs. As indicated above, this objective is not a proper objective. But, assuming for the sake of argument that it is, all the alternatives can meet this objective.

24 (cont.)

Thus, the objectives and alternatives analysis must be revised.

32) The DEIR's discussion of the project's conflicts states that:

> It is noted that there are other policies in these plans which are applicable to the project, and which address a broader ranger of land use, project design, circulation, and planning concerns. Project consistency with local adopted plans and policies will be determined ultimately by the City Council. Because the policy language found in any city or county general plan is often susceptible to varying interpretations, it si often difficult to determine, in a draft EIR, whether a proposed project is consistent or inconsistent with such policies.

(DEIR, p. 4.7-5 - 4.7-6.) The DEIR then relies on old cases, such as *No Oil, Inc. v. City of Los Angeles* (1987) 196 Cal.App.3d 223, and *Sequoyah Hills Homeowners Association v. City of Oakland* (1993) 196 Cal.App.4th 704, regarding interpretation of the General Plans. However, more recent caselaw has made it clear that the project must comply with all relevant mandatory General Plan policies. *Orange Citizens for Parks & Recreation v. Superior Court* ("Orange Citizens") (2016) 2 Cal.5th 141, 157; *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 782. Courts do not defer to a lead agency's failure to comply with or address any General Plan policy that is fundamental, mandatory, and clear. *Orange Citizens*, *supra*, 2 Cal.5th at 157 (citing *Families Unafraid to Uphold Rural El Dorado County v. Board of Supervisors* (1998) 62 Cal.App.4th 1332, 1342).

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Nevertheless, the DEIR's assertions regarding General Plan interpretation are irrelevant. In *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 933-934, the City of Newport Beach took the position that it was not required to make a determination as to the presence of environmentally sensitive habitat areas (ESHA) in the California Coastal Zone because such findings were "within the discretion of the Coastal Commission," not the agency preparing the EIR. The city claimed that identification of potential ESHA would be speculative. *Id.* at 938. The Court disagreed, stating:

> Essentially, the City claims it was entitled to ignore the fact that Banning Ranch is in the coastal zone. The City's position is untenable. CEQA sets out a fundamental policy requiring local agencies to "integrate the requirements of this division with planning and environmental review procedures otherwise required by law or by local practice so that all

> those procedures, to the maximum feasible extent, run concurrently, rather than consecutively."

Id. at 936 (citing Pub. Res. Code § 21003, subd. (a). Regarding the city's contention that its discussion of ESHA would be speculative, the Court countered, "The fact that precision may not be possible . . . does not mean that no analysis is required. 'Drafting an EIR . . . involves some degree of forecasting . . . . [A]n agency must use its best efforts to find out and disclose all that it reasonably can.' (citation.)" *Id.* at 938-939.

25 (cont.)

Here, the City's attempt to avoid analysis of the project's consistency with the General Plan runs counter to the City's undisputable duty to assess the Project's consistency with the General Plan. Even if City staff are not ultimately responsible for the interpretation of the General Plan, they cannot simply throw up their hands and refuse to even attempt to determine the project's General Plan consistency. To do so represents a failure of the City to "use its best efforts to investigate and disclose" whether the Project complies with the General Plan. *Id.* at 936. The City is not permitted to ignore the provisions of its own General Plan, delaying the disclosure of this information until the day the City Council considers this Project. *Id.* at 936, 939.

33) The DEIR dismisses the cumulative impact associated with the City's inadequate water supply. The City claims that "The proposed project would result in a net increase in water demand of approximately 2.0 MGY, which is not considered substantial in relation to the estimated future demand in the City's water service area of approximately 3,200 MGY." (DEIR, p. 5-10.) The DEIR further states that:

> The increase in water demand due to the proposed project would not substantially exacerbate water supply reliability in the future or during a drought because the amount of additional demand when spread across all service area customers would not result in any noticeable increase in the curtailment in customer use that would otherwise be implemented during drought conditions... . Therefore, the project's incremental contribution to a significant cumulative water supply impact would not be cumulatively considerable.

26

(DEIR, p. 5-11.) The DEIR also dismisses the cumulative impacts related to two intersections because "the project's contribution ... would be minor." (DEIR, p. 5-12.) (Related to this issue, the City also uses the incorrect standard of significance for determining traffic impacts within the City by assuming that only an increase in three percent increase in trips regardless of the current Level of Service. DEIR, p. 4.5-14.) The analysis in the DEIR is contrary to the principles for analyzing cumulative impacts. Water supply is a perennial problem in the City and County. The

dire status of water supply means that even greater care and attention is needed to analyze the direct and cumulative impacts of this project. And, traffic at the identified intersections is already at an unacceptable Level of Service.

In an analogous case,

> the significance of an activity depends upon the setting. (Guidelines § 15064, subd. (b)). The relevant question to be addressed in the EIR is not the relative amount of precursors emitted by the project when compared with preexisting emissions, but whether any additional amount of precursor emissions should be considered significant in light of the serious nature of the ozone problems in this air basin.

Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 718. Here, the DEIR makes absurd and circular arguments that the project's contribution to the problem is small, thus, there is no cumulative impact. This violates CEQA because it minimizes the cumulative impact of development. The whole point of the cumulative impact analysis is to look at those impacts in conjunction with other developments to determine whether the impacts are cumulatively significant. "Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." CEQA Guidlines § 15355. The City cannot escape this analysis by simply saying the project's contribution is small.

26 (cont.)

