

FINAL ENVIRONMENTAL IMPACT REPORT

Riverfront Project

SCH NO: 2019110392



City of Santa Cruz
Planning and Community Development Department

July 2020

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PREPARED FOR

CITY OF SANTA CRUZ

Planning and Community Development Department

PREPARED BY

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Santa Cruz, California

July 2020

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CHAPTER 1

INTRODUCTION

1.1 PURPOSE OF THE EIR

This EIR has been prepared for the City of Santa Cruz (City), which is the lead agency for the Riverfront Project (Project). This document, together with the Draft EIR dated May 2020, constitute the Final EIR for the proposed Riverfront Project. This EIR has been prepared in accordance with the California Environmental Quality Act (CEQA), which is found in the California Public Resources Code, Division 13, and with the State CEQA Guidelines, which are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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

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

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

Pursuant to CEQA (Public Resources Code section 21002), public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures, which would substantially lessen the significant environmental effects of such projects. Pursuant to section 15021 of the State CEQA Guidelines, CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible. According to the State CEQA Guidelines, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. This section further indicates that CEQA recognizes that in determining whether and how a project

should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors, and an agency shall prepare a “statement of overriding considerations” as to reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment. The environmental review process is further explained below in subsection 1.4.

1.2 PROJECT OVERVIEW

The proposed Riverfront Project (Project) consists of demolition of existing commercial buildings and the construction of a seven-story, 188,694-square-foot, mixed-use building with 175 residential condominium units and 11,498 square feet of ground floor and levee-front commercial space. A total of 20 residential units would be designated as affordable housing, with 15 units for very-low-income households and 5 units for low-income households. The Project applicant is seeking a 35-percent density bonus pursuant to state and local law (Government Code Section 65915 and City of Santa Cruz Municipal Code Chapter 24.16, Part 3). See Chapter 3, Project Description, in the Draft EIR volume for a full description of the Project.

1.3 SCOPE OF THE EIR

1.3.1 Review of Environmental Impacts

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

... a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether a physical change is significant.

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

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

1.3.2 Consideration of Existing Environmental Documents

In analyzing a proposed project, the City may consider whether existing environmental documents already provide an adequate analysis of potential environmental impacts. An earlier analysis may be used where, pursuant to tiering, program EIR, or other CEQA provisions, if it can be determined that one or more effects have been adequately analyzed in an earlier EIR or negative declaration (State CEQA Guidelines section 15063(c)(3)(D)). If an earlier analysis is used, the Initial Study checklist discussion should identify: a) the earlier analyses and state where they are available for review; b) identify which effects were adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis; and c) describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

In preparing this EIR, the City considered earlier analyses in the General Plan 2030 EIR and in the Downtown Plan Amendments EIR. On June 26, 2012, the Santa Cruz City Council adopted the *General Plan 2030* after certifying an EIR for the plan. The *General Plan 2030* EIR includes the Draft EIR volume (September 2011) and the Final EIR volume (April 2012). The General Plan EIR reviewed all of the recommended topics included on the Appendix G environmental checklist in the State CEQA Guidelines as well as all sections required to be included in an EIR. The General Plan EIR is a “program” EIR prepared pursuant to State CEQA Guidelines Section 15168, which reviewed environmental impacts associated with future development and buildout within the City’s planning area that would be accommodated by the General Plan.

The Santa Cruz City Council approved amendments to the Downtown Plan (formerly Downtown Recovery Plan [DRP]) in November 2017. A program EIR was prepared pursuant to section 15168 of the State CEQA Guidelines, which evaluated effects of the 2017 Plan amendments and was certified on November 14, 2017; the EIR includes the Draft EIR volume (July 2017) and the Final EIR volume (October 2017). The Downtown Plan amendments included additional height allowances under specified circumstances and other revised development standards that could lead to potential increased development in the downtown area. Potential future development within the Downtown Plan area with the amendments was estimated by City staff as 880 new residential units, 305,007 square feet of commercial uses, and 124,057 square feet of office uses, resulting in a net increase of 711 residential units, approximately 2,200 square feet of office space, and a decrease in commercial space of approximately 14,700 square feet. This level of potential

new development in the downtown area was evaluated in the EIR, including potential development on the Project site. The Downtown Plan Amendments EIR evaluated impacts of this level of potential future development and addressed aesthetics, air quality and greenhouse gas emissions, biological resources, cultural and tribal cultural resources, hydrology and water quality, public services, transportation and traffic, water and wastewater utilities, and land use. The EIR also evaluated amendments to the *General Plan 2030* and the City's Local Coastal Program (LCP) related to the downtown area.

CEQA also allows a lead agency to avoid repeating analyses that were already provided in a certified General Plan EIR for a development project that is consistent with the General Plan. Public Resources Code section 21083.3 and its parallel CEQA Guidelines provision, section 15183, provide for streamlined environmental review for projects consistent with the General Plan for which an EIR was certified. Under these provisions of CEQA, a project that is consistent with a General Plan that was adopted pursuant to a certified EIR, could be potentially partially or wholly exempt from further CEQA analyses.

1.3.3 Riverfront Project EIR Scope of Work

The City considered earlier analyses in the certified General Plan 2030 and Downtown Plan Amendments EIRs when it prepared an Environmental Checklist for the proposed Project to determine whether impact analyses in these EIRs had adequately addressed any potential impacts of the proposed Project, consistent with the provisions of Public Resources Code section 21083.3 and CEQA Guidelines section 15183. The Project site is designated Regional Visitor Commercial (RVC) in the City's *General Plan 2030* and is zoned Central Business District (CBD). The proposed Project is consistent with both designations, and the General Plan strongly encourages mixed-use development in RVC districts. For the Downtown Area, the General Plan indicates that the Regional Visitor Commercial designation "emphasizes a mix of regional office and retail uses, residential and mixed-use developments, restaurants, and visitor attractions such as entertainment venues," and that the Downtown Recovery Plan provides detailed requirements for this area. In the downtown area, the General Plan allows a floor area ratio (FAR) of up to 5.0. The Project's proposed FAR is 4.44, which is within the allowed FAR established in the General Plan as amended in 2017 as part of the Downtown Plan Amendments.

While the *General Plan 2030* EIR considered the impacts of repurposing, intensifying, and redeveloping existing developed parcels in the City as a whole, specific future development of the Project site was not noted or specifically evaluated in the General Plan EIR, and there were no site-specific impacts identified for the Project site. However, as part of the overall estimated buildout, the EIR considered construction of new housing units and non-residential uses in the City with an estimated buildout of 3,350 new residential units and approximately 1,090,000 square feet of commercial uses throughout the City by the year 2030 (City of Santa Cruz 2012, DEIR volume-page 3-13). Since adoption of the General Plan, approximately 1,840 residential units, including single-family homes and accessory dwelling units, and 545,000 square feet of commercial space have been constructed or approved throughout the City. Thus, the proposed 175 residential units and

approximately 11,500 square feet of commercial space would be within the remaining residential and commercial buildout estimates considered in the city-wide General Plan EIR impact analyses.

The Downtown Plan Amendments EIR assessed potential future development with an estimated net increase of 711 residential units and approximately 2,200 square feet of office space with a decrease in commercial space of approximately 14,700 square feet in the downtown area. The Project site is located in the “Area X” considered in the Downtown Plan Amendments EIR, which is located on the east side of Front Street between Laurel and Soquel. The Downtown Plan EIR estimated that buildout with the Downtown Plan Amendments could potentially result in a net increase of approximately 321 residential units and approximately 11,200 square feet of commercial space in this area. Thus, the proposed 175 residential units and 11,498 square feet of commercial space, which is a reduction in current commercial square footage, are within the amount of development considered in the Downtown Plan EIR for all areas evaluated, as well as the specific area in which the proposed Project is located.

An environmental checklist was prepared for the proposed Project in support of the EIR Notice of Preparation (NOP). The NOP is included in Appendix A, and the checklist is included in Appendix B. The purpose of the checklist was to evaluate the impact categories covered in the City’s certified Downtown Plan Amendments EIR and General Plan EIR to determine whether the Project’s impacts had been adequately analyzed in previous EIRs pursuant to CEQA or whether any new significant impacts peculiar to the Project or Project site would result. Where an impact resulting from the project was previously adequately analyzed, the review provides a cross-reference to the pages in the Downtown Plan Amendments EIR and/or General Plan EIR where information and analysis may be found relative to the environmental issue listed under each topic. The checklist also identifies whether the Project involves new significant impacts or substantially more severe impacts than analyzed in the Downtown Plan Amendments EIR and/or General Plan EIR or new significant impacts not peculiar to the site or Project. The checklist concluded that cultural resources (historical resources) and energy required additional analysis. (See Appendix B for further explanation.)

Based on the analyses in the Environmental Checklist and responses to the NOP (as discussed below), this EIR evaluates potentially significant impacts for the topics listed below. As a result of the EIR scoping process, the City also chose to further analyze issues related to biological resources, geology/soils, and land use in the EIR. The EIR also evaluates topics required by CEQA and CEQA Guidelines for all EIRs, including growth inducement, project alternatives, and cumulative impacts. Other issues not included in the EIR are evaluated in the 2019 Environmental Checklist, which is included in Appendix B and also is available for review on the Planning Department’s website at: www.cityofsantacruz.com/CEQA.

- ☐ Biological Resources
- ☐ Cultural Resources
- ☐ Geology and Soils
- ☐ Energy Conservation
- ☐ Land Use

Where applicable and as noted, this EIR tiers from the Downtown Plan Amendments EIR, (SCH#2017022050), which was certified on November 14, 2017. Pursuant to Public Resources Code section 21068.5, “tiering” or “tier” means the coverage of general matters and environmental effects in an environmental impact report prepared for a policy, plan, program or ordinance followed by narrower or site-specific environmental impact reports which incorporate by reference the discussion in any prior environmental impact report and which concentrate on the environmental effects which (a) are capable of being mitigated, or (b) were not analyzed as significant effects on the environment in the prior environmental impact report. According to CEQA Guidelines section 15152, agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including general plans, zoning changes, and development projects. This approach can eliminate repetitive discussions of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering shall be limited to situations where a project is consistent with the general plan and zoning. As discussed above the proposed Project is consistent with the General Plan designation, as well as the zoning designation (see Section 4.5, Land Use, for further discussion).

The Project site is located within the geographical area covered by the Downtown Plan Amendments EIR, and the proposed development is within the level of development analyzed in the EIR. Therefore, the City has determined that the proposed Project is within the scope of activities outlined in the prior Downtown Plan Amendments EIR and its impacts were generally analyzed in the EIR. The analyses in this EIR focus in greater detail on the environmental effects that could result from the proposed Project at the proposed location.

The EIR also draws from the City of Santa Cruz *General Plan 2030* EIR (SCH#2009032007), which was certified on June 26, 2012. Relevant sections of the General Plan EIR, as well as the Downtown Plan Amendments EIR, are incorporated by reference in accordance with section 15150 of the State CEQA Guidelines. The specific sections of these prior EIRs that are relied upon and incorporated by reference in this EIR are noted and explained in the relevant sections of this EIR.

The Downtown Plan Amendments EIR and General Plan EIR are available for review at the City of Santa Cruz Planning and Community Development Department (809 Center Street, Room 101, Santa Cruz, California) by appointment during normal business hours (Monday through Thursday, 7:30 AM to 12 PM and 1 PM to 3 PM). See City contact information in section 1.4.2 to make an appointment. Both EIRs are also available online on the City’s website at:

- Downtown Plan Amendments EIR
<http://www.cityofsantacruz.com/Home/Components/BusinessDirectory/BusinessDirectory/101/2849>
- General Plan 2030 EIR
<http://www.cityofsantacruz.com/government/city-departments/planning-and-community-development/long-range-policy-planning/general-plan>

1.4 ENVIRONMENTAL REVIEW AND APPROVAL PROCESS

1.4.1 Scoping

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

A Notice of Preparation (NOP) for this EIR was circulated for a 30-day comment period on November 20, 2019. The NOP was circulated to the State Clearinghouse and to local, regional, and federal agencies in accordance with State CEQA Guidelines. The NOP also was sent to organizations and interested citizens that have requested notification in the past. The NOP is included in Appendix A. A public scoping meeting was held on December 4, 2019 to receive oral comments on the EIR scope.

Written comments were received in response to the NOP from three public agencies (California Coastal Commission, California Native Heritage Commission, and FEMA) and three individuals. These letters are included in Appendix A. The comments have been taken into consideration in the preparation of this EIR for comments that address environmental issues.

1.4.2 Public Review of Draft EIR

The Draft EIR was published and circulated for review and comment by the public and other interested parties, agencies, and organizations for a 45-day public review period from May 11 through June 24, 2020. The City of Santa Cruz encouraged public agencies, organizations, community groups, and all other interested persons to provide written comments on the Draft EIR prior to the end of the 45-day public review period. Section 15204(a) provides guidance on the focus of review of EIRs, indicating that in reviewing draft EIRs, persons and public agencies “should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated,” and that comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. This section further states that: “CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

Seventeen letters or emails of comment were received including from one public agency, two organizations and 14 individuals. Agencies, organizations and individuals that submitted written comments on the draft EIR are outlined below.

A. State & Local Agencies

1. Santa Cruz County Regional Transportation Commission

B. Organizations

1. Bike Santa Cruz County
2. Sierra Club

C. Individuals

1. Christine Fahrenbach
2. Margo Fisher
3. Gillian Greensite
4. Carolyn Israel
5. Susan Kauffman
6. Kristin (No Last Name)
7. Jane Mio
8. Vivienne Orgel
9. Holly Schipper
10. Russell Weisz
11. Online Comments: John Frazer, Linda Rosewood, David Mintz, John Hall

This Final EIR volume includes written responses to significant environmental issues raised in comments received during the public review period in accordance with CEQA Guidelines section 15088. The Final EIR also includes Draft EIR text changes and additions that became necessary after consideration of public comments. (See CEQA Guidelines, § 15088, subd. (c)).)

1.4.3 Final EIR / Project Approval

The Final EIR, which includes both the Draft and Final EIR documents, will be presented to the City Council. The City Council will make the final decision on certification of the EIR and the Riverfront Project. The Project also will be reviewed by the City Historic Preservation Commission and the Planning Commission, which will provide a recommendation to the City Council. The City Council must ultimately certify that it has reviewed and considered the information in the EIR, that the EIR has been completed in conformity with the requirements of CEQA, and that the document reflects the City's independent judgment.

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

- (a) The public agency makes one or more of the following findings with respect to each significant effect:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects on the environment.
 - 2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

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

1.4.4 Adoption of Mitigation Monitoring & Reporting Program

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

1.5 ORGANIZATION OF DRAFT EIR

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

- ❑ **Chapter 1, Introduction**, explains the CEQA process; describes the scope and purpose of this Draft EIR; provides information on the review and approval process; identifies intended uses of the EIR; and outlines the organization of the Draft EIR document.

- ❑ **Chapter 2, Summary**, presents an overview of the Project; provides a summary of the impacts of the Project and mitigation measures; provides a summary of the alternatives being considered; includes a discussion of known areas of controversy; and lists the topics not carried forward for further analysis.
- ❑ **Chapter 3, Changes to Draft EIR**, outlines revisions to the Draft EIR text as a result of review of comments and responses as may be needed. Additional clarification provided by City staff also is included.
- ❑ **Chapter 4, Public Comments and Responses**, includes each comment letter with responses to comments immediately following the comment letter.
- ❑ **Appendix A** includes the Mitigation Monitoring and Reporting Program for the Project.

CHAPTER 2

SUMMARY

2.1 INTRODUCTION

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

2.2 PROJECT OVERVIEW

This Environmental Impact Report (EIR) addresses the potential environmental effects of construction of a mixed-use project in downtown Santa Cruz. The Riverfront Project consists of demolition of existing commercial buildings and the construction of a seven-story, 188,694-square-foot, mixed-use building with 175 residential condominium units and 11,498 square feet of ground floor and levee-front commercial space. A total of 20 residential units would be designated as affordable housing, with 15 units for very-low-income households and 5 units for low-income households. The Project applicant is seeking a 35-percent density bonus pursuant to state and local law (Government Code Section 65915 and City of Santa Cruz Municipal Code Chapter 24.16, Part 3). See Chapter 3, Project Description, for a full description of the Project.

2.3 AREAS OF CONTROVERSY OR CONCERN

The following issues of concern were raised during the scoping process for the Project, including oral comments received at a public scoping meeting and written comments received in response to circulation of the EIR Notice of Preparation (NOP). Comments in response to the NOP are included in Appendix A. As indicated in Chapter 1, Introduction, the comments have been taken into consideration in the preparation of this EIR for comments that raise environmental issues. See Appendix B for review of other topics not addressed in the EIR.

- ☐ Biological resource impacts, including habitat modification, habitat loss, and impacts to wildlife movement and nesting birds;
- ☐ Impacts to archaeological resources;
- ☐ Effects of ground improvement methods and foundation design on San Lorenzo River, groundwater and water quality;
- ☐ Project energy use; and
- ☐ Impacts to coastal resources and consistency with the City's Local Coastal Program.

2.4 SUMMARY OF ALTERNATIVES

CEQA Guidelines require that an EIR describe and evaluate alternatives to the Project that could eliminate significant adverse Project impacts or reduce them to a less-than-significant level. The following alternatives are evaluated in Chapter 6.

- ☐ No Project: Required by CEQA
- ☐ Alternative 1: Partial Preservation – Incorporation of Building Facades into Project
- ☐ Alternative 2: Relocation of Historic Buildings

Table 6-1 in Chapter 6 presents a comparison of Project impacts between the proposed Project and the alternatives. The No Project Alternative would avoid all impacts identified for the proposed Project. Of the other alternatives considered Alternative 1 would best achieve Project objectives, while also reducing the severity of identified significant impacts and therefore, is considered the environmentally superior alternative of the alternatives reviewed. While Alternative 2 would also lessen the severity of the historical resource impact, it may be potentially infeasible due to lack of identified sites to relocate the historic buildings and issues related to disassembling, moving and re-assembling the buildings.

