



Santa Cruz Downtown Plan Expansion Final Subsequent EIR

April 2025
SCH #: 2022090276



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Prepared for

City of Santa Cruz

Planning and Community Development Department

Prepared by

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1 Introduction

1.1 Purpose of the EIR

This EIR has been prepared for the City of Santa Cruz (City), which is the lead agency for the project. The project is more specifically described below in [section 1.3](#) and in [Chapter 3 - Project Description](#) but can be broadly described as amendments to the previously adopted Downtown Plan to expand the Plan area to incorporate a 29-acre area south of Laurel Street. For consistency purposes, the project also includes amendments to the City's General Plan 2030, the Local Coastal Program (LCP), the Municipal Code (Zoning Ordinance and Zoning Map), and the Beach and South of Laurel Comprehensive Area Plan(B/SOL Plan. This EIR has been prepared in accordance with the California Environmental Quality Act (CEQA), which is found in the California Public Resources Code, Division 13, and with the State CEQA Guidelines, which are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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

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

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

This EIR is being prepared as a "Program EIR" pursuant to section 15168 of the State CEQA Guidelines. A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related geographically, by similar environmental effects, as logical parts in the chain of contemplated actions, or in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program. A program EIR can provide a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action and can ensure consideration of cumulative impacts. A program EIR can be used as part of the environmental

review for later individual projects to be carried out pursuant to the project previously analyzed in the program EIR, where impacts have been adequately addressed in the program EIR. For later individual projects proposed in the areas covered by the plans and amendments covered in this EIR, the City will determine whether the individual project or subsequent activity is within the scope of this Program EIR, meaning it is an activity within the same project as analyzed in the program EIR or within the same geographic area encompassed by the program EIR. Depending on the City's determination, including whether new effects could occur, or new mitigation measures would be required, the analysis for later projects could range from no new CEQA document to a new EIR. The City potentially could apply one or more CEQA "streamlining" tools when it considers later projects, such as the focused analytical routes under Public Resources Code sections 21155.2 and 21083.3 and CEQA Guidelines sections 15152, 15182, 15183, and 15183.3. If appropriate and applicable to a proposed project, the City may also consider one or more statutory or categorical exemptions. The State CEQA Guidelines encourage agencies to "tier" the environmental analyses which they prepare for separate but related projects, including general plans, zoning changes, and development projects.

Pursuant to CEQA (Public Resources Code section 21002), public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which would substantially lessen the significant environmental effects of such projects. Pursuant to section 15021 of the State CEQA Guidelines, CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible. In deciding whether changes in a project are feasible, an agency may consider specific economic, environmental, legal, social, and technological factors. According to the State CEQA Guidelines, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. This section further indicates that CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors, and an agency shall prepare a "statement of overriding considerations" as to reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment. The environmental review process is further explained below in [section 1.4](#).

1.2 Use of a Subsequent EIR

The project (or project) is being analyzed in a Subsequent EIR (SEIR). State CEQA Guidelines Section 15162 states:

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant

environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise, the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

Based upon a preliminary review of the project pursuant to Section 15162 of the State CEQA Guidelines, the City of Santa Cruz has determined that a Subsequent EIR should be prepared to analyze potential impacts on the environment as a result of the of the project. The determination to prepare a Subsequent EIR for this project was made because the project is an amendment to the existing City of Santa Cruz Downtown Plan to expand the Plan area to incorporate a 29-acre area south of Laurel Street, and it was concluded that the potential for different or greater impacts than previously discussed in the Downtown Plan warranted a Subsequent EIR, which will provide the public with the highest level of environmental analysis and opportunities for participation in the environmental review process for the project.

This Subsequent EIR updates the certified Downtown Plan Amendments (DPA) EIR to reflect current conditions that differ from those described in the DPA EIR and analyze the project under existing environmental conditions. The EIR analyses also draw from the City of Santa Cruz General Plan 2030 Final EIR (SCH # 2009032007), which was certified on June 26, 2012.

The DPA EIR and General Plan 2030 EIR are on file at the City's Planning and Community Development Department at 809 Center Street, Room 101, Santa Cruz, California from 7:30 to 11:30 AM, Monday through Thursday. The documents are also available at the Santa Cruz Public Libraries Downtown Branch at 224 Church Street, Santa Cruz, California. Electronic access to review the documents are on the City of Santa Cruz Planning Department's website at:

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

The Santa Cruz City Council approved amendments to the Downtown Plan (formerly Downtown Recovery Plan [DRP]) in November 2017. The DRP was originally adopted in 1991 to guide the reconstruction of the downtown after the 1989 Loma Prieta earthquake that destroyed significant portions of the downtown area. The intent of the DRP was to establish policies, development standards and guidelines to direct the recovery process toward the rebuilding after the earthquake. The DRP was adopted as a specific plan (pursuant to California Government Code requirements) to implement policies in the downtown area. Chapter 4 of the Downtown Plan, Development Standards and Design Guidelines, is incorporated by reference in Part 24 of the Zoning Code in the CBD zone.

A series of amendments to the DRP were proposed in 2017, including a change in the plan's name to "Downtown Plan." A program EIR was prepared pursuant to section 15168 of the State CEQA Guidelines, which evaluated effects of the 2017 Plan amendments. The amendments included additional height allowances under specified circumstances and other revised development standards that could lead to potential increased development in the downtown area. The DPA EIR evaluated impacts of this level of potential future development and addressed aesthetics, air quality and greenhouse gas (GHG) emissions, biological resources, cultural and tribal cultural resources, hydrology and water quality, public services, transportation and traffic, water and wastewater utilities, land use, and cumulative impacts.

1.3 Project Overview

The project consists of a series of amendments to the City's Downtown Plan by extending the boundary of the existing Downtown Plan to incorporate the South of Laurel Area (the project area, see [Figure 1-1 South of Laurel Area District](#)) into the Downtown Plan boundary, to incorporate development standards and design guidelines for the project area and add other policies and standards to the Downtown Plan (last amended October 24, 2023) that will facilitate future redevelopment of the project area. The project also includes amendments to the City's General Plan 2030, the LCP, the B/SOL Plan, and the Municipal Code to provide updates consistent with the currently proposed amendments to the Downtown Plan.

Implementation of the project would facilitate additional development as a result of various circulation, land use, and infrastructure revisions. For purposes of environmental review, the project area is conservatively anticipated to accommodate:

- **Future Development:** Up to 1,800 housing units and 60,000 square feet (sf) of gross commercial area. Redevelopment would replace approximately 66 dwelling units and 76,770 gross sf. of commercial uses.
- **New Arena:** Construction of a new approximately 180,000 sf permanent sports and entertainment arena for the Santa Cruz Warriors basketball team. The arena would contain a main event court with spectator seating for approximately 3,200 seats for basketball, and approximately 4,000 seats for concerts, performances, etc. Additional facilities would include a practice facility consisting of an additional court and training spaces, and supporting concession, retail and administrative uses. This would replace the existing 35,000 sf. temporary arena with 2,475 fixed seats for basketball and 3,100 fixed and temporary seating for other entertainment events.
- **Building Height:** No new development shall exceed the base heights of 85 feet, 70 feet, or 50 feet, except as the result of compliance with any density bonus program or provision of state or local law (as discussed below). Building heights adjacent to Beach Hill hillside shall be limited to no more than 70 feet to provide a transition in height adjacent to the Beach Hill neighborhood. Additional height is permitted through application of a State Density Bonus, the City's proposed Downtown Density Bonus, or other local density bonus provision.

- **Community Spaces:** Existing and planned public streets and the Santa Cruz Riverwalk are envisioned to be designed to accommodate public gatherings and events such as pre- and post-arena events, holidays events and festivals, and informal gatherings.
- **Mobility:** Pedestrian, bicycle, and vehicular circulation improvements envisioned as part of the creation of the community spaces:
 - Create a circulation network that integrates the built environment and civic spaces, both within and adjacent to the SOLA neighborhood.
 - Create a new Spruce Street Plaza along Spruce Street by permanently closing Spruce Street to vehicular traffic east of Front Street to the Santa Cruz Riverwalk. Emergency, maintenance, and delivery vehicle access shall be maintained through the use of removable barriers or bollards.
 - To create better opportunities for the public to engage with the San Lorenzo River, realign the connection to Laurel Street Extension to the base of Beach Hill, just north of the Cliff Street stairs. This improvement can only be initiated after existing residents and support facilities have been relocated, consistent with City policies and State law.
 - Consider removing the surface parking and public roadway north of the realigned Laurel Street Extension, and thereby creating a more developable Block B.
 - Construct a new roundabout and associated pedestrian and bicycle improvements at the southern convergence of Pacific Avenue and Front Street.
 - As redevelopment proceeds, the City will further evaluate and discuss with the community the possibility of closing Spruce between Pacific and Front Street to auto traffic during special events.

1.4 Environmental Review and Approval Process

1.4.1 Notice of Preparation and Scoping

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

A Notice of Preparation (NOP) for this EIR was circulated for a 30-day comment period on September 16, 2022. The NOP was circulated to the State Clearinghouse and to local, regional, and federal agencies in accordance with State CEQA Guidelines. The NOP also was sent to organizations and interested citizens that have requested notification in the past for the

project. Additionally, the NOP was circulated to owners of property contiguous to the project area in accordance with the City's CEQA Guidelines. The NOP is included in **Appendix A** of the Draft SEIR. A public scoping meeting also was held on September 28, 2022.

Written comments were received from four public agencies (California Coastal Commission, Caltrans, CA Department of Fish and Wildlife, and CA Department of Toxic Substances Control)); 40 comments were also received from general public. These letters are included in **Appendix A** of the Draft SEIR. Comments received during the scoping period regarding environmental issues generally include the following concerns, which are further discussed in the EIR chapters that discuss the relevant topic:

- Aesthetics and impacts to the visual character of the surrounding area;
- Shadows and light and glare associated with new development;
- Air quality impacts associated with construction and operation;
- Biological impacts to San Lorenzo River habitat, including potential impacts to birds;
- Flood hazards and effects of climate change and sea level rise;
- Drainage and water quality impacts;
- Noise impacts from traffic and events;
- Population and housing impacts associated with new development;
- Traffic and parking impacts; and
- Alternatives analysis.

1.4.2 Scope of the SEIR

Based on responses to the Notice of Preparation, this SEIR evaluates potentially significant impacts for the topics listed below. The EIR also evaluates topics required by CEQA and CEQA Guidelines, including growth inducement, project alternatives, and cumulative impacts. The environmental analysis for this EIR includes:

- Aesthetics
- Air Quality and Greenhouse Gas Emissions
- Biological Resources
- Cultural and Tribal Cultural Resources
- Hydrology and Water Quality
- Land Use and Planning
- Noise and Vibration
- Population and Housing
- Public Services
- Transportation

- Utilities, Service Systems, and Energy Conservation

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

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

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

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

1.4.3 Public Review of Draft SEIR

The Draft SEIR was published and circulated by the City for review and comment by the public and other interested parties, agencies, and organizations for a 45-day public review period from January 8, 2025 through February 21, 2025. The City of Santa Cruz encouraged public agencies, organizations, community groups, and all other interested persons to provide written comments on the Draft SEIR prior to the end of the 45-day public review period. CEQA Guidelines Section 15204(a) provides guidance on the focus of review of EIRs, indicating that in reviewing draft EIRs, persons and public agencies “should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated,” and that comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. This section further states that: “CEQA does not require a lead agency to conduct every test or

perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

Seventy-four (74) email comments were received during the Draft SEIR public review period from agencies (5), organizations (6) and general public (63) (see [Section 4.2 List of Comment Letters Received](#), below). This Final SEIR volume includes written responses to significant environmental issues raised in comments received during the public review period in accordance with CEQA Guidelines section 15088. The Final SEIR also includes Draft SEIR text changes and additions that became necessary after consideration of public comments. (See CEQA Guidelines, § 15088, subd. (c)).

