5.4 Land Use, Planning, and Recreation

5.4.1 Introduction

This section describes the existing land uses in the project area and its immediate surroundings, as well as relevant land use policies and regulations of agencies that have jurisdiction over the proposed desalination plant and related facilities. This section also evaluates whether the development of the proposed desalination project would result in adverse effects related to land use, planning, or recreation. Specifically, the evaluation focuses on whether the proposed project would conflict with any applicable land use plans, policies, or regulations. The description of the existing setting and evaluation of impacts is based in part on review of applicable existing regulations and planning documents such as the California Coastal Act and the general plans and local coastal programs of the potentially affected local jurisdictions. Additional information in this section is derived from Section 5.3, Land Use, Planning, and Recreation, of the *Integrated Water Plan Program Environmental Impact Report* (IWP Program EIR) (City, 2005a), as well as from other references, as cited throughout this section[1].

Public and agency comments related to land use and planning were received during the public scoping period in response to the Notice of Preparation and are summarized below.

- Include specific information regarding zoning designation of the sites for the various project components.
- Address zoning and land use issues/implications pertaining to project components located in the City, the County, and Capitola.
- Evaluate impacts of the project on recreation including trails, parks, and beach areas. The analysis should include potential impacts of the seawater intake on wave breaks and surfing.

To the extent that issues identified in public comments involve potentially significant effects on the environment according to the California Environmental Quality Act (CEQA), and/or were raised by responsible and trustee agencies, they are identified and addressed within this EIR. For a complete list of public comments received during the public scoping period, refer to **Appendix A, Scoping Report City of Santa Cruz and Soquel Creek Water District (scwd²) Regional Seawater Desalination Project**.

[1] Referenced documents in this EIR are available for review at the City of Santa Cruz Water Department offices at 212 Locust Street, Suite D, Santa Cruz, California 95060, Monday through Thursday 8:00 a.m. to Noon and 1:00 p.m. to 5:00 p.m., except holidays. Likewise, these documents are available for review at the Soquel Creek Water District offices at 5180 Soquel Drive, Soquel, CA 95073, Monday through Friday 8:00 a.m. to Noon and 1:00 p.m. to 5:00 p.m., except holidays.

5.4.2 Environmental Setting

Regional Setting

The proposed desalination project and its various components would be located within the City of Santa Cruz (City), unincorporated Santa Cruz County (County), City of Capitola (Capitola), and offshore in the Monterey Bay (see **Figures 5.4-1a/b, Jurisdictional Boundaries**). The onshore components of the project would be located in urbanized portions of these jurisdictions. The existing land uses within these urbanized areas that are in proximity to the project area are shown on **Figures 5.4-2a/b, Existing Land Use**. The offshore components of the project would be located within offshore portions of the California Coastal Zone (coastal zone) and some of the improvements would also be located within the Monterey Bay National Marine Sanctuary (MBNMS).

Project Area Setting

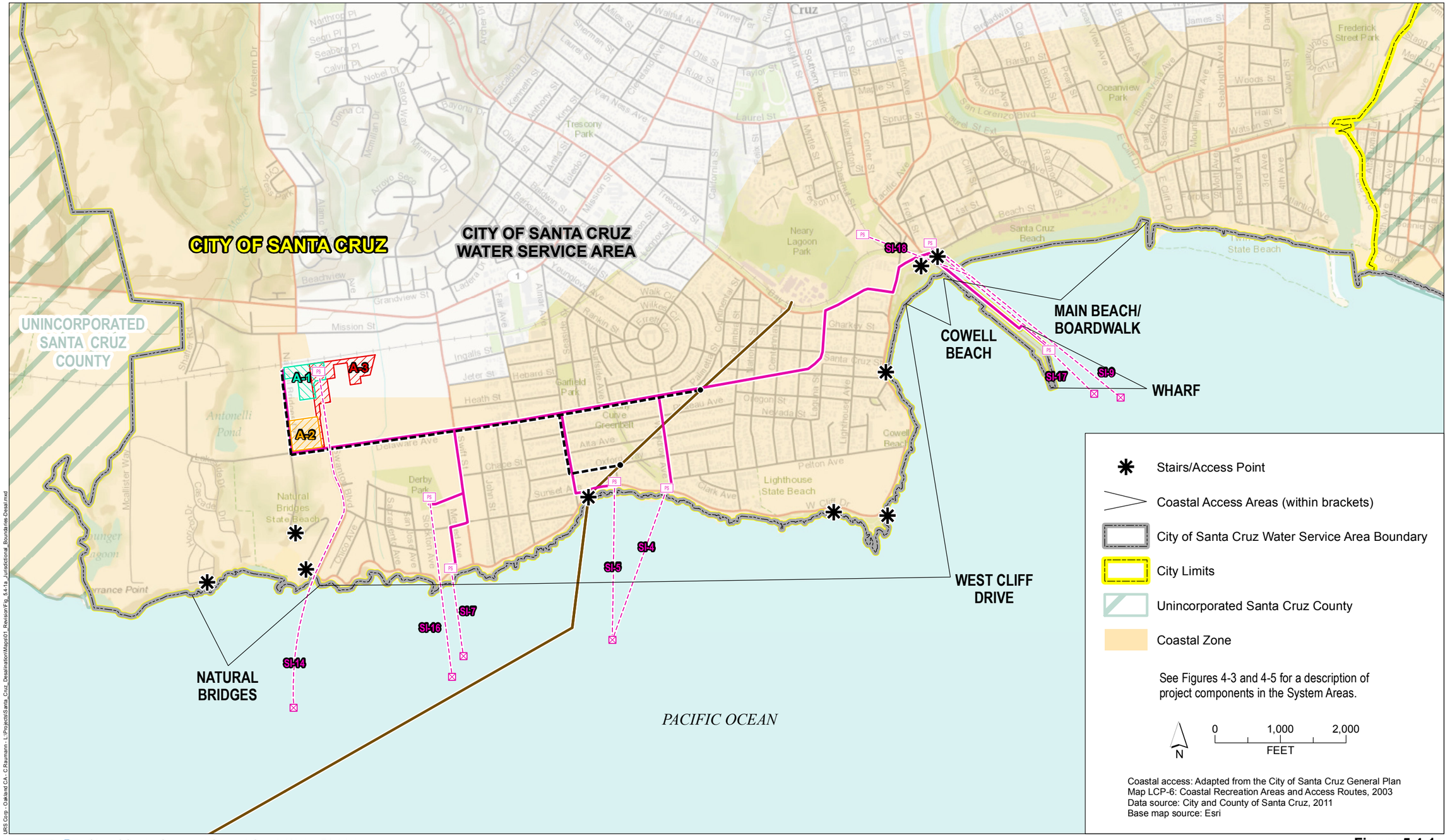
The existing land use and planning context in or near the project area is identified below relative to the onshore and offshore components of the proposed project. The various components of the project described in **Section 4, Project Description**, should be referred to for a full description of the proposed project.

Onshore Components

Seawater Intake and Conveyance Systems

The seawater intake and conveyance system, consisting of an intake structure, intake pipelines, pump station, and transfer piping, would be located between an offshore location in the Monterey Bay and the desalination plant. The onshore components of this system include the intake pump station and the transfer piping. A number of alternative pump station locations near the Municipal Wharf, along West Cliff Drive, and on or near the plant site locations are being considered.

The existing land use designations and land uses associated with each of the alternative pump station locations are provided in **Table 5.4-1, Land Use Information for Seawater Intake Site Alternatives**. Additionally, the existing land uses in proximity to the alternative pump station locations are shown on **Figure 5.4-2a**. The land use designations of the seawater intake pump station site alternatives include Parks (SI-4), Low Density Residential (SI-5 and SI-7), Regional Visitor Commercial (SI-9 and SI-17), Industrial (SI-14), and Community Facilities (SI-16 and SI-18), as set out in the Land Use Maps of the adopted *City of Santa Cruz General Plan 2030* (General Plan 2030)(City, 2012c).



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City of Santa Cruz and Soquel Creek Water District
scwd² Regional Seawater Desalination Project

Figure 5.4-1a
Jurisdictional Boundaries and Coastal Access Areas - Desalination System Area

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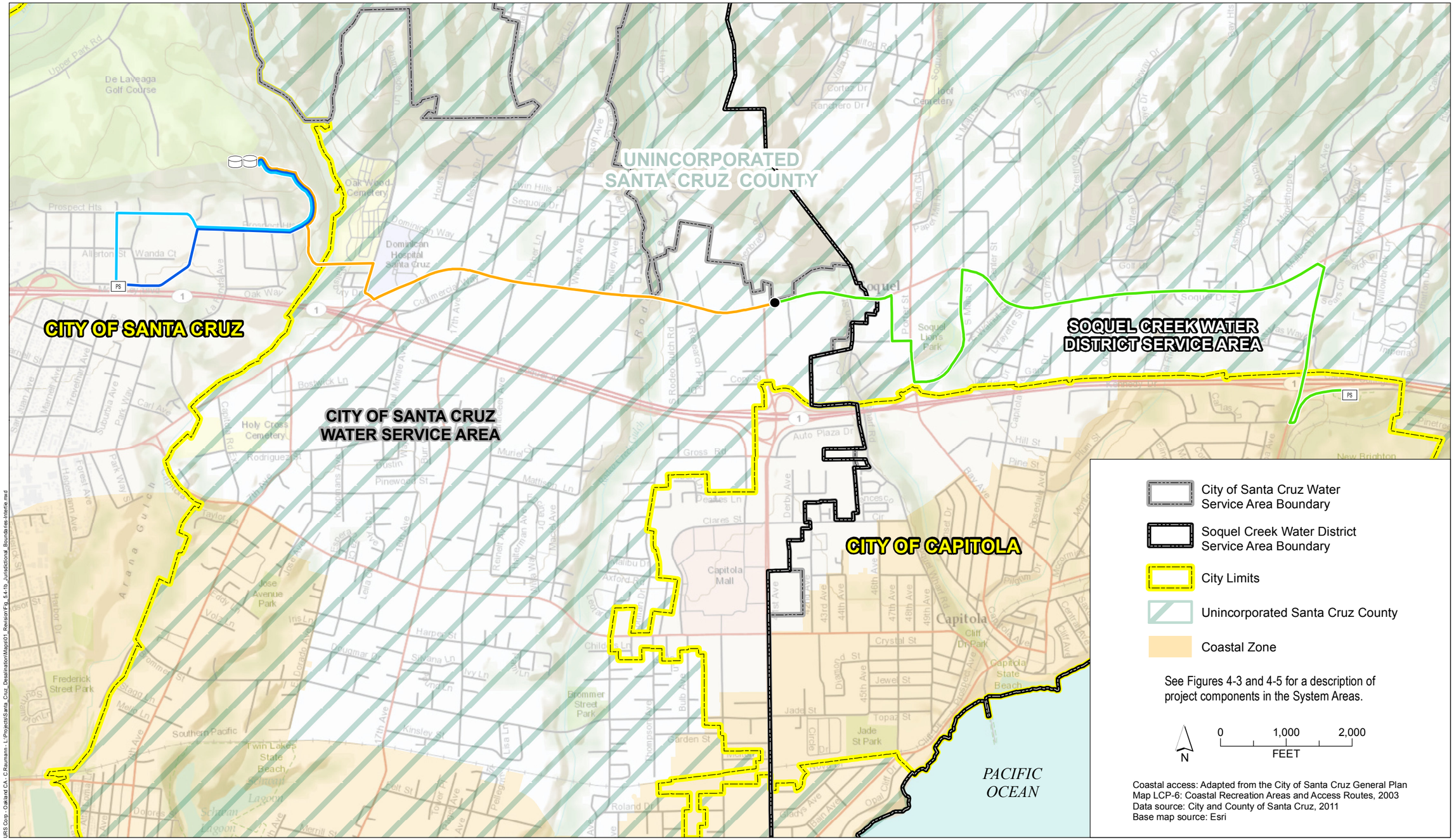

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City of Santa Cruz and Soquel Creek Water District
scwd² Regional Seawater Desalination Project

Figure 5.4-1b
Jurisdictional Boundaries - City-District Intertie System Area

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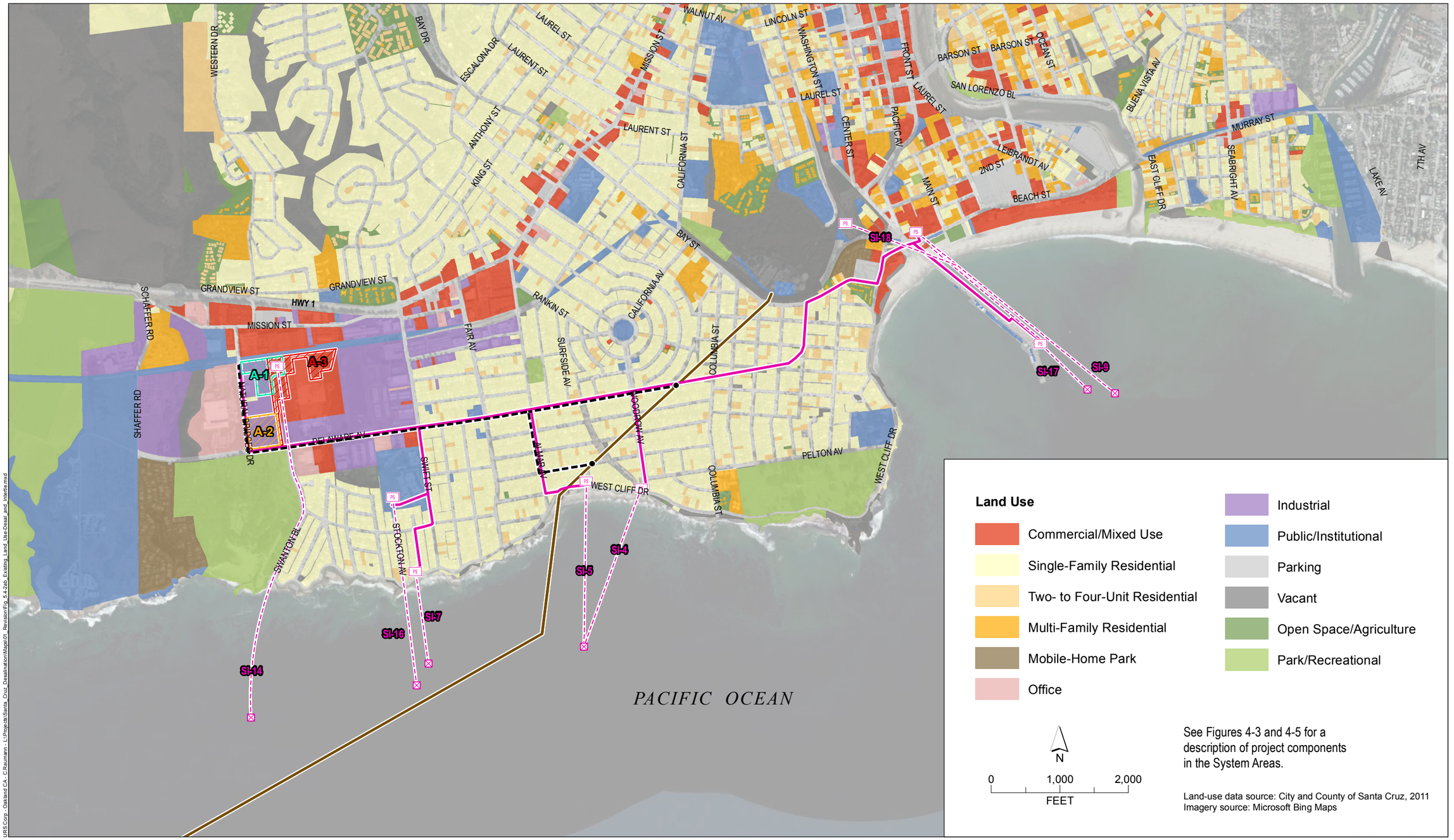

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City of Santa Cruz and Soquel Creek Water District
scwd² Regional Seawater Desalination Project