2.5 SUMMARY OF IMPACTS AND MITIGATION MEASURES

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

2.5.1 Significant Unavoidable Impacts

The following impacts were found to be potentially significant, and while mitigation measures have been identified in some cases, the impact cannot be reduced to a less-than-significant level.

Impact CUL-1: Historical Resources. The proposed Project would cause a substantial adverse change in the significance of a historical resource due to demolition.

Mitigation Measures

Implementation of Mitigation Measures CUL-1 and CUL-2 would reduce the impact, but not to a less-than-significant level; therefore, the impact would remain *significant and unavoidable*. Alternatives to rehabilitate and/or protect the buildings are discussed in Chapter 6.

Mitigation CUL-1: Complete documentation of buildings at 418 and 428 Front Street prior to alteration or demolition in accordance with Historic American Buildings Survey (HABS) standards, which includes the following:

- Project proponent shall work with a qualified architectural historian to prepare local-level HABS documentation, as detailed below. HABS level photographs must be completed prior to demolition and construction of the Project. The full HABS documentation must be complete prior to completion of the proposed Project. Copies of the HABS shall be provided to local Santa Cruz repositories.
- *Measured Drawings:* Select existing drawings, where available, should be reproduced on mylar. If existing historic drawings do not exist, a digital and hard copy set of measured drawings that depict the existing size, scale, and dimension of the subject property shall be produced. The measured drawing set shall include a site plan, sections, and other drawings as needed to depict existing conditions of the property. The scope of the drawing package will be reviewed and approved by local Planning Department staff prior to commencement of the task. All drawings shall be created according to the latest HABS Drawings Guidelines by the National Park Service. The measured drawings shall be produced by a qualified professional who meets the standards for architecture set forth by the Secretary of the Interior's Professional Qualification Standards (36 Code of Federal Regulations, Part 61).
- *HABS-Level Photographs:* Black and white large format negatives and prints of the interior, exterior, and setting of the subject property shall be produced. The photographs must adequately document the character-defining features and setting of the historic resource. Planning Department staff will review and approve the scope (including views and number) of photographs required prior to the commencement of this task. All photography shall be conducted according to the latest

HABS Photography Guidelines by the National Park Service. The photographs shall be produced by a qualified professional photographer with demonstrated experience in HABS photography.

- *HABS Historical Report*: A written narrative historical report, per HABS Historic Report Guidelines, shall be produced. The report shall include historical information, including the physical history and historic context of the building, and an architectural description of the site setting, exterior, and interior of the building. The report shall be prepared by a qualified professional who meets the standards for history or architectural history set forth by the Secretary of the Interior's Professional Qualification Standards (36 Code of Federal Regulations, Part 61). Archival copies of the drawings, photographs, and report shall be submitted to the Planning Department, and to repositories including but not limited to the San Francisco Public Library, Northwest Information Center, and California Historical Society. This mitigation measure would create a collection of reference materials that would be available to the public and inform future research.

MITIGATION CUL-2:

Prior to the start of Project construction and demolition, the Project proponent shall hire a qualified architectural historian to create an interpretative display plan that addresses the historical significance of the two historical buildings that are being demolished. The interpretative display must be located within the proposed Project boundary along a pedestrian walkway or attached to the new building so that it is visible to the general public. Interpretation typically involves development of interpretive displays about the history of the affected historical resources. These displays may include a high-quality permanent digital interpretive website, or a temporary exhibition or interpretive display installed at a local cultural institution or publicly accessible location on or near the Project site. The interpretive displays illustrate the contextual history and the architecture of the buildings, and of the general building typology (e.g. Commercial Buildings Design in the Automobile Age), and shall include, but not be limited to, historic and contemporary photographs, narrative text, historic news articles and memorabilia, salvaged materials, and maps.

2.5.2 Significant Impacts

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

Impact BIO-4: Indirect Impacts to Nesting Birds. Future development as a result of the proposed Downtown Plan amendments could result in disturbance to nesting birds if any are present in the vicinity of construction sites along the San Lorenzo River.

Mitigation Measures

implementation of the following mitigation measure identified in the Downtown Plan Amendments EIR will be required of the proposed project. The measure has been revised as part of the Final EIR to reflect the nesting period for which pre-construction nesting surveys are required by the California Department of Fish and Wildlife in the Lake, Streambed Alteration Agreement with the City of Santa Cruz for maintenance activities along San Lorenzo River and other streams in the City.

DPA EIR MITIGATION 4.3-3: Require that a pre-construction nesting survey be conducted by a qualified wildlife biologist if construction, including tree removal, adjacent to the San Lorenzo River is scheduled to begin between February 1 and September 1 ~~March and late July~~ to determine if nesting birds are in the vicinity of the construction sites. If nesting raptors or other nesting species protected under the MBTA are found, construction may need to be delayed until late September ~~August~~ or after the wildlife biologist has determined the nest is no longer in use or unless a suitable construction buffer zone can be identified by the biologist. (Citywide Creeks and Wetlands Management Plan Standard 12).

The following mitigation measures were adopted with the Downtown Plan Amendments and are applicable to development projects in the area covered in the EIR, which includes the Project site. Therefore, the following mitigation measures are also required for the Project. (See Appendix B for further discussion.)

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

overlap), and Pacific/Laurel (southbound left-turn lane addition).

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

2.5.3 Less-Than-Significant Impacts

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

Impact BIO-1: **Indirect Impacts to Special Status Species.** Project development could result in indirect impacts to riparian and aquatic special status species due to increased shading due to increased building heights and stormwater runoff, but would not substantially affect habitats.

Impact BIO-3: **Indirect Impacts to Sensitive Riparian Habitat.** Project development could result in indirect impacts to birds in the area that could lead to bird mortalities.

Impact CUL-2: **Archaeological Resources.** The proposed Project would not cause a substantial adverse change in the significance of an archaeological resource.

Impact CUL-3: **Human Remains.** The proposed Project would not disturb human remains.

Impact CUL-4: **Tribal Cultural Resources.** The proposed Project would not cause a substantial adverse change in the significance of a tribal cultural resource.

Impact GEO-1: **Exposure to Seismic Hazards.** The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death resulting from seismic ground shaking, landslides, or seismic related ground failure, including liquefaction with implementation of recommendations in the Project geotechnical investigation.

Impact GEO-2: **Soils and Erosion.** The proposed Project would not result in substantial erosion or loss of topsoil.

Impact GEO-3: **Unstable Geologic Units or Soils.** The proposed Project would not be located on a geologic unit or soil that is unstable or would become unstable as a result of the Project.

- Impact GEO-4:** **Expansive Soils.** The Project would be located on areas of expansive soils, but would not result in hazards to the Project building or people with implementation of recommendations of the Project geotechnical report.
- Impact ENER-1:** The Project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy.
- Impact ENER-2:** The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

2.5.4 No Impacts

No impacts were identified for the following issues evaluated in the EIR; see Appendix B for discussion of other topics.

- BIO-2: Wetland Habitat
- BIO-4: Wildlife Corridors
- BIO-5: Conflict with Ordinances
- BIO-6: Conflicts with Habitat Conservation Plan or Natural Community Conservation Plan
- BIO-7: Substantially Reduce Fish or Wildlife Species Habitat
- BIO-8: Cause a Fish or Wildlife Population Decline
- BIO-9: Threaten to Eliminate a Plant or Animal Community
- GEO-1(i): Fault Rupture
- GEO-5: Use of Septic Systems
- LAND-1: Division of Established Community
- LAND-2: Conflicts with Policies and Regulations

2.6 ISSUES TO BE RESOLVED

CEQA Guidelines section 15123 requires the Summary to identify “issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects.” This EIR has presented mitigation measures and project alternatives, and the City Council will consider the Final EIR when considering the proposed Project. In considering whether to approve the Project, the City Council will take into consideration the environmental consequences of the Project with mitigation measures and project alternatives, as well as other factors related to feasibility. “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors (State CEQA Guidelines, section 15364). Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of

infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (or already owns the alternative site). No one of these factors establishes a fixed limit on the scope of reasonable alternatives. The concept of feasibility also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. Moreover, feasibility under CEQA encompasses “desirability” to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.

CHAPTER 3

CHANGES TO DRAFT EIR

3.1 INTRODUCTION

This chapter identifies revisions to the text in the Draft EIR based on consideration of comments received during the public review period. Changes to Draft EIR text that are identified below are shown in underlined type for new text and ~~strikeout~~ type for deleted text.

3.2 REVISIONS TO DRAFT EIR TEXT

3.2.1 Changes to Chapter 2, Summary

Page 2-5 Revise Mitigation Measure DPA EIR MITIGATION 4.3-3 to provide an extended nesting bird season as shown in Chapter 2 of this document.

3.2.2 Changes to Section 4.1 – Biological Resources

Page 4.1-12 Add the following new text after the second sentence of the first full paragraph as follows:

A biological site reconnaissance was conducted in July 2020 in order to provide an update to vegetation and habitat on the landward side of the San Lorenzo River levee that is proposed to be filled as part of the Project. The landward side of the site is a disturbed, sloped area between a paved pedestrian path at the top of the levee and developed parcels along Front Street. The survey area was comprised of annual grassland and scrub-shrub habitat with scattered trees present, with annual grassland being the dominant vegetation community, consisting of primarily non-native species. There was no evidence of hydric vegetation or hydrology. Therefore, no wetlands are present on the site.

Page 4.1-19 Add the following to the last full paragraph:

Additionally, the proposed placement of fill on approximately 15,500 square feet of the landward side of the San Lorenzo River levee would not result in removal of riparian or sensitive habitat.

Page 4.1-20 Revise Mitigation Measure DPA EIR MITIGATION 4.3-3 to provide an extended nesting bird season as shown in Chapter 2 of this document.

Page 4.1-20 Add the following after the last full sentence:

Resolution NS-23, 710 adopted by the City Council in April 1998 establishes the criteria for permitting removal of a heritage tree and indicates that one or more of the following findings must be made by the Director of Parks and Recreation:

- 1) The heritage tree or heritage shrub has, or is likely to have, an adverse effect upon the structural integrity of a building, utility, or public or private right of way;
- 2) The physical condition or health of the tree or shrub, such as disease or infestation, warrants alteration or removal; or
- 3) A construction project design cannot be altered to accommodate existing heritage trees or heritage shrubs.

Resolution NS-21, 436 sets forth the tree replacement/mitigation requirements for approved removal of a heritage tree to include replanting three 15-gallon or one 24-inch size specimen or the current retail value which shall be determined by the Director of Parks and Recreation.

Page 4.1-20 Correct and expand the first two sentences of the last paragraph as follows.

The proposed Project would result in removal of ~~18~~ 20 trees on the Project site and levee fill area and ~~one~~ five street trees. ~~Five~~ Four of the on-site trees and ~~three~~ of the street trees to be are removed are heritage trees pursuant to City regulations. One street tree will be removed, but it is not a heritage tree. Two additional trees are intended to be retained but may be removed due to the design of the end walls to contain the levee fill.

Page 4.1-21 Add the following paragraph to the beginning of the first full paragraph:

The removal of trees on the landward side of the river levee is proposed in accordance with directives in the Downtown Plan to provide an expanded outdoor open space connection between the existing Santa Cruz Riverwalk and new development. Specifically, the development standards and design guidelines for the Front Street/Riverfront Corridor indicate that the “interface between the public Riverwalk and the adjacent private development is a vitally important element of the Downtown Plan,” and the Plan’s stated key performance criteria include:

- b. Levee Fill. All development shall fill the western slope of the levee (which may include both public and private property) as directed by the City of Santa Cruz and Army Corps of Engineers to create a level condition between the Riverwalk and the adjacent building. The filled area may terrace up from the maximum 24-

inch wall to the finished floor of the development in a way that allows for the outdoor spaces to be publicly accessible.

Thus, the proposed Project plans cannot be altered to retain four identified heritage trees on the landward side of the San Lorenzo River levee and comply with key development standards for the area in the Downtown Plan. The Downtown Plan does indicate that “trees planted as part of the San Lorenzo Flood Control Improvement Project should be maintained and incorporated into new development where feasible and where not in conflict with the required fill or publicly accessible amenities.” However, in the present case it is not feasible to retain the trees and also place required fill to provide the expanded amenities on the top of the levee.

Page 4.1-21 Revise the first full paragraph as follows:

The Project landscaping plan includes planting 14 trees on the river levee fill and six trees on the Project site with the following tree species: Chinese pistache (*Pistachia chinensis*), London plane tree (*Platanus acerifolia* ‘Columbia’), Hungarian oak (*Quercus frainetto* ‘Forest Green’), southern live oak (*Quercus virginiana*), and Drake Chinese elm (*Ulmus parvifolia* ‘Drake’). The planting of 20 trees would replace the four ~~five~~ on-site heritage trees removed and would exceed City replacement requirements. ~~For each of the five street trees removed along Front Street,~~ The Project would include planting of one replacement tree in a species listed on the City’s Approved Street Tree List for the one street tree that will removed. Therefore, the Project includes replacement trees in accordance with City requirements for removal of four ~~five~~ heritage trees.

Page 4.1-21 Add the following to the end of the page:

Mitigation Measures

No mitigation measures are required as a significant impact has not been identified.

3.2.3 Changes to References Section

Page 7-2 Add the following reference:

California Department of Fish and Wildlife. August 6, 2019. “Amendment of Lake or Streambed Alteration, Notification No. 1600-2013-0176-R3, City of Santa Cruz Routine Maintenance Activities.”

3.3 REVISIONS TO DRAFT EIR APPENDIX B

Page 62 Add the following new paragraph after the first full paragraph:

There is an existing ramp from the Santa Cruz Riverwalk on the San Lorenzo River levee that extends into an existing parking lot on the Project site. The ramp is used by both pedestrians and bicyclists to access the Riverwalk from Front Street. Bicycle and pedestrian access to the Riverwalk also is provided at Soquel Avenue and Laurel Street. Currently, there are bike lanes on both sides of the street.

The existing ramp would be removed as part of the Project. However, a new staircase to the Riverwalk would be provided from each of the two proposed pedestrian walkways. The Project proposes use of a “bike rail” along the stairways from the pedestrian paths to provide bicycle access to the Riverwalk.

The Downtown Plan indicates that bicycle access shall be provided at the extension of Elm Street to serve as the “primary bicycle access to the Riverwalk between Soquel Avenue and Laurel Street.” Yet, the Plan does not specify a design treatment or recommendation of how this should be provided. Neither the City’s Active Transportation Plan nor the San Lorenzo River Urban Design Plan (SLURP) provide specific recommendations for bicycle access to/from the levee in the vicinity of the Project site. The SLURP includes a goal to “Improve public access and pedestrian/bicycle movement to and along the River.” In 2018, the California Coastal Commission approved an amendment to the City’s Local Coastal Program (LCP) that modified policies developed from the SLURP as coastal policies. A new policy (6-SLR-5.2) was added that requires new development projects to incorporate pedestrian and/or bicycle connections between Front Street and the Riverwalk at appropriate locations such as the extensions from Maple Street and Elm Street, but again, does not specify a preferred design treatment.

Since the Project provides a bicycle (and pedestrian) connection to the levee Riverwalk, the Project would not result in conflicts with existing plans. Because the Project provides bicycle access and does not conflict with a program, ordinance or policy addressing the circulation system, the Project would not result in a significant impact related to bicycle transportation.

CHAPTER 4

COMMENTS AND RESPONSES

4.1 INTRODUCTION

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

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

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

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

4.2 LIST OF COMMENT LETTERS RECEIVED

The DEIR was published and circulated for review and comment by the public and other interested parties, agencies, and organizations for a 45-day public review period from May 11, 2020 through

June 24, 2020. Seventeen letters of comment were received; agencies, organizations and individuals that submitted written comments on the DEIR are outlined below.

A. State & Local Agencies

- A1 Santa Cruz County Regional Transportation Commission

B. Organizations

- B1 Bike Santa Cruz County
- B2 Sierra Club

C. Individuals

- C1 Christine Fahrenbach
- C2 Margo Fisher
- C3 Gillian Greensite
- C4 Carolyn Israel
- C5 Susan Kauffman
- C6 Kristin (No Last Name)
- C7 Jane Mio
- C8 Vivienne Orgel
- C9 Holly Schipper
- C10 Russell Weisz
- C11 Online Comments: John Frazer, Linda Rosewood, David Mintz, John Hall

4.3 COMMENT LETTERS AND RESPONSES

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



SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION

1523 Pacific Ave., Santa Cruz, CA 95060-3911 • (831) 460-3200 FAX (831) 460-3215 EMAIL info@sccrtc.org

June 24, 2020

Samantha Haschert
City of Santa Cruz Planning and Community Department
701 Ocean Street, Room 101
Santa Cruz, California 95060

RE: Draft Environmental Impact Report (DEIR) for the Riverfront Project

Dear Ms. Haschert,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for City of Santa Cruz's (City) Riverfront Project (Project). The Santa Cruz County Regional Transportation Commission (RTC) serves as the Regional Transportation Planning Agency (RTPA) for Santa Cruz County. The RTC is responsible for delivering a full range of convenient, reliable and efficient transportation choices for the community, including projects funded by Measure D (2016).

The Project consists of construction of three seven-story, residential and commercial buildings with 175 residential units, 11,498 square feet of ground floor, a levee-front commercial space and a two-level parking garage. The buildings would be arranged on the site from north to south and would be separated by two pedestrian passageways, providing two publicly accessible connections and plazas adjacent to the Riverwalk with about 15,493 square feet of new public space. The Project site is located in the developed downtown area of the City and encompasses five parcels along Front Street and adjacent to the San Lorenzo levee.