1.4.4 Final SEIR / Project Approval

The Final Subsequent EIR, which includes both the Draft and Final SEIR documents, will be reviewed by the Planning Commission for consideration of the SEIR and the proposed actions and recommendation to the City Council. The City Council will make the final decision on SEIR and the proposed General Plan, LCP, B/SOL Plan, and Downtown Plan amendments, rezoning and Municipal Code Amendments. In order to approve the proposed Downtown Plan Expansion project, the City Council must ultimately certify that it has reviewed and considered the information in the SEIR, that the SEIR has been completed in conformity with the requirements of CEQA, and that the document reflects the City’s independent judgment.

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

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

- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

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

1.4.5 Adoption of Mitigation Monitoring & Reporting Program

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

1.5 Organization of the Final SEIR

This document, together with the Draft SEIR dated January 2025, constitutes the Final SEIR for the project. This document contains responses to comments received on the Draft SEIR. The Final SEIR is organized with the following sections.

- **Chapter 1, Introduction**, explains the CEQA process; describes the scope and purpose of this EIR; provides information on the environmental review and approval process; and outlines the organization of this Final SEIR document.
- **Chapter 2, Summary**, presents an overview of the project; provides a summary of the impacts of the project and mitigation measures; provides a summary of the alternatives being considered; includes a discussion of known areas of controversy; and lists the topics not carried forward for further analysis.
- **Chapter 3, Changes to Draft SEIR**, outlines revisions to the Draft SEIR text as a result of review of comments and responses as may be needed. Additional clarification provided by City staff also is included.
- **Chapter 4, Public Comments and Responses**, includes each comment letter with responses to comments immediately following the comment letter.
- **Appendices**. A Mitigation Monitoring and Reporting Program is included in [Appendix A](#).

2 Summary

2.1 Introduction

This environmental impact report (EIR) evaluates the potential for significant environmental impacts from the proposed Downtown Plan Expansion (the project). This summary highlights the major areas of importance in the environmental analysis for the project, as required by Section 15123 of the California Environmental Quality Act (CEQA) Guidelines. It also provides a brief description of the project, alternatives to the project, and areas of controversy known to the City of Santa Cruz (City).

In addition, this chapter summarizes: (1) the potential environmental impacts that would occur as the result of the project; (2) the level of impact significance before mitigation; (3) the proposed mitigation measures that would avoid or reduce significant environmental impacts; and (4) the level of impact significance after mitigation measures are implemented. Some minor changes to Draft SEIR text have been made and are shown in underlined type for new text and ~~strikeout~~ type for deleted text.

2.2 Project Overview

The project consists of a series of amendments to the City's Downtown Plan by extending the boundary of the existing Downtown Plan to incorporate the South of Laurel Area (the project area, see **Draft SEIR Figure 1-1 South of Laurel Area District**) into the Downtown Plan boundary, to incorporate development standards and design guidelines for the project area and add other policies and standards to the Downtown Plan (last amended October 24, 2023) that will facilitate future redevelopment of the project area. The project also includes amendments to the City's General Plan 2030, the Local Coastal Program (LCP), the B/SOL Plan, and the Municipal Code to provide updates consistent with the currently proposed amendments to the Downtown Plan.

Implementation of the project would facilitate additional development as a result of various circulation, land use and infrastructure revisions. For purposes of environmental review, the project area is conservatively anticipated to accommodate:

- **Future Development:** Up to 1,800 housing units and 60,000 square feet (sf) of gross commercial area. Redevelopment would replace approximately 66 dwelling units and 76,770 gross sf. of commercial uses.
- **New Arena:** Construction of a new approximately 180,000 sf sports and entertainment arena for the Santa Cruz Warriors basketball team. The arena would contain a main event court with spectator seating for approximately 3,200 seats for basketball, and approximately 4,000 seats for concerts, performances, etc. Additional facilities would include a practice facility consisting of an additional court and training spaces, and supporting concession, retail and administrative uses. This would replace the existing

35,000 sf. temporary arena with 2,475 fixed seats for basketball and 3,100 fixed and temporary seating for other entertainment events.

- **Building Height:** No new development shall exceed the base heights of 85 feet, 70 feet, or 50 feet, except as the result of compliance with any density bonus program or provision of state or local law (as discussed below). Building heights adjacent to Beach Hill hillside shall be limited to no more than 70 feet to provide a transition in height adjacent to the Beach Hill neighborhood. Additional height is permitted through application of a State Density Bonus, the City's proposed Downtown Density Bonus, or other local density bonus provision.
- **Community Spaces:** Existing and planned public streets and the Santa Cruz Riverwalk are envisioned to be designed to accommodate public gatherings and events such as pre- and post-arena events, holidays events and festivals, and informal gatherings.
- **Mobility:** Pedestrian, bicycle, and vehicular circulation improvements envisioned as part of the creation of the community spaces:
 - Create a circulation network that integrates the built environment and civic spaces, both within and adjacent to the SOLA neighborhood.
 - Create a new Spruce Street Plaza along Spruce Street by permanently closing Spruce Street to vehicular traffic east of Front Street to the Santa Cruz Riverwalk. Emergency, maintenance, and delivery vehicle access shall be maintained through the use of removable barriers or bollards.
 - To create better opportunities for the public to engage with the San Lorenzo River, realign the connection to Laurel Street Extension to the base of Beach Hill, just north of the Cliff Street stairs. This improvement can only be initiated after existing residents and support facilities have been relocated, consistent with City policies and State law.
 - Consider removing the surface parking and public roadway north of the realigned Laurel Street Extension, and thereby creating a more developable Block B.
 - Construct a new roundabout and associated pedestrian and bicycle improvements at the southern convergence of Pacific Avenue and Front Street.
 - As redevelopment proceeds, the City will further evaluate and discuss with the community the possibility of closing Spruce between Pacific and Front Street to auto traffic during special events.

2.3 Summary of Impacts and Mitigation Measures

All impacts identified in the environmental analyses are summarized in this section. This summary groups impacts of similar ranking together, beginning with significant unavoidable impacts, followed by significant impacts that can be mitigated to a less-than-significant level, followed by less-than significant impacts and topics where no impacts were identified.

2.3.1 Significant Unavoidable Impacts

The following impacts were found to be potentially significant, and while mitigation measures have been identified in some cases, the impact cannot be reduced to a less-than-significant level. **Chapter 17 Project Alternatives** of the Draft SEIR examines alternatives to eliminate or reduce the level of significance of these impacts.

CUL-1 (DPA EIR Impact 4.4-2): Historical Resources. Future development accommodated by the proposed plan amendments could result in impacts to historical resources (CUL-a) due to alteration or modification of historical buildings.

Mitigation Measures

MM CUL-1.1: Historic Resources Assessment and Project-Level Mitigation

Require preparation of an historic resources evaluation for any development proposal containing a structure or structures 50 years old or older and that are not identified as historic resources in the Santa Cruz Historic Building Survey ~~County HRI~~. If the structure(s) may potentially meet the criteria for listing as an historic resource, and proposed development would have the potential to impact the historic significance of the structure(s), the development applicant shall provide an historic assessment of the structure(s) prepared by a qualified historic consultant. If it is determined by the City Planning and Community Development Department based upon the historic assessment that a development would impact a structure that is eligible as an historic resource under CEQA definitions, the City shall consider measures that would enable the project to avoid direct or indirect impacts to the building or structure, including designs consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties. If the building or structure can be preserved, but remodeling, renovation or other alterations are required, this work shall be conducted in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

MM CUL-1.2: Resource Documentation

If a significant historic building or structure is proposed for major alteration or renovation, or to be moved and/or demolished, the City shall ensure that a qualified architectural historian thoroughly documents the building and associated landscape and setting. Documentation shall include still and video photography and a written documentary record/history of the building to the standards of the Historic American Building Survey or Historic American Engineering Record, including accurate scaled mapping, architectural descriptions, and scaled architectural plans, if available. The record shall be prepared in consultation with the State Historic Preservation Officer and filed with the Office of Historic Preservation. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site specific and

comparative archival research, and oral history collection as appropriate.

2.3.2 Significant Impacts

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

AQ/GHG-3: Exposure of Sensitive Receptors. Future development and growth accommodated by the project would potentially expose sensitive receptors to substantial pollutant concentrations during short-term construction but not during long-term operations (AIR-c).

Mitigation Measures

MM AQ/GHG-3.1: Construction Equipment Exhaust Control

All diesel-fueled off-road construction equipment greater than 75 horsepower shall be zero-emissions or equipped with California Air Resources Board (CARB) Tier 4 compliant engines. Alternatively, CARB Tier 2 or Tier 3 compliant engines can be used if CARB Level 3 Verified Diesel Emissions Control Strategy (VDECS) filters are added to each piece of off-road diesel-fueled equipment. An exemption from these requirements may be granted by the City of Santa Cruz when equipment with the required tier is not reasonably available and when corresponding reductions in diesel particulate matter are achieved from other construction equipment on the project. An exemption may only be granted if total estimated project generated construction emissions will not exceed applicable Monterey Bay Air Resources District (MBARD) risk thresholds as verified using industry-standard emission estimation methodologies.

BIO-3 (DPA EIR Impact 4.3-3): Indirect Impacts to Nesting Birds. Future development as a result of the project could result in disturbance to nesting birds if any are present in the vicinity of construction sites along the San Lorenzo River (BIO-d).

Mitigation Measures

DPA EIR Mitigation 4.3-3: Preconstruction Nesting Survey

Require that a pre-construction nesting survey be conducted by a qualified wildlife biologist if construction activities, including grading, excavation, and tree removal, adjacent to the San Lorenzo River is scheduled to begin between February 1 ~~March~~ and August 31 ~~late July~~ to determine if nesting birds are in the vicinity of the construction sites. The survey shall be conducted no more than seven days before the start of any construction activities on the site (including tree removal, clearing, and excavation). If nesting raptors or other nesting species protected under the Migratory Bird Treaty Act and/or California Fish and Game Code (§3503) are found, construction may need to be delayed until late-August or after the wildlife biologist

has determined the nest is no longer in use or unless a suitable construction buffer zone can be identified by the biologist, taking into account typical buffers recommended by the California Department of Fish and Wildlife. (Citywide Creeks and Wetlands Management Plan Standard 12).

CUL-3 (DPA Impact 4.4.-1): Tribal Cultural Resources. Future development accommodated by the project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 resource (CUL-d).

Mitigation Measure

MM CUL-3.1: Cultural Sensitivity Training and Tribal Monitoring

Require Native American construction monitoring of future development projects within the project area to include cultural sensitivity training for construction workers and tribal monitoring during ground disturbing construction.

2.3.3 Less-Than-Significant Impacts

The EIR found the following impacts would be less-than-significant. Mitigation measures are not required.