Figure 5.4-2a
Existing Land Use - Desalination System Area

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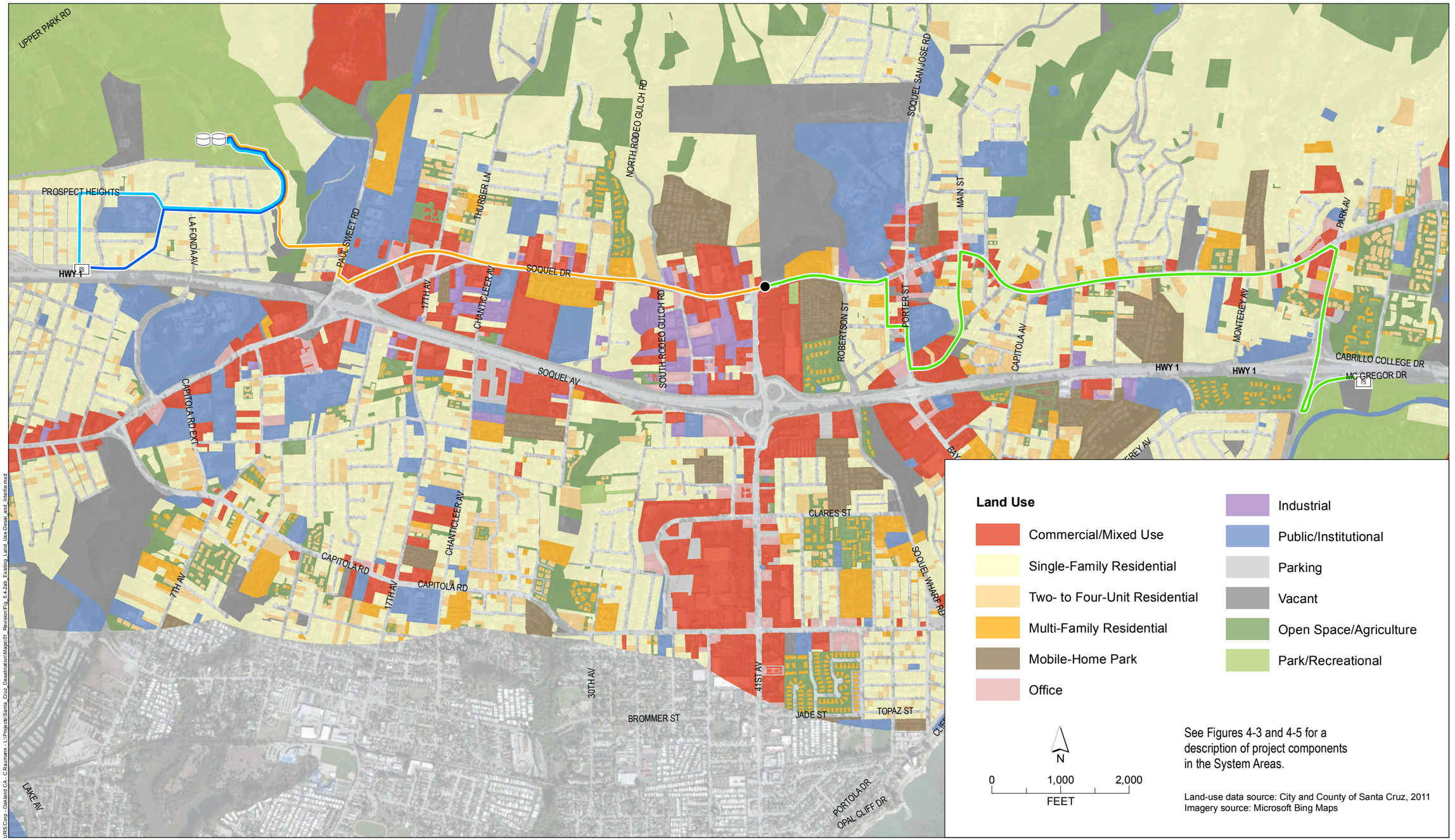

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City of Santa Cruz and Soquel Creek Water District
scwd² Regional Seawater Desalination Project

Figure 5.4-2b
Existing Land Use - City-District Intertie System Area

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Table 5.4-1. Land Use Information for Seawater Intake Site Alternatives

Intake Site #	Pump Station Location Alternative	Existing and Surrounding Land Use(s)	General Plan Land Use Designation	Zoning Designation
SI-4	Woodrow Ave and West Cliff Drive, small park/greenbelt on City property	Park/green belt containing north-south path that provides access to the multi-use path along West Cliff Drive. Residential development exists to the north, east, and west.	Parks	Parks (PK) Coastal Zone Overlay District[1] West Cliff Drive Overlay District[1]
SI-5	1102 David Way at West Cliff Drive, undeveloped parcel	Undeveloped land covered with annual grasslands. Residential development exists to the north, east, and west of the site.	Low Density Residential	Single Family residence (R-1) Coastal Zone Overlay District[1] West Cliff Drive Overlay District[1]
SI-7	1700 West Cliff Drive at Merced Ave, 3 contiguous undeveloped parcels	Undeveloped land covered with annual grasslands. Residential development exists to the north, east, and west of the site.	Low Density Residential	Single Family Residence (R-1) Coastal Zone Overlay District[1] West Cliff Drive Overlay District[1]
SI-9	Motel parking lot at 525 2nd Street, facing Beach Street, east of Pacific Ave	Motel parking lot exists on the site. Other beach area commercial uses are located to the north, south, east, and west of the site.	Regional Visitor Commercial	Beach Commercial (RTC) Coastal Zone Overlay District[1]
SI-14	Desalination Plant Area A, 2240 Delaware Avenue	Undeveloped land in Area A. Intake pump station site would be adjusted depending upon the ultimate site selected for the desalination plant.	Industrial	General Industrial District/Performance District (IG/PER2) Coastal Zone Overlay District[1]
SI-16	Pacific Collegiate School sports field, 255 Swift Street (Santa Cruz City Schools property)	School sports field exists on the site. School facilities located to the east. Residential uses located to the south and west. Derby park located to the northwest.	Community Facilities	Public Facilities (PF) Coastal Zone Overlay District[1]
SI-17	Immediately adjacent to the Santa Cruz Municipal Wharf	No existing land uses currently, as the pump station would be constructed on new pilings, adjacent to an existing parking lot on the existing wharf. Adjacent uses include a parking lot to the north and beach commercial uses to the west.	Regional Visitor Commercial	Beach Commercial (CB) Coastal Zone Overlay District[1] Shoreline Protection Overlay Zone (SP-O)[1]
SI-18	SCCRTC property located south of Depot Park, used by the City as a corporation yard.	Used by the City for operation and maintenance storage for the wharf. Adjacent uses include commercial uses to the north and east, residential uses and Neary Lagoon to the west, and a mobile home community to the south.	Community Facilities	Parks (PK) Floodplain (FP) Coastal Zone Overlay District[1]

Notes:

1. The purpose of the Coastal Zone Overlay, the West Cliff Drive Overlay, and Shoreline Protection Overlay Districts is to provide a means of carrying out the policies of the Coastal Act and the City's Local Coastal Land Use Plan. These overlay districts are all part of the Local Coastal Implementation Plan. The West Cliff Drive Overlay District is intended to preserve, protect, and enhance West Cliff Drive as an important social and environmental city and community space; reinforce the residential neighborhood character of the north side of West Cliff Drive; preserve the public view toward the ocean from streets which intersect with West Cliff Drive; and enhance the streetscape by requiring landscaping and modulation of building forms on buildings facing West Cliff Drive (Municipal Code Chapter 24.10.4200). The Shoreline Protection Overlay District is intended to preserve and protect the coastal and environmental resources and to accomplish the following: minimize cut, fill, earthmoving, riprap placement, grading operations, and other such man-made intrusions in coastal areas; to control erosion; to protect development from geological or other coastal related hazards; to protect public views; to protect and enhance shoreline access for the public; to protect paleontological resources. This district lies generally between the sea and the first public road paralleling the sea, or within three hundred (300) feet of the mean high tide line of the sea, whichever is the greater distance (Municipal Code Chapter 24.10.2400).

The zoning designations of the pump station site alternatives include Parks (SI-4 and SI-18), Single Family Residence (SI-5 and SI-7), Beach Commercial (SI-9 and SI-17), General Industrial (SI-14), Public Facilities (SI-16), and Floodplain (SI-18) according to the City of Santa Cruz Zoning Districts Map (City, 2004b). Additionally, the pump station for Intake Site SI-17 adjacent to the Municipal Wharf is located within the Shoreline Protection Overlay Zone as defined in Section 24.10.2400 of the City's Municipal Code; Intake Sites SI-4, SI-5, and SI-7 are located in the West Cliff Drive Overlay Zone as defined in Section 24.10.4210 of the City's Municipal Code; and all of the intake pump station sites, except SI-14, are located in the Coastal Zone Overlay District.

All proposed pump station sites, except SI-14, are located within the coastal zone and some are located in proximity to coastal recreation areas, as identified in the City's General Plan 2030 (City, 2012c). A pump station at Intake Sites SI-4, SI-5, or SI-7 would be located in immediate proximity to a multi-use path that runs along the coast adjacent to West Cliff Drive, a coastal recreation area. Additionally, a pump station at Intake Site SI-17 would be located immediately adjacent to the Municipal Wharf, which is also a coastal recreation area. Other coastal recreation areas in proximity to Sites SI-9 and SI-17 include the Main Beach and Boardwalk area, located east of the Wharf, and Cowell Beach, located west of the Wharf. A pump station at Intake Sites SI-14, SI-16, and SI-18 would be located farther inland and the sites do not provide direct coastal access or coastal recreation. **Figure 5.4-1a** shows the seawater intake locations and nearby coastal recreation and access areas.

The transfer piping to convey the raw seawater from the pump station to the plant site would be located along pipeline alignments in the coastal zone within City streets in public rights-of-way. Transfer piping from a pump station located at Intake Sites SI-9, SI-17, or SI-18 near the Municipal Wharf, would generally traverse along pipeline alignments through commercial, residential, and industrial land uses in route to the alternative plant site locations. Transfer piping from a pump station located at Intake Sites SI-4, SI-5, SI-7, or SI-16, along or near West Cliff Drive, would generally traverse along pipeline alignments through residential and industrial land uses in route to the alternative plant site locations. The existing land uses in proximity to the transfer pipeline alignments are shown on **Figure 5.4-2a**.

Plant Site Locations

As noted in the **Section 4**, three alternative plant site locations identified as Plant Sites A-1, A-2, and A-3 are being considered. All three potential plant sites are located on undeveloped portions of land identified as Area A (Industrial Park Area) in the IWP Program EIR. The three plant sites are generally bounded by the Santa Cruz Branch Rail Line tracks on the north, Natural Bridges Drive on the west, Delaware Avenue on the south, and the realigned Arroyo Seco stream on the east.

The City's General Plan 2030 Land Use Map identifies the three alternative plant sites as Industrial (City, 2012c). The City of Santa Cruz Zoning Districts Map designates them General Industrial District/Performance District (IG/PER2) (City, 2004b). None of the three alternative

plant sites provide recreational uses or access to adjacent recreational areas. The land use setting of these three alternative plant sites is generally shown in **Figure 5.4-2a** and further described below.

Plant Site A-1. Plant Site A-1 is a 4.7-acre, mostly undeveloped site. The northwest corner of the site is currently being used as an uncovered fire wood storage area. Existing land uses to the north include the Santa Cruz Branch Rail Line tracks, and the U.S. Geological Survey (USGS) Pacific Coastal & Marine Science Center and light industrial and office park uses to the north of the tracks. Existing land uses to the east include Harmony Foods, a food manufacturing facility, and associated parking lot. Existing land uses to the south and west fronting Natural Bridges Drive include commercial uses, a single-family residence, a pre-school, and undeveloped land. Existing land uses to the west of Natural Bridges Drive include UCSC offices and research facilities and associated parking lot. Plant Site A-1 is located primarily outside of the coastal zone. However, the southernmost edge of the site appears to within the coastal zone.

Plant Site A-2. Plant Site A-2 is a 4.1-acre undeveloped site. The site contains riparian vegetation associated with an unnamed drainage area located on the western side of the site. Monterey cypress trees are located on the east side of the site. Existing land uses to the north include undeveloped land and beyond that are the single-family residence, pre-school, and commercial uses fronting Natural Bridges Drive, noted above. Existing land uses to the east include Harmony Foods and associated parking lot. Existing land uses to the south include Natural Bridges State Beach, which is located on the south side of Delaware Avenue. Existing land uses to the west of Natural Bridges Drive include the University of California, Santa Cruz (UCSC) offices and research facilities and associated parking lot. The unnamed drainage on the site flows under Delaware Avenue into Natural Bridges Creek. Plant Site A-2 is located within the coastal zone.

Plant Site A-3. Plant Site A-3 is a 7.4-acre undeveloped split site that lies on either side of the existing (Harmony Foods) facility and connected by a utility corridor. The site occupies a larger area as compared to other sites due to its split nature, longer driveway, and setback from Arroyo Seco. Existing land uses to the north include the Santa Cruz Branch Rail Line tracks, the USGS Pacific Coastal & Marine Science Center, and light industrial and office park uses to the north of the tracks. Existing land uses to the east include the realigned Arroyo Seco stream and the Delaware Mixed-Use Live-Work Project, which is under construction. Existing land uses to the south and west include Harmony Foods and its associated parking lot, and commercial uses, a single-family residence, and a pre-school to the west. Access is from Delaware Avenue, unlike Site A-1 that has access from Natural Bridges Drive. Only the access road portion of Plant Site A-3 appears to be located within the coastal zone.

Arroyo Seco is an intermittent stream that originates in springs on the UCSC campus and traverses down the marine terraces. The creek roughly parallels Western Drive to the east, traverses the Westside industrial area, Derby Park, then goes underground until its outfall adjacent to West Cliff Drive between Sacramento and Auburn Avenues. It drains to Monterey

Bay via a culvert pipe. The upper segments of Arroyo Seco have year-round flow with the lower segments becoming intermittent, with water held in deeper pools throughout the year. The reach that lies to the east of the Plant Site A-3 is channelized and partially lies in the coastal zone, south of the site.

Brine Disposal and Conveyance System Locations

The brine disposal and conveyance system would consist of a new pipeline to convey brine from the desalination plant to the City's Wastewater Treatment Facility (WWTF) outfall, as well as outfall improvements. The onshore component of this system includes the potential alignments for the brine pipeline. The land use setting of these potential alignments is generally shown in **Figure 5.4-2a**, and described below.

The brine pipeline, which would be located primarily within City streets in public rights-of-way, would generally traverse along a pipeline alignment from the chosen plant site through industrial and residential land uses in route to the WWTF outfall pipeline at one of two potential connection points (see **Section 4**). Both of these connections points are located inland from the existing Junction Structure at Mitchell's Cove Beach. The Junction Structure provides coastal access to Mitchell's Cove Beach via stairs constructed on the structure (see **Figure 5.4-1a)**. Regardless of the connection point, the brine pipeline alignment would be located in the coastal zone.

Potable Water Distribution System Improvements

The District would receive potable water from the City's distribution system through a new intertie system between the two service areas. The intertie would consist of new and replacement pipelines and pump station improvements. All of these components would be onshore. The land use setting in the vicinity of the new intertie is generally shown in **Figure 5.4-2b**, and described below.

The new intertie pipeline alignments between the City and District service areas would run from Morrissey Boulevard in the City, to the DeLaveaga water storage tanks, then through portions of the unincorporated County to Park Avenue and then into the City of Capitola at McGregor Drive, which lies south of Highway 1. Pipeline alignments would be located primarily within developed public rights-of-way of the City, County, and Capitola. The pipeline alignments would generally traverse through residential land uses between Morrissey Boulevard and Brookwood Drive and through a mix of residential, commercial, and public/institutional land uses between Brookwood Drive and McGregor Drive.

The majority of the proposed intertie system locations are outside the coastal zone, except the portion that extends into the City of Capitola on Park Avenue and McGregor Drive.

Potential Energy Projects

The potential solar PV panels would be installed at the desalination plant, which is described above. The micro-hydro system would be installed in the basement of the Graham Hill Water Treatment Plant (GHWTP), which is located in the unincorporated portion of the County. The GHWTP is surrounded by single-family residences.