RTC submits the following comments regarding the project:

- A1-1
 - RTC supports improvements to regional transportation facilities in the project vicinity including Chesnut/Mission and Highway 1 at River Street intersections. RTC recommends that improvements to these regional facilities include safety and efficiency measures for bicycles, pedestrians and transit.
- A1-2
 - The Project supports the RTC's 2040 Regional Transportation Plan (RTP) goals intended to foster sustainable, equitable, and accessible transportation throughout the County by constructing housing and commercial services near transit and active transportation facilities, thereby providing residents and visitors opportunities the use of alternative modes of transportation. This is consistent with RTC's RTP Target 1A: *Increase the percentage of people that can travel to key destinations (employment and population centers, and multimodal trip destinations) within a 30-minute walk, bike, or transit trip by 20 percent by 2020 and 47 percent by 2040.*

- A1-3
- RTC supports the construction of new pedestrian pathways which provide direct access between destinations and improve overall pedestrian connectivity. RTC staff recommends that the two proposed pathways include provisions for lighting within the facility and fully accessible pedestrian facilities, such as curb cuts.

- A1-4
- RTC also supports that the DEIR considers estimated project impact to regional vehicle miles travelled (VMT). As noted in the DEIR, CEQA Guidelines identify Vehicle Miles Traveled (VMT) as the most appropriate metric to evaluate transportation projects. RTC supports VMT as a metric to evaluate impacts of transportation projects. The 2040 Regional Transportation Plan utilizes VMT as an indicator of an environmental, and equitable transportation system that supports investment in the local economy.
 - The Project's downtown location and its proximity to transit, bicycle and pedestrian facilities provides opportunities to reduce VMT. The project includes: 175 Class 1 (i.e., secure, weather-protected) bicycle parking spaces; 44 Class 2 (i.e., bike racks) bicycle parking spaces for residents; two Class 1 bicycle parking spaces; and, eight Class 2 bicycle parking spaces for commercial uses to support trips made by bicycling.

RTC also encourages the project sponsor to coordinate with the RTC's Cruz511 Program to maximize the number of transit, bicycle and walking trips made by residents and visitors. Cruz511 offers access to an online "trip manager" system in Santa Cruz County (<https://my.cruz511.org>) that provides employers, residents, and visitors access to rideshare matching, multi-modal trip planning, bikeshare and transit resources, and integration with a host of other mobility services such as Waze and Strava. Employers can also conduct workplace challenges where commuters in the program earn rewards by tracking and confirming their sustainable trips, then redeem them instantly for premium rewards. Potentially the same type of challenge could be conducted within a residential building. Cruz511 staff will coordinate with the employee transportation coordinator (ETC) to setup the employer commute network, provide program collateral, and assist with outreach and onboarding employees into the commute network.

- A1-5
- RTC staff recommends the project sponsor discourage the provision of unlimited, free parking for employees in favor of effective, long-term employer-based Transportation Demand Management (TDM) programs. For example, the project sponsor should consider working with the City's TDM program, GO Santa Cruz, which provides incentives for downtown employees choose alternative modes of transportation for their commutes. Additionally, staff recommends that the project sponsor consider providing preferential parking for carpools and vanpools, and incentives for residents or visitors to use transit.

Thank you for considering RTC's comments on the Riverfront Project. If you have any questions about these comments, please contact Grace Blakeslee of my staff at gblakeslee@sccrtc.org.

Sincerely,



Guy Preston
Executive Director

LETTER A1 – Santa Cruz County Regional Transportation Commission (RTC)

- A1-1 Support for Regional Improvements. The comment states that the RTC supports improvements to regional transportation facilities in the project vicinity including Chestnut/Mission and Highway 1 at River Street intersections. RTC recommends that improvements to these regional facilities include safety and efficiency measures for bicycles, pedestrians and transit. *Response*: The comment is acknowledged, but does not address analyses in the DEIR and no response is required.
- A1-2 Project Supports Regional Transportation Plan Goals. The comment indicates that the Project supports the RTC's 2040 Regional Transportation Plan (RTP) goals intended to foster sustainable, equitable, and accessible transportation throughout the County by constructing housing and commercial services near transit and active transportation facilities. *Response*: The comment is acknowledged, but does not address analyses in the DEIR and no response is required.
- A1-3 Pedestrian Pathways. The comments states that RTC supports the construction of new pedestrian pathways which provide direct access between destinations and improve overall pedestrian connectivity. RTC staff recommends that the two proposed pathways include provisions for lighting within the facility and fully accessible pedestrian facilities, such as curb cuts. *Response*: The comment is acknowledged, but does not address analyses in the DEIR, but provides recommendations for design of the pedestrian pathways, which will be considered by City staff and decision-makers. No further response is required.
- A1-4 Vehicle Miles Traveled (VMT). The comment supports the DEIR's consideration of project impact to regional vehicle miles traveled (VMT) and notes that the Project's downtown location and proximity to transit, bicycle and pedestrian facilities provides opportunities to reduce VMT. The commenter encourages the project sponsor to coordinate with the RTC's Cruz511 Program to maximize the number of transit, bicycle and walking trips made by residents and visitors. *Response*: The comment regarding VMT is acknowledged. It is noted that since circulation of the DEIR, the City of Santa Cruz adopted a VMT transportation threshold on June 9, 2020 in accordance with CEQA and state requirements. Because the proposed Project is located within one-half mile of a high quality transit corridor (the Santa Cruz Metro Center) and given its mixed-use character, the project would be screened from further review. The Project would result in a VMT of 11.0 as reported on page 66 of Appendix B of the DEIR, which is the below the adopted threshold of 11.9. Additionally, as indicated on page 66 of the DEIR Appendix B, CEQA Guidelines section 15064.3(b) state that projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less-than-significant transportation impact.

- A1-5 Parking Recommendations. The comment states that RTC staff recommends the project sponsor to discourage provision of unlimited, free parking for employees in favor of effective, long-term employer-based Transportation Demand Management (TDM) programs, to consider providing preferential parking for carpools and vanpools, and to provide incentives for residents and visitors to use transit. *Response*: The comment is acknowledged, but does not address analyses in the DEIR, but provides recommendations for the project sponsor to incorporate TDM measures into the project.



June 8, 2020

Samantha Haschert
City Planning Department
809 Center Street
Santa Cruz, CA 95060
shaschert@cityofsantacruz.com

RE: Proposed Front St./Riverfront Apartments

Dear Ms. Haschert:

B1-1 Bike Santa Cruz requests that the City require the developer of the proposed Front St./Riverfront Apartments to incorporate a rideable bicycle connection from the end of Cathcart Street to the San Lorenzo River levee path. Also, the City should remove the remaining on-street parking on Front Street to result in a safer, more rideable bike lane, and the developer should account for this in the project's final plans.

B1-2 The draft EIR fails to mention any impacts on bicycle transportation. In discussing public connections to the River on page 4.5-14, only pedestrian access is mentioned, not bicycle access, which will be negatively impacted. Currently, there is a bikeable ramp from the parking lot just south of the end of Cathcart to the levee. The developer proposes to eliminate it. The nearest remaining levee connection to the north will be off of Soquel Avenue and to the south will be through the parking lot south of Sherwin-Williams.

The current proposal -- showing wide steps leading from the end of Cathcart to the levee -- is an inadequate substitution for removing the current pathway. The project plans envision cyclists traveling between Cathcart and the levee either taking an elevator or walking their bikes up the steps on a "bike rail" -- a narrow incline built into the edge of the stairs. Thus, first, this means that their cycling would be interrupted -- they would have to become pedestrians trying to navigate this rail or using the elevator. Second, these would be very inconvenient options. It would be awkward and difficult at best to push a bike up the rail and control it down the rail. This incline would not be usable if one had a pannier on the railing side of their bike, had a bike trailer, had a recumbent, or had a heavy eBike. Those future residents using the levee to bike commute would have to take their bikes up and down the stairs every day because the entrance to their bike parking is off of Front Street. The alternative of using the elevator would also require dismounting along with waiting and going inside. The elevator would not be an available alternative when being serviced or when power is off.

The removal of the current bike ramp must be mitigated with a rideable alternative. There is ample room -- a 60-foot passageway -- in which to accommodate a rideable path. Attached is a sketch from the *River Plan* that appears to illustrate steps with ramps on either side from Cathcart to the River. Another model is the entrance to the Gateway Plaza from River Street consisting of a ramp to one side and stairs to the other (please see photo).

- B1-3 The EIR states that the project is consistent with various planning documents. But, The *City of Santa Cruz Downtown Plan*, the *Santa Cruz City Active Transportation Plan* and *San Lorenzo Urban River Plan* all emphasize bicycle access to the River levee. Although the *Downtown Plan* says, "bicycle access shall be provided at the extension of Elm Street, which will serve as the primary bicycle access to the Riverwalk between Soquel Avenue and Laurel Street," no bikeable ramp at this location is shown in the proposed plans either. Furthermore, Elm Street does not go through to Front Street (it is blocked by the Transit Center where bikes are prohibited from being ridden through) and is only one way without bike lanes. Cathcart has bike lanes in both directions and a continued connection to the River levee would be very convenient for and beneficial to cyclists. The developer has promoted the proposed project as interfacing with levee bicycle and pedestrian activity. Incorporating a bike connection from Cathcart would bring patrons to his businesses fronting the River. It would also be usable by those in wheelchairs or who have trouble walking up or down stairs.
- B1-4 The proposed project will also have an adverse impact on those biking because there will be more motor vehicle traffic along Front Street and crossing the bike lane to enter or exit the parking garage. The current northbound bike lane configuration is less than ideal as it meanders to skirt the on-street parking spaces. Thus, cyclists are prevented from riding in a straight line, which is the safest, most predictable way to ride. Additionally, the vehicle movements into and out of the spaces and the passengers entering and exiting the vehicles conflict with the adjacent narrow bike lane. Furthermore, vehicles often park over the space markings into the bike lane, especially large ones (please see photo for an example).
- B1-5 The current plans show that five on-street parking spaces will be removed. This should be positive for cyclists, provided that space becomes part of the bike lane. There is one additional space north of Cathcart on Front Street adjacent to the proposed project that is located where a garage entrance will be, so we assume that will be removed as well. The bottom line should be that the developer accommodates all anticipated short- and long-term motor vehicle parking on site, and the City eliminates the on-street parking to provide straight and wider bike lanes.

Thank you.

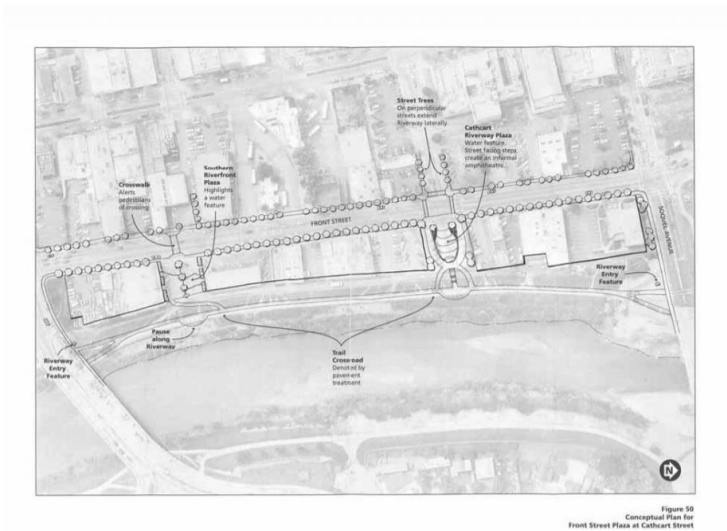
Sincerely,



For Bike Santa Cruz County
333 Soquel Avenue
Santa Cruz, CA 95062

Cc: Transportation and Public Works Commission c/o Chair Peggy Dolgenos
Downtown Commission c/o Chair Deidre Hamilton
Mayor Cummings
Councilmembers Beiers, Mathews, Brown, Golder, Meyers, Watkins

attachments: Vehicle parked into Front St. Bike Lane, Example of dual stairs and ramp, End of Cathcart St. showing ramp around steps in urban river plan



LETTER B1 – Bike Santa Cruz County – Gina Cole

- B1-1 Bicycle Access and Removal of Parking on Front Street. The commenter requests that the City require the developer to incorporate a rideable bicycle connection from the end of Cathcart Street to the San Lorenzo River levee path and that the City should remove the remaining on-street parking on Front Street to result in a safer, more rideable bike lane. *Response:* The comment is acknowledged, but does not address analyses in the DEIR and no response is required. However, responses are provided to the commenter's specific comments below.
- B1-2 Impacts to Bicycle Transportation. The comment states that the DEIR fails to mention impacts on bicycle transportation. The comment states that the existing bikeable ramp from the top of the river levee to the site would be removed, that the proposed "bike rail" along the stairway to the levee is inconvenient and that a rideable alternative be provided. *Response:* Transportation impacts are addressed on pages 62 to 66 of Appendix B of the DEIR. On page 62, the discussion indicates that the Project is in proximity to transit, bike lanes, and multi-use paths. The commenter is correct in that the existing ramp from the levee to an existing parking lot on the Project site would be removed. However, as indicated in the comment, the Project proposes use of a "bike rail" along the stairway from the pedestrian paths to the river. The Downtown Plan does indicate that bicycle access shall be provided at the extension of Elm Street, but the Plan does not specify a preferred or recommended design method. Neither the City's Active Transportation Plan nor the San Lorenzo River Urban Design Plan provide specific recommendations for bicycle access in the vicinity of the Project site; see also Response to Comment B1-3. Because the Project provides bicycle access and does not conflict with a program, ordinance or policy addressing the circulation system as further explained in Response to Comment B1-3, a significant impact related to bicycle transportation was not identified. The DEIR text has been expanded to provide this discussion; see section 3.3 in the "Changes to Draft EIR" section of this document. The commenter's recommendation for a "rideable" alternative to the proposed Project bike rail along stairways is acknowledged, and will be further considered by City staff and decision-makers.
- B1-3 Conflicts with City Plans. The comment states that *City of Santa Cruz Downtown Plan*, the *Santa Cruz City Active Transportation Plan* and *San Lorenzo Urban River Plan* all emphasize bicycle access to the River levee. The comment states that the *Downtown Plan* says, "bicycle access shall be provided at the extension of Elm Street, which will serve as the primary bicycle access to the Riverwalk between Soquel Avenue and Laurel Street," but no bikeable ramp at this location is shown in the proposed plans. The comment further recommends that incorporating a bike connection from Cathcart Street since Elm Street does not currently go through to Front Street. *Response:* The referenced plans do support enhanced access to the Santa Cruz Riverwalk. As indicated in the comment, the Downtown Plan does indicate that bicycle access shall be provided

at the extension of Elm Street to serve as the “primary bicycle access to the Riverwalk between Soquel Avenue and Laurel Street.” Yet, the Plan does not specify a design treatment or recommendation of how this should be provided. Neither the City’s Active Transportation Plan nor the San Lorenzo River Urban Design Plan (SLURP) provide specific recommendations for bicycle access to/from the levee in the vicinity of the Project site. The SLURP includes a goal to “Improve public access and pedestrian/bicycle movement to and along the River.” In 2018, the California Coastal Commission approved an amendment to the City’s Local Coastal Program (LCP) that modified policies developed from the SLURP as coastal policies. A new policy (6-SLR-5.2) was added that requires new development projects to incorporate pedestrian and/or bicycle connections between Front Street and the Riverwalk at appropriate locations such as the extensions from Maple Street and Elm Street, but again, does not specify a preferred design treatment. Since the Project provides a bicycle connection to the levee Riverwalk, the Project would not result in conflicts with existing plans.

- B1-4 Traffic Impacts on Biking. The comment states that increased motor vehicle trips will have an adverse impact on biking due to vehicles entering and exiting the site. *Response:* Standard conditions of approval will be applied to the Project to include stop and warning signs for cars exiting the site, and the entrances will be set back from the sidewalk and street in prevent cars from extending into the sidewalk or bike lane. Therefore, no adverse effects to cyclists or pedestrians are anticipated.
- B1-5 Removal of Parking. The comment states that the removal of five on-street parking spaces should be positive for cyclists provided the space becomes part of the bike lane and that the City eliminate on-street parking to provide straight and wider bike lanes. *Response:* The comment is acknowledged, but does not address analyses in the DEIR. However, all on-street parking along the Project frontage will be removed, and the City is in the process of developing a plan to remove all on-street parking on the east side of Front Street. Currently, there are bike lanes on both sides of the street. The Downtown Plan indicates that on Front Street, “pedestrian safety and closing gaps in the existing system of bicycle lanes are the first priorities for use of the roadway space gained from shifting curbside parking to public off-street parking.”



**SANTA CRUZ COUNTY
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Re: Riverfront Project Draft Environmental Impact Report (DEIR)

June 23, 2020

B2-1

The Sierra Club has completed its review of the Draft Environmental Impact Report for the Riverfront Project/Front Street and is concerned that the document is lacking in several important respects, as discussed further below. The Sierra Club found significant impacts not properly addressed in this Draft Environmental Impact Report with regard to the following topics: Natural Resources and Conservation; Bicycle and Pedestrian Design; Water Use; Solar Energy; Community Design; and Bird-Safe Design Standards.

The Sierra Club would like to reference Santa Cruz's General Plan's chapter on Land Use (p. 35), which has guiding principles for development and preservation: "Sustainability, environmental quality, land uses, and development are inexorably linked. By providing for the city's continued economic growth and high quality of life without compromising the needs of future generations, sustainable land uses respond to environmental values widely held in the community. At the heart of this Plan is sustainable development."

Further, the Sierra Club notes that the City's "Urban River Plan articulates a community vision a wildlife area as well as a public amenity for recreation, transportation, and open space. It contains recommendations for habitat enhancement, public access and trail improvements." (2008, p. H-1).

The Urban River Plan goals are to a) Improve the scenic and recreational value of the Riverfront; b) Improve public access and pedestrian/bicycle movement to and along the San Lorenzo River; and c) Improve the urban and neighborhood interface with the San Lorenzo River," (2008, p.H-2).

It is with this vision and these goals in mind that we offer the following comments on the DEIR for the Riverfront Project.