- AES-1: Scenic Views
- AES-3: Visual Character of the Surrounding Area
- AES-4: Introduction of Light and Glare
- AQ/GHG-2: Criteria Pollutant Emissions
- ~~▪ AQ/GHG-3: Exposure of Sensitive Receptors~~
- AQ/GHG-4: Objectionable Odors
- BIO-1a (DPA EIR Impact 4.3-2): Impacts to Sensitive Riparian Habitat
- BIO-1b (DPA EIR Impact 4.3-1): Indirect Impacts to Special Status Species and Riparian and Aquatic Habitat
- BIO-2 (DPA EIR Impact 4.3-2): Indirect Impacts to Birds
- ~~▪ BIO-3 (DPA EIR Impact 4.3-3): Indirect Impacts to Nesting Birds~~
- ~~▪ CUL-1 (DPA Impact 4.4-2): Historical Resources~~
- CUL-2 (DPA EIR Impact 4.4-1): Archaeological Resources
- ~~▪ CUL-3 (DPA Impact 4.4-1): Tribal Cultural Resources~~
- HYDRO-1: Stormwater Drainage
- HYDRO-2: Water Quality
- HYDRO-3: Flood Hazards
- NOI-1: Permanent and Temporary Noise Increases
- NOI-2: Excessive Groundborne Vibration

- POP-1: Inducement of Substantial Population Growth
- POP-2: Displacement of People or Housing
- Pub-1a (DPA EIR Impact 4.6-1a): Fire Protection
- PUB-1b (DPA EIR Impact 4.6-1b): Police Protection
- PUB-1c (DPA EIR Impact 4.6-1c): Schools
- PUB-1d (DPA EIR Impact 4.6-1d): Parks
- PUB-2 (DPA EIR Impact 4.6-2): Parks and Recreation
- T-1: Conflict with Circulation Plan, Policy, or Ordinance
- T-2: Conflict with VMT Thresholds
- T-3: Design-Safety and Emergency Access
- UTIL-1 (DPA EIR Impact 4.8-1): Water Supply
- UTIL-2 (DPA EIR Impact 4.8-2): Wastewater Treatment
- UTL-3 (DPA EIR Impact 4.6-3): Solid Waste Generation
- UTL-4: Solid Waste Generation
- UTL-5 (DPA EIR Impact 4.6-4): Energy Use

2.3.4 Impacts Not Found to be Significant

The EIR found no impacts for the following:

- AES-1 (DPA EIR Impact 4.1-1): Scenic Views
- AES-2 (DPA EIR Impact 4.1-2): Scenic Resources
- AQ/GHG-1 (DPA EIR No Impact): Conflict with the AQMP
- BIO-5: Conflicts with Local Ordinances
- LU-1: Physically Divide and Established Community
- LU-2 (DPA EIR Impact 4.9-1): Conflicts with Policies and Regulations

2.4 Areas of Controversy or Concern

The City of Santa Cruz, as the Lead Agency, has identified areas of concern based on the Notice of Preparation (NOP). The NOP for this EIR was circulated for a 30-day comment period on September 16, 2022. The NOP was circulated to the State Clearinghouse and to local, regional, and federal agencies in accordance with State CEQA Guidelines. The NOP also was sent to organizations and interested citizens that have requested notification in the past for the project. Additionally, the NOP was circulated to owners of property contiguous to the project area in accordance with the City's CEQA Guidelines. The NOP is included in Appendix A of the Draft SEIR. A public scoping meeting also was held on September 28, 2022.

Written comments were received from four public agencies (California Coastal Commission, Caltrans, CA Department of Fish and Wildlife, and CA Department of Toxic Substances Control). 40 comments were also received from general public. The following issues were raised:

- Aesthetics and impacts to the visual character of the surrounding area;
- Shadows and light and glare associated with new development;
- Air quality impacts associated with construction and operation;
- Biological impacts to San Lorenzo River habitat, including potential impacts to birds;
- Flood hazards and effects of climate change and sea level rise;
- Drainage and water quality impacts;
- Noise impacts from traffic and events;
- Population and housing impacts associated with new development;
- Traffic and parking impacts; and
- Alternatives analysis.

2.5 Summary of Alternatives

CEQA Guidelines Section 15126.6 requires that an EIR describe and evaluate alternatives to the project that feasibly attain most of the basic objectives of the project and would avoid or substantially lessen any of the significant effects of the project. The following alternatives were evaluated in [Chapter 17 Alternatives](#) of the Draft SEIR:

- No Project Alternative – Required by CEQA
- Alternative 1: Reduced Project
- Alternative 2: Restricted Building Heights on Blocks B & D

[Table 17-1: Comparison of Significant Impacts – Project and Alternatives](#) in the Draft SEIR, presents a comparison of project impacts between the project and the alternatives. None of the project alternatives, including the No Project Alternative, would avoid or substantially reduce identified significant impacts, and none would eliminate the identified significant and unavoidable impact to historical resources. All the alternatives would result in potentially reduced development potential than would occur with the proposed project.

Of the alternatives considered, Alternative 1 would best achieve the project objectives and because it would slightly reduce development and have incrementally less impacts, even though the significant and less-than-significant impact determinations are the same as the proposed project. Therefore, Alternative 1 is considered the environmentally superior alternative of the alternatives reviewed.

2.6 Issues to be Resolved

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

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

3 Changes to the Draft SEIR

3.1 Introduction

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

3.2 Revisions to the Draft EIR Text

3.2.1 Chapter 1 Introduction

Page 1-1 Revise the third sentence of first paragraph as follows:

For consistency purposes, the project also includes amendments to the City's General Plan 2030, the Local Coastal Program (LCP), the Municipal Code (Zoning Ordinance and Zoning Map), and the Beach and South of Laurel Comprehensive Area Plan(B/SOL Plan),~~and the San Lorenzo Urban River Plan.~~

Page 1-5 Revise the second sentence of first paragraph as follows:

The project also includes amendments to the City's General Plan 2030, the Local Coastal Program (LCP), the B/SOL Plan, ~~the San Lorenzo Urban River Plan (SLURP),~~ and the Municipal Code to provide updates consistent with the currently proposed amendments to the Downtown Plan.

3.2.2 Chapter 2 Summary

Page 2-2 Revise the second sentence of second paragraph as follows:

The project also includes amendments to the City's General Plan 2030, the Local Coastal Program (LCP), the Beach and South of Laurel Comprehensive Area Plan (B/SOL Plan), ~~the San Lorenzo Urban River Plan (SLURP),~~ and the Municipal Code to provide updates consistent with the proposed currently amendments to the Downtown Plan.

Page 2-4 Revise **Mitigation Measure DPA EIR Mitigation 4.3.3: Preconstruction Nesting Survey**, as shown in **Section 2, Summary**.

Page 2-5 Delete the following bulleted text:

- AES-1: Scenic Views
- AES-3: Visual Character of the Surrounding Area
- AES-4: Introduction of Light and Glare
- AQ/GHG-2: Criteria Pollutant Emissions
- ~~AQ/GHG-3: Exposure of Sensitive Receptors~~

- AQ/GHG-4: Objectionable Odors
- BIO-1a (DPA EIR Impact 4.3-2): Impacts to Sensitive Riparian Habitat
- BIO-1b (DPA EIR Impact 4.3-1): Indirect Impacts to Special Status Species and Riparian and Aquatic Habitat
- BIO-2 (DPA EIR Impact 4.3-2): Indirect Impacts to Birds
- ~~BIO-3 (DPA EIR Impact 4.3-3): Indirect Impacts to Nesting Birds~~
- ~~CUL-1 (DPA EIR Impact 4.4-2): Historical Resources~~
- CUL-2 (DPA EIR Impact 4.4-1): Archaeological Resources
- ~~CUL-3 (DPA Impact 4.4-1): Tribal Cultural Resources~~
- HYDRO-1: Stormwater Drainage
- HYDRO-2: Water Quality
- HYDRO-3: Flood Hazards
- NOI-1: Permanent and Temporary Noise Increases
- NOI-2: Excessive Groundborne Vibration
- POP-1: Inducement of Substantial Population Growth
- POP-2: Displacement of People or Housing
- Pub-1a (DPA EIR Impact 4.6-1a): Fire Protection
- PUB-1b (DPA EIR Impact 4.6-1b): Police Protection
- PUB-1c (DPA EIR Impact 4.6-1c): Schools
- PUB-1d (DPA EIR Impact 4.6-1d): Parks
- PUB-2 (DPA EIR Impact 4.6-2): Parks and Recreation

3.2.3 Chapter 3 Project Description

Page 3-5 Revise the second sentence of the first full paragraph as follows:

For consistency purposes, the project also includes amendments to the City's General Plan 2030, the Local Coastal Program (LCP), the Municipal Code (Zoning Ordinance and Zoning Map), and the Beach and South of Laurel Comprehensive Area Plan(B/SOL Plan), ~~and the San Lorenzo Urban River Plan.~~

Page 3-10 - Revise Section 3.6 as amendments' descriptions follows:

General Plan 2030 and General Plan/~~LCP~~ Land Use Map. Make minor clarifying changes to General Plan text for the Regional Visitor Commercial (RVC) Land Use Designation. Revise the General Plan/~~LCP~~ Land Use Map land use map to apply the Regional Visitor Commercial to all parcels in the project area as shown in Figure 3-11: Existing and Proposed General Plan/~~LCP~~ Land Use Map, which would include re-designation of six parcels as detailed in Appendix B.

Zoning Ordinance (Title 24) and Zoning Map. Amendments to delete the Central Business District Subdistrict E – Lower Pacific Avenue (CBD-E) ~~zone~~ing district designation (text and map); make minor edits to the Central Business District (CBD) ~~zone~~ing district designation text, clarify how parking obligations are determined in Parking District 1, and amend the zoning map to apply the CBD zone to all parcels in the project area, as shown in **Figure 3-12 Existing and Proposed Zoning Map**, which would include rezoning of 56 parcels as detailed in Appendix B.

Local Coastal Program. Add footnote to Table LU-11 clarifying that the Downtown Plan governs development allowances for all property within the boundary of that plan and make amendments to Map L-11: LCP Land Use Map to be consistent with the amended Land Use Designations in the General Plan 2030. The proposed amendments to the Beach/South of Laurel Comprehensive Area Plan and Design Guidelines are also Local Coastal Program Amendments.

3.2.4 Chapter 5 Aesthetics

Page 5-12 Correct seventh paragraph, as follows:

The project includes design guidelines for the project area would require all lighting fixtures to be fully shielded ~~and Dark Sky compliant~~ and avoid over-lighting buildings that are intrusive to adjacent buildings, residence, and streetscapes.

3.2.5 Chapter 6 Air Quality and Greenhouse Gas Emissions

Page 6-6 Correct the third paragraph, as follows:

The Association of Monterey Bay Area Governments (AMBAG) is the Metropolitan Planning Organization for the region, which includes Monterey, San Benito, and Santa Cruz counties. Since certification of the DPA Final EIR, AMBAG adopted the Monterey Bay 2045 Moving Forward – 2045 Metropolitan Transportation Plan/Sustainable Communities Strategy in June 2022 (2045 MTP/SCS), the implementation of which is anticipated to achieve a 34~~3~~%-per-capita reduction and nearly 67~~6~~%-per-capita reduction in GHG emissions from passenger vehicles by 2020 and 2035, respectively (AMBAG 2022). The 2045 MTP/SCS outlines the region’s proposed transportation network, emphasizing multimodal system enhancements, system preservation, and improved access to high quality transit, as well as land use development that complements this transportation network (AMBAG 2022). In addition, AMBAG ~~is working~~ worked with the Santa Barbara County Association of Governments and the San Luis Obispo Council of Governments to prepare a study to develop the Central Coast Zero Electric Vehicle Strategy that will identify ~~identifies~~ gaps and opportunities to implement zero-emission vehicle infrastructure on the Central Coast,

including on or near the State Highway System, major freight corridors, and transit hubs (AMBAG 2022). These transportation strategies would reduce vehicle miles traveled (VMT) and associated petroleum fuels.

3.2.6 Chapter 7 Biological Resources

Page 7-11 Change third paragraph as follows:

DPA EIR Mitigation 4.3-3: Preconstruction Nesting Survey

Require that a pre-construction nesting survey be conducted by a qualified wildlife biologist if construction activities, including grading, excavation, and tree removal, adjacent to the San Lorenzo River is scheduled to begin between February 1 March and August 31 late July to determine if nesting birds are in the vicinity of the construction sites. The survey shall be conducted no more than seven days before the start of any construction activities on the site (including tree removal, clearing, and excavation). If nesting raptors or other nesting species protected under the Migratory Bird Treaty Act and/or California Fish and Game Code (§3503) are found, construction may need to be delayed until late-August or after the wildlife biologist has determined the nest is no longer in use or unless a suitable construction buffer zone can be identified by the biologist, taking into account typical buffers recommended by the California Department of Fish and Wildlife. (Citywide Creeks and Wetlands Management Plan Standard 12).