Offshore Components

Seawater Intake Locations

The offshore components of the seawater intake and conveyance system include the intake structure and intake pipelines, which would extend from a shoreline or near shore pump station location into the Monterey Bay. As noted in **Section 4** and in **Table 5.4-1**, a number of alternative intake locations near the Municipal Wharf and along West Cliff Drive are being considered. All of the offshore portions of these intake sites are located in the coastal zone and Intake Sites SI-4, SI-5, SI-7, SI-14, and SI-16 are also located in the MBNMS. Intake Sites SI-9, SI-17, and SI-18 are not located in the MBNMS, as the Wharf area is located on public trust lands that have been granted to the City of Santa Cruz (California State Lands Commission, undated).

The offshore components of the seawater intake system are located in areas that are used for surfing and boating. Santa Cruz was formally approved as a World Surfing Reserve[2] on February 3, 2011 (World Surfing Reserve, 2011). The Santa Cruz World Surfing Reserve is located on the northern side of Monterey Bay within the MBNMS. The Reserve stretches approximately seven miles from Natural Bridges State Beach in the City on the west eastward to the Opal Cliffs, just east of Pleasure Point in the County. The Reserve provides recreation throughout the year, with good beach and surf access along this coast. In the project area, the surf breaks at Lighthouse Point (Steamer Lane) and Cowells Beach are the most intensively used areas for surfing.

Boating is also common in the area and the Santa Cruz Harbor provides nearby berthing and launching facilities. Additionally, the Wharf can be accessed by boats via docking areas at the base of the Wharf (City, 2003). Boats are generally not permitted along the coast within three hundred yards (900 feet) of the mean high tide line, in accordance with the City's Municipal Code (Chapter 9.66.090).

[2] The World Surfing Reserves organization is a global initiative to create and manage a global network of surfing reserves, and build stewardship capacity at the local level. Formal approval as a World Surfing Reserve does not have any regulatory effect.

Brine Disposal and Conveyance System Locations

The offshore component of the brine disposal and conveyance system includes the portion of the WWTF outfall that extends offshore, which would require improvements with the proposed project. This outfall is located in the coastal zone and in the MBNMS.

5.4.3 Regulatory Framework

Applicable land use plan, policies, and regulations of agencies with jurisdiction over the proposed project are detailed below.

Monterey Bay National Marine Sanctuary

The MBNMS is one of thirteen National Marine Sanctuaries in the United States, and was designated in 1992, in accordance with the National Marine Sanctuaries Act (MBNMS, 2011). Regulatory and enforcement powers of the National Marine Sanctuaries Program are specified in the National Marine Sanctuaries Act. National Marine Sanctuary Program Regulations at 15 CFR Part 922 authorizes NOAA to issue regulations for each national marine sanctuary. A person may conduct an activity prohibited by this part if conducted in accordance with the scope, purpose, terms, and conditions of a permit issued by a Sanctuary, such as in Subpart M pertaining to the MBNMS.

The MBNMS prohibits or otherwise regulates a number of activities within and beyond its boundaries. However, these prohibitions do not apply to any activity authorized by any lease, permit, license, approval, or other authorization issued by any federal, state, or local authority of competent jurisdiction. A Director of the NOAA Office of Ocean and Coastal Resource Management can authorize an activity, provided that: (1) the applicant notifies the Director of the NOAA Office of Ocean and Coastal Resource Management, and complies with other provisions of 15 CFR 922.49; (2) the Director of the NOAA Office of Ocean and Coastal Resource Management notifies the applicant and authorizing agency that he or she does not object to issuance of the authorization; and (3) the applicant complies with any terms and conditions the Director deems necessary to protect Sanctuary resources and qualities.

NOAA has entered into a Memorandum of Agreement (MOA) with the State of California, the USEPA, and the Association of Monterey Bay Area Governments regarding the MBNMS regulations relating to water quality within state waters within the Sanctuary boundary. With regard to permits, the MOA encompasses:

- NPDES permits issued by the State of California under Section 13377 of the California Water Code; and
- Waste Discharge Requirements issued by the State of California under Section 13263 of the California Water Code.

The MOA specifies how the authorization process outlined in 15 CFR 922.49 will be administered for state waters in the Sanctuary, in coordination with the state permit program.

In November 2008, the NOAA Office of National Marine Sanctuaries released the *Monterey Bay National Marine Sanctuary Final Management Plan*, which focuses on key issues and opportunities affecting the Sanctuary (NOAA, 2008). The Management Plan contains a Desalination Action Plan that states that three MBNMS regulations relate directly to desalination:

- The first involves a prohibition on discharging or depositing any material within Sanctuary boundaries. Since the brine effluent, and in some cases other material, are usually disposed of in ocean waters, this activity requires MBNMS authorization of RWQCB permits.
- The second pertains to discharging materials outside of the boundaries, which subsequently enter MBNMS waters and negatively impact its resources. MBNMS authorization of the RWQCB permit is required for such activities.
- The third relevant regulation involves a prohibition on activities that cause alteration of the seabed. Installation of certain desalination facility structures such as an intake/outfall pipeline on or beneath the ocean floor would also require MBNMS authorization.

Proposed projects that would involve the above activities would require authorization from the MBNMS, via other relevant permits, such as RWQCB permits noted above. There are other MBMNS regulations that may also relate to specific desalination projects. These are identified where relevant in the various topical sections of this EIR.

The following strategies have been adopted in the MBNMS Management Plan for future desalination project planning:

- **Strategy DESAL-1:** Develop and implement regional desalination program to address desalination facility development and operation in the MBNMS.
- **Strategy DESAL-2:** Develop facility siting guidelines and recommendations to minimize impacts to MBNMS resources and qualities.
- **Strategy DESAL-3:** Identify environmental standards for desalination facilities operating in the MBNMS, which may relate to intake design, pretreatment, reverse osmosis, and brine disposal technology.
- **Strategy DESAL-4:** Develop modeling and monitoring program to determine predicted properties of brine plume and measure short-term, long-term, and cumulative impacts.

As a result of the above policies, the MBNMS has developed and published *Guidelines for Desalination Plants in the Monterey Bay National Marine Sanctuary* (MBNMS and NMFS, 2010). These guidelines were developed to help ensure that any desalination plants in the

MBNMS will be sited, designed, and operated in a manner that results in minimal impacts to the marine environment. Although not enforceable, these guidelines are intended to assist regulatory agencies in reviewing proposed desalination projects, and to help ensure that project proponents and designers address resource protection concerns. Relevant guidelines that pertain to the environmental analyses provided in this EIR are summarized below:

- Results of accepted plume models should be included to illustrate how the plume would behave during variable oceanographic conditions. Salinity concentrations at the discharge point, as well as where and when it would reach ambient ocean concentrations, should be estimated. The extent, location, and duration of the plume where the salinity is 10 percent above ambient salinity should also be provided.
- The water quality characteristics of the discharge should conform to California Ocean Plan requirements and should be as close to ambient conditions of the receiving water as feasible.
- Impingement and entrainment should be minimized by including the placement of the intake structure to avoid sensitive habitat, screening the intake ports, increasing the number of intake ports, or decreasing the intake velocity. Entrainment and impingement impacts should be determined based upon long-term monitoring data from the area.
- Potential construction and operational impacts of a proposed project related to coastal access and recreation at the shoreline or in coastal waters should be evaluated. These effects should address potential impacts to divers, recreational boaters, and commercial and recreational fishermen.

There may be other guidelines that pertain more to the regulatory permitting process that are not cited above.

California Coastal Act

All development within the coastal zone is governed by the provisions of the California Coastal Act, which was enacted by the state legislature in 1976 to provide long-term protection of California's 1,100-mile coastline for the benefit of current and future generations (California Public Resources Code Section, 30000 et. seq.).

Development activities, which are broadly defined by the Coastal Act to include construction of buildings, divisions of land, and activities that change the intensity of use of land or public access to coastal waters, generally require a coastal development permit from either the Coastal Commission or the local government, per Section 30600 of the Coastal Act. The California Coastal Act allows local governments to regulate development in coastal areas through preparation and implementation of Local Coastal Programs (LCPs), which must be certified by the California Coastal Commission. Coastal development permits can be obtained from local agencies that have adopted and certified LCPs, subject to review on administrative appeal by the Coastal Commission. Proposed onshore construction within the coastal zone would therefore fall

under the jurisdiction of the cities of Santa Cruz and Capitola, both of which have adopted and certified LCPs (see further discussion below). None of the project components lie within the County's coastal zone jurisdiction.

The Coastal Commission retains coastal development permit jurisdiction over development proposed on the immediate shoreline, tidelands, submerged lands, and public trust lands, in accordance with Coastal Act Section 30601. Therefore, a coastal development permit would also be required from the Coastal Commission for the components of the proposed project that would extend into these areas. The policies of the Coastal Act constitute the statutory standards applied to planning and regulatory decisions made by the Coastal Commission and by local governments, pursuant to the Coastal Act. Coastal Act policies that are relevant to the proposed project and will be considered during the coastal development permit process are described below.

Coastal Priority Uses

Coastal Act Section 30255 indicates that coastal-dependent developments shall have priority over other developments on or near the shoreline. Coastal Act Section 30101 defines a coastal-dependent development or use as "any development or use which requires a site on or adjacent to, the sea to be able to function at all." Under Coastal Act Section 30260, coastal-dependent industrial facilities are encouraged to locate or expand within existing sites and where they cannot be feasibly accommodated they may nonetheless be permitted if: (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

Marine Environment

Coastal Act Section 30230 indicates that: (1) marine resources shall be maintained, enhanced and where feasible, restored; (2) special protection shall be given to areas and species of special biological or economic significance; and (3) uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Coastal Action Section 30231 indicates that the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means:

- Minimizing adverse effects of waste water discharges and entrainment,
- Controlling runoff,

- Preventing depletion of ground water supplies and substantial interference with surface water flow,
- Encouraging waste water reclamation,
- Maintaining natural vegetation buffer areas that protect riparian habitats, and
- Minimizing alteration of natural streams.

The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, per Coastal Act Section 30233(a). Such activities shall be allowed for only certain types of facilities, including but not limited to, new coastal-dependent industrial facilities and incidental public service facilities, such as buried pipelines. Coastal Act Section 30233(b) indicates that dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation.

Environmentally Sensitive Habitat Area

Coastal Act Section 30240 sets forth a strict limitation on the type of development and uses that are permitted to occur in Environmentally Sensitive Habitat Areas (ESHA), where only uses dependent on those resources are allowed. It also requires that new development be compatible with the continuance of ESHA, and be sited and designed to prevent impacts that would significantly degrade ESHA.

Public Access and Recreation

Various Coastal Act Sections address protection and enhancement of public access to the coast, and enhancement of coastal recreational uses and areas. Coastal Act Section 30211 indicates that new development shall not interfere with the public's right of access to the sea including, but not limited to the use of sand and rocky coastal beaches. Coastal Act Section 30212(a) indicates that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it would be inconsistent with public safety, security, or protection of fragile resources, or where adequate access exists nearby. Coastal Act Section 30212.5 indicates that where appropriate and feasible, parking areas shall be distributed through an area to mitigate the impacts of overcrowding or overuse by the public of any single area. Lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided, and new developments providing public recreational opportunities are preferred, per Coastal Act Section 30213. Lastly, Coastal Act Section 30221 calls for protection of oceanfront land suitable for recreational uses and development unless present and foreseeable future demand for recreational activities that could be accommodated on the property is already adequately provided for in the area.

Scenic Resources

Coastal Act Section 30251 indicates that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to:

- Protect views to and along the ocean and scenic coastal areas,
- Minimize the alteration of natural land forms,
- Be visually compatible with the character of surrounding areas, and, where feasible,
- Restore and enhance visual quality in visually degraded areas.

This section also indicates that new development in highly scenic areas shall be subordinate to the character of its setting.

Development and Public Services

Coastal Act Section 30250(a) states that new residential, commercial, or industrial development shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. Additionally, under Coastal Action Section 30254, new or expanded public works facilities shall be designed and limited to accommodate needs generated by permitted uses.

Energy Use

Coastal Act Section 30253(d) indicates that new development shall minimize energy consumption and vehicle miles traveled.

Public Trust Lands/California State Lands Commission

California's navigable waters are held in trust by the state for all Californians. The state holds these lands for water-related commerce, navigation, fisheries, recreation, and open space. The California State Lands Commission (CSLC) manages 4.5 million acres of public trust lands, including tidelands, navigable waterways, and submerged coastal lands extending to a distance of three nautical miles. It also includes the waters and underlying beds of more than 120 rivers, lakes, streams, and sloughs.

The CSLC regulates the use of tidelands and submerged lands under its jurisdiction to ensure that proposed uses of these lands are consistent with the Public Trust Doctrine principle that certain resources are preserved for public use. The regulation of these lands is implemented by the CSLC through the granting of dredging permits and issuance of land use leases for activities on public trust lands. For example, the City's WWTF outfall that extends into public trust lands is covered by a lease from the CSLC, which is held by the City. The City would have to obtain

an amendment to the lease from the CSLC as a co-lessee for changes related to brine discharge and modifying the outfall structure. Additionally, the construction of the offshore portion of the seawater intake and conveyance system would also require a lease from the CSLC for intake locations on ungranted public trust lands (Intake Sites SI-4, SI-5, SI-7, SI-14, and SI-16). The intake location in the vicinity of the Municipal Wharf (Intake Sites SI-9, SI-17, and SI-18) are located on public trust lands that have been granted to the City and therefore the construction of an intake at either of these locations would require authorization from the City.

Porter Cologne Water Quality Control Act

In addition to regulating water quality and discharges to water, as described in **Section 5.1, Hydrology and Water Quality**, the Porter-Cologne Act (California Water Code Section 13142.5[b]), which specifically governs facilities that use seawater, is also applicable to the intake of water and the siting of such facilities.

According to Section 13142.5(b), for each new or expanded coastal power plant or other industrial installation using seawater for cooling, heating, or industrial processing, the best available site, design, technology, and mitigation measures feasible shall be used to minimize the intake and mortality of all forms of marine life. The Central Coast RWQCB will evaluate the site, design, technology and mitigation associated with the proposed project in their analysis and permitting of the facility.

Local Land Use Plans, Policies, and Regulations

City of Santa Cruz

The City recently adopted a new General Plan on June 26, 2012 (City, 2012c). The City's General Plan 2030 addresses state-mandated topics (Land Use, Circulation, Conservation, Open Space, Safety, and Noise), as well as Community Design, Historic Preservation, Arts and Culture, Civic and Community Facilities, and Economic Development. A land use map as required by state law identifies location, type, and intensity of land uses throughout the City through the year 2030. It contains goals, policies, and implementation measures that provide planning guidance for the future of the City.

Section 5.4.4, Impacts and Mitigation Measures discusses the policies from General Plan 2030 that are applicable to the proposed project (see Impact 5.4-1 and **Table 5.4-3, Local Agency General Plan and LCP Policy Analysis**). The Land Use Element of General Plan 2030 designates land uses within the City and includes a discussion of current land uses.

The City's certified LCP was not updated as part of General Plan 2030, but is currently being revised as a separate document. The existing LCP is contained in City's *General Plan and Local Coastal Program 1990-2005* (General Plan and LCP 1990-2005) and includes designated coastal policies, implementing ordinances contained in the City's Municipal Code, and maps applicable to the coastal zone portions of the City (City, 2003). The City's LCP was prepared and adopted

pursuant to the requirements of the California Coastal Act. The LCP and its amendments have been certified by the Coastal Commission. The Coastal Commission certified policy revisions for the Beach Area as an amendment to the City's General Plan/Local Coastal Program in October 2002. **Section 5.4.4, Impacts and Mitigation Measures** discusses policies from the City's LCP that are applicable to the proposed project. The City would be required to issue a coastal development permit for those components of the proposed project located in the coastal zone. Other local permits and approvals as stipulated in the City's Municipal Code, such as a use permit and design permit, would also be required.