NATURAL RESOURCES AND CONSERVATION - URBAN TREES

B2-2 In the DEIR, the arborist reports that from "17 to 26 of the total 33 trees within and near the project may be removed." Large groups of trees are key to supporting the climate via carbon sequestration and as habitat for birds and other wildlife. One tree can capture from 40 to 60 pounds of carbon each year. We believe that these removals represent significant impacts and that these trees should not be removed.

B2-3 In the General Plan in the Natural Resources and Conservation chapter speaks about the importance of the Urban Forest (p.120) : "The tree is metaphor for sustainability. The urban forest is more than trees; it is the sum total of all vegetation growing in the urban area, a critical element of a livable urban environment, and a part of the urban ecosystem. Urban forestry manages trees, forests, and natural systems in and around urban areas for the health and well-being of communities."

Protecting these 26 trees and the vegetation would allow our urban to store over 1040 pounds to 2000 pounds (or 1 ton) of carbon each year. We surveyed the area and found old Magnolia, Buckeye and Maple trees, some that had trunks of 6 to 8 feet diameter and over 40 feet high along the river path and at the corner of Soquel and Front Streets.

(Grove along Soquel and Front; more tree photos on last page)



Recommendations:

1. Require that the project protect our urban forest and not cut or damage the trees along perimeter, which includes trees and vegetation on the river path.
2. Require the project to not cut or harm the heritage grove of tall trees on the corner of Front and Soquel.

BICYCLE AND PEDESTRIAN DESIGN / ADA ACCESSIBILITY

B2-4

We have highlighted below some of the numerous references in City Plans and documents which stress the importance of bicycle and pedestrian orientation of new development, in order to underscore how strongly this view is reflected in City documents.

The “Mobility chapter of General Plan 2030 looks at ways to facilitate transportation alternatives, keep transportation and road systems safe and efficient, and systematically interconnect bicycle and pedestrian ways. The [mobility] proposals below **aim to encourage greater use of alternative transportation modes and reduce automobile travel.**” (p.51)

- M1.1 Reduce automobile dependence by encouraging appropriate neighborhood and activity center development. Cf. ED5.1, LU4.2; and M1.5.1, M2.4.2, 3.1.2, and 4.3.
- M1.1.1 Create walkable, transit-oriented activity centers throughout the city. Cf. ED5.1, LU4.2; and M2.4.2, 3.1.2, and 4.3
- M1.1.2 Connect activity centers with pedestrian and bicycle paths. Cf. M4.3.
- M1.1.3 Implement pedestrian and bicycle improvements that support transit ridership.
- M1.1.4 Amend the Zoning Ordinance to create an activity-center-oriented urban form.

The City General Plan chapter on Land use states: “Future growth and change will be focused in the Downtown and along corridors **where transit, bicycling, and walking can be strengthened as primary modes of travel.**” (p.37)

Goals from the City of Santa Cruz General Plan (p.32) encourage pedestrian-friendly design and increase people moving about by foot downtown include, from “Community Design CD5.2:

- Require new development to include elements that relate to the pedestrian scale.
- Cf. CD4.3.1, M1.3.
- CD5.2.1 Encourage buildings to be oriented towards side-walks, public plazas, walkways, or rivers and to include features such as public benches and natural seating areas.
- CD5.2.2 Encourage the incorporation of public benches and natural seating areas along public walkways and in public plazas and parks. Cf. LU1.1.3, M1.6, M1.6.3, and ED5.4.
- CD5.2.3 Design parking strategies at a district or neighbor-hood-wide level to foster a pedestrian-oriented environment. Cf. LU1.1.3, M1.5, M1.5.3, and ED5.4.
- CD5.2.4 Ensure that new and revised design guidelines encourage the use of pedestrian-scaled fenestration, awnings, entrances, landscaping, and other amenities.”

Further, the Urban River Plan goals are to:

- improve the scenic and recreational value of the Riverfront;
- Improve public access and pedestrian/bicycle movement to and along the San Lorenzo River; (2008, p.H-2)

Also, the City of Santa Cruz General Plan (at page 26), describes the downtown with "The San Lorenzo River—an important defining feature—flows through the center of Santa Cruz" and "pedestrian and bicycle paths along the levees provide views of the river" The Plan also reminds us that "At a community design workshop held in 2006, participants' highest-ranked goal was to create a "River Walk" district in Santa Cruz, with shops and restaurants along the river."

Lastly, from the City General Plan's Community Design section CD1.5.2 (p.28) "Provide incentives for new development adjacent to the San Lorenzo River that includes patios overlooking the river, enhanced connections to the levee trails, and other design features that connect the built environment to the river".

In addition, we note that transportation is the largest contributor to climate change; Senate Bill (SB) 743 (2013), creates a process to change the way that transportation impacts are analyzed under CEQA. Specifically, SB 743 requires the CEQA Guidelines to provide an alternative for evaluating transportation impacts. Particularly within areas served by transit, those alternative criteria must "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." (Public Resources Code Section 21099(b)(1).) Measurements of transportation impacts may include "vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated." Transportation impacts related to air quality, noise and safety must still be analyzed under CEQA where appropriate. SB 743 also amended congestion management law.

Comments:

On page 4.5-14 of the DEIR, in the Standard for the section of Public Connections to the River, the Project "includes two pedestrian passageways that will provide publicly accessible connections at required widths." Bicycle access is not mentioned here and it will be negatively impacted, since the developer plans to eliminate the bike ramp (from the parking lot just south of the end of Cathcart Street to the levee.) The nearest remaining levee connection to the north will be off of Soquel Avenue and to the south will be through the parking lot south of Sherwin-Williams.

The project plan forces cyclists traveling between Cathcart and the levee to dismount, take an elevator or walk their bikes up the steps on a "bike rail" incline. This means that bicycling would be interrupted and pushing a bike up stairs and a hill is not possible for all people and will discourage bike commuting altogether.

B2-5

The DEIR is not consistent with The *City of Santa Cruz Downtown Plan*, the *Santa Cruz City Active Transportation Plan* and *San Lorenzo Urban River Plan* which all emphasize bicycle access to the River levee. Although the *Downtown Plan* says, "bicycle access shall be provided at the extension of Elm Street, which will serve as the primary bicycle access to the Riverwalk between Soquel Avenue and Laurel Street," no bike ramp at this location is shown in the proposed plans either. A ramp would also be usable by those in wheelchairs or those who have trouble walking up or down stairs.

B2-6 With increased motor vehicle traffic along Front Street, this plan will have an adverse effect on cycling and pedestrian safety since cars must cross the bike lane to enter or exit the parking garage. Also, in this design, cyclists are prevented from riding in a straight line, which is the safest, most predictable way to ride.

Additionally, the vehicle moving into and out of the on-street parking spaces with the car passengers entering and exiting the vehicles are a danger to bicyclists within the adjacent, narrow, curving bike lane. Furthermore, vehicles often park over the space markings and into the bike lane, especially large ones.

B2-7 This project will be walking distance to Downtown shopping and the Transit Center, a perfect place for residents to not have a car. It is possible to reward tenants that do not have a car or use a parking space by lowering their rent or giving them free bus passes. National Sierra Club Transportation policy calls for

- eliminating parking subsidies and minimum requirements to encourage shifts to biking, walking, scooting, carpooling and transit;
- to greatly reduce or eliminate parking in areas served well by public transit.

This agrees with the General Plan, as seen below:

- M 1.5 Reduce the need for parking and promote parking efficiency. Cf. CD5.2.3, ED5.4 and PR1.6.3.
- M1.5.1 Increase land use efficiency and the walkability of activity centers. Cf. LU4.2, M1.1, M3.1.2, M4.3. (p.54)

Recommendations:

- B2-8 1. As in the General Plan, require that "New development adjacent to the San Lorenzo River should include enhanced connections to the levee trails, and other design features that connect the built environment to the river, with " bike paths "and patios overlooking the river."
2. Create the "River Walk District" that citizens ranked the highest priority, increasing walkability and emphasizing nature and walkability along the river.
- B2-9 3. Require a path that cyclists and those in wheel chairs can continually ride; on the ample 60-foot passageway, to accommodate a bike path.
4. Require that all on-street parking on Front Street be removed so the bike lane is safe, free of the danger of obstacles, i.e. car doors and pedestrians.
5. Require that the Front Street bike lane be wider and straight (not meandering).
6. Require incentives to reduce cars and car parking for the tenants
7. Require the developer to design safe, attractive, tree-lined ADA accessible, pedestrian walkways , with local public art and native trees and vegetation leading from the project into the transit center and into downtown.

WATER USE; WATER-NEUTRAL GROWTH

B2-10 The City of Santa Cruz's water management plan states that "Santa Cruz has long faced challenges with the reliability of its water supply and with droughts." Development with its additional water demand increases our risk of drought and not having enough water for all residents. The Climate Crisis is also increasing extremely dry weather so the City must act responsibly. Water-neutral policies will allow reasonable growth to continue without eroding our water security. The City Water Department report, "Adequacy of Municipal Water Supplies to Support Future Development" , (2004) stated:

"Continuing to provide water to new customers upon request, (as is the current practice), may do harm to existing customers by making the potential water shortage situation worse than it would otherwise be."

Recommendation:

- Implement water offsets for this development.

SOLAR ENERGY

B2-11 As part of our state's ongoing battle against climate change, the California Building Standards Commission and the California Energy Commission approved a 2020 mandate requiring all newly-built homes to be equipped with a solar power system. With our current climate emergency, we urge you to require this project to follow these solar guidelines, even though the plan may be exempt. The California solar mandate is part of an initiative by the California Energy Commission to have at least 50% of the state's energy produced from clean energy sources by 2030. Now the state has set the goal of drawing 100 percent of its electricity from renewable energy sources in order to sharply reduce greenhouse gas emissions. With this in mind, we urge you to also require solar to heat water which is the most energy, cost and climate-effective way to heat water, not using natural gas at all.

According to Drew Bohan, executive director of the California Energy Commission, "With extreme weather events becoming more frequent, there is even greater need for buildings that are efficient," Bohan said, "[these solar building standards] will continue to keep costs down, better withstand the impacts of climate change, and reduce greenhouse gas emissions."

Recommendation:

1. Follow the General plan Natural Resources and Conservation chapter (p.125) regarding energy use and new construction:

- NRC7.4.2 Require that new construction and major remodeling projects in City facilities use high-efficiency or zero-waste [energy, garbage creation and water] fixtures.
- NRC7.1.4 Require new development to provide for passive and natural heating and cooling opportunities, including beneficial site orientation and dedication of solar easements.

BIRD-SAFE DESIGN STANDARDS

B2-12 The City recently adopted Bird-safe building design standards that “apply to any portions of buildings or structures that are located adjacent to or within 300 feet of and could reflect areas with a General Plan land use designation of CR, PR, NA, or AG, any open waterway mapped in the City-wide Creeks and Wetlands Management Plan, or any area deemed by the Zoning Administrator to need consideration for bird-safe design due to proximity to natural features” [such as this tall project on San Lorenzo River bird sanctuary].

The project appears to address aspects of this concern, with the DEIR stating that “The architectural features that require glazing treatment are 90 percent of all glazing within 40 feet above grade. Staff will work with developers to decide on best design measures. Glazing treatment shall follow the 2” x 4” rule: spaces of untreated glazing must have a maximum height of two inches and a maximum width of four inches. Birds cannot see untreated glazing and may attempt to fly through “openings” greater than these dimensions. 2” x 2” spacing is highly encouraged. Pattern elements should be at least 1/8” thick. Glazing treatment shall include at least one of the following: Bird safe glass approved for use by the American Bird Conservancy; Fritted windows; Patterned windows; UV pattern film (not appropriate for all locations); Window nets; Window screens ;Any American Bird Conservancy approved product: <https://abcbirds.org/get-involved/bird-smart-glass/>;Other design measures that have been identified by qualified professionals as providing adequate bird protections”

However, due to the absolute importance of using bird-safe designs, we request that this issue be more clearly and specifically addressed to assure compliance to bird safe design, structurally and with regard to lighting.

Recommendation: Require the project to include all elements of bird safe design, given its sensitive location. Require stands of trees, which are bird habitat and should not to be removed.

COMMUNITY DESIGN

B2-13 An 81 foot large structure will dominate and overwhelm the river, rather than "emphasize the distinguishing natural features that strengthen Santa Cruz's visual image" and downtown. This size and scale will not "ensure that the scale of this new development preserve important public scenic views.", instead it will obstruct the view on the river. An oversized 81 foot tall building will not be part of the General Plan's goals to "develop complimentary scale" that "ensure development is compatible with the character of the area". Neither will it "reflect the character of the downtown district" which maintains heights of 50 feet or less.

In the DEIR Land Use 4.5-12: (page 31) According to "the Downtown Plan, building heights shall not exceed 50 in the Front Street/Riverfront Corridor." However, it states " the applicant is requesting approval of 11 feet in height beyond the 70 foot height allowance ([to] 81 feet maximum)." We recommend against approving this request.

We see the City Plan's guidance differently, and base our concern on the following City Plans: The City's "Urban River Plan articulates a community vision, a wildlife area as well as a public amenity for recreation, ,transportation, and open space. It contains recommendations for habitat enhancement, public access and trail improvements." In the General Plan, the Community Design chapter speaks to retaining the City's character and preserving the community and tourist values of our unique, smaller town appearance. Here are the relevant community design goals:

- CD1.5 Ensure that new development adjacent to the San Lorenzo River relates to the river in its design.
- CD1.5.1 Enhance the prominence of the San Lorenzo River as a natural feature that provides structure, orientation, and recreational enjoyment by including it in surrounding area and management plans.
- CD1.1.4 Identify and emphasize distinguishing natural features that strengthen Santa Cruz's visual image (i.e., open space, San Lorenzo River).
- CD1.2 Ensure that the scale, bulk, and setbacks of new development preserve important public scenic views and vistas.
- CD1.2.1 Develop complimentary siting, scale, landscaping, and other design guidelines to protect important public views and ensure that development is compatible with the character of the area.
- CD1.2.2 Develop minimum standards and guidelines for residential, commercial, and industrial development that reflect the character and needs of the districts.

In the DEIR 4.5-27, figure 4.5-1, the photos of the development on the river demonstrate how this very tall structure towers over the gentle hills of the river valley and does not blend with the surrounding downtown buildings. With the surrounding height of the downtown's buildings at 50 feet, this building will leaps 31 feet over all other buildings. Breaking out the building skyline in the 81 feet of height conflicts with the language in the General Plan regarding Community Design of buildings, it will be the

tallest building on the river and in this downtown area, this design does not "relate to the river" nor "enhance the prominence of the river".

Recommendations: Require the project to lower the height of the building to 50 feet, which matches with the surrounding area and preserves the special downtown character.

SUMMARY

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



Keresha Durham,
Conservation Committee Member



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

(large tree on river levee)



LETTER B2 – Sierra Club – Keresha Durham and Michael Guth

B2-1 EIR Concerns. The comment states that the Sierra Club found significant impacts not properly addressed in this Draft Environmental Impact Report with regard to the following topics: Natural Resources and Conservation; Bicycle and Pedestrian Design; Water Use; Solar Energy; Community Design; and Bird-Safe Design Standards. The comment also references the City's General Plan's Land Use chapter and goals in the "Urban River Plan." *Response:* Comment is acknowledged, and specific responses to commenter's specific comments is provided below. The City disagrees that significant impacts were not properly addressed as explained in the responses below.

B2-2 Urban Trees. The comment states that the DEIR states that the arborist reports that from "17 to 26 of the total 33 trees within and near the project may be removed." Large groups of trees are key to supporting the climate via carbon sequestration and as habitat for birds and other wildlife. The commenters believe that these removals represent significant impacts and that these trees should not be removed. *Response:* The comment incorrectly quotes the DEIR, which does not say 17 to 26 trees will be removed. The DEIR indicates that 20 trees previously planted on the landward side of the levee will be removed; see DEIR pages 4.3-20 to 4.3-21. The text has been corrected to state that 19 trees will be removed, including one street tree, and that two additional trees are intended to be retained but may be removed due to the design of the end walls. See section 3.2.2 in Chapter 2, "Changes to Draft EIR" of this document.

Regarding carbon sequestration, the CalEEMod program that calculates air and greenhouse gas emissions assumes an active growing period of 20 years. Thereafter, the accumulation of carbon in biomass slows with age, and will be completely offset by losses from clipping, pruning, and occasional death. Actual active growing periods are subject to, among other things, species, climate regime, and planting density. Note that trees may also be replaced at the end of the 20-year cycle, which would result in additional years of carbon sequestration. However, this would be offset by the potential net release of carbon from the removal of the replaced tree. As indicated on page 4.1-21, the Project landscaping plan includes planting 14 trees on the river levee fill and six trees on the Project site. The planting of 20 trees would replace the four on-site heritage trees removed and would exceed City replacement requirements for heritage trees. The replacement trees would also replace all removed trees. The Project would include planting one replacement tree for the one street tree removed in a species listed on the City's Approved Street Tree List. Therefore, the new trees will replace/balance out the trees to be removed with regard to carbon sequestration/loss.

B2-3 Protection of Trees. The comment states that protecting the 26 trees to be removed would store carbon and asks that Project protect the urban forest and not cut or damage the trees or cut or harm the heritage grove of tall trees on the corner of Front and Soquel. *Response:* See Response to Comment B2-2 regarding the number of trees to be

removed and carbon sequestration. The commenter's request that the Project not remove onsite trees is acknowledged. The impact of tree removal is discussed on pages 4.1-20 to 4.21, and text has been expanded; see section 3.2.2 of Chapter 3, Changes to Draft EIR, of this document. The Project complies with City regulations regarding replacement of removed heritage trees. See also Response to Comment B3-1 regarding tree removal on the landward side of the levee. The referenced tree grove on the corner of Front Street and Soquel is not part of the Project site and would not be affected by the Project.