3.2.7 Chapter 8 Cultural Resources

Page 8-8 Revise MM CUL-1.1 as shown below:

MM CUL-1.1: Historic Resources Assessment and Project-Level Mitigation

Require preparation of an historic resources evaluation for any development proposal containing a structure or structures 50 years old or older and that are not identified as historic resources in the Santa Cruz Historic Building Survey County HRI. If the structure(s) may potentially meet the criteria for listing as an historic resource, and proposed development would have the potential to impact the historic significance of the structure(s), the development applicant shall provide an historic assessment of the structure(s) prepared by a qualified historic consultant. If it is determined by the City Planning and Community Development Department based upon the historic assessment that a development would impact a structure that is eligible as an historic resource under CEQA definitions, the City shall consider measures that would enable the project to avoid direct or indirect impacts to the building or structure, including designs consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties. If the building or structure can be preserved, but remodeling, renovation or other alterations are required, this work shall be

conducted in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

3.2.8 Chapter 10 Land Use and Planning

Page 10-11 Correct the fourth column in **Table 10-1: Review of Applicable General Plan Policies**, Land Use Policy LU4.1.1, as follows:

NO CONFLICT: The project consists of a mixed-use development ~~along Ocean Street, a primary transportation corridor in the downtown~~, which will help facilitate alternative transportation and/or minimize transportation demand.

3.2.9 Chapter 12 Population and Housing

Page 12-5 Correct the seventh paragraph, second sentence, as follows:

For the year 20230, the period closest to expected completion of the project, the 2022 Regional Growth Forecast for the City of Santa Cruz estimates a population of 72,218 and 25,578 housing units.

3.2.10 Chapter 15 Utilities, Service Systems, and Energy Conservation

Page 15-9 Revise the first two paragraphs under Implementation of **Transfers and Exchanges (WSAS Element 1)** as follows:

The City has been working with Soquel Creek Water District to evaluate the feasibility of water transfers and exchanges since 2016 through the development of a formal pilot agreement, studies to assess the compatibility of surface and groundwater resources in distribution systems, and eventually piloting of water transfers from the City to the District since 2018. Between 2018 and 2023, the City successfully transferred approximately 96 million gallons to the District. Intermittent transfers from the District to the City have also occurred during winter storms and periods when the City's production was temporarily reduced due to construction of capital improvement projects. The pilot transfer agreement extends through 2026, and additional piloting will continue as water supply conditions allow. The City and Soquel Creek Water District continue to coordinate efforts regarding ongoing transfers.

The City and Scotts Valley Water District are currently pursuing the Intertie 1 Project to construct an intertie and pump station to link the two water systems. In 2022, the Department of Water Resources awarded a \$9,449,786 grant under the Urban and Multi-benefit Drought Relief Grant Program that includes funding for the project. Project design has been completed. ~~and Construction is planned to begin~~ commenced in late 2024, and is expected to be completed in May 2026.

Page 15-10 Add the following to the end of the first paragraph regarding the status of the City's ASR projects:

Beltz 12 construction is slated to begin in spring 2025 and be completed in 2026. Beltz 8 design is underway, and construction is expected to start in spring 2026 and be completed in 2027.

Page 15-11 Replace the second full paragraph regarding the WSAIP as follows:

~~The objective of the WSAIP which is now underway is to continue the assessment to develop one or more projects to prepare a water supply portfolio to ensure water supply is available to meet the City's public health and safety and economic sustainability goals. The WSAIP will utilize guiding principles and criteria defined in the SOWF and set expectations for transparency in how the projects will be evaluated and prioritized. The purpose of the WSAIP is to provide a pathway to progressively implement water supply projects to create a diverse water supply portfolio that is adaptable to climate change, affordable to the community, and manageable to implement with the City's available resources. The WSAIP further refines the City's water supply augmentation strategies. A summary of the WSAIP presented to the City's Water Commission in November and December 2024 indicated that three portfolios consistent with the WSAS are the focus of the WSAIP:~~

- 1) Portfolio 1, Regional Option, includes: City ASR projects at Beltz 8, 9, 10 and 12 and two new ASR wells; transfers via interties with Soquel Creek Water District and Scotts Valley Water District; and recycled water via expansion of Pure Water Soquel (PWS) with addition of wells. Portfolio 1, as modeled, would meet 97% of the City's water supply augmentation goal as defined in the SOWF policy,
- 2) Portfolio 2, Local Potable Reuse Option, includes: Five City ASR wells; transfers via interties with Scotts Valley Water District; and a recycled water plant in Santa Cruz for potable reuse through raw water augmentation via conveyance to the City's GHWTP for treatment or through for treated water augmentation via conveyance to the City's existing Bay Street Reservoirs to be blended with treated water. Portfolio 2, as modeled, would meet 100% of the City's water supply augmentation goal, and
- 3) Portfolio 3, Local Desalination includes: Zero to five City ASR wells ; transfers via interties with Scotts Valley Water District; and a local desalination plant.

Portfolio 3, as modeled, would meet 100% of the City's water supply augmentation goal (City of Santa Cruz 2024¹).

- Page 15-11 Add the following to the end of the last paragraph regarding the status of the City's water rights change petition:

The City expects final action from the State Water Resources Control Board on its water rights petitions by summer 2025.

- Page 15-12 Revise the last paragraph regarding the status of the Graham Hill Water Treatment Plant Project as follows:

The Final Environmental Impact Report was released in July 2024 and certified by City Council in September 2024. The project construction is anticipated to commence in phases over a four to eight year period ~~(from 2025 through 2030)~~ while maintaining ongoing operations and continuous production of drinking water at GHWTP. Design has been completed, and construction is expected to commence in 2026 or 2027.

- Page 15-13 Revise the last sentence of the fifth paragraph regarding the status of the construction of the Newell Creek Pipeline as follows:

Construction of the project will proceed in three phases, with construction commencing in 2025, and completion of all phases anticipated by early 2030s.

- Page 15-14 Revise the first full sentence regarding the status of the Tait Diversion Improvements as follows:

The planning phase of the Tait Diversion improvements has been completed. Design is planned to commence in 2027, and construction is scheduled for 2029~~anticipated to be completed by early 2030s.~~

- Page 15-19 Add the following new text after the first full paragraph:

The City acknowledges some uncertainties with the timing and water yield that will be provided by ASR, as well as obtaining all regulatory approvals necessary for ASR, which will continue to be addressed through the City's water supply planning as part of the WSAIP and updates to its UWMP that are required every five years pursuant to state law. Evolving results of the WSAIP, which will be completed in 2025, and the water supply augmentation roadmap presented to the Water Commission, indicate that ASR projects in the Santa Cruz Mid-County

¹ City of Sana Cruz. 2024. Water Commission Information Report, Agenda of 12/09/2024- Water Supply Augmentation Implementation Plan Summary Report. December 2, 2024.

Basin may not be in place until 2033 instead of 2030, as assumed in the WSE, and that ASR and transfers/exchanges may not be adequate in the long-term to meet water shortfalls during extended drought periods (City of Santa Cruz Water Commission Meeting, November 4, 2024 Agenda Materials²).

As indicated above, however, the WSAIP continues to assess recycled water as part of two water supply augmentation portfolios based on the WSAS to meet the supply gap as defined in the SOWF. Both Portfolios 1 and 2 include ASR and water exchanges/transfers as well as recycled water options. Portfolio 1 includes recycled water via expansion of PWS with addition of wells; Portfolio 2 includes a recycled water plant in Santa Cruz for potable reuse via raw or treated water augmentation. The City has developed comprehensive plans by which, moving forward with a variety of complementary water augmentation projects, the City can achieve a future water supply that will be reliable and sufficient even during multi-year droughts.

Page 15-29 Add the following new text before the first full paragraph:

Reasonably Likely City Water Supply Augmentation Sources

As indicated in Section 15.3.2, the City is making substantial progress in pursuing and implementing its WSAS and WSAIP and developing augmented water supplies to meet water supply shortfalls during times of drought as set out in the 2015 WSAS and 2020 UWMP and refined/updated with the SOWF and WSAIP. The City expects final action from the State Water Resources Control Board on its water rights petitions by summer 2025, which will help facilitate other augmentation strategies that are underway.

Planned ASR facilities in the Santa Cruz Mid-County Groundwater Basin are being completed on two wells, and others are being evaluated. The City is pursuing water transfers/exchanges as part of its water supply augmentation strategy, and an intertie with Scotts Valley Water District is under construction.

Other identified improvements also are starting or nearing construction including the Newell Creek Pipeline Improvement Project to start construction in spring 2025, the Graham Hill Water Treatment Plant to start construction in 2026 or 2027, and Tait Diversion Improvements anticipated for construction in 2029. The City continues to evaluate recycled water options.

² City of Santa Cruz. 2024. Water Commission Information Report, Agenda of 11/04/2024- Water Supply Augmentation Implementation Plan (WSAIP): Preliminary Adaptive Water Supply Road Map. October 29, 2024.

The ASR, water transfers/exchanges, and the Tait Diversion Improvements were evaluated in the Water Rights Project EIR as indicated in Section 15.3.2. The New Creek Pipeline and Graham Hill Water Treatment Plant Projects were evaluated in a separate EIR for each project. The City also continues to evaluate recycled water options as explained above. These additional supplies, therefore, are reasonably likely to be obtained for water supply augmentation by the City.

As indicated above in Section 15.3.2, the City acknowledges some uncertainties with the timing and water yield that will be provided by ASR, as well as obtaining all regulatory approvals necessary for ASR, which will continue to be addressed through the City's water supply planning as part of the WSAIP and updates to its UWMP that are required every five years pursuant to state law.

Evolving results of the WSAIP, which will be completed in 2025, and the roadmap presented to the Water Commission, indicate that ASR projects in the Santa Cruz Mid-County Basin may not be in place until 2033 instead of 2030, as assumed in the WSE, and that ASR and transfers/exchanges may not be adequate in the long-term to meet water shortfalls during extended drought periods (City of Santa Cruz Water Commission Meeting, November 4, 2024 Agenda Materials).

However, the WSAIP continues to assess recycled water as part of two water supply augmentation portfolios based on the WSAS to meet the supply gap as defined in the SOWF. The current direction of the WSAIP generally follows the original WSAS, and identified portfolios of projects that would meet the City's water supply goals.

Portfolio 1, Regional Option, includes: City ASR projects at Beltz 8, 9, 10 and 12 and two new ASR wells; transfers via interties with Soquel Creek Water District and Scotts Valley Water District; and recycled water via expansion of PWS with addition of wells. Portfolio 1, as modeled, would meet 97% of the City's water supply augmentation goal as defined in the SOWF policy.

Portfolio 2, Local Potable Reuse Option, includes: five City ASR wells; transfers via interties with Scotts Valley Water District; and a recycled water plant in Santa Cruz for potable reuse through raw water augmentation via conveyance to the City's GHWTP for treatment or through for treated water augmentation via conveyance to the City's existing Bay Street Reservoirs to be blended with treated water. Portfolio 2, as modeled, would meet 100% of the City's water supply augmentation goal (City of Santa Cruz 2024³).

³ City of Sana Cruz. 2024. Water Commission Information Report, Agenda of 12/09/2024- Water Supply Augmentation Implementation Plan Summary Report. December 2, 2024.

Potential recycled water options being considered in the WSAIP and as presented to the City's Water Commission include improvements to existing facilities and pipelines. However, new injection and monitoring wells would also be needed for the PWS recycled water option in Portfolio 1, and a new treatment facility and new pipelines would be needed for a recycled water facility within the City in Portfolio 2.

While there is some uncertainty also associated with timing and obtaining regulatory approvals for a recycled water project, such projects are present throughout the state and have been developed and operated successfully with proven technologies. Thus, a recycled water project is considered reasonably likely to occur. Current modeling and results of the WSAIP show that ASR, water transfers/exchanges and a recycled water project would almost or completely meet the identified water shortfall during drought periods with Portfolio 1 or Portfolio 2, respectively.