The *City-wide Creeks and Wetlands Management Plan* is a component of the City's certified LCP (City, 2008a). The purpose of this plan is to: (1) identify and map the watercourses and known wetlands within the City limits; (2) identify appropriate development setbacks based on evaluation of habitat, stream and land use characteristics; (3) recommend management actions which promote the preservation of riparian and wetland resources; (4) define development guidelines and standards for areas where development adjacent to watercourses may be appropriate; and (5) provide a framework for permitting development adjacent to watercourses. This document identifies setbacks and local procedures and regulations related to creeks and wetlands that are applicable to the proposed project. See **Section 5.3, Terrestrial Biological Resources** for an evaluation of the proposed project in relationship to this plan and specified setbacks.

Santa Cruz County

The *1994 Santa Cruz County General Plan and Local Coastal Program* (County General Plan and LCP) is a comprehensive, long-term planning document for the unincorporated areas of the County (County, 1994). The County General Plan and LCP provide policies and programs to guide the future growth and physical development of the unincorporated portion of the County. **Section 5.4.4, Impacts and Mitigation Measures** discusses policies from the County General Plan and LCP that are applicable to the proposed project. The Land Use Element of the County General Plan and LCP provides for the designation and location of all types of land uses throughout unincorporated County lands.

The intertie pipeline portion of the proposed project would traverse through unincorporated lands in the County. County approval of an encroachment permit, under Chapter 9.70 of the Santa Cruz County Code, would be required to allow for the installation of proposed pipeline within county-maintained roads and rights-of-way. County Municipal Code Chapter 9.70, Streets and Roads, contains provisions for the care and protection of county-maintained roads and rights-of-way that may be altered, excavated under, obstructed or encroached upon. The ordinance requires that proper drainage be maintained and that traffic safety measures be implemented as necessary to protect the public using roadways and to provide for at least one lane of traffic at all times. See **Sections 5.1, Hydrology and Water Quality** and **Section 5.12, Traffic and Transportation** for the evaluation of the construction-phase effects of the project on traffic and water quality.

The County's Riparian Corridor and Wetland Protection Ordinance (County Code Chapter 16.30) codifies the policies that pertain to wetlands and riparian habitat. A County riparian exception under the County's Riparian Corridor and Wetland Protection Ordinance would be required if instream work is pursued for the City-District intertie system at the Arana Creek crossing on Brookwood Drive.

City of Capitola

The *City of Capitola General Plan* was adopted in 1989 and provides a comprehensive overview of future development in Capitola (Capitola, 1989). It contains land use designations for Capitola and adjacent planning areas and contains goals, policies, and programs for each general plan element. The General Plan also includes the relevant goals, policies, and programs of the City's certified LCP, which was certified as a separate document in 1981 and subsequently amended in 2001 and 2005.

These policies are generally not specified in detail within this EIR, because most would not be applicable to the proposed project, as the only components that would occur in Capitola would be constructed in paved public rights-of-way, or in the already planned and approved McGregor pump station building. However, several relevant noise policies are discussed in **Section 5.4.4, Impacts and Mitigation Measures**. Capitola approval of an encroachment permit would be required to allow for the installation of the proposed pipeline within roads and rights-of-way of Capitola.

The City has initiated the process of updating its General Plan, which will also include the preparation of a Climate Action Plan, an updated LCP, and an updated Zoning Code. The update process will be a two or three year effort. The majority of the land in Capitola is within the coastal zone.

5.4.4 Impacts and Mitigation Measures

This section contains the evaluation of potential environmental impacts associated with the proposed project related to land use, planning, and recreation. The section identifies the standards of significance used in evaluating the impacts, the methods used in conducting the analysis, and a detailed evaluation of impacts for the proposed project and any potential future expansion.

Standards of Significance

Based on CEQA Guidelines Section 15065; Appendix G of the CEQA Guidelines; applicable agency plans, policies, and/or guidelines; and agency and professional standards; the proposed project would cause a significant impact related to land use, planning, and recreation if it would:

Land Use and Planning

4a. Physically divide an established community.

4b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Recreation

4c. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

4d. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Analysis Methodology

The above standards of significance are assessed in this section as the basis for determining the significance of impacts related to land use, planning and recreation. If necessary, mitigation measures are proposed to reduce significant impacts to less than significant.

Impacts are analyzed for all project components and related component alternatives, where relevant. However, the analysis focuses on the new permanent above ground facilities that would be constructed with the project, including the desalination plant, the seawater intake pump station, and the intertie pump station upgrades. The various pipelines would be constructed underground and are generally not anticipated to result in any conflicts with applicable plans, policies, or regulations that could cause long-term land use impacts, as long as encroachments permits are obtained and complied with, as identified above. The exception to this would be at the Brookwood Drive pipeline crossing of Arana Creek, where adverse impacts could occur.

The potential for the project to cause impacts related to air quality, noise, aesthetics, hazards and hazardous materials, and traffic, which could affect surrounding land uses, is evaluated in **Section 5.5, Air Quality and Climate**; **Section 5.6, Noise and Vibration**; **Section 5.10, Aesthetics**; **Section 5.11, Hazards and Hazardous Materials**; and **Section 5.12, Traffic and Transportation**. With the implementation of mitigation measures recommended in these sections of the EIR, where warranted, there would be no significant impacts from project operation that would affect adjacent land uses.

Impacts and Mitigation

This section provides a detailed evaluation of land use, planning, and recreation impacts associated with the proposed project. The analysis addresses conflicts with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (standard 4b). As

indicated in **Section 9, Other CEQA Considerations and Environmental Effects**, the IWP Program EIR (Section 5.4), and in the Initial Study (see **Appendix A**), the proposed project would not physically divide an established community (standard 4a), would not increase the use of or accelerate the deterioration of recreational facilities (standard 4c), and would not require the construction or expansion of recreational facilities (standard 4d). Therefore, these issues are not evaluated further in this section. The potential for conflicts with an adopted habitat conservation plan or natural community conservation plan is evaluated in **Section 5.3**.

The impacts related to land use are summarized in **Table 5.4-2, Summary of Potential Land Use, Planning, and Recreation Impacts,** and are categorized as either "not applicable" or "no impact," "less than significant impact," "less than significant impact with mitigation," or "significant and unavoidable impact." The impacts are presented for each individual project component, where relevant. The detailed analysis of land use and planning, and recreation impacts and mitigation measures follows this table.

Table 5.4-2. Summary of Potential Land Use, Planning, and Recreation Impacts

Impacts	LEVEL OF SIGNIFICANCE													
	Seawater Intake Site Alternatives								Plant Site Alternatives			Other Components	Project Overall	Possible Future Expansion
	SI-4	SI-5	SI-7	SI-9	SI-14	SI-16	SI-17	SI-18	A-1	A-2	A-3			
5.4 1 Conflicts Land Use Plans and Policies	LTSM	LTSM	LTSM	LTSM	LTSM	LTSM	LTSM	LTSM	LTSM	LTSM/ SU*	LTSM	LTSM	LTSM/ SU*	LTSM/SU*

Notes:
SU = Significant and Unavoidable Impact
LTSM = Less Than Significant Impact With Mitigation
LTS = Less Than Significant Impact
NI = No Impact
-- = Impact not applicable, or not applicable to individual project components
* Impact significance of project overall will depend on the site alternative selected

CONFLICTS WITH LAND USE PLANS, POLICIES, AND REGULATIONS

Impact 5.4-1:	Implementation of the proposed project could potentially conflict with the applicable land use plans, policies, or regulations of agencies that have jurisdiction over the project area.
Significance before Mitigation:	Potentially significant
Mitigation Measures:	See Mitigation Measures 5.1-1a-b, 5.1-2a-b, and 5.1-5 (**Section 5.1**); Mitigation Measures 5.2-4 and 5.2-5 (**Section 5.2**); Mitigation Measures 5.3-1a-d, 5.3-2a-c, 5.3-3a-b, 5.3-5, and 5.3-6 (**Section 5.3**); Mitigation Measure 5.6-1 (**Section 5.6**); Mitigation Measures 5.7-1a-b, 5.7-3, and 5.7-4 (**Section 5.7**); Mitigation Measures 5.8-2a-c, 5.8-3, and 5.8-4 (**Section 5.8**); and Mitigation Measures 5.11-1a-e (**Section 5.11**).
Significance after Mitigation:	Potentially significant and unavoidable (Plant Site A-2 only) Less than significant (Plant Sites A-1 and A-2 and all other components)

Proposed Project

The onshore components of the proposed project related to the proposed desalination plant, intake pump station, raw water and brine conveyances, and the City-District intertie system would lie within the City, the County, and Capitola. The offshore components of the proposed project related to the intake structure and pipelines and improvements to the WWTF outfall would lie within offshore locations along the City's shoreline from the Beach Area to Natural Bridges State Beach (NBSB). The specific offshore locations would depend upon the alternative seawater intake site selected for the proposed project.

All local agencies with jurisdiction over the proposed project have plans and associated policies and regulations that guide development within their boundaries, as described previously. The proposed project would also be subject to policies of the California Coastal Act, Monterey Bay National Marine Sanctuary, and other regulations that also control land use. The potential that the various components of the proposed project could conflict with relevant plans, policies and regulations is evaluated below.

Local Agencies

Table 5.4-3, Local Agency General Plan and LCP Policy Analysis, provided at the end of the section, contains a policy-by-policy evaluation of the City's General Plan 2030 and adopted LCP policies; the County's General Plan policies; and Capitola's General Plan and LCP policies that are applicable to the proposed project. While conflicts with some policies might occur due to the

construction and operation of the proposed project, mitigation measures identified above and described in detail throughout this EIR would ensure that conflicts with such plans, policies, and regulations would not occur in most cases, as demonstrated in **Table 5.4-3**. The project's environmental design features provided in **Section 4** (see **Table 4-12**) and below would also serve to minimize environmental impacts in support of many local City, County, and Capitola policies.

While the project would not conflict with applicable local policies in most cases, the project could potentially partially conflict with City policies related to protection of sensitive habitat. Removal of trees on Plant Site A-2 that may provide potential secondary wind protection to the NBSB Monarch overwintering roost could potentially partially conflict with City policies and programs intended to protect monarch butterfly overwintering sites (City General Plan Policy NRC2.2, NRC2.4 and City LCP Policy EQ 4.5 and Program 4.5.3.2). While identified mitigation measures (Mitigation Measure 5.3-3a-b and 5.3-6) would avoid removal of trees to the extent feasible, require the planting of replacement trees on or near Plant Site A-2, and protect trees to be retained, it cannot be assured that these measures would reduce potentially significant impacts. Therefore, a potential partial conflict with these City policies could occur due to potential indirect impacts to the NBSB overwintering site, as a result of removal of trees on Plant Site A-2 that may provide secondary wind protection to the trees in NBSB where monarch butterflies roost. If Plant Site A-2 is pursued, the City decision-makers would provide a final determination as to whether the project conflicts with applicable General Plan and LCP policies. If such policy conflicts are identified by the City decision-makers, this would be considered a potentially significant and unavoidable impact, as fully discussed in **Section 5.3**.

The proposed desalination plant would be located on one of three alternative plant sites located within an area developed with mostly industrial and other similar uses in the City. All three alternative plant sites are designated as Industrial on the City's General Plan Land Use Map and zoned as General Industrial District/Performance District (IG/PER2) on the City's Zoning Districts Map, as previously described. Public infrastructure and utility projects are allowed in an IG/PER2 district with an administrative use permit under Chapter 24.10.1510 of the City's Municipal Code.

The proposed seawater intake pump station would be located on one of eight sites located on or near the Municipal Wharf, along West Cliff Drive, or on or near the alternative plant sites. As indicated previously in **Table 5.4-1**, the City land use designations and zoning (shown as land use designation/zoning) includes: Parks/Parks (Intake Site SI-4); Low Density Residential/Single Family Residence (Intake Sites SI-5 and SI-7); Regional Visitor Commercial/Beach Commercial (Intake Sites SI-9 and SI-17); General Industrial/Performance District (Intake Site SI-14); Community Facilities/Public Facilities (Intake Site SI-16); and Community Facilities/Parks and Floodplain (Intake Site SI-18). Additionally, Site SI-17 is located within the Shoreline Protection Overlay Zone, Intake Sites SI-4, SI-5, and SI-7 are located within the West Cliff Drive Overlay Zone, and all of the Intake Sites are located in the Coastal Zone Overlay District.

Public infrastructure and utility projects are allowed in the above districts with an administrative use permit or a special use permit, per Municipal Code Chapter 24.10, depending on the underlying district. Construction of an intake pump station on SI-4, SI-5, SI-7, SI-9, SI-16, and SI-18 would require approval of a special use permit and a design permit; sites SI-14 and SI-17 would require approval of an administrative use permit and a design permit. In addition, the sites may be subject to other applicable requirements of the Municipal Code. The full range of local agency permits is identified in **Section 4** (see **Table 4-14, Potential Permits, Authorizations, and Approvals**).

If a special use permit is required, findings must be made that the proposed structure or use conforms to the requirements of the permit and the City's General Plan and LCP, where appropriate; that any additional conditions stipulated as necessary in the public interest have been imposed; and that such use or structure will not constitute a nuisance or be detrimental to the public welfare of the community (Municipal Code Chapter 24.08.050). While potential conditions of a pending administrative use permit or special use permit are not yet known, the proposed intake pump station locations evaluated in the EIR would conform with the City's General Plan and LCP and would not constitute a nuisance or be detrimental to the public welfare of the community, with the implementation of mitigation measures identified throughout this EIR.

The proposed project would not require modification to the existing land use designations or zoning districts that apply to the project area. For the portion of the project area that lies within the coastal zone, the City's zoning and other ordinances contemplate the City's LCP and its policies. The project would require discretionary review and conditions of approval as part of the City's use permit/special use permit, coastal development permit, and design permit. As such, the project would not be expected to conflict with City land use designations, applicable zoning regulations, or other code requirements. Based on the project design information developed to date for the desalination plant, the seawater intake pump station, and the Morrissey pump station upgrade; these elements would conform to the height, bulk, and setback requirements of the applicable City zoning districts. During the City permitting process noted above, more detailed designs and plans would be submitted that address specific code and policy compliance issues.

No other new structures would be built in the City, County, or Capitola with the proposed project. The City-District intertie system would consist of buried pipelines that would not need to conform to development standards for buildings. The pending and approved McGregor pump station and Aptos pump station would involve the installation of new equipment at these facilities but would not result in new buildings or expansion of the existing buildings. These improvements within Capitola's coastal zone would not conflict with any Capitola LCP policies, including public access, visual resources, recreation and visitor-serving facilities, environmentally sensitive habitat areas, or natural hazards. Similarly, the potential micro-hydro system at GHWTP would involve installation of new equipment within the basement, but would not result in new buildings or expansion of the existing buildings, and would not conflict with any policies of the County's General Plan.

California Coastal Act

A coastal development permit for the onshore components of the project would be required from the City and Capitola, and would be based on the policies and regulations contained in those Cities' certified LCPs and related regulations in their Municipal Code, as described above. A coastal development permit would also be required from the Coastal Commission for the components of the proposed project that would extend into the areas where the Commission retains permit jurisdiction, including the immediate shoreline, tidelands, submerged lands, and public trust lands. Based on the best judgment of the City and District, the proposed project would not potentially conflict with the Coastal Act policies evaluated below, with the implementation of the above identified mitigation measures. However, it is acknowledged that the independent judgment of the Coastal Commission may result in different technical and/or policy requirements and mitigation measures during the coastal development permit process (conditions of approval), beyond what is required under CEQA.

Coastal Priority Uses (Sections 30255 and 30260). Coastal Act Section 30255 indicates that coastal-dependent developments shall have priority over other developments on or near the shoreline. Coastal Act Section 30101 defines a coastal-dependent development or use as "any development or use which requires a site on or adjacent to, the sea to be able to function at all."

The proposed project, which includes the intake of seawater from the sea to produce potable water and the disposal of brine through the existing WWTF outfall into the sea, requires a site on or adjacent to the sea to function. Accordingly, the proposed project would be considered a coastal-dependent development. As a coastal-dependent development, the project would be considered a priority use under the Coastal Act.

Under Coastal Act Section 30260, coastal-dependent industrial facilities are encouraged to locate or expand within existing sites. The IWP Program EIR identified using an existing abandoned pipeline extending out approximately 2,000 feet offshore of Mitchell's Cove Beach and associated Junction Structure as the location for a seawater intake system (IWP Program EIR, Chapter 4). One of the objectives of reusing this existing structure was to minimize the environmental impacts associated with laying new piping on the ocean floor.