- B2-4 Bicycle and Pedestrian Design/Access. The comment references policies and actions from the City's General Plan 2030 and from the San Lorenzo Urban River Plan and notes changes in State requirements for traffic impact analyses. The comment states that the EIR does not mention bicycle access, which will be negatively impacted with removal of the existing bike ramp from the top of the river levee to the site, and that the proposed "bike rail" along the stairway to the levee or use of an elevator would interrupt bicycling. The comment also notes that changes in state law regarding transportation analyses and that transportation impacts related to air quality, noise and safety must still be analyzed under CEQA where appropriate. *Response*: See Response to Comment B1-2 regarding bicycle transportation impacts. See DEIR Appendix B regarding air quality, noise and transportation impacts. It is not clear what "safety" is in reference to, but where applicable related to transportation safety hazards, emergency access, and/or police protection, see discussions in DEIR Appendix B.
- B2-5 Conflicts with City Plans. The comment states that the DEIR is not consistent with the *City of Santa Cruz Downtown Plan*, the *Santa Cruz City Active Transportation Plan* and *San Lorenzo Urban River Plan*, which all emphasize bicycle access to the River levee. The comment states that although the *Downtown Plan* says, "bicycle access shall be provided at the extension of Elm Street, which will serve as the primary bicycle access to the Riverwalk between Soquel Avenue and Laurel Street," no bike ramp at this location is shown in the proposed plans. *Response*: See Response to Comment B1-3.
- B2-6 Traffic Impacts on Biking. The comment states that increased motor vehicle traffic along Front Street will have an adverse impact on biking due to vehicles entering and exiting the Project parking garage and vehicles moving into and out of on-street parking spaces. *Response*: See Response to Comment B1-4.
- B2-7 Bus Passes and Parking Subsidies. The comment states that the Project location is a perfect place for residents to not have a car, it is possible to reward tenants that do not have a car or use a parking space by lowering their rent or giving them free bus passes. The Comment also notes National Sierra Club Transportation policy calls for eliminating parking subsidies and minimum requirements to encourage shifts to biking, walking, scooting, carpooling and transit and to greatly reduce or eliminate parking in areas served well by public transit. *Response*: The comment is acknowledged, but does not

address analyses in the DEIR, but provides recommendations regarding free bike passes or lowered rent for tenants that do not have a car.

- B2-8 Connections to the San Lorenzo River. The comment states that the General Plan and requires that "New development adjacent to the San Lorenzo River should include enhanced connections to the levee trails, and other design features that connect the built environment to the river, with " bike paths "and patios overlooking the river." The comment also recommends creation of the "River Walk District" that citizens ranked the highest priority, increasing walkability and emphasizing nature and walkability along the river. *Response:* The comment is acknowledged, but does not address analyses in the DEIR, but provides general recommendations regarding provision of connections to the San Lorenzo River. It is noted that the referenced General Plan action (CD1.5.2) is misquoted in the comment. The action as included in the *General Plan 2030* as amended, reads as follows, and does not reference bike paths: "Provide incentives for new development adjacent to the San Lorenzo River that includes patios overlooking the river, enhanced connections to the levee trails, and other design features that connect the built environment to the river."
- B2-9 Recommendations. The comment lists recommendations for the Project that include a bike path for continuous riding, removal of on-street parking on Front Street, widening and straightening the Front Street bike lane, requiring incentives to reduce cars and parking, and requiring safe, attractive, tree-lined pedestrian walkways. *Response:* The comment is acknowledged, but does not address analyses in the DEIR, but provides recommendations for bike and pedestrian access. See Response to Comment B1-5 regarding bike lanes and parking on Front Street.
- B2-10 Water Demand. The comment references the City's Urban Water Management Plan and an outdated 2004 report and recommends that "water offsets" be implemented for the development. *Response:* The City does not have a policy or requirement that a development not generate any new water demand or that a development offset its water demand. However, as reported in the Downtown Plan Amendments EIR, the City's 2015 Urban Water Management Plan indicates that the City has seen a trend of declining water demand since the year 2000 as a result of several factors, and total water demand within the City's water service area is projected to decline over the 20-year UWMP period due to continued implementation of conservation programs and other efficiency measures. The adopted 2015 UWMP forecasts a 20-year water demand forecast at approximately 3,200 MGY, which 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). The UWMP predicts a decrease in water use of approximately 100 MGY over the next 20 years despite regional population growth forecasts. Therefore, the City's conservation programs have been successful in that overall water demand has continued to increase, although development has increased.

- B2-11 Solar Energy. The comment recommends that solar energy be required to heat water which is the most energy, cost and climate-effective way to heat water and recommends following General Plan policies regarding energy use and new construction, including requiring new construction in City facilities use high-efficiency or zero-waste [energy, garbage creation and water] fixtures (NRC7.4.2) and requiring new development to provide for passive and natural heating and cooling opportunities, including beneficial site orientation and dedication of solar easements (RC7.1.4). *Response*: The comment is acknowledged, but does not address analyses in the DEIR, but will be considered by City staff and decision-makers. However, it is noted that the DEIR analyses did not identify a significant impact related to wasteful, inefficient or unnecessary consumption of energy. It is also noted that water and energy conserving features would be included in building plans in accordance with state and local regulations. For high rise residential buildings of four or more habitable stories, mandatory measures for “solar-ready” design are required in the building code (e.g., identify areas for panels, equipment, conduits). The applicant also has to follow prescriptive or performance approach. They will be required to address this on the building permit plans.
- B2-12 Bird-Safe Building Design Standards. The comment notes the City’s adoption of bird-safe building design standards for buildings facing the San Lorenzo River and quotes a passage from guidelines on the use of glazing treatment in windows as bird-safe measures. Furthermore, it asks that the DEIR address compliance with the design standards more clearly, and it recommends that the DEIR include all elements of bird-safe design because of the sensitive nature of the Riverfront area, and that the project include planting of stands of trees to provide bird habitat. *Response*: The DEIR fully addresses all bird-safe design standards from the Downtown Plan, as amended through 2017. Issues addressed in the DEIR Biological Resources section on pages 4.1-17 to 4.1-19, were based on review of the project plans included:
- Minimization of the total area of exterior glass facing the San Lorenzo River.
 - Avoidance of mirrors and large areas of reflective glass.
 - Avoidance of transparent glass skyways, walkways, or entryways, free-standing glass walls, and transparent building corners.
 - Utilization of glass/window treatments that create a visual signal or barrier to help alert birds to the presence of glass; avoiding funneling of open space into a building façade.
 - Strategically placing of landscaping to reduce reflection and views of foliage inside or through glass.
 - Avoidance/minimization of up-lighting and spotlights, turning off or shielding non-emergency lighting at night, to minimize light from buildings that is visible to birds, especially during migration.

In addition, while the current design adheres to the requirements of the Downtown Plan for bird-safe buildings, the final building design details will be determined during the building permitting process when detailed building plans are provided, at which time it

will be reviewed for adherence to all applicable building design standards in the plan. With regard to planting of stands of trees, doing so would likely be contrary to the bird-safe design standards. Installing high-quality bird habitat within the project site would increase the risk of bird building strikes by bringing more birds closer to the buildings. See Response to Comment B2-2 and B2-3 regarding replacement of removed trees.

- B2-13 Building Heights. The comment states that the Project will obstruct the view of the river, and commenter recommends against approval of the request for additional height. The comment cites General Plan Community Design policies and actions, and states that the proposed 81-foot height conflicts with the General Plan. The comment recommends that the Project building height be 50 feet. *Response*: Comment is noted, but does not address analyses in the DEIR, and recommendations for reduced height will be considered by the City's decision-makers. As explained on page 4.5-12, the City Council must approve the additional height request that may be allowed pursuant to the Downtown Plan. Additionally, the applicant is requesting approval of 11 feet in height beyond the 70 foot height allowance (81 feet maximum) as part of a proposed density bonus as explained in Chapter 3, Project Description of the DEIR.

It is noted that there are no views of the San Lorenzo River from Front Street, except for limited views of the landward side of the existing river levee. Views of the river are blocked due to existing development and the San Lorenzo River levee as indicated on page 4.5-10 of the DEIR, and the Project would not obstruct views of the river or other scenic views. As discussed on page 4.5-10, the certified Downtown Plan Amendments EIR found that future development along the river with potential increased building heights to 70 feet would obscure a portion of distant mountain views, which would also occur under the allowed existing base heights of 50 feet. The proposed Project height of 81 feet would not result in greater blockage of limited distant mountain views than was already evaluated and disclosed in the Downtown Plan Amendments EIR with buildings at a 70-foot height.

From: Christine Fahrenbach <cmfahrenbach@gmail.com>
Sent: Sunday, May 17, 2020 8:39 AM
To: Samantha Haschert <SHaschert@cityofsantacruz.com>
Subject: Riverfront Apartments

To Whom it May Concern:

C1-1 Regarding the Riverfront Apartment project: Seven Stories seems too tall for the area. How about 4? Parking? There is already not enough parking in this area. Also lots of traffic as it is. I do not favor the building of any housing unless a significant portion is designated as lower income such that people who work in SC—such as teachers, service oriented professionals, social workers, health workers, county workers etc. Please consider non- retail space—affordable for a dance / yoga studio, public meeting rooms etc. Mixed use seems to imply that space would not be limited to retail and condos.

I wish you all the best for this project and deeply hope that it meets the needs of Santa Cruz as a whole. And I hope that this development does not become a housing project for highly paid workers who commute over the hill.

Best,
Christine Fahrenbach, PhD
--
null

LETTER C1 – Christine Fahrenbach

- C1-1 Building Heights, Traffic and Housing. The comment states opinions about the proposed building height seems too tall, there is traffic and not enough parking in the area, and commenter does not favor building housing unless a significant portion is designated to lower income people that work in Santa Cruz and non-retail space. *Response:* The comment is acknowledged, but does not address analyses in the DEIR and no response is required.

From: Margo Fisher <margo.fisher@gmail.com>
Sent: Tuesday, June 16, 2020 12:50 PM
To: Samantha Haschert <SHaschert@cityofsantacruz.com>
Subject: Front Street apartments

C2-1 Three 7 story unattractive buildings on the river with 7 dinky trees and no apparent open or park like space. Blocks any view of the river.
As a resident of Santa Cruz I do not want these buildings approved. We can do much better than this along our beautiful river!
Respectfully yours,
Margo Fisher

Sent from my iPhone

LETTER C2 – Margo Fisher

- C2-1 Opinion on Project. The commenter states that the buildings are unattractive with no apparent open or park space, and the commenter does not want the project approved.
Response: The comment is acknowledged, but does not address analyses in the DEIR and no response is required.

Samantha Haschert
City Planning Department
809 Center Street
Santa Cruz, CA 95060
shaschert@cityofsantacruz.com

Re: Riverfront Project Draft Environmental Impact Report (DEIR)

June 24th, 2020

I have reviewed the DEIR for the Riverfront Project and am submitting the following comments for your review and response.

C3-1

The Project includes the removal of twenty trees on the Project site and levee fill area and five street trees. Five of the onsite trees and three street trees are designated as heritage trees under the city's Heritage Tree Ordinance.

Under section **4.1 Biological Resources**, the removal of these eight heritage trees for the Project is discussed and dismissed as having ***no impact*** (Impact Bio-5) based solely on the Project's meeting the required replacement tree numbers under the city's Heritage Tree Ordinance. The DEIR fails to reference the Criteria for Removal of Heritage Trees under Resolution NS-73, 710 and merely states that such criteria exist.

Resolution NS-23, 710 adopted by the City Council in April 1998 establishes the criteria for permitting removal of a heritage tree, including the following:
A heritage tree can be removed if, "***a construction project design cannot be altered to accommodate existing heritage trees.***" This criterion is neither referenced nor evaluated vis-a-vis the Project.

This omission needs to be corrected with specific findings that demonstrate why the Project **cannot** be altered to save heritage tree(s) if a finding of *no impact* is to be asserted in the EIR. Provision of alternative designs that spare the heritage trees should be included.

Respectfully submitted,

Gillian

Gillian Greensite
gilliangreensite@gmail.com

LETTER C3 – Gillian Greensite

- C3-1 Heritage Tree Removal. The comment states that removal of eight heritage trees is discussed as having *no impact* (Impact Bio-5) based on the Project’s meeting the required replacement tree numbers under the city’s Heritage Tree Ordinance, but the DEIR fails to reference the Criteria for Removal of Heritage Trees, which includes “a construction project design cannot be altered to accommodate existing heritage trees.” The comment states that this omission needs to be corrected with specific findings that demonstrate why the Project cannot be altered to save heritage tree(s) if a finding of *no impact* is to be asserted in the EIR. *Response*: The DEIR text has been expanded to identify the criteria for removal of heritage trees and discussion of how the Project meets the cited criterion for removal. As explained in the expanded text, the removal of trees on the landward side of the river levee is proposed in accordance with directives in the Downtown Plan to provide an expanded outdoor open space connection between the existing Santa Cruz Riverwalk and new development. See section 3.2.2 of Chapter 3, Changes to Draft EIR, of this document. The DEIR text also has been revised to provide the correct tree removal, which includes four heritage tree on the Project site and one non-heritage street tree. See section 3.2.2 of Chapter 2, “Changes to Draft EIR” of this document.

From: Carolyn Trupti Israel [<mailto:cappy@baymoon.com>]

Sent: Tuesday, June 16, 2020 3:03 PM

To: Samantha Haschert

Subject: Building next to San Lorenzo River

Esteemed City Councillors and planners--

- C4-1 The plan for this complex extremely close to the San Lorenzo River appears to limit wildlife in an extreme and unacceptable way. As well, it appears to be in an unsafe position in the increasingly likely instance of flooding. In the twenty-some years I've lived in Santa Cruz, the river has come up to that level at least once, and the earth is on an irreversable process of heating, leading to increasingly chaotic weather patterns, storms that linger, dropping vast amounts of rainwater.

Thank you,

Carolyn Israel, 95060-2655

LETTER C4 – Carolyn Israel

- C4-1 San Lorenzo River. The comment states that the Project is extremely close to the San Lorenzo River and appears to limit wildlife in an extreme and unacceptable way and also appears to be in an unsafe position in the likely instance of flooding. *Response:* The comment is acknowledged, but does not address analyses in the DEIR. However, it is noted the biological resources are addressed in the DEIR on in the Section 4.1, Biological Resources, and issues related to flood hazards are addressed in the Environmental Checklist on pages 51 to 53 of Appendix B of the DEIR.

From: Susan Kauffman [<mailto:highsierra2@gmail.com>]
Sent: Wednesday, June 24, 2020 4:56 PM
To: Samantha Haschert
Subject: Draft EIR comments Riverfront project: Front St, S Cruz

- C4-1 Seven stories high and 175 households is out of proportion, (too massive), too dense and too high for along the river in downtown Santa Cruz. It would in no way be compatible with the surrounding development. Please drastically reduce the height, size of the structure, and number of units. Something small scale would fit in much better. Also, there's already way too much traffic downtown. Please do not move forward with a project anywhere near this scale which will add traffic from 175 additional households. Also, it is already horribly unsafe to ride bikes downtown. This project should be nixed.

Very Sincerely,
Susan Kauffman
28 Hanover Ct Santa Cruz CA 95062

LETTER C5 – Susan Kauffman

- C5-1 Project Opposition. The commenter does not support the Project, states that the building height and size are too massive and out of proportion for the area along the river and not compatible with surrounding development. The comment states that there is too much traffic downtown and unsafe for bicyclist. *Response:* The comment is acknowledged, but does not address analyses in the DEIR and no response is required.

From: koakland@ymail.com <koakland@ymail.com>
Sent: Sunday, May 17, 2020 4:35 PM
To: Samantha Haschert <SHaschert@cityofsantacruz.com>
Subject: Santa Cruz Development Propodal ~ Concerned

Hello Samantha,

I saw your name associated with the attached article so I'm reaching out to you.

Having been a Bay Area resident for 30 years and Santa Cruz for eight... It is beyond deeply disturbing to hear of development (apartment buildings etc) in a historical, world-renowned area of Santa Cruz!!

C6-1 This development should be stopped.

If one looks to other cities in the Bay Area you will find development will impact the areas so negatively, so terribly— Not only destroying the beautiful, quaint look and feel of the area but destroying history, and also the ability to enjoy the area without feeling like you're in the middle of a busy hectic city. The traffic will increase exponentially! There is not sufficient infrastructure to withstand that traffic. This fact is proven over and over again in city after city that didn't stop developers and didn't have the infrastructure.

I have lived in several cities in the bay area and the destruction from development is so detrimental to the people,
to the history, culture, to the livability... It is time to put a stop to it.

PLEASE tell me there is sufficient fight going on... Against this!? Yes?? I sure hope so!!
Let me know.

Once the development happens the beauty and history of that area is forever changed, forever destroyed. There is no going back.

I look forward to your reply.

Regards,
Kristin

LETTER C6 – Kristin (No Last Name)

- C6-1 Project Opposition. The commenter does not support the Project and also states that traffic will increase and there is not sufficient infrastructure for traffic. *Response*: The comment is acknowledged, but does not address analyses in the DEIR and no response is required. However, transportation and traffic impacts are evaluated on pages 62 to 66 of Appendix B of the DEIR.

City of Santa Cruz
 Planning & Community Development Depart.
 809 Center St., Rm 101
 Santa Cruz, Ca. 95060
 Contact: Samantha Haschert, Principal Planner

Jane Mio
 215 Mtn. View Ave
 Santa Cruz, Ca, 95062

Dear Samantha,

Thank you for the opportunity to submit my comments. Please confirm their arrival.

3.2 Project Objectives

C7-1 The City of Santa Cruz takes great care to describe the beauty, value and special status of the San Lorenzo River (SLR) in all its City Plans as does the Riverfront Project DEIR. The City acknowledges and supports special status of its designated watershed, riparian corridor and Open Space with various goals/policies and actions in its issued governing plans.