Preliminary information regarding the WSAIP portfolios are summarized below. An overview of potential impacts that could occur as a result of construction and operation of the identified recycled water options also is provided.

Soquel Creek Water District's PWS is expected to be operational in 2025. This project will treat effluent from the City of Santa Cruz's Wastewater Treatment Facility (WWTF) at a new Advanced Water Purification Facility (AWPF) on Chanticleer Avenue in the unincorporated Live Oak area. Purified water will then be injected into the Mid-County Groundwater Basin via a series of wells to prevent seawater intrusion, meet the sustainability goals outlined as part of the Groundwater Sustainability Plan, and provide a reliable water supply for Soquel Creek Water District.

There are opportunities for Soquel Creek Water District to transfer water to the City if the basin recharge is successful and additional pumping can be managed without adversely impacting the basin. The City and the District have already entered into an agreement where the City committed to providing 2.32 MGD of secondary treated effluent to supply the PWS project. The secondary effluent will be delivered using a new pump station built at the WWTF, and a new 16-inch pipeline extending to the new Chanticleer AWPF facility from the WWTF. A parallel 16-inch pipeline will convey the waste stream from the Chanticleer AWPF site back to the WWTF where it will be combined with the WWTF effluent and discharged via the ocean outfall.

Under the Portfolio 1 option, the AWPF capacity would be expanded. The Chanticleer AWPF is sized to produce 1,500 AFY, or about 1.3 MGD, of purified water and was designed to potentially double its production in the future to

3,000 AFY, primarily through the addition of process units, pumps, and associated improvements.

The additional purified water produced would be injected into the groundwater basin via new injection wells. During dry periods, water could be extracted and transferred back to the City using the existing O'Neill intertie, which is the primary intertie between the City and Soquel Creek Water District. The project would bolster the City's water supply, as well as benefit the Mid-County Groundwater Basin.

Potential improvement under this option also include upgrading the City's WWTF with new/additional pumps and equipment to convey additional treated wastewater to the AWPF. The PWS major pipelines were sized to accommodate expansion of PWS to a capacity of 3,000 AFY and would not require any modifications to accommodate expansion of the AWPF, including effluent lines to/from the City's WWTF. However, new pipeline(s) would be required to convey the additional purified water to the new injection wells, the location of which are not known at this time.

Potential Impacts. Potential improvements to the WWTF and AWPF would consist of improvements within existing developed facilities and would not be expected to result in significant impacts as a result of construction or operations. Although these improvements would be subject to CEQA in some fashion, a general discussion of their potential environmental impacts is possible at the current general level of planning.

Some potential construction-related impacts, such as generation of temporary noise increases and construction-related air emissions, could occur as a result of construction, which typically can be reduced with implementation of standard construction Best Management Practices (BMPs). The City Water Department also requires that "Standard Construction Practices" be implemented by the City and/ or its contractors during construction activities to provide erosion and air quality controls, water quality and habitat protection, options for dealing with inadvertent discovery of cultural resources, construction noise practices, and fire safety measures, all of which would serve to avoid or minimize impacts. AWPF operations with expanded capacity would result in increased energy usage, but would not be expected to result in wasteful, unnecessary or inefficient use of energy as was determined in the PWS EIR (Soquel Creek Water District 2018).

New injection well(s) with corresponding monitoring wells would be sited in suitable locations that would be determined by site-specific geological, geotechnical, and/or hydrological studies to assure suitability for injection to prevent potential adverse impacts to groundwater quality or to nearby potable wells. New injection wells for ASR in the Mid-County Groundwater Basin were

evaluated at a program level in the Water Rights Project EIR, which identified a potentially significant impact related to seismic hazards, primarily liquefaction, that could be mitigated to a less-than-significant level with operation and maintenance within specified levels of groundwater. The installation of new wells could result in construction-related impacts that would be avoided or minimized with implementation of the City's Standard Construction Practices.

A City Potable Reuse Project is a second recycled water option being considered in the WSAIP under Portfolio 2. Under this option a new AWPf would be constructed and designed to produce approximately 2 MGD of purified water for either raw water or treated water augmentation. Production capacity would be based on the volume of wastewater expected to be available after meeting the City's supply commitments for PWS at its current production capacity (1,500 AFY). Potential sites for an AWPf that are being investigated are located in the City's industrial area along Delaware Avenue near Natural Bridges Drive. Under this option, secondary effluent would be conveyed via a new pipeline from the WWTF to the new City AWPf. The purified water from a City AWPf could be used in one of two ways:

- As raw water augmentation, the purified water would be pumped from the AWPf to the existing North Coast Pipeline which supplies raw water to the Coast Pump Station, and which in turn supplies raw water to the GHWTP for treatment. A potential point of connection has been identified on Meder Street.
- As treated water augmentation, the purified water would be pumped from the AWPf to the existing Bay Street Reservoirs, where the purified water would be sent to the distribution system.

It is expected that secondary effluent would be pumped from the WWTF to the new City AWPf in a new pipeline alignment primarily following Delaware Avenue. The water would undergo advanced treatment at the City AWPf. The finished purified water would be pumped via a new pipeline to the existing North Coast Pipeline or via a new pipeline to the Bay Street Reservoir. Preliminary reviews by the City indicate that a new connection to the North Coast Pipeline would be made at Meder Street. A route to Bay Street Reservoir has not been identified, but is likely to be within existing roadways. A new pipe and pump station also would be needed to convey waste streams back to the WWTF.

Potential Impacts. Although a City Potable Reuse Project would be subject to CEQA in some fashion, a general discussion of its potential environmental impacts is possible at the current general level of planning. Under this option, construction of a new AWPf on the westside of Santa Cruz could result in potential impacts related to aesthetics, air emissions during construction,

biological resources, and cultural resources. Once a site is selected, studies would need to be conducted to determine potential site-specific impacts and mitigation measures if needed. Some potential construction-related impacts, such as generation of temporary noise increases and construction-related air emissions, could occur. As indicated above, construction-related impacts typically can be reduced with implementation of standard construction BMPs, and the City Water Department also requires that “Standard Construction Practices” be implemented by the City and/ or its contractors during construction activities, which provide erosion and air quality controls, water quality and habitat protection, options for dealing with inadvertent discovery of cultural resources, construction noise practices, and fire safety measures, all of which would serve to avoid or minimize impacts.

Facility operations could result in use of water and energy for treatment processes and generation of waste that would be returned to the WWTF, which would not be expected to be significant, especially since discharges would be reduced with diversion of wastewater to the AWPf and the resulting purified water would expand City water supplies.

New pipelines to the AWPf from the WWTP and from the AWPf to either of the identified locations likely would be installed in existing roads and/or road rights-of-way, and potential impacts would primarily be related to construction activities. As indicated above, potential air emissions, erosion, and noise impacts can be minimized with implementation of the City’s Standard Construction Practices.

Water Contingency Plan and Potential Curtailment

Page 15-29 Revise the second full paragraph as follows:

During periods of dry years and drought with the estimated shortfall, water customers could be subject to water curtailment as enacted by the City. A multiple-dry year scenario could require substantial curtailment by all water customers until a number of planned water supply projects and strategies are expected to be implemented by 2033-2030. Future development resulting from the Downtown Plan Expansion Project is expected to occur over 15-25 years, be constructed and occupied in 2028, a portion of which would be within the period of projected near-term water shortages during the fifth year of a drought. However, the project’s estimated water demand is very minimal compared to the total projected water demand in 2045-2030 (approximately 1.70-0.04 percent of the total demand). If a shortage and subsequent curtailment were to occur, the project’s demand when spread out among all users would not be a substantial increase as to cause further more severe curtailment than would already be required throughout the service area. Therefore, the impact of

increased water demand on water supplies due to the project is considered less-than-significant as there are sufficient supplies from existing sources to serve the project during normal and single-year dry periods, and the project's minimal demand during multiple-year droughts would not be substantial in comparison to total demand.

Page 15-30 Add the following before the first full paragraph:

Conclusion

In summary, the City is making substantial progress in pursuing and implementing its WSAS and WSAIP and developing augmented water supplies as set out in the 2015 WSAS and 2020 UWMP and refined/updated with the SOWF. As indicated above, the current direction of the WSAIP generally follows the original WSAS, and identifies portfolios of projects that would meet the City's water supply goals.

The City expects final action from the State Water Resources Control Board on its water rights petitions by summer 2025, which will help facilitate other augmentation strategies that are underway. Planned ASR facilities in the Santa Cruz Mid-County Groundwater Basin are being completed on two wells, with others being evaluated. The City is pursuing water transfers/exchanges as part of its water supply augmentation strategy, and the intertie with Scotts Valley Water District is under construction. Thus, these potential sources of water are reasonably likely to be obtained. Based upon work currently being completed as part of the City's WSAIP, local recycled water options as set forth in Portfolios 1 and 2, also are being actively investigated and could be considered reasonably likely sources of augmented water supplies, despite some uncertainty on which option will ultimately be selected and timing for implementation.

Page 15-36 Add the following references:

City of Santa Cruz Water. 2024a. Water Commission Information Report, Agenda of 11/04/2024- Water Supply Augmentation Implementation Plan (WSAIP): Preliminary Adaptive Water Supply Road Map. October 29, 2024.

City of Santa Cruz. 2024b. Water Commission Information Report, Agenda of 12/09/2024- Water Supply Augmentation Implementation Plan Summary Report. December 2, 2024.

Soquel Creek Water District. 2018. Pure Water Soquel: Groundwater Replenishment and Seawater Intrusion Prevention Project. Draft

Environmental Impact Report (June 2018) and Final EIR (Responses to Comments). SCH No. 2016112045. Prepared by ESA.

3.2.11 Chapter 16 Other CEQA Considerations

Page 16-3 Correct the fourth full paragraph, third sentence, as follows:

For the year 20230, the period closest to expected completion of the project, the 2022 Regional Growth Forecast for the City of Santa Cruz estimates a population of 72,218 and 25,578 housing units.

Page 16-8 Add the following text before the **Public Services** subsection:

Population

The geographic area for consideration of cumulative impacts would be the City of Santa Cruz. Cumulative development within the City, including the potential population growth resulting from the proposed Project, would result in an increased population of approximately 11,017 residents based on existing average household sizes within the City, which is conservatively high as many household sizes tend to be lower in some parts of the City, such as the downtown area. This estimate includes cumulative UCSC student and staff housing projects. Cumulative development, including the Project, could increase the City's population from the existing 2024 population of 62,776 to approximately 76,966. Future development resulting from the Project is expected to occur over 15-25 years. Cumulative population does not exceed the AMBAG forecast of 78,828 for the year 2040 or 79,534 in 2045. Therefore, the cumulative population increases would not be considered substantial or unplanned and would not result in a significant cumulative impact.

Page 16-12 Add the following text before the **Utilities** subsection:

Traffic and Transportation

The geographic area for consideration of cumulative impacts would be within the City and region. CEQA Guidelines section 15064.3, subdivision (b) codifies the switch from LOS to vehicle miles traveled (VMT) as the metric for transportation analysis pursuant to state legislation adopted in 2013 which made significant changes to how transportation impacts are to be evaluated under CEQA as explained in the Initial Study in [Section 12, Transportation](#).

The Project would not result in a significant impact related to VMT based on the City's adopted threshold and guidelines evaluation in [Section 12, Transportation](#). The State Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts in CEQA (2018) that were used to develop the City's VMT Guidelines indicates that a project that falls below an efficiency-based

threshold that is aligned with long-term environmental goals and relevant plans would have no cumulative impact distinct from the project impact. Accordingly, a finding of a less-than-significant project impact would imply a less-than-significant cumulative impact (California Office of Planning and Research 2018). Thus, cumulative development would not result in significant cumulative impacts related to transportation.