Appendix I, Seawater Intake Facility Conceptual Design Report scwd² Regional Seawater Desalination Project recommended eliminating this option from further consideration, because there would be construction and operational problems with a pump station at the existing Junction Structure. Specifically, reuse and reconstruction of the outfall and Junction Structure would require fairly substantial beach and shoreline construction, which the other intake alternatives would avoid. Additionally, there was not enough land area onshore to allow for the installation of the intake pipeline via tunneling, which is being pursued for the proposed project to avoid construction along the shoreline (see environmental design features below). See **Appendix I** for additional information about the potential reuse of these existing structures.

Marine Environment (Sections 30230, 30231, and 30233). Sections 30230, 30231, and 30233 of the Coastal Act generally require that marine resources be maintained, enhanced and, where feasible, restored. They also indicate that uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and maintain healthy populations of all species of marine organisms. As discussed in **Section 5.2** and **Section 7**, the proposed project and operation of the seawater intake would not cause significant adverse impacts to marine life due to entrainment or impingement. Environmental design features of the proposed project require that the intake screen slot size and through-screen velocity meet the design criteria of CDFW and NMFS, which would minimize entrainment and impingement (see **Section 4, Table 4-12** and **Section 5.2**). Additionally, the proposed project would not cause significant adverse impacts on marine water quality due the discharge of brine from the desalination plant, with the implementation of environmental design features requiring on-site storage for brine, automatic control of the blending ratio of brine and effluent from the City's Wastewater Treatment Facility (WWTF), and the addition of new valves on the WWTF outfall structure, as discussed in **Section 5.1**.

Section 30231 also indicates that depletion of groundwater supplies and substantial interference with surface water flow should be prevented. The proposed project would have beneficial effects on groundwater supplies and surface water flows. As the proposed project would provide a supplemental water supply, the District could reduce groundwater pumping in the Soquel-Aptos area such that it could meet the basin recovery pumping goal needed over at least 20 years to achieve basin recovery. Likewise, the proposed project would provide a supplemental water supply that is needed by the City to reduce surface water currently diverted from local streams. See **Section 5.1** and **Section 5.2** for additional information.

Section 30233 also indicates that diking, filling, or dredging of open coastal waters shall be permitted for coastal-dependent development where there is no feasible less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse effects. As indicated in **Section 8, Alternatives**, there is no feasible, less environmentally-damaging water supply alternative or seawater intake alternative that meets the project objectives for both the City and the District. Additionally, the seawater intake structure and pipelines have been designed to minimize the amount of filling and dredging in the marine environment through the use of tunneling under the sea floor. Construction-phase water quality and underwater noise effects of dredging and/or excavation in the marine environment can be reduced to less than significant with identified mitigation measures (see **Section 5.1** and **Section 5.2**).

Overall, the Lead Agencies anticipate that the proposed project would not conflict with the marine policies contained in the Coastal Act, based on the analyses and conclusions provided in **Section 5.1** and **Section 5.2**. However, it is also noted that the Coastal Commission's consideration of a coastal development permit will include evaluation of the project's consistency with these provisions of the Coastal Act, and that the evaluation will include all necessary provisions, conditions, or other requirements to ensure that consistency is achieved.

Environmentally Sensitive Habitat Area (Section 30240). Section 30240 of the Coastal Act generally mandates that only resource-dependent uses (e.g., nature study, trails) be allowed in ESHAs. As discussed in **Section 5.2** and **Section 5.3**, the proposed project would not cause significant adverse impacts to sensitive habitats or species that could qualify as ESHA. Overall, the Lead Agencies anticipate that the proposed project would not conflict with the ESHA policy contained in the Coastal Act, based on the analyses and conclusions provided in **Section 5.2** and **Section 5.3**. However, it is also noted that Coastal Commission's consideration of a coastal development permit will include evaluation of the project's consistency with these provisions of the Coastal Act, and that the evaluation will include all necessary provisions, conditions, or other requirements to ensure that consistency is achieved.

Public Access and Recreation (Sections 30211, 30212, 30213, and 30221). As previously described, the Coastal Act includes a number of policies related to public access and recreation in the coastal zone. According to the Commission's Desalination Report, Coastal Act conformity review related to public access and recreation may include consideration of a range of issues, including:

- Changes in parking and traffic.
- Temporary beach closures due to construction.
- Project timing (e.g., whether there would be closures or traffic and parking restrictions during the peak times of visitor use).
- Effects of facility location on access.
- Effects of facility operation on recreation.

The proposed project would involve the construction of a seawater intake structure and intake pipelines offshore in the marine environment and an intake pump station and associated transfer piping, which could be located along the shoreline or further inland. Improvements to the City's existing WWTF outfall and connection to a new brine conveyance would also be required. Construction of these facilities would not involve any beach or coastal bluff construction and therefore such construction would not affect beach or shoreline access.

Construction of these facilities would potentially result in short-term and temporary lane closures on roads in or near the Beach Area, along short stretches of West Cliff Drive, or otherwise connecting to the shoreline, depending on the intake site alternative selected. However, with project environmental design features (see **Section 4**, **Table 4-12**), such lane closures would not interfere with the use of the multi-use path on West Cliff Drive or access to other coastal recreation areas, including Main Beach, Cowells Beach, the Boardwalk, and the Municipal Wharf (see **Figure 5.4-1a**). Coastal access parking lots along West Cliff Drive would not be used during construction if Intake Sites SI-4, SI-5, or SI-7 is selected. However, it is possible that a Beach Area or Wharf parking lot or parking area could be used for construction staging, if SI-9, SI-17, or SI-18 is selected (see **Appendix N, scwd² Regional Seawater Desalination Project**

EIR Project Construction Assumptions). The environmental design features below and in **Section 4** would limit the use of such parking for construction staging to the off season for tourism (October through May) to minimize adverse effects on coastal access in this area.

Construction activities in the marine environment associated with the installation of the seawater intake structure(s) and the connection of the structure(s) to the intake pipelines would require the temporary use of a barge and small boat. Such equipment would not affect recreational uses in the marine environment (e.g., boating or surfing). The equipment would be located beyond the surf break and therefore would not interfere with surfing. The construction barge and small boat would not interfere with boating access to the marine environment, as any boats in the area would simply avoid the construction barge. Consequently, temporary construction impacts would not result in significant adverse effects on public access to the shoreline and would not appear to conflict with relevant policies of the Coastal Act.

Once constructed, the permanent placement of the intake structure, pipelines, and pump station also would not result in significant adverse effects on public access to the shoreline or coastal recreation. The placement of an intake structure on the seafloor would not affect boating or surfing activities in the area due to the relatively limited size and depth of the structure. The intake structure would sit on the ocean floor and would be approximately 25 feet by 40 feet and would be approximately 40 feet below the surface of the ocean. While an exclusion zone would likely need to be established to protect the intake structure from boat anchors and associated anchor drag, such an isolated exclusion zone would not be expected to adversely affect boating access and overall boating use along the Santa Cruz coastline.

All of the proposed intake sites avoid Steamer Lane and Cowells Beach, which are the most intensively used surfing breaks in the project area. The intake pipelines for SI-4, SI-5, SI-7, SI-14, and SI-16 would not cause any change in the seafloor that could affect wave action or conditions, as the pipelines would be installed below the sea floor by tunneling. The intake pipelines for SI-9, SI-17, and SI-18 would also be installed using tunneling out past the surf zone and then would either be dredged and buried or anchored to the seafloor on the east side of the Municipal Wharf. If anchored to the seafloor, this would occur out past the surf zone and would also be located in an area that is not intensively used for surfing (Main Beach).

Three of the alternative pump station sites located along the shoreline are on private infill properties and a pump station at these locations would not permanently interfere with access to the beach or other coastal recreation areas (Intake Sites SI-5, SI-7, SI-9 and SI-14). There are two shoreline sites that are on public property on or near coastal access areas, including a site on Woodrow Avenue and West Cliff Drive (Intake Site SI-4) and a site that would be located on new pilings adjacent to the Municipal Wharf (Intake Site SI-17). A pump station at Intake Site SI-4 would not permanently interfere with access to and along an unpaved path through the Bethany Curve Greenbelt that connects to West Cliff Drive. A pump station at Intake Site SI-17 also would not permanently interfere with access to and along the Municipal Wharf as the pump station would be located adjacent to the existing wharf and would not interfere with existing

access and traffic patterns. Similarly, a pump station at Intake Site SI-18 would not interfere with access to any recreational areas as the site is located inland, is surrounded by development, and does not provide direct connections to the beach.

Overall, the Lead Agencies anticipate that the proposed project would not conflict with the public access and recreation policies contained in the Coastal Act, based on the analyses and conclusions provided above. However, it is also noted that the Coastal Commission's consideration of a coastal development permit will include evaluation of the project's consistency with these provisions of the Coastal Act, and that the evaluation will include all necessary provisions, conditions, or other requirements to ensure that consistency is achieved.

Scenic Resources (Section 30251). As previously described, Coastal Act Section 30251 indicates that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to: (1) protect views to and along the ocean and scenic coastal areas; (2) minimize the alteration of natural land forms; (3) be visually compatible with the character of surrounding areas, and, where feasible; (4) restore and enhance visual quality in visually degraded areas. None of the facilities subject to CCC coastal permit approval would be above ground or visible, and thus, there would be no effects on scenic resources.

Overall, the Lead Agencies anticipate that the proposed project would not conflict with the scenic resource policy contained in the Coastal Act. However, it is also noted that the Coastal Commission's consideration of a coastal development permit will include evaluation of the project's consistency with these provisions of the Coastal Act, and that the evaluation will include all necessary provisions, conditions, or other requirements to ensure that consistency is achieved.

Development and Public Services (Sections 30250 and 30254). Coastal Act Section 30250(a) states that new development shall be located in existing developed areas able to accommodate it or in areas with adequate public services and where it will not have significant adverse effects on coastal resources. According to the Commission's Desalination Report, this section of the Coastal Act is intended to prevent new development from outpacing the ability of local communities to provide necessary public services. The proposed desalination plant would be located in an existing industrial area on infill parcels. Adequate public services are available in the area to serve the project, as described in **Section 5.9, Utilities and Service Systems**.

Additionally, under Coastal Action Section 30254, new or expanded public works facilities shall be designed and limited to accommodate needs generated by permitted uses. As indicated in **Section 6, Growth**, the proposed project would not cause significant growth-inducing impacts, as it would not encourage or accommodate growth or a concentration of population in excess of what is assumed in appropriate master plans, land use plans, or in projections made by regional planning agencies such as AMBAG. Further, the project would not provide infrastructure or service capacity to accommodate growth beyond the levels currently permitted by local or

regional plans. The project is a needed component of the water supply portfolios for both the City and the District, as described in detail in **Section 3, Project Background**. For the reasons outlined above, the proposed project would not be expected to conflict with the Coastal Act Sections 30250(a) and 30254.

Overall, the Lead Agencies anticipate that the proposed project would not conflict with the development and public services policies contained in the Coastal Act. However, it is also noted that the Coastal Commission's consideration of a coastal development permit will include evaluation of the project's consistency with these provisions of the Coastal Act, and that the evaluation will include all necessary provisions, conditions, or other requirements to ensure that consistency is achieved.

Energy Use (Section 30253). Coastal Act Section 30253(d) indicates that new development shall minimize energy consumption. The effects of the project related to energy are evaluated in **Section 5.9**. As indicated in that section, the environmental design features of the proposed project related to energy minimization include the following: (1) high-efficiency energy recovery devices to allow for reuse of energy at the plant; (2) high-efficiency pumps and motors to reduce energy requirements; (3) SWRO membrane configuration to provide for adequate water quality while minimizing system energy requirements; (4) compliance with the City's Green Building Program to allow the project to meet established sustainability goals; (5) implementation of net carbon neutral project operations to reduce energy through the implementation of various energy reduction projects (e.g., solar PV, micro-hyrdo turbines) or the purchase of offsets; and (6) preparation and implementation of an Energy Minimization and Greenhouse Gas Reduction Plan. These features of the project, along with compliance with Title 24 of the California Code of Regulations through the City's Building Code would minimize energy consumption of the proposed project.

Overall, the Lead Agencies anticipate that the proposed project would not conflict with the energy policy contained in the Coastal Act, based on the analyses and conclusions provided in **Section 5.9**. However, it is also noted that the Coastal Commission's consideration of a coastal development permit will include evaluation of the project's consistency with these provisions of the Coastal Act, and that the evaluation will include all necessary provisions, conditions, or other requirements to ensure that consistency is achieved.

Lead Agency Conclusions Regarding Potential Conflicts with Coastal Act. Overall, the Lead Agencies anticipate that the components of the proposed project subject to Commission review under the Coastal Act would not conflict with the applicable policies contained in the Coastal Act, based on the analyses and conclusions provided above and throughout this EIR. However, it is also noted that the Coastal Commission's consideration of a coastal development permit will include evaluation of the project's consistency with these provisions of the Coastal Act, and that the evaluation will include all necessary provisions, conditions, or other requirements to ensure that consistency is achieved.

Monterey Bay National Marine Sanctuary

The proposed brine discharge point and the alternative seawater intake sites are located in or immediately adjacent to the MBNMS. The brine would be discharged via the existing City WWTF outfall located approximately 1 mile from the shore at a depth of approximately 110 feet. As indicated previously, a number of seawater intake locations are being considered and are generally located within one-half mile from shore, where depths are shallower. The MBNMS prohibits or otherwise regulates a number of activities within its boundaries. These regulations prohibit discharging or depositing material within or near the MBNMS boundaries. These activities can be authorized under certain conditions, as described in detail in **Section 5.3.3, Regulatory Framework**. Because the brine and potentially other materials associated with desalination are disposed of in ocean waters, this activity would require MBNMS authorization of relevant RWQCB NPDES permits. The regulations also prohibit activities that would alter the seabed without permits. Thus, installation of certain desalination facility structures, such as intake pipelines on or beneath the ocean floor, would require MBNMS authorization of California Coastal Commission CDPs that allow for seabed disturbance as discussed above.

Overall, the Lead Agencies anticipate that the proposed project would not conflict with the regulations of the MBNMS, based in the analyses and conclusions provided throughout the EIR. However, as indicated above, the MBNMS will ultimately be making that determination and specifying any additional conditions of approval, as part of their review and authorization of other permits.

Additionally, as recommended in the MBNMS Guidelines for Desalination Plants, proposed project would conform with applicable analysis guidelines as specified in **Section 5.3.3** above. As described in **Section 5.1**, ambient salinity would not increase and therefore the proposed project would adhere to the recommended MBNMS Guidelines related to salinity (i.e., would not result in salinity that is 10 percent above ambient salinity). The marine water quality would conform to the California Ocean Plan requirements and as indicated above would not exceed ambient salinity.

As described in **Section 5.2**, impingement and entrainment would be minimized and would not result in significant impacts to marine life. Environmental design features incorporated into the project would also minimize marine water quality and marine life impacts. The potential construction and operational impacts of the proposed project and alternatives related to coastal access and recreation at the shoreline or in coastal waters is evaluated above under the Coastal Act discussion above.

Porter Cologne Water Quality Act

The Porter Cologne Water Quality Control Act states as policy, that for each new or expanded coastal power plant or other industrial installation using seawater for cooling, heating, or industrial processing, the best available site, design, technology, and mitigation measures feasible shall be used to minimize the intake and mortality of all forms of marine life. For the

reasons discussed above and in **Section 5.2** related to entrainment of marine species, the project would not pose any conflicts with the applicable provisions of the Porter Cologne Water Quality Control Act.

Other Regulations

The proposed project would also be required to conform to a wide range of policies and regulations of a number of federal, state, and regional agencies, including, but not limited to the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, NOAA's National Marine Fisheries Service, California State Lands Commission, California Department of Public Health, California Department of Fish and Wildlife, RWQCB, and the Monterey Bay Unified Air Pollution Control District. A complete list of permits from these agencies is identified in **Section 4** and the applicable regulations are identified and evaluated throughout the various technical sections of **Section 5, Environmental Analysis**. Therefore, the impacts related to conflicts with such regulations would be less than significant with the mitigation measures identified throughout this EIR.