34) Finally, the DEIR fails to identify mitigation measures to address cumulative impacts. The DEIR concludes with respect to the impacts to state highways that "implementation of recommended improvements and alternative transportation facilities cannot be assured, and the impact under the cumulative conditions remains significant, at City intersections and along state highways that is a significant cumulative impacts." (DEIR, p. 5-12.) However, the DEIR never identifies a mitigation measure.

The City *must* consider mitigation measures designed to reduce the project's cumulative impacts. CEQA Guidelines, section 15130 requires the City to "examine reasonable, feasible options for mitigating or avoiding the [P]roject's contribution to any significant cumulative effects." There are a multitude of cases that discuss a lead agency's duty to consider and implement feasible mitigation measures specifically designed to address cumulative impacts. *See, e.g., Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 729; *In re Bay-Delta etc.* (2005) 133 Cal.App.4th 154, 217; *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1989) 209 Cal.App.3d 1502, 1527; *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1189; *East Bay Mun. Util. Dist. v. Cal. Dep't of Forestry & Fire Protection* (1996) 43 Cal.App.4th 1113, 1129; *City of Marina v. Board of Trustees of California State University* (2006) 39 Cal.4th 341, 364; *Citizens to Preserve the Ojai*

26 (cont.) *v. County of Ventura* (1985) 176 Cal.App.3d 421, 431. By not proposing mitigation measures to address the project's cumulative traffic impacts, the City ignores an explicit CEQA mandate and contradicts the vast weight of legal authority. And, if there is no mitigation, then the DEIR must identify this impact as significant and unavoidable.

For the foregoing reasons, the DEIR must be substantially revised and recirculated for public review and comment. The DEIR is inadequate and the changes necessary to make it adequate are substantial.

Pursuant to Public Resources Code § 21167(f), we are requesting that the City forward a Notice of Determination to us if and when the Project is finally approved. That section provides:

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> If a person has made a written request to the public agency for a copy of the notice specified in Section 21108 or 21152 prior to the date on which the agency approves or determines to carry out the project, then not later than five days from the date of the agency's action, the public agency shall deposit a written copy of the notice addressed to that person in the United States mail, first class postage prepaid.

Thank you for your consideration of these comments. I look forward to the City's written responses.

Very truly yours,
WITTWER PARKIN LLP

William P. Parkin.

cc: client

From: SCCSP Santa Cruz County Sheriff's Posse [mailto:info@sccsp.org]
Sent: Friday, June 30, 2017 12:59 PM
To: Ryan Bane
Subject: Letter of concern for condo project

June 29, 2017

To: Ryan Bane, City of Santa Cruz

From: Santa Cruz County Sheriff's Posse

2127 Ocean St. Ext.

Santa Cruz, CA 95060

Dear Ryan Bane:

1 I represent the Sheriff Posse organization, which maintains a clubhouse and horse facility on Ocean St. Extension. I am concerned that the proposed width of Ocean Street Extension at its southern end will cause a problem for our members and guests who arrive and leave with a horse trailer. The 8.75 lane width will be far too narrow for us to safely navigate that area, particularly with the added traffic from the proposed development.

Thank you for considering my comment.

Nancy Murray

President, of S.C.C.S.P.

WWW.SCCSP.org

From: Lorenzo Rota <lorenzo@lorenzorota.com>
Sent: Friday, June 30, 2017 5:25 PM
To: Ryan Bane
Cc: Lorenzo Rota; Richelle Noroyan
Subject: Comments on 1930 Ocean Street Extension EIR Report - from Villa Granada Homeowners Association(Ocean Extension and Jewell Street)

City of Santa Cruz Department/Division
Department of Planning & Community Development Address
809 Center Street, Room 107 Santa Cruz, CA 95060
Contact Person: Ryan Bane, Senior Planner
Phone: (831) 420-5141 email: rbane@cityofsantacruz.com

Dear Mr. Ryan Bane:

I am writing as the President of the Board of the Villa Granada Homeowners Association, a 20 unit condominium complex built in 1979.

We object to certain elements of the EIR proposed for the development at 1930 Ocean Street Extension.

1 We object to 40 units proposed on property originally zoned for 10 units. We believe that the change to higher density is inappropriate to this area adjacent to semi-rural area with organic farms and low density single family home and is out of character for the area. This is especially true due to the lack of significant mass transit on this road that would alleviate resulting new auto traffic.

In addition, we take issue with the Traffic studies that are outdated and do not reflect new traffic that will result with new 2 developments currently under construction at 150 Jewell Street (50 units Memory Care Center) and the 11 unit development at Ocean/Jewell streets. In addition the traffic studies were done in October and February which are NOT as busy as the summer tourist months (May to August)

The EIR itself indicate that both traffic studies cited(October 2014 and Feb 2015) are older than 2 years. Traffic studies are required to be less than 2 years old.

2 On the EIR page 4.5-14 Analytical methods this statement is made: "While the counts are slightly over two years old, the City has indicated that development and traffic has not substantially changed in two years to warrant new counts". We highly object to this unsubstantiated claim by the city. This statement is false when we consider the 2 new projects nearing completion at the intersection of Jewell and Ocean Street.

Furthermore, residents in our association have noted significant traffic deterioration at certain peaks time within the last 12-18 months especially during the summer tourist season.

We believe this change to traffic patterns are the result of new GPS traffic apps like Waze that dynamically route Highway 17 traffic down Sims Road when there is heavy traffic on Hwy 1 and 17 interchange. There has been many recent stories in the media on how nearby communities like Los Gatos have been heavily impacted in just the last year by new traffic from the Waze app, requiring them to shut traffic on certain exits to alleviate gridlock.