4 Comments and Responses

4.1.1 Introduction

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

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

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

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

4.2 List of Comment Letter Received

The Draft SEIR was published and circulated by the City for review and comment by the public and other interested parties, agencies, and organizations for a 45-day public review period from January 8, 2025 through February 21, 2025.

Seventy-four (74) letters or emails of comments were received during the Draft SEIR public review period from agencies (5), organizations (6) and general public (63) as listed below:

State & Local Agencies

- A1 California Department of Fish and Wildlife
- A2 California Department of Transportation (Caltrans)

- A3 Association of Monterey Bay Area Governments (AMBAG)
- A4 Santa Cruz County Community Development & Infrastructure
- A5 Soquel Creek Water District

Organizations

- O1 Campaign for Sustainable Transportation
- O2 Our Downtown, Our Future
- O3 Santa Cruz Climate Action Network
- O4 Santa Cruz YIMBY
- O5 Santa Cruzans for Responsible Development
- O6 Sierra Club

General Public

- GP1 Rick Abend
- GP2 Stephen Bare
- GP3 Frank Barron
- GP4 Tim Brattan
- GP5 Eva Brunner
- GP6 Roylene Champeaux
- GP7 Charlene Clarke & Bill Barnes
- GP8 Carol Colin
- GP9 Trician Comings
- GP10 Susan Cook
- GP11 Keven Cook
- GP12 Daniell Crews
- GP13 Shelly D'Amour
- GP14 Lisa Ekstrom
- GP15 Jonathan Evans
- GP16 Reed Flocks
- GP17 Natalie Goff
- GP18 Jeanne Greatorex
- GP19 Gillian Greensite
- GP20 Karin Grobe
- GP21 Judi Grunstra (1)
- GP22 Judi Grunstra (2)

- GP23 John Hall
- GP24 Hilary Hamm
- GP25 Lindsay Harman
- GP26 Kalai Herrick
- GP27 Gerald Hooper
- GP28 Karla Hutton
- GP29 Itos
- GP30 Raymond Kubick
- GP31 Dick Landon
- GP32 Larry Lenihan
- GP33 Rick Longinotti
- GP34 Martha Macambridge
- GP35 Joyce Marks
- GP36 Susan Martin (1)
- GP37 Susan Martin (2)
- GP38 Susan Monheit (1)
- GP39 Susan Monheit (2)
- GP40 Karen Morris
- GP41 Michelle Nicely (1)
- GP42 Michelle Nicely (2)
- GP43 Doug Orek
- GP44 Philodygmn (1)
- GP45 Philodygmn (2)
- GP46 Philodygmn (3)
- GP47 Philodygmn (4)
- GP48 Philodygmn (5)
- GP49 Michael Pisano
- GP50 Ron Pomerantz
- GP51 Connor Quinto
- GP52 Alison Russell
- GP53 Kevin Samson
- GP54 James Sandoval
- GP55 Claire Schneeberger
- GP56 Jane Scott
- GP57 Mandy Slayton
- GP58 Becky Steinbruner

- GP59 Ellen Symons Fox
- GP60 Thomas Veltrop
- GP61 Judy Weaver
- GP62 Russell Weisz and Judith Carey
- GP63 Pablo Yale

4.3 Master Responses

Many of the comments received were on the same topic or expressed similar concerns. Rather than repeat the same response to each of these comments, the City has prepared the following “master responses,” each of which addresses broad issue areas or topics raised in multiple comments. If a master response was used to respond to an individual’s comment, the commenter is directed to that master response in the response section corresponding to the individual’s comment letter. **Table 4-1: Index of Master Responses** provides an index of master responses.

Table 4-1: Index of Master Responses

Number	Topic	Applicable Comments
MR-1	CEQA Analysis in Context to State Density Bonus Law (AB 1287)	O1-4; O2-2, -4 and -5; O4-1, -3 and -5; O5-1 through O5-10; GP3-3; GP3-5; GP3-6; GP3-7; GP4-1; GP5-1; GP7-1; GP9-1; GP11-1; GP14-1 and 14-3; GP16-1; GP19-3; GP21-4 through 21-7, and GP21-9; GP23-2; GP24-3 and -5; GP26-1; GP27-1; GP28-1; GP31-3; GP35-1; GP38-1; GP50-1; GP54-1, -2, -4; -6, and -11; GP55-1; GP56-1, GP57-1; GP60-1; GP61-1
MR-2	Likelihood of Future Water Supplies	O6-2 through -4; GP3-13; GP14-5 GP24-1; GP33-1; GP34-2, GP39-2 GP50-4; GP54-5; GP58-6
MR-3	Potential Hydrologic Impacts Including Floodplain, Sea Level Rise, Stormwater, Water Quality, and Tsunamis	O3-1 and -2; O3-6; O3-7; GP3-10; GP5-5; GP20-1; GP21-3; GP24-2; GP31-2; GP39-1; GP58-1; GP62-3
MR-4	Displacement of Existing Land Uses	GP3-12; GP8-1; GP24-6; GP58-4
MR-5	Emergency Response Planning	O1-3; O3-5; GP5-4; GP13-1; GP17-1; GP19-5; GP20-3; GP21-10; GP24-3; GP34-3
MR-6	Transportation – Level of Service	GP3-15; GP5-3; GP20-2; GP21-8; GP24-4; GP27-3; GP35-1; GP39-5; GP54-10; GP62-2
MR-7	Transportation – Parking	GP3-16; GP5-3; GP27-5, GP35-1
MR-8	Transportation – Vehicle Miles Traveled (VMT)	GP3-14; GP27-4; GP54-10
MR-9	Downtown Plan Expansion Area Plan Direction by City Council	O2-1; GP14-2; GP38-2; GP50-2
MR-10	Draft SEIR Recirculation	O5-1, O5-11; GP3-3; GP3-6, GP3-12; GP3-22; GP23-3; GP50-8

4.3.1 MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287)

Summary of Comments

Some comments indicate that the Draft SEIR did not analyze the State Density Bonus Law impacts on potential building heights and housing unit counts.

Some comments indicate that the Draft SEIR's failure to disclose and evaluate impacts from full buildout under the project and all available State Density Bonuses, renders it legally inadequate.

Some comments indicate that the visual simulations presented in the Draft SEIR should be updated to reflect the foreseeable height increases resulting from the increased unit counts likely to occur with all available State Density Bonuses, including the “stackable” bonuses under AB 1287.

Some comments indicate that the aesthetic impact analysis should be revised to include impacts to views, from buildings that could be built under AB 1287 rules (i.e., 25 or even 30 stories).

Some comments indicate that the City should re-run the CalEEMod model using land use assumptions that are representative of foreseeable unit counts under full buildout potential under the project in combination with all available State Density Bonuses and present the results in an updated air quality/GHG analysis in a revised and recirculated Draft SEIR.

Some comments indicate that the Draft SEIR should be revised to evaluate impacts on population and housing resulting from the total number of new residents that could foreseeably result from buildout under full development potential under the project with all available State Density Bonuses.

Some comments indicate that the Draft SEIR should be revised to evaluate impacts from increased demand for public services resulting from the total number of new residents that could foreseeably result from buildout under the project with all available State Density Bonuses, to ensure they are not overstrained or underfunded.

Some comments indicate that cumulative impacts should be revised to reflect an accurate total cumulative total unit count from full buildout under the project in combination with all available State Density Bonuses.

Some comments indicate that the Draft SEIR’s analysis of the No Project Alternative fails to account not only for the patently foreseeable future use of the standard 50 percent State Density Bonus by developers in the project area, but it also overlooks the potential for the additional, up to 100 percent bonus under AB 1287.

Some comments indicate that future development projects that are consistent with the plan and that qualify for State Density Bonuses will likely qualify for ministerial review and approval and will thus be CEQA-exempt. Thus, the Draft SEIR will likely serve as the only opportunity for City officials and the public to scrutinize impacts from most of the development projects authorized by the project.

Response

Introduction

Of the approximately 400 individual comments received, about 50 of them made reference to potential environmental impacts associated with future development of the Project in the

context of State housing laws, in particular the recently adopted Assembly Bill 1287. Clearly this topic is of importance to the commenters (and the community at-large) and therefore necessitates a thorough response.

The following response is organized into three sections: 1) A brief summary of State Density Bonus Law and AB 1287; 2) CEQA's legal requirements for the scope, context and assumptions that should be utilized in an EIR; and 3) supporting information that articulates important City housing policy that forms the basis for the **Downtown Plan – South of Laurel District**.

Summary of State Density Bonus Law and AB 1287

AB 1287 modified the State Density Bonus Law to incentivize the development of more affordable housing in California to allow for additional density bonuses, particularly for projects including moderate and very-low-income units. Key features and provisions including the following:

- **Stackable Density Bonus:** AB 1287 allows for a "stackable" or additional density bonus on top of the existing 50% maximum density bonus under State Density Bonus Law.
- **Eligibility:** To qualify for this additional bonus, a project must first provide the required percentages of affordable units to achieve the maximum 50% base density bonus under prior law.
- **Additional Incentives:** AB 1287 increases the incentives or concessions available to developers for projects including at least 16% of units for very-low-income households or those setting aside 100% of units for lower-income households.
- **Documentation Requirements:** The bill also addresses documentation requirements, stating that local governments can request reasonable documentation to establish eligibility for a density bonus and reduced parking ratios.

How the Stackable Density Bonus Works:

Maximum Base Bonus: A developer initially aims to maximize the existing density bonus under the standard Density Bonus Law, by providing a certain percentage of affordable housing units (Very Low, Low, or Moderate Income).

Additional Density: Once the maximum base bonus is achieved, a developer can apply for the additional "stackable" density bonus by providing further set-asides for either Very Low Income or Moderate-Income units.

Potential 100% Density Bonus: This can potentially result in a total density bonus of up to 100% over the maximum allowable residential density, depending on the percentage of units allocated to affordable housing, and the depth of affordability for those units.

Example:

- A project with a base density of 100 units that includes 15% very low-income units can get a 50% base density bonus, allowing for 150 units.
- If that same project also includes an additional 15% of the base units (100) as moderate-income units, they could be eligible for another 50% bonus, potentially allowing for 200 units in total, with 30 of those units restricted to below-market rents.

A description of the eligibility requirements per AB 1287 can be found at:

<https://www.coxcastle.com/publication-ab-1287-legislature-creates-an-additional-density-bonus-for-very-low-and-middle-income-households>

CEQA Legal Context Regarding AB 1287

As lead agency, the City has a responsibility under CEQA to diligently study and disclose the possible and “reasonably foreseeable” impacts that may occur in the natural environment (CEQA Guidelines, § 15064(d)) as a result of a project. Conversely, changes to the environment that are “speculative or unlikely” are not required to be considered as part of a CEQA process (CEQA Guidelines § 15064(d)(3)).

CEQA does not require an agency to analyze or assume a “worst-case” scenario:

It is rare for every single property in a plan area to redevelop over the functional life span of a particular planning document and even less likely for every property to redevelop at the maximum allowable density or intensity, and there is no reason to expect the South of Laurel Area to perform any differently than the existing Downtown or any other area covered by a Specific Plan or Area Plan. Development that uses the 100% density bonus, especially a scenario that assumes that all development sites in the Project area take advantage of this option and also develop with buildings that exceed the studied height limits, is purely speculative and is not representative of current or past trends in local development. An EIR “is required to study only reasonably foreseeable consequences of” a project. (*High Sierra Rural Alliance v. County of Plumas* (2018) 29 Cal.App.5th 102, 125.) “CEQA does not require an agency to assume an unlikely worst-case scenario in its environmental analysis.” (*Id.* at p. 126.).

An EIR is “required to make neither a generally applicable nor a worst-case assumption.” (*East Oakland Stadium Alliance v. City of Oakland* (2023) 89 Cal.App.5th 1229, 1253; see also *League to Save Lake Tahoe, et al. v. County of Placer* (2022) 75 Cal.App.5th 63, 141 [same].)