Potential Future Expansion

If expansion of the proposed desalination plant is pursued in the future, most of the additional equipment required would be installed inside existing buildings. There would be some additional construction required related to additional brine storage, additional DAF basins, and the installation of additional intake screens; however, such additional development would not be expected to result in conflicts with applicable land use plans, policies, or regulations of local or other agencies, with the implementation of mitigation measures, where relevant. Subsequent discretionary review of any proposed expansion would be required by the Coastal Commission and other regulatory agencies, which would ensure conformance with such plans and regulations.

In certain circumstances, mitigation measures identified for the proposed project in this EIR would also need to be implemented for potential future expansion to reduce impacts to less than significant. While conformance with local plans and regulations would be expected given the nature and extent of potential future expansion, subsequent discretionary review would be required by the City, which would ensure such conformance. The impacts of potential future expansion related to conflicts with applicable local agency land use plans, policies, or regulations would be less than significant with the implementation of identified mitigation measures.

Environmental Design Features

The environmental design features (**Section 4**, **Table 4-12**) of the proposed project related to conformance with applicable land use plans, policies, and regulations include the following:

- High-efficiency energy recovery devices will allow for reuse of energy at the plant;
- High-efficiency pumps and motors will reduce energy requirements;

- SWRO membrane configuration will provide for adequate water quality while minimizing system energy requirements;
- Compliance with the City's Green Building Program will allow the project to meet established sustainability goals; and
- The operation of the proposed project will be net carbon neutral, which means that it will be designed and operated so that there will be no net increase in GHG emissions, as compared to the existing environmental setting. Net carbon neutral operations will be achieved through the incorporation of high-efficiency design features, and the pursuit of one of two options for offsetting the net increase in GHG emissions, as described in **Section 4**.
- To accommodate potential future regulatory and carbon reduction technology changes, the City and District will prepare, approve, and implement an Energy Minimization and Greenhouse Gas Reduction Plan (Energy Plan) upon successful completion of EIR certification and prior to project construction. The Energy Plan will address the content and organizational specifications outlined in **Appendix O, Summary of swcd² Energy and GHG Reduction Approach**. While the Energy Plan will lay the ground work for managing the GHG emissions of the proposed project, the City and the District will ultimately be responsible for developing their individual GHG reduction strategies for meeting their net carbon neutral GHG reduction objective.
- Brine from the desalination plant will be blended with WWTF effluent. Automatic control of blending ratio of brine flow to WWTF effluent flow to meet minimum initial dilution requirement of the existing NPDES permit and to ensure that the combined effluent will not exceed the salinity of ambient receiving water.
- On-site storage of brine will be provided such that the rate of disposal can be controlled.
- New valves will be provided over existing ports on the WWTF outfall diffuser to spread effluent flow.
- The brine pipeline connection point with the WWTF outfall will be upstream of the sluice gates to avoid beach construction at Mitchell's Cove.
- Intake screens with 0.08-inch (2-mm) slot size will be provided.
- Low through-screen velocity of less than or equal to 0.33 ft/sec will be provided.
- Seawater intake structure will be set back at least 100 feet from the edge of the rocky kelp forest habitat.
- Use of trenchless tunneling technology, from intake pump station to offshore intake structure location, will be conducted to avoid beach and bluff construction and to minimize sedimentation and turbidity in marine environment during construction.

- Stormwater handling at the plant site will follow the City of Santa Cruz requirements for Low Impact Development, as specified in the City's BMP Manual, and per pending revisions effective September 2013.
- Swales and smaller bio-retention/detention basins shall be distributed throughout the sites, rather than concentrating stormwater in one area.
- The drainage facilities will handle a 25-year storm event with a safety factor of 1.25.
- Peak stormwater runoff rates and sediment loading from the desalination plant site will not exceed the estimated pre-development rate for this peak storm event.
- Any project facilities (intakes, intake structures, and pipelines) subject to coastal wave action will be designed to account for wave heights, storm surge, water levels, scouring and erosion, maximum and minimum tides, and currents associated with a 100-year storm event and factoring in anticipated water levels due to sea level rise and global warming over the life of the structures. Design standards may be subject to modification based on regulatory requirements and policies of permitting agencies.
- The City and District will implement erosion, dust, noise and vibration, and traffic control plans and measures to control and minimize related effects during construction of the proposed project. In particular, if the seawater intake will be located at the Municipal Wharf (SI-17) or one of the Beach Area (SI-9) or West Cliff Drive (SI-4, SI-5, or SI-7) locations, the traffic control plans will minimize or avoid to the extent feasible temporary loss of parking and lane closures in these coastal locations due to worker parking and construction staging. Remote parking and staging will be used where necessary to accomplish the above. Minimal construction staging would take place on the Municipal Wharf.

Mitigation Measures

See Mitigation Measures 5.1-1a-b, 5.1-2a-b, and 5.1-5 (**Section 5.1**); Mitigation Measures 5.2-4 and 5.2-5 (**Section 5.2**); Mitigation Measures 5.3-1a-d, 5.3-2a-c, 5.3-3a-b, 5.3-5, and 5.3-6 (**Section 5.3**); Mitigation Measure 5.6-1 (**Section 5.6**); Mitigation Measures 5.7-1a-b, 5.7-3, and 5.7-4 (**Section 5.7**); Mitigation Measures 5.8-2a-c, 5.8-3, and 5.8-4 (**Section 5.8**); and Mitigation Measures 5.11-1a-e (**Section 5.11**).

Table 5.4-3. Local Agency General Plan and LCP Policy Analysis

Element	Policy #	Policy	Project Consistency/Conflicts
City of Santa Cruz General Plan 2030 Policies			
	HA1.2	Protect (or where not possible, responsibly manage) sensitive archaeological and paleontological resources as early in the land-use planning and development process as possible.	No Conflict. The proposed project would not conflict with this policy as it evaluates potential impacts on archaeological and historic resources and sets forth feasible mitigation measures (MM 5.8-2a-c, 5.8-3, and 5.8-4) to ensure that impacts are reduced to less than significant. See Section 5.8 for further discussion.
	HA1.2.2	Require preparation of archaeological investigations on sites proposed for development within areas identified as "Highly Sensitive" or "Sensitive" on the "Areas of Archaeological Sensitivity" and "Historical Archaeology Sensitivity" maps, except for exempt uses within "Sensitive" areas as described below, prior t to approval of development permits. (See policy for study requirements.)	No Conflict. A cultural resource investigation was conducted for the proposed project (confidential Appendix V, Cultural Resources Study for scwd² Regional Seawater Desalination Project), which includes all required study components. See Section 5.8 for further discussion.
	HA1.4	Manage the discovery of human remains and the protection of archaeological deposits in accordance with local, state, and federal requirements.	No Conflict. The proposed project includes mitigation measures (MM 5.8-3) in accordance with local, state, and federal requirements to mitigate discovery of unknown human remains. See Section 5.8 for further discussion.
	HA1.5	Require that archaeological work within the city be performed by a qualified archaeologist.	No Conflict. The proposed project does not conflict with this policy. All recommended mitigation measures (MM 5.8-2a-c) identify the involvement of a qualified archaeologist, as relevant. See Section 5.8 for further discussion.
Community Design	CD1.1.2	Protect the Monterey Bay National Marine Sanctuary and the shoreline and views to and along the ocean, recognizing their value as natural and recreational resources.	No Conflict. This EIR evaluates impacts of the proposed project on scenic viewsheds and concludes that the pump stations would not result in impacts to the shoreline or disrupt public views of Monterey Bay. Refer to Section 5.10.
	CD1.2	Ensure that the scale, bulk, and setbacks of new development preserve important public scenic views and vistas.	No Conflict. This EIR evaluates impacts of the proposed project on scenic viewsheds. The analysis concludes that the scale, mass, and architectural elements of the proposed desalination plant and pump stations would not disrupt public views. Refer to Section 5.10.
	CD3.2	Ensure that the scale, bulk, and setbacks of new development preserve public views of city landmarks where possible.	No Conflict. This EIR evaluates impacts of the proposed project on visual landmarks. The analysis concludes that visual landmarks would not be adversely affected. Refer to Section 5.10.
	CD4.2	Ensure that new development and right-of-way improvements enhance the visual quality of streetscapes.	No Conflict. The proposed project evaluates impacts on visual quality of the site and its surroundings. The analysis concludes that visual quality would not be adversely affected. Refer to Section 5.10.
	CD4.2.1	Where possible, site buildings at the street frontage and place	No Conflict. The proposed project would not conflict with this policy as the

Table 5.4-3. Local Agency General Plan and LCP Policy Analysis

Element	Policy #	Policy	Project Consistency/Conflicts
		parking areas away from street corners and to the rear of buildings.	final design of the proposed desalination plant sites would ensure compliance with design and siting requirements of the City. Refer to Section 5.10.
	CD4.2.2	Review landscaping requirements for parking lots.	No Conflict. The proposed project would not conflict with this policy as the final design of the proposed desalination plant sites would ensure compliance with the landscaping requirements of the City. Refer to Section 5.10.
Land Use	LU1.1	Relate residential, commercial, and industrial land use intensities to the capability and location of the land while ensuring optimum utilization of infill parcels.	No Conflict. The proposed project would not conflict with this policy as the proposed desalination plant sites are located on infill parcels and are surrounded by similar uses and intensities.
	LU3.10	Upon the selection of a desalination plant site, initiate the General Plan amendments needed for a new community facility for sites that such uses are not allowed under existing zoning districts that are consistent with the General Plan land use designation.	No Conflict. The proposed desalination plant would be located in the General Industrial land use designation and would not require an amendment to the General Plan. The proposed project however, would obtain approval of any required special use permits, or coastal permits for development of the project components. The proposed project is evaluated for consistency with all applicable land use policies and other regulatory requirements.
Mobility	M3.1.3	Strive to maintain the established "level of service" D or better at signalized intersections.	No Conflict. The traffic analysis contained in this EIR assessed traffic operations using the City's established LOS standards. The proposed project would be consistent with this policy as project operation would not conflict with the City's LOS standards. See Section 5.12 for further discussion.
	M3.2.8	Prohibit contractors from tracking or dropping excavated material, construction material, and other debris onto city streets.	No Conflict. The proposed project would be consistent with this policy with the implementation of environmental design features and a feasible mitigation measure (MM 5.1-1a) relating to erosion, sediment and runoff control. Environmental design features to control construction dust are also included. See Section 5.1 and Section 5.5.
	M3.2.9	Where possible, underground the utilities along City roads, especially on streets scheduled for reconstruction.	No Conflict. The proposed project is consistent with this policy as utilities would be installed underground, as appropriate.
	M3.3.5	Require new development to be designed to discourage through traffic in adjacent neighborhoods and to encourage bicycle or pedestrian connections.	No Conflict. The proposed project would be consistent with this policy, as it would not encourage through-traffic in adjacent neighborhoods or adversely impact bicycle or pedestrian connections.
Economic Development	ED6.6	Protect the ability of industrial uses to locate and operate within the city's industrial areas.	No Conflict. The proposed desalination plant would be located in the General Industrial District/Performance District land use designation, and is industrial in nature.

Table 5.4-3. Local Agency General Plan and LCP Policy Analysis

Element	Policy #	Policy	Project Consistency/Conflicts
Civic and Community Facilities	CC3.1	Implement the City's Integrated Water Plan.	No Conflict. The proposed project is a component of the City's IWP and would facilitate the implementation of this policy.
	CC3.1.3	Develop a desalination plant of 2.5 mgd for drought protection, with the potential for incremental expansion to 4.5 mgd.	No Conflict. The proposed project conforms with this policy.
	CC5.1.1	Implement the City's stormwater quality program.	No Conflict. The proposed project includes environmental design features that would implement landscape type best management practices (BMPs) such as detention basins, bioswales, or bioretention areas that are designed in accordance with treatment requirements of the City's Stormwater Management Plan (SWMP). Implementation of an identified mitigation measure (MM 5.1-5) would ensure that the project is designed to meet the City's pending stormwater regulations. The proposed project would also implement a Stormwater Pollution Prevention Plan (SWPPP) to reduce construction water quality impacts (MM 5.1-1a). See Section 5.1 for further discussion.
	CC5.1.8	Require new development to maintain predevelopment runoff levels.	No Conflict. The proposed project includes mitigation measures to treat stormwater runoff using landscape-type BMPs such as detention basins, bioswales, or bioretention areas that are sized for volume or flow, in accordance with the sizing requirements of the City of Santa Cruz SWMP. Implementation of an identified mitigation measure would ensure that the project is designed to meet the City's pending stormwater regulations. Predevelopment runoff levels would be maintained with the proposed project. See Section 5.1 for further discussion. See discussion above for City General Plan 2030 Policy CC5.1.1.
	CC5.1.9	Reduce stormwater pollution	No Conflict. See discussion above for City General Plan 2030 Policy CC5.1.1.
	CC6.1.7	Require new developments to design service areas that encourage recycling.	No Conflict. The proposed project would not conflict with this policy as the final design of the proposed desalination plant sites would ensure compliance with City design requirements for service areas.
Hazards, Safety, and Noise	HZ1.1.8	Evaluate the geographic distribution of critical facilities and their ability to survive flood and seismic hazards.	No Conflict. This EIR evaluates potential impacts associated with seismic hazards and with implementation of recommendations of project geotechnical investigations in identified mitigation measures (MM 5.7-1a-b), there will be no conflict. Refer to Section 5.7 for further discussion. This EIR evaluates potential impacts associated with flood hazards and determines that significant impacts would not result. None of the above-ground project components of the project would be located in flood zones, except the pump stations for Intake Sites SI-17 and SI-18. There is the possibility that SI-18 could sustain minor damage in the case of a flood. As

Table 5.4-3. Local Agency General Plan and LCP Policy Analysis

Element	Policy #	Policy	Project Consistency/Conflicts
			the desalination plant and associated intake system would not be considered a critical facility, it could be taken offline temporarily while minor repairs are made. Refer to Section 5.1 for further discussion.
	HZ2.2	Address localized air quality issues, including indoor air quality.	No Conflict: Operation of the proposed project would not exceed any of the MBUAPCD thresholds of significance and therefore would not result in significant impacts related to criteria air pollutants. Consequently, mitigation measures for project operations would not be required. Environmental design features relating to dust control during construction are included as part of the proposed project. See Section 5.5 for further discussion.
	HZ2.2.1	Incorporate air quality mitigations in the design of new projects.	No Conflict: See discussion above for City General Plan 2030 Policy HZ2.2.
	HZ3.1.1	Require land uses to operate at noise levels that do not significantly increase surrounding ambient noise.	No Conflict. This EIR evaluates the effects of project operation on ambient noise levels and recommends noise attenuation mitigation measures (MM 5.6-1) that would reduce project effects to less than significant. See Section 5.6 for further discussion.
	HZ3.1.2	Use site planning and design approaches to minimize noise impacts from new development on surrounding land uses.	No Conflict. See discussion above for City General Plan 2030 Policy HZ3.1.1.
	HZ3.1.3	Ensure that construction activities are managed to minimize overall noise impacts on surrounding land uses.	No Conflict: This EIR evaluates potential construction noise impacts to surrounding land uses and the proposed project includes environmental design features to minimize construction noise impacts to the extent possible. See Section 5.6 for further discussion.
	HZ3.1.6	Require evaluation of noise mitigation measures for projects that would substantially increase noise.	No Conflict. See discussion above for City General Plan 2030 Policy HZ3.1.1.
	HZ4.2	Ensure proper handling and disposal of hazardous waste.	No Conflict. This EIR evaluates potential impacts associated with hazardous materials. The proposed project would comply with all regulatory requirements and includes mitigation measures (MM 5.11-1a-e) to ensure that impacts are not significant. Refer to Section 5.11 for further discussion.
	HZ6.2.1	Require engineering geology reports when, in the opinion of the City's planning director, excavation and grading have the potential for exposure to slope instability or the potential to create unstable slope or soil conditions.	No Conflict. This EIR evaluates potential impacts associated with slope instability and expansive soils and recommends appropriate investigations be conducted and recommendations implemented as part of identified mitigation measures (MM 5.7-3 and 5.7-4). Refer to Section 5.7 for further discussion.
	HZ6.4.7	Restrict or prohibit uses in undeveloped flood areas, and maintain flood plain and floodway regulations in developed flood areas.	No Conflict. This EIR evaluates potential impacts associated with flood hazards and determines that significant impacts would not result. None of the above-ground project components of the project would be located in flood zones, except the pump stations for Intake Sites SI-17 and SI-18.