- The 2030 General Plan addresses the San Lorenzo River's value as a watershed, Open Space and protects this status with goals/policies and actions in Chapter 9 and 10.
- The 2018 'San Lorenzo River Riparian Conservation Program' assigns the SLR this focus : 'Riparian habitat conservation and protection is a stated objective of local government, local water districts, the Resource Conservation District of Santa Cruz County, state, and federal agencies.'
- The Land Coastal Plan acknowledges the unique, important status of the SLR by listing strong protection for Open Space, riparian corridors and watersheds.
2.1.4 Enhance the prominence of the San Lorenzo River as a natural feature giving structure, orientation and recreational enjoyment to the City.
- The San Lorenzo Urban River Plan lists as its primary focus and goal: *'the Restoration of the River.'* and *'...recognize that the River is first a habitat area for fish and wildlife and second a passive recreational area for enjoyment by the community.'*

The DEIR 3.2 Project Objectives b), d), e) make the case that the proposed Project is a desirable development in order to access the 'sensitive', 'open space character' San Lorenzo River. The reasoning is that the Project will 'improve the significance of the river and the connection to the downtown area.', 'aesthetically integrates access to the site, the San Lorenzo River, etc', ' The document repeatedly refers to the Project's access to the river as a much needed San Lorenzo River improvement thus justifying the Project.

Although the DEIR is using this logic, which demonstrates it is aware of the river, the Objectives fail to reflect the special status that the City of Santa Cruz has assigned to the river location and its special status in their governing Plans.

This approach is enforced by the 3.2 Project Objectives b), d), e), which have to be quantified:

- c7-2 b) *Building Height*. Develop a project with buildings that meet the criteria for additional height as the 2017 Downtown Plan update recognizes that taller buildings contribute greatly to the architectural fabric of the City and can provide significant opportunities to plan for environmentally sound infill development without damaging the character of the City.
- The Objective is not substantiated by the below listed directives in City's 'General Plan and Local Coastal Program' goals, policies and actions.
 - The City Plans' goals/policies and actions do not state that the City is required to plan new, high density development adjacent to the river with its special assigned status when the Front St. higher, bigger sized buildings section, away from the river, aligns with the governing City Plans.
 - The City's 'the unique character and scale of Santa Cruz' built environment' with its 'diverse array of building patterns and types' is not maintained with a 81' high .98 acre building adjacent to its designated special status watershed, riparian corridor and Open Space.
 - The DEIR finding that 'taller buildings contribute greatly to the architectural fabric of the City...' is not adhering to the City's 'General Plan and Local Coastal Program' goals, policies and actions as listed below.
 - The City Plans' goals/policies and actions do not state that the City is required to plan new, high density development adjacent to the river with its special assigned status when the proposed Project would be better integrated on the Front St. section, which swings away from the river and higher, bigger sized buildings are present.
- **D. UNIQUE CHARACTER AND SCALE OF THE BUILT ENVIRONMENT** Many features contribute to the character and scale of Santa Cruz' built environment. Among them are the diverse array of building patterns and types that have resulted from the City's gradual growth and intensification over more than a century. This is apparent in the current mix and distribution of land-uses, many distinctive areas and neighborhoods, and varied architectural types prominent in Santa Cruz.
 - **3.5.3 Encourage rehabilitation and adaptive reuse of historic and architecturally significant buildings rather than demolition.** (See policy CR 2.1.2) **3.2 Develop new and also implement existing plans and design guidelines for areas of community importance, to preserve and enhance areas contributing to the City's built character.** (See policies under CD 6.2.5, L 2.2 and Area and Specific Plan Summaries elements.)

- GOAL CD 3: Maintain and enhance the City's unique built character and emphasize a human/pedestrian scale to development.
- GOAL L 3: Protect the quality of, and prevent significant new incursion of urban development into, areas designated as open space or agricultural lands and provide, when possible, permanent protection of these lands, recognizing their value in inhibiting urban sprawl and maintaining City identity, as a natural resource with significant biotic resources and/or their potential for providing scenic, recreational and educational enjoyment.
- 1.4 Utilize the environmental review process and maintain Zoning Ordinance Conservation Regulations to ensure protection of natural resources, significant vegetation communities, wildlife habitats, archaeologically sensitive areas, scenic views and also mitigate and protect development from environmental hazards such as earthquakes, floods and fires in the process of land development. (See Policy CR 1.2.2,
- 2.2.1 Develop siting, scale, landscaping and other design guidelines to protect visually sensitive areas and ensure that development is compatible with the character of the area. Areas to be protected include: open-space land uses, foothills, bluffs, scenic coastal areas, Beach Hill, Pogonip, Far West Side, Mission Hill, Moore Creek, DeLaveaga Park, and San Lorenzo River. (See policies CD 1.4, CD 3.5.4)

C7-3 Objective d) *Accessibility*. Develop a project that aesthetically integrates access to the site, the San Lorenzo River, and downtown.

- The GENERAL PLAN and LOCAL COASTAL PROGRAM 1990-2005) does not direct the City to improve the aesthetically access river appeal with a 81' high .98 acre Project when City Plans state that the DEIR Objective can be achieve with well maintained, visually pleasing landscaping, signage upgrades and implementation of the San Lorenzo Urban River Plan and the improvement methods of the 2018 'San Lorenzo River Riparian Conservation Program'.
- The aesthetically San Lorenzo River access is not achieved with a 81feet high, .98 acre Project that blocks any Front St. Open Space visual access.

C7-4 Objectives e) *Open Space and Streetscape* Develop a project that creates public plazas in the form of two pedestrian passageways and open space areas along the riverfront to contribute to a socially active and pedestrian-oriented downtown.

- The City Plans are not directing the City to block Front St. current visual access of the watershed banks with its matured trees in order to achieve 'socially active and pedestrian-oriented downtown'.
- The City Plans do not direct the City to plan a 81 feet, .98 acre Project to reach its Objective of creating two pedestrian passageways via riparian habitat loss due to infill.
- The proposed Project does not integrate nor honors its location adjacent to Sensitive Habitat Areas(4.1), which the DEIR describes as 'riparian habitat and corridors,

wetlands,...etc... of high biological diversity, areas providing important wildlife habitat, and unusual or regionally restricted habitat types.'

- The Project's Objective does not improve Open Space habitat with human 'Streetscape' based on the DEIR statements that 'coastal bird habitat is considered sensitive habitats because of high biological diversity.', and that "high priority" applies to the San Lorenzo River habitat type that is 'considered sensitive habitat in the City (City of Santa Cruz, October 2017-DEIR volume).'
- The Objective fails to prove that the Project is not impacting the City's 'high priority' asset, the San Lorenzo River watershed and the habitat that sustains the riparian corridor, nor is it safeguarding the City's asset with a Project environmental Best Management Plan and ongoing monitoring method in place.
- The Riverfront Project DEIR does not integrate nor adheres to the City's GENERAL PLAN and LOCAL COASTAL PROGRAM 1990-2005 that calls for City Balanced Community planning approach as stated below.

'Environment and development are not separate challenges; they are inexorably linked. Development cannot subsist upon a deteriorating environmental resource base; the environment cannot be protected when growth leaves out of account the costs of environmental degradation.

Meeting essential needs depends in part on achieving full growth potential, and sustainable development clearly requires economic growth in places where needs are not being met, provided the content of growth reflects the broad principles of sustainability and non-exploitation of others and the environment.

In its broadest sense, sustainable development aims to promote harmony among human beings and between humanity and nature. The pursuit of sustainable development requires:

A production system that respects the obligation to preserve the ecological base for development;

A technological system that can search continuously for new solutions; and

An administrative system that is flexible and has the capacity for self-correction.

These requirements are more in the nature of goals that should underlie the City's action in pursuing sustainable development. What matters is the sincerity with which these goals are pursued and the effectiveness with which departures from them are corrected.'

These planning directions are enforced by the Balanced Community goals, policies and actions.

4.1 – BIOLOGICAL RESOURCES

C7-5 Federal Regulations/**Migratory Bird Treaty Act.**

The DEIR fails to adequately address "take" under the Migratory Bird Treaty Act (MBTA). In December 2019, the California Department of Fish and Wildlife (CDFW) and California

Attorney General Xavier Becerra jointly provided an advisory to affirm that California law continues to provide robust protections for birds, including a prohibition on incidental take of migratory birds, notwithstanding the reinterpretation of the MBTA by the U.S. Department of the Interior (DOI). Thus, incidental take must be fully accounted for in the DEIR according to the California's law.

4.2.2 Impacts and Mitigation Measures

Thresholds of Significance

- C7-6 **BIO-1** Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service;

Impact BIO-1: Indirect Impacts to Special Status Species. Project development could result in indirect impacts to riparian and aquatic special status species due to increased shading due to increased building heights and stormwater runoff, but would not substantially affect habitats. This is considered a less-than-significant impact.

The proposed Project states an area of fill will occur along 490 linear feet of the levee and would cover approximately 15,500 square feet of the .98 acre development, amounting to approx. .356 acres. The approx. 15,500 square feet will be covered with approximately 3,500 cubic yards of engineered earthen fill on the west levee slope along San Lorenzo River along the Project's eastern boundary.

The Project Objectives acknowledge that the Project is adjacent to Sensitive Habitat Areas(4.1), which the DEIR describes as 'riparian habitat and corridors, wetlands,..etc... of high biological diversity, areas providing important wildlife habitat, and unusual or regionally restricted habitat types.' The 'coastal bird habitat is considered sensitive habitats because of high biological diversity.', which applies to the "high priority" San Lorenzo River habitat type that is 'considered sensitive habitat in the City (City of Santa Cruz, October 2017-DEIR volume).'

Yet throughout the DEIR does not acknowledge nor addresses that the approx. 15,500 square feet fill will be eliminating "high priority" wildlife habitat due to its close vicinity to the City's designated watershed, a riparian corridor and Open Space area. Nor does the DEIR acknowledge that this infill location currently serves as food source, shelter and nesting ground for the San Lorenzo River wildlife, which is a moving, interconnected, interlinking environment, starkly contrasting with an immobile human made project. It is important to take note that a steep decline of the bird, insect and reptile population is owed to the alarming loss of habitat due to human development.

The DEIR is void of any damage or loss habitat concerns that are caused by the proposed Project's infill thus avoiding any mitigation measures. Consequently mitigation measures are absent for the approximately 15,500 square feet habitat replacement. Therefore it is not possible to evaluate if a substantial adverse effect on any riparian habitat or other sensitive natural community is caused by the Project.

This in opposition to State, Fed. local and County directives for riparian corridors.

Furthermore the City is keenly aware that the San Lorenzo River is a prestigious, high biodiverse Natural Resource. The City recognizes the river's status as an important, greatly valued watershed, riparian corridor and Open Space. The City acknowledges this status as a Santa Cruz asset, which it strives to protect with applying diverse, detailed goals/policies and actions for its safeguard.

The less-than-significant impact Mitigation Measure has to be corrected to be in line with 'LCP 1.4 Utilize the environmental review process and maintain Zoning Ordinance Conservation Regulations to ensure protection of natural resources, significant vegetation communities, wildlife habitats, etc..' (See Policy CR 1.2.2, L 3.2, and policies under Goals EQ 4, CD 6, S 2, S 3, S 4)

C7-7

BIO-2 Have a substantial adverse effect on state or federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;

BIO-2 Wetlands. The Project site is adjacent to the San Lorenzo River, however, the Project site does not include wetlands or other habitat. The proposed Project would result in redevelopment of an existing developed site that does not contain native habitat. Therefore, the Project would not result in a substantial adverse effect on a state or federally protect wetland and would result in no impact.

The 3.2 Project Objectives acknowledge that the Project is adjacent to Sensitive Habitat Areas(4.1), which the DEIR describes as 'riparian habitat and corridors, wetlands,..etc... of high biological diversity, areas providing important wildlife habitat, and unusual or regionally restricted habitat types.' The 'coastal bird habitat is considered sensitive habitats because of high biological diversity.', which applies to the "high priority" San Lorenzo River habitat type that is 'considered sensitive habitat in the City (City of Santa Cruz, October 2017-DEIR volume).'

The DEIR based its 4.1 BIO findings on the report of 3/20/19 Dudek 'Federally-listed Species Assessment, San Lorenzo River Levee Fill Placement Project, City Santa Cruz,

California'. The report declares its wetland accuracy limitations: '...thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis. The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted.' (20-21), the data exclusion for 'Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters.'(20-21) Yet this report is the baseline that guided the statements for 4.1 section instead of an up-to-date riparian corridor species inventory list, which is a LCP EQ Policy and Program directive: 4.5.1 Maintain an up-to-date list and map of sensitive, rare and endangered flora and fauna to ensure their protection in the environmental review process.

It is worth noting that the report's 'The 'Probability of Presence Summary' chart(12.21-17.21) lists 25 bird species that '...are most likely to be present in your project area.' 18 of the 25 species have been recorded in the Project's area and its vicinity. This demonstrates that the Project location and its vicinity are part of a rich, diverse riparian corridor bird life.

Unfortunately this report's worthy mention was not integrated nor evaluated in the DEIR findings: 'Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area.'(17-21) Regrettably the proposed Project DEIR is not reflecting the City's protective approach to its Natural Resource by addressing the environmental impact of the habitat loss of this Sensitive Habitat Area(4.1). Nor is it referencing that the Ocean Protection Council of the California Natural Resource Agency raised concerns that 'The state has already lost approximately 90% of its coastal wetlands due primarily to habitat destruction.' and issued the February 2020 'Strategic Plan to Protect California's Coast and Ocean 2020-2025' in order to prevent any further damage or loss of waterbody habitats.

[Strategic Plan to Protect California's Coast and Oceans 2020-2025 - OPC-2020-2025-Strategic-Plan-FINAL-20200228.pdf](#)

The City is keenly aware that the San Lorenzo River is a prestigious, high biodiverse wetland. The City recognizes the river's status as an important, greatly valued watershed, riparian corridor and Open Space. The City acknowledges this status as a Santa Cruz asset, which it strives to protect with applying diverse, detailed goals/policies and actions for its safeguard. The Project is adjacent to a wetland and in order to do justify its location

close to the San Lorenzo River the City's **Balanced Community for the City's planning**

approach: 'Environment and development are not separate challenges; they are inexorably linked. Development cannot subsist upon a deteriorating environmental resource base; the environment cannot be protected when growth leaves out of account the costs of environmental degradation.'

The Local Coastal Plan directs the City with its Balanced Community Land-use L 1.1 to Foster development patterns and develop land use policies that strive to achieve a balance between economic development and housing while protecting the quality of the environment. (See policy L 2.1 and L 4.3). Goal EQ 4.2 states: Preserve and enhance the character and quality of riparian and wetland habitats, as identified on Maps EQ-8 and EQ-11, or as identified through the planning process or as designated through the environmental review process, and LCP 4.2.5 requires: Protect and minimize the impact of development on bird, fish and wildlife habitat in and adjacent to waterways.

For these reasons it is important to reevaluate the no wetland impact of habitat loss caused by the Project's infill and justify the no impact finding for the City's esteem for its asset: the San Lorenzo River wetland.

- C7-10 **BIO-3** Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;

Impact BIO-3: Indirect Impacts to Sensitive Riparian Habitat. Project development could result in indirect impacts to birds in the area that could lead to bird mortalities. This is considered a less-than-significant impact.

This mitigation measure is not acceptable in consideration that the San Lorenzo River is designated as 'Sensitive Habitat Area', which includes 'coastal bird habitat' in coastal wetlands that experienced a 90% loss caused by human development.

- C7-11 The City of Santa Cruz Bird-Safe Building Design Standards(BSD) need to be applied to their fullest extend since the applicant chose to place the Project adjacent to a protected, high priority wetland area. It is necessary for the DEIR to specify precisely the size of the windows and the treatment method. 50% of glass façade can result in window sizes and untreated surfaces above 40 feet, which can result in bird collision.
- It is necessary to acknowledge that birds collide with glass not only with sky reflections but also landscapes impressions. Corner windows present high collision potential. Therefore their glazing treatment is essential to avoid bird collision.

The DEIR is not committing to adhere to the BSD by using 'could' and 'would' when describing an action. The DEIR has to show that these actions will be carried out with appropriate, responsible Mitigation Measures that insist the City of Santa Cruz Bird-Safe Building Design Standards(BSD) will be correctly applied to minimize un-necessary bird collision impacts.

- C7-12 **BIO-4** Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;

Impact BIO-4: Indirect Impacts to Nesting Birds. Future development as a result of the proposed Downtown Plan amendments could result in disturbance to nesting birds if any are present in the vicinity of construction sites along the San Lorenzo River. This is a potentially significant impact

It is necessary that the DEIR addresses the environmental impact of the extended construction time of approximately 30 months with subsurface excavation estimated at approximately 4 months. It is essential to know what effects are likely to occur and impact the riparian corridor habitat and the nesting impact as birds are exposed to 2.5 years of extensive, severe noise levels, drilling vibrations of approximately 10 to 60 feet below the foundation subgrade, extended presence of heavy machinery, so that appropriate mitigation measures can be applied. In order to fulfill its accountability to the City of Santa Cruz the lead of the Project has to adhere to the 'Balanced Community for the City's Planning' directive, which states: 'Development cannot subsist upon a deteriorating environmental resource base; the environment cannot be protected when growth leaves out of account the costs of environmental degradation.'

Santa Cruz is in the important Pacific Migratory Flyway and the San Lorenzo River bird population ranks as # 13 out of a 100 County e-bird Hotspots. The DEIR is not acknowledging the extensive wildlife disturbance the construction will cause to the San Lorenzo River habitats. This impact will not go away by avoiding implementing proper mitigation measures.

Therefore the DEIR has to supply further material for adequate public evaluation.

- C7-13 Please note: Nesting season in this document is referred to as between March and late July , or as determined by a qualified biologist. According to the 8/16/19 "Amendment of Lake or Streambed Alteration Agreement", written in collaboration with the California Department of Fish and Wildlife, however, nesting season in Santa Cruz extends from **January 15 to September 1st**. Monitoring for bird nests must be carried out throughout this full time period.