Agency not required to analyze or assume that maximum buildout allowed under the law will occur:

In *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1447–1454, the Court determined that the County of Inyo was not required to assume that future owners of lots in proposed subdivision would utilize state law allowing ADUs by right to essentially double

the amount of development in the map area; “there is no basis other than pure speculation for anticipating that any future owners of the lots created by the subdivision in this case will seek or obtain permits to build second units.”)

Conclusion

An EIR is only required to study reasonably foreseeable consequences of a project, and as explained above, it is not reasonably foreseeable to assume that all sites would develop with proposals seeking the 100% density bonus allowed under state law. As such, there is no need to revise the EIR analyses to incorporate such an assumption.

Downtown Plan – South of Laurel District Context and Supporting Information

The housing crisis that is affecting communities throughout California and beyond has been a critical issue in the City of Santa Cruz. Recent development in the Downtown is the result of years of effort by many different entities to provide more market-rate and affordable housing in the downtown. Since 2019, more than 640 units have been constructed or are under construction; and an additional 400 units have been approved throughout the downtown. Of those over 1,000 units, 440 of the units are affordable housing units, with many of those affordable units being on City-owned land, constructed through leveraging of various state and federal funds.

The policies in the Downtown Plan – South of Laurel District will help guide the future development of what is envisioned to be a vibrant new entertainment district anchored by a new arena and supported with public gathering spaces, restaurants and retail stores, and housing. It will serve as an expansion of the existing downtown and is envisioned to develop over the next 20+ years.

The housing policies in the Plan have been developed over the past four years. They have evolved based on input from elected officials, commissions and advisory boards, organizations and businesses, and most importantly, the Santa Cruz community (i.e. community meetings, surveys, focus groups, commission briefings, and public meetings).

The housing policies are consistent with one of the core “guiding principles” of the Downtown Plan – South of Laurel District, namely, encouraging housing in the downtown (an urban core) while minimizing costly and substantially disruptive development throughout the rest of the City of Santa Cruz. As stated in the Draft SEIR (page 3-3), the housing-related project objectives are as follows:

- Increase the total number of housing units that can be built in the City by adding capacity for multi-family housing, consistent with General Plan Land Use Element Policy 2.2 and Program 2.2.2.
- Provide additional housing to help the City meet its Regional Housing Needs Allocation (RHNA) as described in the City’s 6th Cycle 2023-2031 Housing Element.

- Facilitate the development of new housing focused in the downtown area, consistent with General Plan Housing Element Policy 1.2 and related programs.
- Encourage a mix of housing types and affordability levels consistent with General Plan Housing Element Policies 2.1 and 2.2.

The following describes: 1) Development trends in the Downtown, 2) New construction techniques that may affect future housing construction, and 3) A comparison of the State Density Bonus and the City's proposed Downtown Density Bonus.

Development Trends in Downtown Santa Cruz

The conceptual build-out analysis that was used to as the basis for the number of units that could be developed in the project area was based on the evaluation of recent downtown development applications, approved projects, current building code requirements, and discussions with property owners.

With the exception of the Palomar Hotel (just over 85 feet), no buildings over 85 feet in height (as measured per the California Building Standards Codes related to the threshold height for changing building construction methods) have been developed in the downtown in the last 100 years. This includes recent years when State Density Bonus Law could have been used to achieve greater heights. This is largely due to the limits placed on standard wood frame construction by the California Building Standards Codes and the prohibitive costs associated with: 1) the use of more expensive construction materials (e.g., reinforced steel, concrete), 2) more stringent codes (e.g. fire sprinklers), and 3) desired on-site parking (e.g., below-ground garages). While parking is not required for downtown developments, market rate housing developers have included on-site parking based on expected demand from future residents.

By way of a recent example, the Clocktower project recently submitted a preliminary review application for a 192-foot tall building containing 17 stories but submitted a formal application for a building only 85-feet in height and containing seven stories using standard wood frame construction.⁴

Additionally, a pre-development application has been submitted for Block A in the project area (the current site of Ace Hardware). The proposal would contain 245 housing units and ground floor commercial uses, while using the Downtown Density Bonus to afford the project an unlimited floor area ratio bonus in exchange for staying at or under the 85 foot height limit. This is consistent with the type of development anticipated in the near term based on recent trends, given the Downtown Density Bonus incentives included in the draft plan and reflects the intensity of development contemplated in the EIR.

⁴ More information about Clocktower project can be found here: [2020 North Pacific Ave, CP24-0124](#)

New Multifamily Residential Construction Techniques

The California Building Code (CBC) allows the use of Cross-Laminated Timber (CLT), which enables the construction of buildings taller than 85 feet. This is an important contributing factor to including the 12-story and 145-foot height development option in the Downtown Density Bonus as part of the project.

The Downtown Density Bonus includes an option to allow heights up to 12 stories and 145 feet, which would accommodate use of CLT building technology, should it become more readily adopted by the construction industry. While the use of CLT has been allowed by the CA Building Code since July 1, 2021, and alternate materials and methods of construction could have been proposed for CLT projects over 85 feet in height prior to that, no projects using CLT construction have been proposed for building heights over 85 feet in Santa Cruz.

Density Bonus Options

A primary objective of the Downtown Density Bonus is to be more financially attractive than the most commonly-used State Density Bonus option. This objective is achieved by increasing the number of affordable units for low- and moderate-income households, rather than the very low-income households targeted by the State Density Bonus. To address the goal for below-market-rate housing set by the City Council in January 2023, the Downtown Density Bonus requires that a minimum of 20% of the total units be restricted to below-market rents by accommodating higher qualifying income (and thus rent) levels. By comparison, State Density Bonus projects are likely to include no more than 15% of total units at below-market housing costs.

To test the City's assumptions, Keyser Marston Associates performed a financial analysis in 2024 by comparing theoretical identical projects using the State Density Bonus and the Downtown Density Bonus. Based on the analysis, the Downtown Density Bonus option provided a greater financial return.

Additionally, the Downtown Density Bonus offers alternatives that can allow for off-site below-market housing (a greater percentage of the housing and at a lower income level) or an in-lieu fee payment. As such, funds collected from in-lieu fees can be leveraged using state and federal housing dollars (e.g., grants, zero-interest loans, and tax credits) directed toward affordable housing that prioritizes local residents at risk of displacement. The State Density Bonus, for comparison, includes only the option for on-site construction of the below-market rate units.

Conclusion

CEQA requires lead agencies to analyze direct or indirect environmental impacts from development that is reasonably foreseeable but disallows speculation. The Downtown Density Bonus encourages more housing, both at broader affordability levels and lower building heights, as compared to State Density Bonus options. The Downtown Density Bonus height limit

of 145 feet (12 stories) also accommodates CLT construction materials should those become more financially viable in the future.

The analysis in the Draft EIR conservatively considers buildings over 85 feet in height, even though none have been developed in the Downtown or elsewhere in the City in the last 100 years. Should a developer propose a project in excess of the 85 foot height limit, they would be financially incentivized to choose the Downtown Density Bonus, with Moderate Income units (for households up to 110% area median income (AMI)) and City low-Income units (for households up to 80% AMI) rather than the State Density Bonus's requirement to construct either Very Low Income units (for households up to 50% of AMI) or State Low Income units (for households up to 60% AMI), which require a higher level of subsidy from the developer.

Importantly, while the State Density Bonus includes no limit on building heights, the Downtown Density Bonus limits buildings to a height of no more than 145 feet (12 stories). The Downtown Density Bonus is further enhanced by the option to construct affordable units outside of the project area (e.g., the rest of the Downtown or elsewhere nearby) or pay an in-lieu fee.

Therefore, the City believes that Downtown Density Bonus options included in the Downtown Plan will provide more market-rate and affordable housing at a scale consistent with City Council direction, and no revisions to Draft SEIR analyses are warranted as suggested by commenters.

4.3.2 MR-2: Likelihood of Future Water Supplies

Summary of Comments

Several comments indicate that the EIR needs to discuss the likelihood that water supply alternatives will actually become available to serve the Project and question whether a desalination project will be required.

One comment states that water supply is inadequate for Project demand due to lack of supplies during near-term consecutive dry years. In particular, one comment states that the Draft SEIR does not discuss the likelihood of the water supply projects under consideration to actually become available as required by the California Supreme Court decision in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) and suggests that the EIR makes the inaccurate assumption that the entire ASR Project discussed in the Santa Cruz Water Rights Project EIR will be implemented by 2030, but the Water Rights Final EIR clearly differentiates between the City's plan to construct ASR at the Beltz wells in the near term and study of the potential for other ASR opportunities in the future, and that the EIR fails to refer to any studies or documents explaining how it arrived at the assumption that the yield of ASR is capable of meeting the worst-year gap that had been identified as 8 MGY. The comment also states that this assumption conflicts with the estimated yield of ASR in the City's Securing Our Water Future Memorandum (2022) and the most recent Water Supply Augmentation Implementation Plan Quarterly Report (December 2024) that indicates no commitment to any water supply projects beyond the ASR injection wells at Beltz 8 and 12. This conflicts with the

Draft SEIR's claim that the City's multi-drought year problem will be remedied by construction of the entire ASR project by 2030. The comment states that the EIR is not compliant with the Vineyard decision since it does not discuss the uncertainties of ASR, its principal strategy to meet multi-year drought demand.

Another comment indicates that the Draft EIR fails to discuss potential yield, specific implementation steps and challenges of water transfers with neighboring districts and that there is no information to suggest that the City and neighboring districts are drafting any agreements beyond the pilot program for transfers between the City and Soquel Creek Water District. The comment also states that if water rights approvals do not occur by the time of the release of the Final EIR, this adds another uncertainty to the plans for future water supplies, concluding that the transfer/exchange strategy does not meet the standard of a likely water supply strategy.

Response

The City does not agree with the comment that the water supply analysis in the Draft SEIR, as supported by the Water Supply Evaluation (WSE) included as Appendix E to the Draft SEIR, fails to comply with the requirements of *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412. Indeed, the City went to considerable lengths to make sure that the documents fully satisfied those requirements. In particular, the Draft SEIR and WSE explain why "the future water supplies identified and analyzed ... *bear a likelihood of actually proving available*" and thus cannot be fairly characterized as "speculative sources and unrealistic allocations ('paper water')." (*Id.* at p. 432, italics added.) As the court said in that case, "[a]n EIR for a land use project must address the impacts of *likely* future water sources, and the EIR's discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water's availability." (*Ibid.*, italics original.)

Under this formulation, the lead agency need not show that one or more anticipated supplies are *guaranteed*; it is enough to include a reasoned analysis as to why they are *likely* to become available. The law is satisfied where the lead agency provides substantial evidence showing a likelihood that proposed future supplies will ultimately come to fruition when needed. (See, e.g., *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 246–251 [court upheld the EIR's conclusion that the proposed water supply needed for a 558 unit residential project was "reasonably likely" within the meaning of *Vineyard* even though the supply remained subject to all of the following regulatory hurdles: "completion of environmental review"; approval of a contract between a water district and the United States Bureau of Reclamation; "approval of a wetlands 'fill' permit by the Army Corps of Engineers under the federal Clean Water Act of 1977"; and "consultations required under the federal Endangered Species Act of 1973"]; *Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2007) 157 Cal.App.4th 149, 161-163 [court found substantial evidence supporting lead agency's conclusion that the proposed water supply for project consisting of 2,545 housing units, 180,000 square feet of commercial retail space and 46 acres of community facilities was reasonably likely, even though the supply depended upon an inter-agency water transfer that

remained subject to pending litigation]; and *Ocean Street Extension Neighborhood Assn. v. City of Santa Cruz* (2021) 73 Cal.App.5th 985, 1019-21 [rejecting challenge to EIR water supply analysis despite projected future shortfalls in prolonged drought periods where the EIR and Urban Water Management Plan recognized the supply problem during droughts and discussed measures to address anticipated shortfalls].)