Table 5.4-3. Local Agency General Plan and LCP Policy Analysis

Element	Policy #	Policy	Project Consistency/Conflicts
			There is the possibility that SI-18 could sustain minor damage in the case of a flood. As the desalination plant and associated intake system would not be considered a critical facility, it could be taken offline temporarily while minor repairs are made. Refer to Section 5.1 for further discussion.
	HZ6.4.9	Control filling, grading, dredging, and other development that may increase flood potential.	No Conflict. The pump station for Intake Site SI-18 would be located in an A-99 zone. New development in this zone is not required to meet FEMA flood construction requirements. Additionally, given the size of the pump station building it would likely not increase downstream flood potential.
	HZ6.4.10	Limit the amount of impervious surface in flood-prone areas.	No Conflict. See discussion above for City General Plan 2030 Policy HZ6.4.9.
Parks Recreation and Open Space	PR3.3.1	Protect coastal bluffs and beaches from intrusion by nonrecreational structures and incompatible uses.	No Conflict. The proposed project would be consistent with the policy. The pump station sites for SI-4, SI-5 and SI-7 would be located approximately 60 to 150 feet from the coastal bluff and would not involve any structures on the bluff. With environmental design features of the proposed project, the intake pipelines would be installed beneath the coastal bluffs and beaches, using horizontal drilling technology, so that no structures would intrude on the beach or coastal bluff.
	PR3.3.2	Ensure that development does not interfere with the public's right to access the ocean (where acquired through use or other legislative authorization).	No Conflict. The proposed project would be consistent with the policy as project operations would not interfere with or obstruct public access to the ocean.
	PR3.3.3	Require new development and public works projects to provide public access from the nearest public roadway to the shoreline and along the coast, except where it is inconsistent with public safety or protection of fragile coastal resources, or where adequate access exists nearby.	No Conflict. The proposed project would be consistent with this policy as it would not interfere with public access to the shoreline or along the coast. All public roads and coastal access points would be maintained with the proposed project. Public access in the vicinity of Site A-2 is provided along public streets and through Natural Bridges State Beach. Public access also exists in the vicinity of the alternate pump station sites, primarily the West Cliff Drive path. Public access from the nearest public roadway to the shoreline already exists and is not required to be provided by the project.
Natural Resources and Conservation	NRC1.1	Protect the city's river and wetland areas while increasing and enhancing public access where appropriate.	No Conflict. Construction of permanent structures would be setback from creeks. Specifically, construction of the intake pump station at SI-4 or SI-18 and the plant at Plant Site A-2 would be outside of the identified setbacks from Bethany Creek, Neary Lagoon outlet channel, and an unnamed drainage and these creeks/drainages would be protected during construction (MM 5.3-2b). Temporary construction impacts to Arana Creek at the Brookwood Drive crossing would be reduced to less than significant with construction-phase protection measures (MM 5.1-1a-b and 5.3-2b-c). If Plant Site A-3 is selected, a small wetland (less than 0.02 acres)

Table 5.4-3. Local Agency General Plan and LCP Policy Analysis

Element	Policy #	Policy	Project Consistency/Conflicts
			associated with a stormwater culvert that drains to a concrete ephemeral stormwater ditch would be impacted if the desalination plant is constructed on this site. The small amount of wetland to be filled combined with the nature of the related hardscape features make the potential impact of Plant Site A-3 to jurisdictional waters less than significant. See Section 5.3 for additional information.
	NRC1.1.1	Require setbacks and implementation of standards and guidelines for development and improvements within the city and adjacent to creeks and wetlands as set forth in the Citywide Creeks and Wetlands Management Plan.	No Conflict. The proposed project would conform with the adopted setbacks for Arroyo Seco and the recommended setbacks for an unnamed drainage that drains to Natural Bridges Creek, in accordance with the Citywide Creeks and Wetlands Management Plan. The implementation of a mitigation measure (MM 5.3-2a-c) would ensure that watercourse setbacks for the unnamed drainage on Plant Site A-2 would be established and adopted on the northern edge of the site to complete the watercourse setbacks for this drainage and that riparian vegetation and trees are protected during construction. Construction-phase water quality measures would also apply (MM 5.1-1a and 5.1-1b).These measures would ensure that the project would not conflict with this policy. See Sections 5.3 for further discussion.
	NRC2.1.3	Evaluate development for impacts to special-status plant and animal species.	No Conflict. This EIR includes a comprehensive analysis of project impacts on both marine and terrestrial plant and animal species and sensitive habitat areas. Environmental design features and mitigation measures (MM 5.1-1a-b, 5.2-4, 5.2-5, 5.3-1a-d, and 5.3-5) are recommended to reduce any potential impacts. See Section 5.2 and Section 5.3 for further discussion.
	NRC2.2	Protect sensitive habitat areas and important vegetation communities and wildlife habitat	Potential Partial Conflict. The project would not result in direct impacts to sensitive riparian or wetland habitat with mitigation measures (MM 5.1-1a-b and 5.3-2a-c).The project would not result in direct impacts to areas where overwintering monarch butterfly roost. However, as discussed below for City General Plan 2030 Policy NRC2.4, development on Plant Site A-2 could partially conflict with the policy to protect sensitive Monarch butterfly overwintering habitat if trees on Plant Site A-2 are providing wind protection to the roost at NBSB.
	NRC2.2.1	As part of the CEQA review process for development projects, evaluate and mitigate potential impacts to sensitive habitat (including special-status species) for sites located within or adjacent to these areas.	Potential Partial Conflict. To protect sensitive riparian habitat, the proposed project would conform with the adopted setbacks for Arroyo Seco and the recommended setbacks for an unnamed drainage that drains to Natural Bridges Creek, in accordance with the Citywide Creeks and Wetlands Management Plan. The implementation of a mitigation measure (MM 5.3-2a-c) would ensure that watercourse setbacks for the unnamed drainage on Plant Site A-2 would be established and adopted on the

Table 5.4-3. Local Agency General Plan and LCP Policy Analysis

Element	Policy #	Policy	Project Consistency/Conflicts
			northern edge of the site to complete the watercourse setbacks for this drainage and that riparian vegetation and trees are protected during construction. These measures would ensure that the project would not conflict with this policy related to riparian habitat. See Section 5.3 for further discussion. However, as discussed below for City General Plan 2030 Policy NRC2.4, development on Plant Site A-2 could potentially partially conflict with the policy to protect sensitive habitat related to Monarch butterfly overwintering habitat.
	NRC2.2.2	Protect coastal roosts and rookeries in the course of activities that could disturb or disrupt the breeding or result in loss of habitat, such as construction activities, recreational activities, or special events.	No Conflict. With proposed environmental design features and mitigation measures to conduct pre-construction nesting surveys (MM 5.3-5) potential breeding/nesting would not be disrupted. See Section 5.3 for further discussion.
	NRC2.2.4	Minimize the impact of grading and filling on sensitive habitat areas.	No Conflict. See discussion above for City General Plan 2030 Policy NRC 2.1.3. The project would minimize the filling of wetlands and waters through the use of tunneling techniques in the marine environment and through adherence to identified watercourse setbacks in adjacent streams and watercourses and construction-phase protection measures (MM 5.3-2a-c).
	NRC2.3.1	Restrict the use of barriers that can hamper wildlife movement through corridors and buffers.	No Conflict. See discussion above for City General Plan 2030 Policy NRC2.1.3. The project would not result in barriers that would hamper wildlife movement. Implementation of a mitigation measure (MM 5.3-1a) would ensure that fish passage is provided for during the installation of the City-District intertie pipeline at its crossing with Arana Creek at Brookwood Drive.
	NRC2.4	Protect, manage, and enhance tree groves and understory that provide sensitive habitat features.	Potential Partial Conflict. Removal of trees on Plant Site A-2 that may provide potential secondary wind protection to the NBSB roost would potentially conflict with this policy. While identified mitigation measures (MM 5.3-3a-b and 5.3-6) would avoid removal of trees to the extent feasible, require the planting of replacement trees on or near Plant Site A-2, and protect trees to be retained, it cannot be assured that these measures would reduce potentially significant impacts, if onsite trees are serving as secondary wind break. See Section 5.3 for further discussion.
	NRC4.1	By 2030, require that all new development be carbon neutral.	No Conflict. The proposed project would be net carbon neutral, which means that it would be designed and operated so that there would be no net increase in GHG emissions, as compared to the existing environmental setting. See Section 4 for additional information.
	NRC7.1.1	Reduce electricity and natural gas consumption in public facilities by at least 20 percent compared to usage in 2000, by the year	No Conflict. The proposed project includes environmental design features relating to energy use, and would comply with Title 24 CCR through

Table 5.4-3. Local Agency General Plan and LCP Policy Analysis

Element	Policy #	Policy	Project Consistency/Conflicts
		2015.	compliance with the City's Building Code and the City's Green Building Program. The project would implement energy efficiency elements in the desalination processing equipment (e.g., energy recovery devices, high-efficiency pumps and motors), and pursue potential energy reducing projects, including, but not limited to, solar PV at the desalination plant site and micro-hydro turbines at the Graham Hill Water Treatment Plant.
	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.	No Conflict. See discussion above for City General Plan 2030 Policy NRC7.1.1.
	NRC7.1.5	Require City facilities to annually increase the percentage of green electricity used until the 2020 goal of 100 percent is met.	No Conflict. See discussion above for City General Plan 2030 Policy NRC7.1.1.
	NRC7.4.2	Require that new construction and major remodeling projects in City facilities use high-efficiency or zero-waste fixtures.	No Conflict. See discussion above for City General Plan 2030 Policy NRC7.1.1.
City of Santa Cruz Local Coastal Plan Policies			
Environmental Quality Element	EQ 2.3.1	Design and site development to minimize lot coverage and impervious surfaces, to limit post-development runoff to predevelopment volumes, and to incorporate storm drainage facilities that reduce urban runoff pollutants to the maximum extent possible.	No Conflict. The proposed project would involve construction of the following components in the coastal zone: (1) a seawater intake pump station; (2) a desalination plant if Plant Site A-2 is selected; and (3) conveyances for raw water, brine, and potable water. The proposed project includes environmental design features that would implement landscape type BMPs that are designed in accordance with volume and treatment requirements of the City's SWMP. Based on these requirements, post-development runoff would be limited to predevelopment volumes. Mitigation measures (MM 5.1-5 and 5.1-1a) would be implemented to ensure the proposed project complies with the City's pending stormwater regulations and that construction water quality impacts are minimized. See also discussion above for City General Plan 2030 Policy CC5.1.1 and CC5.1.8.
	EQ 2.3.1.3	Require low-flow-velocity, vegetated open channels, area drains incorporating grease and sediment traps, groundwater recharge facilities and detention ponds directly connected to impervious areas.	No Conflict. See discussion above for City LCP Policy EQ 2.3.1 and City General Plan 2030 Policy CC5.1.1 and CC5.1.8.
	EQ 2.3.1.6	Require a maintenance program and oil, grease and silt traps for all parking lots over 10 spaces and also investigate methods of retrofitting existing parking lots with grease, oil and silt traps.	No Conflict. See discussion above for City LCP Policy EQ 2.3.1 and City General Plan 2030 Policy CC5.1.1 and CC5.1.8.
	EQ 2.3.1.9	Coordinate with the Department of Fish and Game [now Department of Fish and Wildlife] to assure that development that involves alteration of or discharge into wetlands or streams and	No Conflict. Alteration of a stream course would not occur for the components of the proposed project located in the coastal zone and therefore a Streambed Alteration Agreement would not be required. The

Table 5.4-3. Local Agency General Plan and LCP Policy Analysis

Element	Policy #	Policy	Project Consistency/Conflicts
		riparian vegetation is reviewed by the Department and their recommendations incorporated into project plans prior to approval of the coastal development permits.	CEQA documents for the proposed project have been and will continue to be provided to CDFW for review. See Section 5.3 for additional information.
	EQ 3.1.2	Prohibit grading and earth disturbance during wet winter months and ensure that any grading or stockpiles are stabilized and revegetated (or covered) before winter months.	No Conflict. The project will comply with the City's Grading Ordinance. See also discussion below for City LCP Policy EQ 3.1.3.
	EQ 3.1.3	Require an erosion control plan for all new projects located within or adjacent to erosion hazard areas, and for all development proposals involving slopes exceeding 10%.	No Conflict. Proposed project components in the coastal zone would not be located on steep slopes and would not involve slopes exceeding 10%.
	EQ 3.2.1	Prohibit development on slopes greater than 50%.	No Conflict. Proposed project components in the coastal zone would not be located on steep slopes.
	EQ 3.2.2	Prohibit development on slopes between 30% and 50% unless a project meets the following criteria: a physical hardship exists; impacts are mitigated to an insignificant level; structures are designed to conform to the terrain; mass and bulk of structures are minimized; fire safety measures are incorporated; geological and structural reports establish safety of construction; and alteration of the natural landform is minimized.	No Conflict. Proposed project components in the coastal zone would not be located on steep slopes.
	EQ 3.2.3	Generally require at least a 20-foot setback from slopes over 30%, unless the criteria in EQ 3.2.2 are met; in no case shall the setback be less than 10 feet from the top edge of the slope.	No Conflict. If an intake pump station location along West Cliff Drive is selected (SI-4, SI-5, or SI-7), the pump station structure would be setback from coastal bluffs in conformance with this policy. See also discussion above for City LCP Policy EQ 3.2.1.
	EQ 4.1	Protect the natural ecosystem of the Monterey Bay Marine Sanctuary and the shoreline.	No Conflict. As indicated in Section 5.2, Marine Biology, with the implementation of identified mitigation measures (MM 5.1-1a-b, 5.2-4, 5.2-5) the proposed project would not significantly impact the marine ecosystem within MBMNS.
	EQ 4.1.2	Preserve the habitat of and minimize disturbance to seabird rookeries and roosting areas along the coastline.	No Conflict. See discussion above for City General Plan 2030 Policy NRC2.2.2
	EQ 4.1.5	Protect the quality of water discharged into the Bay and allow no dumping of materials into the Monterey Bay.	No Conflict. With the implementation of identified environmental design features of the proposed project and identified mitigation measures (MM 5.1-2a-b), the proposed project would not significantly impact marine water quality during construction, operation, and maintenance. Environmental design features would provide for blending brine from the project with the WWTF effluent, controlling the ratio of flows of the combined discharge such that NPDES permit requirements for dilution are maintained and that the salinity of ambient seawater is not exceeded. The above mitigation