C7-14 **BIO-5** Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance

Impact BIO-5: Conflicts with Local Ordinances. Construction of the proposed Project would not result in conflicts with local policies and ordinances protecting biological resources, such as a tree preservation policy or ordinance. Therefore, the Project would result in no impact.

The DEIR lists 13 tree species that account for the 32 existing Project site trees. 8 species, totaling 19 trees are native. 20 of these trees to be removed trees. The Project landscape plan lists 14 replacement trees of non native species. The species name of the remaining 6 trees is not specified. The choice of the 14 non native trees is unacceptable, because these trees do not enhance the riparian corridor's habitats and its wildlife with appropriate food sources, shelter and nesting potential. The DEIR disregard the City Plans directives for the Project's close vicinity to high priority wetlands and misinterprets the value of native trees in this location.

For the DEIR to state that non native trees replacement has no impact is contradicting the City's SLURP, the General Plan 2030, ACOE plans, who all stipulate that the preservation, protection, and enhancement of natural resources is of highest priority.

The Local Coastal Plan specifically specifies in its EQ 4 Goal: 4.6 Encourage the planting and restoration of native rather than non-native vegetation throughout the City and also in areas where plants or habitats are diseased or degraded.

Therefore corrected mitigation measures have to be applied.

Sincerely,

jane mio 6/23/20

LETTER C7 – Jane Mio

- C7-1 Project Objectives. The comment references several City plans regarding the San Lorenzo River and states that “Project Objectives b), d), e) make the case that the proposed Project is a desirable development” in order to access the sensitive San Lorenzo River. The comment further claims that the DEIR repeatedly refers to Project access to the river as needed, “thus justifying the Project.” The comment states that the objectives fail to reflect the special status the City has assigned to the river and that the referenced objectives “have to be quantified.” *Response*: The comments regarding San Lorenzo River are acknowledged. The commenter’s claim that the DEIR repeatedly refers Project access to the river as a needed amenity and thus justifies the project is incorrect. Although the comment does not provide specific references, the DEIR does correctly identify applicable plans and policies that in fact encourage and/or require developments to provide/enhance access to and along the San Lorenzo River; see DEIR pages 4.5-6 and discussion on pages 4.5-8 to 4.5-25. Furthermore, the second paragraph on page 3-2 indicates that the development on the Project site is guided by the “First Principles” of the Downtown Plan and also cites other relevant City plans with goals that have been incorporated into the Downtown Plan. The cited objectives are part of Objective 1 on page 3-2 of the DEIR related to building height (b), accessibility to the site, river and downtown (d), and public plazas, pedestrian passageways and open space along the river (e). Project objective 4 references the San Lorenzo Urban River Plan, and objective 8 references a project designed to prevent impacts to the sensitive San Lorenzo River. None of these objectives require quantification. See Responses to Comments C7-2, C7-3 and C7-4 for responses to specific comments on each of these objectives.
- C7-2 Objective 1b-Building Height. The comment states that the objective is not substantiated by review of directives in the City’s General Plan and LCP that are cited in the comment regarding character and scale of the built environment. The comment also claims that the City Plans’ goals, policies, and actions do not state that the City is required to plan new high density development adjacent to the river. *Response*: As explained on page 3-2 of the DEIR and noted in Response to Comment C7-1, the Project objectives and site development were guided by the “First Principles” of the Downtown Plan. Objective 1 follows the topics of the First Principles, but does not include parking. The objectives are tailored to the proposed Project based on these Principles. For building height, the Downtown Plan First Principles state that “Buildings should maintain the scale and character of the existing downtown, with explicit criteria for additional height up to seven stories.” This principle further states that the 2017 update to the Downtown Plan “recognizes these taller buildings also contribute greatly to the architectural fabric of the City and can provide significant opportunities to plan for environmentally sound infill development without damaging the character of the City.” It also states that “The 2017 modifications to the Additional Height Zones have been carefully written to recognize the City’s successful recovery from the 1989 Loma Prieta earthquake; preserving and enhancing the urban form of the City, without sacrificing the special human scale and

character of downtown. New development will not be required to strictly adhere to a 2 and 3 story scale.” Thus, the cited Project objective is consistent with this First Principle of the Downtown Plan, which also explicitly addresses additional height in the downtown area for which detailed standards are established in the Downtown Plan. See DEIR pages 3-6 to 3-7 for an explanation of why additional heights above what may be permitted in the Downtown Plan can be allowed pursuant to state and local laws on provision of a density bonus with inclusion of a specified level of affordable housing. See section 4.5, Land Use, in the DEIR for review of the Project and potential conflicts with applicable plans and policies. It is also noted that the goals, policies and actions cited in the comment are from the former 1994 General Plan, except for CD1.4 (environmental review process) and CD2.2.1 (development of design guidelines), which are part of the City’s certified Local Coastal Program (LCP).

- C7-3 Objective 1d-Accessibility. The comment states that the General Plan and LCP do not direct the City to improve river access with an 81-foot high building and “the aesthetically San Lorenzo River access is not achieved” with this height that blocks any Front Street “open space and visual access”. *Response*: Commenter’s opinion on building height is noted. However, the referenced objective describes provision of access to the site, to the San Lorenzo River, and downtown in accordance with directives in the Downtown Plan. It is noted that there are no views of the San Lorenzo River from Front Street, except for limited views of the landward side of the existing river levee, due to existing development and the San Lorenzo River levee as indicated on page 4.5-10 of the DEIR.
- C7-4 Objective 1e-Open Space and Streetscape. The comment states that the City plans do not direct the City to block Front Street visual access of the river and that the proposed Project does not “integrate nor honors its location” adjacent to sensitive habitat. The comment further states that the objective does not improve open space habitat and the objective fails to “prove that the Project is not impacting the City’s ‘high priority’ asset, the San Lorenzo River watershed and habitat.” Lastly, the comment states that the DEIR does not integrate nor adhere to the City’s General Plan and LCP that calls for “City Balanced Community planning approach” as stated in the comment. *Response*: As indicated in Response to Comment C7-3, there are no views of the San Lorenzo River from Front Street. Commenter’s opinion on the Project is noted. The project objective does not seek to improve habitat, but is aimed at the creation of public plazas in the form of two pedestrian passageways and open space areas along the river that will be created by filling the landward side of the levee as explained on page 3-8 of the DEIR. Regarding impacts to the San Lorenzo River, Project objective 8 references a project designed to prevent impacts to the sensitive San Lorenzo River. The purpose of an EIR is to evaluate potentially significant impacts on the physical environment, and thus, the EIR does not need to “integrate nor adhere” to the City’s General Plan or LCP as suggested in the comment. See section 4.5, Land Use, in the DEIR for review of the Project and potential conflicts with applicable plans and policies.

- C7-5 Migratory Bird Treaty Act. The comment asserts that the DEIR fails to adequately address “take” under the Migratory Bird Treaty Act (MBTA) and implies that it does not fully account for California law with regard to take of migratory birds, in light of the December 2019 advisory of the California attorney general and the California Department of Fish and Wildlife affirming the protection of migratory birds, regardless of current federal interpretation and enforcement of MBTA. *Response*: With regard to the MBTA, the comment alludes to the reinterpretation of MBTA by the acting solicitor of the Department of the Interior in December 2017. In this opinion, the acting solicitor argued that MBTA did not prohibit incidental “taking” or “killing” of migratory birds as a part of otherwise legal activities, but applied only to “intentional take,” that is, activities with the specific intent of taking birds. Previously, the federal government had interpreted MBTA as more widely prohibiting actions resulting in take, and the California Fish and Game Code included provisions (principally, FGC 3503 and 3503.5) that similarly prohibited incidental take of birds and their nests or eggs. The December 2019 advisory did not include new regulations, new enforcement guidelines, or any amendment to the Fish and Game Code. Instead, it affirmed the legal protections for migratory birds in the code and that the State of California would continue to enforce these provisions.

The comment is not specific with regard to how the DEIR is deficient in addressing this issue, other than to call attention to the recent advisory by the State of California. Not only does the DEIR analyze impacts to nesting birds on the assumption that incidental take is prohibited by the Fish and Game Code, but it also assumes that the provisions of MBTA as interpreted prior to 2017 are still in place. The DEIR acknowledges this impact as “potentially significant,” without mitigation, which is evaluated on pages 4.1-19 to 4.1-20 in the DEIR. The DEIR then states that the project is subject to Mitigation Measure 4.3.3 of the Downtown Plan Amendments EIR (City 2017), which would require nesting bird surveys prior to tree removal or construction activities scheduled to begin during the nesting bird season, which it describes at March 1 to August 1, the nesting period cited in the Downtown Plan Amendments EIR. The measure further requires that, if active nests are found, construction shall be delayed or a buffer shall be erected to protect the nesting birds as long as the nests remain active. The conclusion that this impact was less than significant with implementation of this measure is consistent, not only with the Downtown Plan Amendments EIR, but also with the application of the MBTA and the California Fish and Game Code in approved projects throughout California. See also Response to Comment C7-13 with regard to the nesting bird season described in Mitigation Measure 4.3.3.

- C7-6 Impacts to Sensitive Habitat. The comment states that DEIR does not acknowledge or address the impact of placement of fill on the approximately 15,500 square feet on the landward side of the San Lorenzo River levee, which will eliminate “high priority” wildlife habitat due to its close vicinity to the City’s designated watershed, a riparian corridor and open Space area, and consequently mitigation measures are absent. The comment asks that the less-than-significant impact and mitigation measure be corrected.

Response: The San Lorenzo River levee is a human-made structure, and the landward side is planted with native and non-native grasses, shrubs, and trees planted as part of the levee improvement project as explained on page 4.1-12. While sensitive riparian and wetland habitat is identified on the river side of the levee, no sensitive habitat has been identified on the landward side. An updated site reconnaissance was conducted as part of the preparation of this Final EIR document, and it was again confirmed that there is no sensitive habitat or “high priority wildlife habitat” in the area where placement of fill is proposed as suggested in the comment. The DEIR text has been expanded on pages 4.1-12 and 4.1-10 regarding this area; see section 3.2.2 in the “Changes to Draft EIR” section of this document. Therefore, the Project would not result in direct significant impact to riparian or sensitive habitats or a significant indirect impact to sensitive habitat along the San Lorenzo River as discussed on pages 4.1-17 to 4.1-19.

- C7-7 Impacts to Wetland Habitat. The comment cites the BIO-2 impact regarding wetlands and states that DEIR findings were based on a report regarding federally listed species that did not include a site visit without an up-to-date “riparian corridor species inventory list.” *Response:* As explained in Response to Comment C7-6, the landward side of the San Lorenzo River levee is not considered riparian or sensitive habitat based on reconnaissance reviews conducted during the preparation of the DEIR. A biological site visit conducted in July 2020 found no evidence of wetland indicators. The DEIR text has been expanded; see section 3.2.2 of Chapter 2, “Changes to Draft EIR” of this document.
- C7-8 Probability of Presence Summary. The comment cites a summary included in the federally-listed species assessment and states that this “worthy mention was not integrated or evaluated in the DEIR”. The comment appears to suggest that implementation of conservation measures are important when birds are likely to occur in the area. The comment also states that the DEIR does not address environmental impact of habitat loss of sensitive habitat area. *Response:* The citation in the comment is regarding probability of presence of birds on the U.S. Fish and Wildlife Birds of Conservation Concern list or species that warrant special attention in the project location. The list provides information on breeding periods to assist scheduling activities or implement avoidance and minimization measures to reduce impacts to migratory birds on the list. Birds of Conservation Concern list is explained on page 4.1-2 of the DEIR, and potential impacts to nesting birds are evaluated on pages 4.1-19 to 4.1-20. See Response to Comments C7-6 and C7-7 regarding loss of sensitive habitat.
- C7-9 San Lorenzo River. The comment states that the City recognizes the San Lorenzo River’s “status as an important, greatly valued watershed, riparian corridor and Open Space”, states that the Project is adjacent to the river and cites the “City’s Balanced Community for the City’s planning approach” and LCP policies. The comment states “it is important to reevaluate the no wetland impact of habitat loss caused by the Project’s infill” and justify the no impact finding for the San Lorenzo River. *Response:* The Project would not result in direct loss of wetland habitat as explained in Response to Comment C7-7.

Indirect impacts to San Lorenzo River sensitive habitat, including special status species and riparian habitat, are evaluated on pages 4.1-15 to 4.1-4.1-19.

- C7-10 Indirect Impacts to Sensitive Riparian Habitat. The comment references Impact BIO-3 and states that the mitigation measure is not acceptable in consideration that San Lorenzo River is designated a sensitive habitat that includes coastal bird habitat and coastal wetlands have experienced loss caused by human development. *Response*: Indirect impacts to San Lorenzo River sensitive habitat, including special status species and riparian habitat, are evaluated on pages 4.1-15 to 4.1-4.1-19. The Project complies with the provisions of the City-wide Creeks and Wetlands Management Plan and Downtown Plan regarding required riparian buffers and complies with the City's "Bird-Safe Building Design Standards" and requirements in the Downtown Plan for bird-safe building designs. Thus, the Project would not result in an indirect impact to the adjacent sensitive riparian habitat or birds using the area. The Project would not result in direct loss of wetland habitat as explained in Response to Comment C7-7.
- C7-11 Bird-Safe Building Design Standards. The comment states that the City of Santa Cruz Bird-Safe Building Design Standards need to be applied to their fullest and asks that the DEIR specify the size of windows and window glazing treatment method. *Response*: The City's Bird-Safe Building Design Standards do specify glazing treatment requirements that would be applicable to the Project. See also Response to Comment B2-12.
- C7-12 Impacts to Nesting Birds. The comment contends that the DEIR does not address the effects of the temporary impacts to nesting birds from the long duration of construction, estimated to be 30 months total, including four months of subsurface excavation. The comment also states that the DEIR does not acknowledge the "extensive wildlife disturbance the construction will cause to the San Lorenzo River habitats." *Response*: With respect to nesting birds, the DEIR does address impacts to birds that may be nesting in the area during construction. The impact discussion focuses on the removal of 20 trees from project activities and states that the project would be subject to pre-construction nesting bird requirements in Mitigation Measure 4.3.3 as set forth in the Downtown Plan Amendments EIR, as well as the requirement to establish construction buffers, if bird nests are found. Although the DEIR discussion focuses on tree removal, it refers to this impact as an indirect impact, applying disturbance to nesting birds in the vicinity of construction, not just within the trees being removed. This analysis is consistent with the Downtown Plan Amendments EIR, and it is consistent with the typical approach to nesting bird issues throughout California. This approach focuses on avoidance of "take" of native nesting birds, their nests, and their eggs, which both the federal Migratory Bird Treaty Act and the California Fish and Game Code prohibit. This prohibition has always applied to avoiding direct disturbance of active bird nests, nest failure, and direct mortality of birds. It has never applied to temporary, if longer-term, reduction of bird occupancy of surrounding habitats. Mitigation Measure 4.3.3, therefore, seeks to ensure no birds are killed by construction and that no on-going bird nesting is disrupted when

construction begins. After construction begins, birds that are tolerant of noise and any vibrations from construction may still nest there. But any avoidance of the area by nesting birds is not “take” by any definition in the MBTA and applicable sections of the Fish and Game Code.

It is also important to note that, as discussed in the DEIR, none of the bird species expected to nest in the vicinity of the project site is considered a special-status species. Riparian vegetation is limited along the San Lorenzo River in the project site vicinity, and neither of the two special-status species discussed in the analysis is expected to nest there. Therefore, the DEIR’s approach to protecting native nesting birds appropriately focuses on avoiding take of common nesting species, but also addresses the potential for impacts to any special-status nesting bird species.

- C7-13 Nesting Bird Season. The comment notes the bird nesting period in the DEIR is cited as “between March and late July” and cites an unnamed Lake and Streambed Alteration Agreement amendment issued by the California Department of Fish and Wildlife (CDFW) that specifies the nesting season in the area as January 15 to September 1. The comment also states that monitoring for bird nests must be carried out throughout the construction period. *Response*: The cited LSAA is presumably the August 6, 2019 amendment to the City’s agreement with CDFW regarding routine maintenance activities on sites on specified stream channels, drainages and waterways within the City limits, including the San Lorenzo River. (Notification No. 1600-2013-0176-R3; CDFW 2019). This agreement changes the nesting season for which surveys would be required from February 1 through August 5 to February 1 through September 1 for activities subject to the permit. The amendment limits vegetation management, such as removal for flood control purposes to the period between September 1 and January 15. The period in which nesting bird surveys are required that is cited in the DEIR, March 1 through August 1, is required in Mitigation Measure 4.3.3 in the Downtown Plan EIR (City 2017). However, the City acknowledges that, in the region, birds may nest during a broader period than that acknowledged in Mitigation Measure 4.3.3. Therefore, Mitigation Measure 4.3.3. as applied to the proposed Project, has been revised to extend the period for requiring pre-construction nesting bird surveys to February 1 through September 1, consistent with these provisions.

With regard to monitoring bird nests throughout the nesting period, it should be noted that, once nests are no longer active and young are not dependent on the nest, monitoring of nests is not required to avoid “take” as defined in either the Migratory Bird Treaty Act or the California Fish and Game Code. Any birds nesting near the construction site once construction begins would not be subject to potential take from construction activities, assuming all activities remain within designated areas.

- C7-14 Replacement of Removed Trees. The comment states that the landscaping plan use of non-native trees is unacceptable because they “do not enhance the riparian corridor’s

habitats and its wildlife with appropriate food sources, shelter and nesting potential.” The comment also states that the DEIR disregards directives in City Plans due to the Project's proximity to “high priority wetlands”, misinterprets the value of native trees in this location, and “to state that non-native trees replacement has no impact” contradicts the City's SLURP, the General Plan 2030, and ACOE plans, that all stipulate that the preservation, protection, and enhancement of natural resources is of highest priority. The comment references LCP goal EQ 4 Goal that encourages the planting and restoration of native vegetation, and “corrected mitigation measures have to be applied.” *Response:* The standard by which removal and replacement of trees is evaluated in the DEIR relates to whether the Project would conflict with local ordinances protecting biological resources, such as a tree preservation policy or ordinance. See the evaluation on pages 4.1-20 to 4.1-21 and expanded text in section 3.2.2 of Chapter 3, “Changes to Draft EIR” of this document. As explained, the removal of heritage trees meets the criteria for removal and requirements for replacement trees, which do not requirement native trees. While various City plans and policies encourage use of native species, there is no requirement to do so in the Downtown Plan. There are no requirements for habitat restoration for the site, and the proposed tree replacement and planting is not intended to serve as habitat restoration since no sensitive habitat would be removed as explained in Response to Comment C7-6.