Table 5.4-3. Local Agency General Plan and LCP Policy Analysis

Element	Policy #	Policy	Project Consistency/Conflicts
			measures would minimize temporary, construction-phase impacts on marine water quality. The project would not result in the dumping of materials into the Bay.
	EQ 4.2	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	No Conflict. This EIR includes a comprehensive analysis of project impacts on riparian and wetland habitats. The proposed project components in the coastal zone would not be located in riparian or wetland habitats, but could be located adjacent to creeks and associated riparian areas. Mitigation measures (MM 5.3-2a-c), requiring construction-phase protection measures for adjacent riparian areas, are recommended to reduce any potential inadvertent impacts that could occur during construction. See Section 5.3 for additional information.
	EQ 4.2.2	Minimize the impact of development upon riparian and wetland areas through setback requirements of at least 100 feet from the center of a watercourse for riparian areas and 100 feet from a wetland. Include all riparian vegetation within the setback requirements, even if it extends more than 100 feet from the water course or if there is no defined water course present.	No Conflict. The City's Creeks and Wetlands Management Plan is now part of the City's adopted LCP and replaces this policy. See discussion above for City General Plan 2030 Policy NRC1.1.1.
	EQ 4.2.2.1	Require that all development within 100 feet of these areas be consistent with the applicable management plan provisions under EQ 4.2.1 and L 3.4, if one has been established.	No Conflict. The City's Creeks and Wetlands Management Plan is now part of the City's adopted LCP and replaces this policy. See discussion above for City General Plan 2030 Policy NRC1.1.1.
	EQ 4.2.3	Minimize increased runoff into riparian and wetland areas unless biological evaluation recommends increased inflows.	No Conflict. See discussion above for City General Plan 2030 Policy CC5.1.1 and CC5.1.8.
	EQ4.5	Continue the protection of rare, endangered, sensitive and limited species and the habitats supporting them as shown in Map EQ-9 or as identified through the planning process or as designated as part of the environmental review process. (See Map EQ-9).	Potential Partial Conflict. See discussion for General Plan Policy NRC2.2.
	EQ 4.5.3	Protect monarch butterfly overwintering sites and ensure adequate buffering of these sites from development	Potential Partial Conflict. Proposed desalination plant sites are set back from the NBSB monarch overwintering site by 70-415 feet, and would not result in direct impacts to the NBSB overwintering site except for removal of trees, if they provide potential wind protection as discussed below for LCP Program EQ4.5.3.2.
	EQ 4.5.3.2	Require development in the vicinity of designated monarch sites to undergo environmental impact analysis and for development affecting sites prepare a management plan addressing preservation of the habitat that includes criteria such as: • Prohibiting the cutting, thinning, pruning or removal of any tree or shrub (especially nectar plants used by monarchs)	Potential Partial Conflict. Section 5.3 of this EIR and Appendix S, Desalination Project for the City of Santa Cruz and Soquel Creek Water District Report on Habitat Assessment for Overwintering Monarch Butterflies, contains information and analysis of the impacts of the proposed project related to Monarch overwintering habitat that was developed as part of the environmental review process. The project sites do

Table 5.4-3. Local Agency General Plan and LCP Policy Analysis

Element	Policy #	Policy	Project Consistency/Conflicts
		except as necessary for safety of homes or persons and requiring replacement of comparable vegetation; • Prohibiting pesticide use and keeping all water sources clean; • Allowing construction only during the months when monarchs are not present; and • Keeping smoke from infiltrating monarch roosting sites.	not support tree stands where overwintering monarch butterflies roost. Removal of trees on Plant Site A-2 that may provide potential secondary wind protection to the NBSB roost may potentially conflict with the portion of this policy related to tree removal or trimming that is intended to protect monarch butterfly overwintering sites. While identified mitigation measures (MM 5.3-3a-b and 5.3-6) would avoid removal of trees to the extent feasible, require the planting of replacement trees on or near Plant Site A-2, and protect trees to be retained, it cannot be assured that these measures would reduce potentially significant impacts to the NBSB roost, if onsite trees are serving as secondary wind break. Development at the proposed plant sites would not involve use of pesticides or smoke or emissions. Construction would not affect the roost at NBSB. See Section 5.3 for further discussion.
	EQ 4.5.4	Preserve Black Swift and Pigeon Guillemot habitat by monitoring the effects of erosion repair work along West Cliff Drive and timing construction in areas near these habitats to avoid disturbing them during the nesting season ensuring that no significant adverse impact occurs.	No Conflict. Section 5.4 identifies a mitigation measure (MM 5.3-5) requiring that preconstruction surveys be conducted to ensure that no nesting birds would be adversely affected as a result of construction activities.
	EQ 5.3.1	Investigate requiring energy efficiency and consumption analysis for all new projects, public and private, proposed for construction and consider prioritizing permit processing and reducing permit fees for projects where total annual energy use is demonstrated to be significantly less than in conventional projects.	No Conflict. See discussion above for City General Plan 2030 Policy NRC7.1.1
Community Design Element	CD 2.1.3	Protect the Monterey Bay National Marine Sanctuary and the shoreline and views to and along the ocean, recognizing their value as natural and recreational resources.	No Conflict. See discussion above for City General Plan 2030 Policy CD1.1.2
	CD 2.1.2	Minimize the impact of grading and development on important natural features such as bluffs and foothills.	No Conflict. The proposed project would not result in grading or development on bluffs or foothills.
	CD 2.2	Preserve important public views and viewsheds by ensuring that the scale, bulk and setback of new development does not impede or disrupt them.	No Conflict. See discussion above for City General Plan 2030 Policy CD1.2.
	CD 2.2.2	Identify important vistas and view corridors of community wide value to be preserved and require development to provide visual and physical breaks to allow access to these areas.	No Conflict. See discussion above for City General Plan 2030 Policies CD1.2 and 1.2.1.
	CD 6.1.1	Protect Heritage Trees and Shrubs by reviewing all construction plans to determine their impacts on Heritage Trees or Shrubs and providing technical information to assist owners in maintaining Heritage Trees and Shrubs on private property.	No Conflict. If Plant Site A-2 is selected the proposed project would be required to comply with the City's Heritage Tree Ordinance and associated tree removal permit. This permit would require that replacement trees be planted at a specified replacement ratio and tree size. An identified

Table 5.4-3. Local Agency General Plan and LCP Policy Analysis

Element	Policy #	Policy	Project Consistency/Conflicts
			mitigation measure (MM 5.3-6) would ensure that the trees to remain would be adequately protected.
	CD 6.1.2	Require a two-for-one or more replacement planting and maintenance program when tree removal is necessary for new development.	No Conflict. See discussion above for City LCP Policy CD 6.1.1.
	CD 6.1.4	Minimize tree cutting between the nearest through public road and the coast	No Conflict. The project would not result in tree removal between the nearest through public road and the coast.
Land Use Element	L 1.6	Minimize, when practical, obstruction of important views and viewsheds by new development. In the Coastal Zone, development shall be sited and designed to and along the ocean and in scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and to restore visual quality in visually degraded areas. (See policies under CD 2.2.)	No Conflict. See discussion above for City General Plan 2030 Policy CD1.2.
	L 3.5	Protect coastal recreation areas, maintain all existing coastal access points open to the public, and enhance public access, open space quality and recreational enjoyment in a manner that is consistent with the California Coastal Act. (See policies under EQ 4.1 and PR 1.7)	No Conflict. The proposed project would be consistent with this policy as it would not interfere with public access to the shoreline or along the coast. All public roads and coastal access points would be maintained with the proposed project. The project would not adversely affect coastal recreation areas, as it would not interfere with the use of the multi-use path on West Cliff Drive or access to other coastal recreation areas, including Main Beach, Cowells Beach, the Boardwalk, and the Municipal Wharf. Offshore improvements in the marine environment would not permanently affect recreational uses in the marine environment (e.g., boating or surfing).
	L 3.5.1	Protect coastal bluffs and beaches from intrusion by non-recreational structures and incompatible uses and along the shoreline, require new development or remodeling to be sited and designed so as to avoid a "wall" of buildings.	No Conflict. See discussion above for City General Plan 2030 Policy PR3.3.1.
	L 3.5.2	Ensure that development does not interfere with the public's right to access the ocean (where acquired through use or other legislative authorization).	No Conflict. See discussion above for City General Plan 2030 Policy PR3.3.2
	L 3.5.3	Require new development and public works projects to provide public access from the nearest public roadway to the shoreline and along the coast, except where it is inconsistent with public safety, protection of fragile coastal resources, or where adequate access exists nearby.	No Conflict. See discussion above for City General Plan 2030 Policy PR3.3.3.
Cultural	CR 1.2.2	Evaluate the extent of on-site archaeological and paleontological	No Conflict. A cultural resource investigation was conducted for the

Table 5.4-3. Local Agency General Plan and LCP Policy Analysis

Element	Policy #	Policy	Project Consistency/Conflicts
Resources		resources through archival research, site surveys and necessary supplemental testing as part of the initial environmental assessment on each potentially significant site.	proposed project (confidential Appendix V), which includes all required study components.
	CR 1.2.4	Require consultation of a Native American authority in the identification of burial or most sacred sites and include Native American participation in the development of, and recommendations for, site disposition and mitigation programs.	No Conflict. A mitigation measure (MM 5.8-3) is identified in Section 5.8 to provide for Native American consultation and participation under such circumstances.
	CR 1.2.5	Develop a mitigation plan for proper site disposition prior to approval of any project that may adversely impact a paleontological site.	No Conflict. A mitigation measure (MM 5.8-4) is identified in Section 5.8 to provide for such a plan.
	CR 1.3.1	Upon discovery of an archaeological or paleontological resource, work must halt on a project and a mitigation plan be developed to determine the extent and value of the site and its proper disposition, prior to resumption of the project.	No Conflict. Mitigation measures (MM 5.8-2a-c, 5.8-4) are identified in Section 5.8 to provide for such a plan.
	CR 1.3.2	Require an archaeological observer on or in the vicinity of known sites for projects involving alterations, reconstruction or a new impact via earthmoving activities and for projects on or in the vicinity of known burial or most sacred sites, require a Native American observer during earth-moving activities.	No Conflict. The project would not impact any known sites. See Section 5.8 for additional information.
Safety	S 1.2.1	For development adjacent to cliffs, require setbacks for buildings equal to 50 years of anticipated cliff retreat.	No Conflict. This EIR includes analysis of coastal bluff retreat rates and setbacks (see Section 5.7). All proposed structures adjacent to cliffs are setback a distance equal to at least 75 years of anticipated cliff retreat.
	S 1.2.2	Require site specific geologic investigations for all development within 100 feet of existing coastal bluffs.	No Conflict. A mitigation measure (MM5.7-1a) is identified in Section 5.7 to implement recommendations of site specific geologic investigations for all project components requiring new facility construction, including the pump station sites for SI-4 and SI-5, which are within 100 feet of existing coastal bluffs. See also discussion above for S1.2.1 and General Plan Policy PR3.3.1.
	S 2.1	Require site specific geologic investigations by qualified professionals for residential development of four+ units, and commercial, industrial, public and semi-public development in known potential liquefaction and other seismic hazard areas and require developments to incorporate the mitigations recommended by the investigations. In known liquefaction and other seismic hazard areas in the Coastal Zone, a site specific geologic investigation shall be prepared for all new habitable structures notwithstanding the number of units prior to project approval.	No Conflict. A mitigation measure (MM5.7-1a) is identified in Section 5.7 to provide for such investigations to address seismic hazards. See also discussion above for City General Plan 2030 Policy HZ6.2.1.

Table 5.4-3. Local Agency General Plan and LCP Policy Analysis

Element	Policy #	Policy	Project Consistency/Conflicts
County of Santa Cruz General Plan and LCP			
Conservation and Open Space	5.1.9	Within the following areas, require a biotic assessment as part of normal project review to determine whether a full biotic report should be prepared by a qualified biologist: (a) Areas of biotic concern, mapped; (b) Sensitive habitats, mapped & unmapped	No Conflict. A biotic assessment was conducted and incorporated into this EIR. See Section 5.3 and Appendix R, scwd² Regional Seawater Desalination Project Biotic Resources Survey Report.
	5.2.3	Development activities, land alteration and vegetation disturbance within riparian corridors and wetlands and required buffers shall be prohibited unless an exception is granted per the Riparian Corridor and Wetlands Protection ordinance. As a condition of riparian exception, require evidence of approval for development from the US Army Corps of Engineers, California Department of Fish and Wildlife, and other federal or state agencies that may have regulatory authority over activities within riparian corridors and wetlands.	No Conflict. This EIR acknowledges that an exception to the County's Riparian Corridor and Wetlands Protection ordinance would be required for the Brookwood Drive crossing of Arana Creek. As a condition of the riparian exception, the City and District will need to provide evidence of approval for development from the USACE, CDFW, RWQCB, and NMFS. See Section 5.3 for additional information.
	5.2.4	Require a buffer setback from riparian corridors in addition to the specified distances found in the definition of riparian corridor. This setback shall be identified in the Riparian Corridor and Wetland Protection ordinance and established based on stream characteristics, vegetation and slope. Allow reductions to the buffer setback only upon approval of a riparian exception. Require a 10 foot separation from the edge of the riparian corridor buffer to any structure.	No Conflict. At the Arana Creek crossing, the proposed project would not result in permanent above ground structures within the buffer setback. For all other creek crossings, the proposed pipeline would be constructed within existing bridge structures.
Public Safety and Noise	6.3.6	Prohibit earthmoving operations in areas of very high or high erosion hazard potential and in Least Disturbed or Water-Supply Watersheds between October 15 and April 15, unless preauthorized by the Planning Director. If such activities take place, measures to control erosion must be in place at the end of each day's work.	No Conflict. See discussion above about City LCP Policies 3.1.3. All applicable County grading requirements shall also be adhered to.
	6.3.8	Require containment of all sediment on the site during construction and require drainage improvements for the completed development that will provide runoff control, including onsite retention or detention where downstream drainage facilities have limited capacity. Runoff control systems or BMPs shall be adequate to prevent any significant increase in site runoff over pre-existing volumes and velocities and to maximize on-site collection of non-point source pollutants.	No Conflict. See discussion above about City LCP Policies 3.1.3. All applicable County grading requirements shall also be adhered to. No permanent above ground structures would be constructed in the County and therefore runoff control systems would not be required.

Table 5.4-3. Local Agency General Plan and LCP Policy Analysis

Element	Policy #	Policy	Project Consistency/Conflicts
	6.3.11	Require a permit for any land clearing in a sensitive habitat area and for clearing more than one quarter acre in Water Supply Watershed, Least Disturbed Watershed, very high and high erosion hazard areas no matter what the parcel size. Require that any land clearing be consistent with all General Plan and LCP Land Use policies.	No Conflict. The proposed project would not require permanent land clearing in sensitive habitat areas. See also discussion above for County General Plan and LCP Policy 5.2.3.
	6.9.7	Require mitigation of construction noise as a condition of future project approvals.	No Conflict: The EIR evaluates potential construction noise impacts to surrounding land uses. The proposed project includes environmental design features to minimize construction noise impacts. See Section 5.6, Noise and Vibration for further discussion.
	6.10.2	Require the evaluation of mitigation measures for any project that would cause significant degradation of the noise environment by: (a) Causing the Ldn in existing residential areas to increase by 5 dB or more and remain below 60 dB; (b) Causing the Ldn in existing residential areas to increase by 3 dB or more and, thereby, exceed an Ldn of 60 dB; (c) Causing the Ldn in existing residential areas to increase by 3 dB or more if the Ldn currently exceeds 60 dB. [However, allowable levels shall be raised to the ambient noise levels where the ambient levels exceed the allowable levels.]	No Conflict: The proposed project would result in a new source of operational noise in the County only with the addition of an emergency generator at the pending approved Aptos pump station. This new noise source would not exceed the noise levels identified in this policy. See Section 5.6 for further discussion.
City of Capitola General Plan			
Noise	2	Ensure that new development or proposed changes to development mitigate noise to acceptable levels.	No Conflict: The McGregor pump station upgrade in Capitola would not result in unacceptable noise levels. See Section 5.6 for further discussion.
	5	Adopt and enforce land use compatibility standards. These standards are generally consistent with California Department of Health recommendations.	No Conflict: The McGregor pump station upgrade in Capitola would not conflict with land use compatibility standards identified in Capitola's General Plan. See Section 5.6 for further discussion.
	9	Require sound reduction measures where indicated as necessary to maintain compatibility of land uses.	No Conflict: With the proposed identified upgrade to the McGregor pump station in Capitola, sound reduction measures were not identified as necessary. See Section 5.6 for further discussion.

Acronyms:
BMP = Best Management Practice
CCR = California Code of Regulations
CDFW = California Department of Fish and Wildlife
CEQA = California Environmental Quality Act
EIR = environmental impact report
FEMA = Federal Emergency Management Agency
GHG = Greenhouse Gas
IWP = Integrated Water Plan
LCP = Local Coastal Program
LOS = Level of Service
MBUAPCD = Monterey Bay Unified Air Pollution Control District
MM = mitigation measure
NBSB = Natural Bridges State Beach
NMFS = National Marine Fisheries Service
NPDES = National Pollutant Discharge Elimination System
RWCQB = Regional Water Quality Control Board
SWMP = Storm Water Management Plan
SWPPP = Stormwater Pollution Prevention Plan
USACE = United States Army Corps of Engineers
WWTF = Wastewater Treatment Facility