From: Vivienne <aviva@cruzio.com>

Sent: Friday, June 12, 2020 8:27 AM

To: City Council <citycouncil@cityofsantacruz.com>; Samantha Haschert <SHaschert@cityofsantacruz.com>

Subject: I am strongly opposed to the proposed The Draft EIR for the Riverfront project in Santa Cruz - It will ruin our downtown and hurt the riparian environment

C8-1 **I am strongly opposed to the proposed The Proposal Created with its Draft EIR for the Riverfront project in Santa Cruz - It will ruin our downtown and hurt the riparian environment.**

We have crowded streets, inadequate parking, inadequate natural spaces near our city center, and no need for expensive housing options that privatize our river access and views, when the river should be a shared and enhanced environment...I love the birds and the paths along the river. **I have lived in Santa Cruz since 1975 and want my grandchildren to enjoy the beauty here.**

I have seen the drawings for the proposed complex, and it is way too tall, chunky and dense...I feel that we need to value our river with its diverse wildlife and beauty by creating shared buildings if any - perhaps shopping and cafes that are only 2 or 3 stories, no more, and with their own parking and encouragement for bicycles and buses.

And

WE NEED HOUSING FOR OUR RETAIL AND SERVICE INDUSTRY WORKERS AT THE BOTTOM OF THE PAY SCALE, who commute, get stuck in traffic, and see less of their families due to lack of affordable housing. I believe any new complexes built locally should be **80-100% for low income employed people**, and be organized by not-for-profits or cooperative arrangements with private companies, or whomever has the 99% in mind.

Thanks,

Vivienne Orgel, MSW

www.rustandindigo.com
aviva@cruzio.com

LETTER C8 – Vivienne Orgel

- C8-1 Opposed to Project. The comment states strong opposition to the Project and states that the proposed complex is too tall and dense and that the City needs housing for service industry workers. *Response:* The comment is acknowledged, but does not address analyses in the DEIR and no response is required.

From: holly schipper <hollysails@hotmail.com>
Sent: Tuesday, May 12, 2020 8:28 AM
To: Samantha Haschert <SHaschert@cityofsantacruz.com>
Subject: Front st housing

Dear Ms. Haschert,

- C9-1 I saw in the paper today about the proposed building on Front street. I not unopposed to having the building, but I am concerned regarding the height of this building. 7 stories seem excessive. I would like to keep our footprint of downtown SC on a smaller basis. I would like to see new buildings going up in this area, but limit the height to 4 stories tall.
- C9-2 The other thing I did not see addressed was parking. Is there going to be an underground parking lot with this building?
- C9-3 I love the mixed-use plan between retail and residential. Mixing in low-cost housing is another good idea as well.
- Best,
Holly Schipper

LETTER C9 – Holly Schipper

- C9-1 Building Height. The commenter is not opposed to building, but is concerned about height and suggest a height limit of four stories. *Response*: The comment is acknowledged, but does not address analyses in the DEIR and no response is required.
- C9-2 Parking. The commenter did not see parking addressed and asks if there will be underground parking. *Response*: Parking is not a topic that is required for analysis by CEQA. However, the project does include a partially underground parking garage with 187 vehicle spaces and 242 bicycle parking spaces and bike racks as described on page 3-7 of the DEIR. The proposed Project parking complies with City requirements.
- C9-3 Support for Mixed Uses. The commenter states support for the mixed uses and “low-cost Housing”. *Response*: The comment is acknowledged, but does not address analyses in the DEIR and no response is required.

From: Russell Weisz [<mailto:russweisz1@gmail.com>]
Sent: Wednesday, June 24, 2020 3:30 PM
To: Samantha Haschert
Subject: Re: Testing email

Comments on the 508 Front Street DEIR

Inbox



Russell Weisz <russweisz1@gmail.com>

1:14 PM (2
hours ago)

to SHASCHERT

C10-1 On reading the DEIR I was disappointed to see no catalog of bird species observed along the lower area of the river in the vicinity of the proposed development and no count of birds observed. There's no quantitative analysis of potentially impacted birds that I could find in the DEIR. As someone who has volunteered many hours to improve river area habitat in the vicinity of the proposed development, I have seen many bird species including ospreys, red-tailed hawks, peregrine falcons, blue herons, egrets, swallows and many, many other species. I don't think compliance with pertinent city regulations is sufficient environmental analysis for allowing a massive new structure above 80 feet high to be constructed right against the river where I am very concerned it will negatively impact bird habitat.

Sincerely,
Russell Weisz
319 Laguna St
Santa Cruz CA 95060
831 246-1770
russweisz1@gmail.com

On Wed, Jun 24, 2020 at 3:21 PM Samantha Haschert <SHaschert@cityofsantacruz.com> wrote:

Hi Russ,

If you receive this, feel free to reply with your comments.

Thanks,
Sam

Samantha Haschert
Principal Planner
City of Santa Cruz
shaschert@cityofsantacruz.com
(831) 420-5196

LETTER C10 – Russ Weisz

- C10-1 Impacts to Birds. The commenter states disappointment at not seeing a “catalog” or count of bird species observed along the river in the vicinity of the proposed development and states that there is no quantitative analysis of potentially impacted birds in the DEIR. Commenter does not think compliance with pertinent city regulations is sufficient environmental analysis for allowing a “massive new structure” adjacent to the river and is concerned that it will negatively impact bird habitat. *Response*: The standards used to evaluate impact significance are based on the State CEQA Guidelines and are identified on page 4.1-13. The focus is on potential impacts to special status species and sensitive habitat impacts, which are addressed in the DEIR. In this regard, a bird count or list of observed birds is not required. The EIR section drew from analyses in the Downtown Plan Amendments EIR, as explained on pages 1-3 to 1-4 of the DEIR, that included review of existing biological studies conducted along the river. Potential indirect impacts to birds present in the vicinity along the San Lorenzo River are addressed on pages 4.1-17 to 4.1-20, including potential impacts to nesting birds.

Thank you for your interest in the project at Front St/Riverfront project. Please provide any project related question or comment in the fields provided. Your comment/question will be automatically directed to the City Planner assigned to this project. Please note that questions and/or comments entered here are public information and subject to release in accordance with the Public Records Act.

Submit Date

Question/Comment:

Contact Information: If you would like us to contact you regarding your comment or question, please provide us the following information:

C11-1	5/13/2020 18:04	N/A	The soils report by TRC is inadequate. The San Lorenzo River mouth used to vary in location from as far North as Neary's Lagoon to where it is currently located. The depth of the alluvial soils vary substantially over that area. The proposed project extends for 460 feet. Only two bore holes were drilled, and one of the holes was not even sampled! The one logged hole was in the middle of the project. We do not know what is happening for 230 feet either side of the hole. I am sure the conditions will vary substantially. The soils engineer should not be providing design criteria without further drilling. Additionally, the allowable loads provided in the report seem ridiculously high- up to 200,000 pounds on an 18 inch pier. My opinion, as a licensed civil engineer, is that this soils report should have critical peer review.	John#Frazer#831 425-8401#scper@aol.com
C11-2				
C11-3	5/14/2020 3:13	N/A	I'm happy to see that this plan fully embraces the river levee.	Linda#Rosewood##lindarosewood@gmail.com
	5/17/2020 14:46	N/A	This proposed project is a terrible cheap-looking overbuilt eyesore.	###

C11-ONLINE COMMENTS

5/20/2020 13:58 C11-4	N/A	Build - but please, please, please assure that the affordable units are included in the project - not promised at some other place or in some other venue. Same for the other large projects. My wife and I understand and support growth, but we want to see the affordable units built on the site of the units - as proposed and as NEEDED. Please do not cave in to have a donation or promise of some other unit. We need affordable units. We need units for people with Section 8 Housing vouchers. We have needs for units that are mixed and represent the people who live here - many homeless as they have no place to live. Spend time finding a veteran or other homeless individual with housing assistance a place to live - way, way, way too hard. So, go forward with these projects, do it quickly but I will be yelling and screaming if they do not include the promised affordable units on site - WEST CLIFF too. Great thanks	David#Mintz#7143513836#dav emintz1112@gmail.com
6/11/2020 21:13 C11-5	N/A	I am concerned about both the bird habitats being threatened by this project and by the tree removals. Concerning bird habitat, it seems to me that mitigation via improvement of bird habitats *adjacent to the Project* must be included before the project should be approved. Concerning trees, similarly, mitigation must include provision of replacement trees *on or adjacent to* the project. Contributing to a "tree fund" is NOT adequate mitigation for the destruction of 18 trees.	John#Hall#530-574-8157# johnhall@ucsc.edu

LETTER C11 – Online Comments: John Frazer, Linda Rosewood, David Mintz, John Hall

- C11-1 Geotechnical Report. The comments states that soils report by TRC is inadequate, only two bore holes were drilled, one of the holes was not even sampled, and conditions will vary throughout the site. The commenter recommends a peer review of the report. *Response*: Review with City staff indicate that the Project geotechnical report was prepared in compliance with state and local requirements, and a peer review is not required. A geotechnical report is a standard requirement at the building permit stage and must include a number of borings that are adequate to support building design plans. Given the close proximity to the river, additional borings will likely be required.
- C11-2 Project Opinion. The commenter is “happy to see that this plan fully embraces the river levee”. *Response*: The comment is acknowledged, but does not address analyses in the DEIR and no response is required.
- C11-3 Project Opinion. The comment states that the proposed project “is a terrible cheap-looking overbuilt eyesore”. *Response*: The comment is acknowledged, but does not address analyses in the DEIR and no response is required.
- C11-4 Affordable Housing. The comment asks that the affordable units included in the project and other large projects be assured as affordable units are needed. *Response*: The comment is acknowledged, but does not address analyses in the DEIR and no response is required.
- C11-6 Bird Habitat and Tree Removal. The commenter is concerned about both the bird habitats being threatened by this project and by the tree removals. The comment states that mitigation via improvement of bird habitats adjacent to the Project and tree mitigation must be included. *Response*: As discussed in the DEIR on pages 4.1-13 through 4.1-20, the Project would not result in direct impacts to sensitive habitat and the only identified potentially indirect significant impact was related to nesting birds, which can be mitigated to a less-than-significant level with implementation of mitigation identified in the DEIR. As explained on DEIR pages 4.1-20 to 4.1-21, including expanded text in this document (see Chapter 3, “Changes to Draft EIR”), the Project would not result in conflicts with the City’s heritage tree removal ordinance. The Project includes replacement trees for each tree removed.

APPENDIX A

Mitigation Monitoring and Reporting Program

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MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) for the City of Riverfront Project has been prepared pursuant to the California Environmental Quality Act (CEQA – Public Resources Code, Section 21000 *et seq.*), the CEQA Guidelines (Cal. Code Regs., Title 14, Chapter 3, Sections 15074 and 15097). A master copy of this MMRP shall be kept in the office of the City of Santa Cruz Planning and Community Development Department and shall be available for viewing upon request.

Mitigation Measure	Implementation Actions	Monitoring / Reporting Responsibility	Timing Requirements	Reporting Requirements & Verification of Compliance
Biological Resources				
The following mitigation measure was adopted with the Downtown Plan Amendments and is applicable to development projects in the area covered in the EIR, which includes the Project site. <u>The measure has been revised as part of the Final EIR to reflect the nesting period for which pre-construction nesting surveys are required by the California Department of Fish and Wildlife in the Lake, Streambed Alteration Agreement with the City of Santa Cruz for maintenance activities along San Lorenzo River and other streams in the City.</u> MITIGATION 4.3-3: Require that a pre-construction nesting survey be conducted by a qualified wildlife biologist if construction, including tree removal, adjacent to the San Lorenzo River is scheduled to begin between February 1 and September 1 to determine if nesting birds are in the vicinity of the construction sites. If nesting raptors or other nesting species protected under the MBTA are found, construction may need to be delayed until late September or after the wildlife biologist has determined the nest is no longer in use or unless a suitable construction buffer zone can be identified by the biologist. (Citywide Creeks and Wetlands Management Plan Standard 12).	- Include measure as a Project Condition of Approval. - Implementation actions are outlined in the mitigation measure.	- Applicant is responsible for preparation of pre-construction bird surveys and submitting City Planning and Community Development Department for review and approval. - Applicant is responsible for complying with any construction buffer requirements identified as a result of the survey.	Prior to removal of trees and initiation of Project construction.	
Cultural Resources				
Mitigation CUL-1: Complete documentation of buildings at 418 and 428 Front Street prior to alteration or demolition in accordance with Historic American Buildings Survey (HABS) standards, which includes the following: Project proponent shall work with a qualified	- Include measure as a Project Condition of Approval. - Implementation actions are specified in	Applicant is responsible for preparation of the documentation specified in measure and submitting to Planning and Community Development Department	Prior to issuance of Historic Demolition Authorization Permit.	

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architectural historian to prepare local-level HABS documentation, as detailed below. HABS level photographs must be completed prior to demolition and construction of the Project. The full HABS documentation must be complete prior to completion of the proposed Project. Copies of the HABS shall be provided to local Santa Cruz repositories. • <i>Measured Drawings</i>: Select existing drawings, where available, should be reproduced on mylar. If existing historic drawings do not exist, a digital and hard copy set of measured drawings that depict the existing size, scale, and dimension of the subject property shall be produced. The measured drawing set shall include a site plan, sections, and other drawings as needed to depict existing conditions of the property. The scope of the drawing package will be reviewed and approved by local Planning Department staff prior to commencement of the task. All drawings shall be created according to the latest HABS Drawings Guidelines by the National Park Service. The measured drawings shall be produced by a qualified professional who meets the standards for architecture set forth by the Secretary of the Interior's Professional Qualification Standards (36 Code of Federal Regulations, Part 61). • <i>HABS-Level Photographs</i>: Black and white large format negatives and prints of the interior, exterior, and setting of the subject property shall be produced. The photographs must adequately document the character-defining features and setting of the historic resource. Planning Department staff will review and approve the scope (including views and number) of photographs	measure.	for review and approval. • City Planning and Community Development Department staff are responsible for review and approval of submitted documentation.		

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required prior to the commencement of this task. All photography shall be conducted according to the latest HABS Photography Guidelines by the National Park Service. The photographs shall be produced by a qualified professional photographer with demonstrated experience in HABS photography. • <i>HABS Historical Report</i>: A written narrative historical report, per HABS Historic Report Guidelines, shall be produced. The report shall include historical information, including the physical history and historic context of the building, and an architectural description of the site setting, exterior, and interior of the building. The report shall be prepared by a qualified professional who meets the standards for history or architectural history set forth by the Secretary of the Interior's Professional Qualification Standards (36 Code of Federal Regulations, Part 61). Archival copies of the drawings, photographs, and report shall be submitted to the Planning Department, and to repositories including but not limited to the San Francisco Public Library, Northwest Information Center, and California Historical Society. This mitigation measure would create a collection of reference materials that would be available to the public and inform future research.				
MITIGATION CUL-2: Prior to the start of Project construction and demolition, the Project proponent shall hire a qualified architectural historian to create an interpretative display plan that addresses the historical significance of the two historical buildings that are being demolished. The interpretative display must be located within the proposed Project boundary along a pedestrian walkway or attached to	▪ Include measure as a Project Condition of Approval. ▪ Implementation actions are specified in measure.	▪ Applicant is responsible for preparation of the interpretive display and submitting to Planning and Community Development Department for review and approval.	▪ Prior to issuance of Historic Demolition Authorization Permit.	

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the new building so that it is visible to the general public. Interpretation typically involves development of interpretive displays about the history of the affected historical resources. These displays may include a high-quality permanent digital interpretive website, or a temporary exhibition or interpretive display installed at a local cultural institution or publicly accessible location on or near the Project site. The interpretive displays illustrate the contextual history and the architecture of the buildings, and of the general building typology (e.g. Commercial Buildings Design in the Automobile Age), and shall include, but not be limited to, historic and contemporary photographs, narrative text, historic news articles and memorabilia, salvaged materials, and maps.		City Planning and Community Development Department staff are responsible for review and approval of submitted interpretive display.		
Noise				
The following mitigation measure was adopted with the Downtown Plan Amendments and is applicable to development projects in the area covered in the EIR, which includes the Project site. MITIGATION NOISE-1: Require preparation and implementation of acoustical studies for future residential development along Front Street to specify building design features that meet state interior sound levels.	- Include as Project Condition of Approval. - Implementation actions are outlined in the mitigation measure.	Applicant responsible for preparation and implementation of acoustical study and submittal to Planning and Community Development Department for review and approval..	Prior to issuance of building permit.	
Cumulative Traffic Impacts				
The following mitigation measure was adopted with the Downtown Plan Amendments and is applicable to development projects in the area covered in the EIR, which includes the Project site.	- Include as Project Condition of Approval. - Implementation	The City Public Works Department is responsible for establishing and/or updating fair-share program	Prior to final building permit signoff and Project occupancy.	

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MITIGATION 5-1: Require future development projects within the downtown area to contribute fair-share payments for improvements at the following intersections: Front/Soquel (signal timing and lane modifications); Front/Laurel (westbound lane addition and north and south right-turn overlap); and Pacific/Laurel (southbound left-turn lane addition).	actions are specified in measure.	and establishing total improvement costs and fee per residential and commercial trips generated by the Project. ▪ Applicant is responsible for paying required fee.		