In *Vineyard*, the court rejected the notion that a proposed land use plan could not be approved absent an existing water supply, with accompanying infrastructure, sufficient to serve the affected jurisdiction at buildout. “Significantly, none of the Court of Appeal decisions on point holds or suggests that an EIR for a land use plan is inadequate unless it demonstrates that the project is definitely assured water through signed, enforceable agreements with a provider and already built or approved treatment and delivery facilities. Requiring certainty when a long-term, large-scale development project is initially approved would likely be unworkable, as it would require water planning to far outpace land use planning.”

“Examination of other state statutes specifically addressing the coordination of land use and water planning supports our conclusion CEQA should not be understood to require assurances of certainty regarding long-term future water supplies at an early phase of planning for large land development projects. Pertinent are two measures enacted in 2001 ‘to ensure that local land use authorities will thoroughly consider the availability of water supplies before approving major new developments.’” (40 Cal.4th at p. 432, quoting *Tepper*, *New Water Requirements for Large-Scale Developments* (Jan.2005) 27 L.A. Law. 18, 20.)

In the same vein, the court emphasized that “CEQA does not necessarily require that an EIR show that total water supply and demand are or will be in balance in an area. The EIR may by other means demonstrate a reasonable likelihood that water will be available for the project from an identified source ... and, even without a showing that water from the identified source is likely to be sufficient, an EIR may satisfy CEQA by fully disclosing the uncertainty, the other possible outcomes, their impacts and appropriate mitigation measures.” (40 Cal.4th at p. 446.) Moreover, “long-term local water planning is not a burden that must be taken up anew, for CEQA purposes, each time a development is proposed; rather, cities and counties may rely on existing urban water management plans, so long as the expected new demand of the development was included in the water management plan’s future demand accounting.” (*Id.* at pp. 446-447.)

The City has in place, and continues to follow, a roadmap for obtaining the very tangible “wet water” supplies it will need in the future to reliably serve its customers and eliminate potential shortfalls during extended droughts. Recent history shows that the City is being dogged in its pursuit of the supplies it needs. One recent major milestone occurred on December 14, 2021, when the Santa Cruz City Council certified the Final EIR for the City’s “Santa Cruz Water Rights

Project.”⁵ Although that project included environmentally beneficial elements intended to reduce the effects of ongoing and future water diversions on fish species inhabiting the San Lorenzo River and the City’s other surface water supply sources, the EIR also addressed the impacts of a variety of future water supply augmentation projects.

The overall multi-element “project” analyzed in the Water Rights EIR included the following components (among others), which are set forth in Table 3-3 of the Final EIR (see also p. 3-21):

- Water rights modifications (evaluated at a project level), including modifications related to place of use, method of diversion, points of diversion and re-diversion, underground storage and purpose of use, extension of time and stream bypass requirements for fish habitat (also known as “Agreed Flows”).
- Water supply augmentation components, including:
 - o Aquifer Storage and Recovery (ASR):
 - New ASR facilities at unidentified locations (evaluated at a programmatic level).
 - Beltz ASR facilities at the existing Beltz well (evaluated at a project level).
 - o Water transfers and exchanges and associated intertie improvements (evaluated at a programmatic level).
- Surface water diversion improvements (evaluated at a programmatic level), including the Felton Diversion fish passage improvements and the Tait Diversion and Coast Pump Station improvements.

When the City Council certified the Final EIR in December 2021 via Resolution NS-29,909, the Council directed City staff to undertake all of the following actions (subject to future project-specific approvals):

- A. Implement the changes and extensions to the City's water-right permits and licenses that are part of the Project upon the related petitions' approval by the State Water Resources Control Board (SWRCB);
- B. Construct, implement and operate aquifer storage and recovery (ASR) facilities at the Beltz 8, 9, 10, and 12 wells as described in the Final EIR's project description... promptly upon the SWRCB approval of the necessary changes to the City's water-right permits and licenses;
- C. Plan new ASR facilities at other sites in the Santa Cruz Mid-County Groundwater Basin, the Santa Margarita Groundwater Basin or both of those basins;

⁵ City of Santa Cruz Water Department. 2021. Final Environmental Impact Report Santa Cruz Water Rights Project. State Clearinghouse Number 2018102039. Certified by Santa Cruz City Council on December 14, 2021. Prepared by Dudek.

- D. Plan other programmatic elements of the Project, including water transfers and exchanges with other regional water providers and associated intertie improvements, and surface water diversion improvements.
- E. Promptly, upon receiving the SWRCB's orders concerning the pending change and extension petitions that are part of the Project, present the Project's proposed changes to the City's pre-1914 water rights in the North Coast streams to the City Council for its consideration.

The net effects of the City Council's actions in December 2021 were to formally submit a complex water rights application to the SWRCB, to complete project-level CEQA analysis for supply augmentation strategies such as Beltz ASR facilities, and to complete programmatic level CEQA analysis for additional supply augmentation strategies, such as additional ASR facilities, water transfers, water exchanges, and intertie improvements. Certification of the Final EIR therefore represented a concrete milestone in the City's efforts to augment its water supplies.

The Water Rights EIR process had been proceeding parallel to the City's ongoing Water Supply Augmentation Strategy (WSAS), which had been approved in 2015. The overarching goal of the WSAS is to provide significant improvement in the sufficiency and reliability of the City's water supply. The Water Rights EIR advanced this goal and the specific policies found in the WSAS by achieving full or partial CEQA coverage for many of the steps the City planned to take under the WSAS to augment its supplies and to increase their reliability and predictability.

As explained in the Draft SEIR (pages 15-7 to 15-14), the City has been pursuing the WSAS since 2015 to address supply shortfalls during dry periods, especially multi-year droughts. The WSAS embodies a step-by-step incremental water supply planning process by which the City will augment its current water supplies over time as the need for them, and as financing mechanisms for them, materialize. The City has reason to be optimistic that the future supplies identified in WSAS will become available when they are needed.

As indicated in the City's 2020 Urban Water Management Plan (UWMP) and the WSE prepared for the Project, the City currently has adequate supplies during normal and generally single-dry year periods, but could face shortfalls in later years of a five-year drought, particularly when considering effects of climate change. Both the WSAS and the City's 2020 UWMP outline the following three Elements of an augmentation strategy to address these drought-year shortfalls after implementation of all available water conservation measures:

- 1) Water transfers and exchanges;
- 2) ASR in two groundwater basins; and
- 3) Recycled water if Elements 1 and 2 prove insufficient, with desalination as the last option if all of the above prove to be insufficient.

The City has been actively pursuing WSAS Elements 1 and 2, including modification of the City's existing water rights, which would increase flexibility of the water system and help

accommodate ASR projects and water transfers/exchanges. As explained earlier, the Water Rights EIR provided CEQA analysis to assist with the pursuit of these elements.

The Project WSE included updated water demand modeling and included assumptions that are explained on pages 15-15 to 15-16 in the Draft SEIR and on pages 27-28 in the WSE (Draft SEIR Appendix E). These assumptions include approval of the water rights petitions by the State Water Resources Control Board in 2025 and implementation of ASR in either the Santa Cruz Mid-County Groundwater Basin and/or the Santa Margarita Groundwater Basin by 2030. The WSE conservatively did not assume ASR would be implemented in both basins, but just one of the two. Completion of facility improvements at the Graham Hill Water Treatment Plant and replacement of major transmission pipelines were also part of the improved water supply assumptions in the WSE.

For clarification, there is no identified worst-year gap of “8 MGY” that would be met by ASR as asserted by the commenter. The ASR injection/extraction volume in the Water Rights EIR was 4.5/8.0 million gallons per day (MGD) and was sized to meet the 1.2 billion gallons per year (BGY) supply gap identified by WSAC. The Water Rights EIR looked at the conversion of the four Beltz wells (8,9,10, and 12) to ASR at a project level, and it looked at additional ASR wells at undetermined locations for additional capacity to provide the 4.5/8.0 MGD injection/extraction volumes.

The current status of the strategies assumed in the WSE are as follows:

- Water Rights Modifications Petitions: The City expects final action from the State Water Resources Control Board on its water rights petitions by summer 2025.
- ASR in the Mid-County Groundwater Basin: The City has completed groundwater modeling of over 20 scenarios, a well siting study, a geochemical analysis study, pilot testing at the existing Beltz 12, Beltz 9 and Beltz 8 wells, and demonstration studies at the existing Beltz 12 and Beltz 8. Beltz 12 construction is slated to begin in spring 2025 and be completed in 2026. Beltz 8 design is underway, and construction is expected to start in spring 2026 and be completed in 2027.
- Graham Hill Water Treatment Plant Improvements: An EIR has been prepared and certified. Design has been completed, and construction is expected to commence in 2026 or 2027.
- Replacement of Major Transmissions Lines (Newell Creek Pipeline [NCP] and North Coast): Construction of the NCP will commence in spring 2025.
- Tait Diversion Improvements: The planning phase of the Tait Diversion improvements has been completed. Design is planned to commence in 2027, and construction is scheduled for 2029.

Thus, ASR in the Mid-County Basin is actively underway at two locations. Furthermore, implementation of water transfers/exchanges with local agencies is actively moving forward.

Future water transfers and exchanges with local agencies, including Soquel Creek Water District (SqCWD), Scotts Valley Water District, Central Water District, and San Lorenzo Valley Water District would be facilitated by the water rights modifications to place of use proposed in the Santa Cruz Water Rights Project, which were examined in the Santa Cruz Water Rights Project EIR. The City and Scotts Valley Water District are currently pursuing the Intertie 1 Project to construct an intertie and pump station to link the two water systems. Project design has been completed, and construction commenced in late 2024 and is expected to be completed in May 2026.

The Draft SEIR also reports on other investigations that are underway. On page 15-9, the Draft SEIR reports that the City is working on a Santa Cruz Mid-County Regional Water Resources Optimization Study with SqCWD with the primary purpose to collaboratively identify and evaluate potential opportunities to optimize select projects and management actions. Projects that are the focus of the study include water transfers/exchanges between the City and the District, the City's ASR project, and the District's Pure Water Soquel (PWS) Project, including opportunities for water supply to the City. The Study is expected to be completed in 2025.

Additionally, as reported in Draft SEIR (pages 15-10 to 15-11), the City developed and adopted a water supply augmentation policy, Securing our Water Future (SOWF) in 2022. As the Draft SEIR recounts on page 15-11, "[t]he SOWF policy provides a comprehensive framework to guide selection and incremental implementation of necessary water supply augmentation projects. It defines how water supply projects will be selected and provides estimated high-level yield and costs associated with water supply augmentation projects. The policy direction includes a provision that the volume of water needed to meet the reliability goal be reviewed and potentially revised no less frequently than every five years based on ongoing research and monitoring of the impacts of climate change on local water conditions. This 'adaptive management' approach is critically important to support appropriate timing of implementation of water supply augmentation projects." It is noted that the City's SOWF Policy seeks to secure 500 MGY by 2027 with ASR and water transfers/exchanges being the strategy for this.

In 2020, the City also initiated the Water Supply Augmentation Implementation Plan (WSAIP) as part of the final phase of implementing the WSAS. The purpose of the WSAIP is to provide a pathway to progressively implement water supply projects to create a diverse water supply portfolio that is adaptable to climate change, affordable to the community, and manageable to implement with the City's available resources. The WSAIP, which will be completed in 2025, further refines the City's water supply augmentation strategies. Presentations to the City's Water Commission in November and December in 2024 included a draft "roadmap" that lays out the current Water Supply Augmentation Portfolios and timeframes. A summary of the WSAIP, which became available after the Project WSE was prepared, was presented to the City's Water Commission in December 2024 and indicated that three portfolios are the focus of the WSAIP:

- 1) Portfolio 1, Regional Option, includes: City ASR projects at Beltz 8, 9, 10 and 12 and two new ASR wells; transfers/exchanges via interties with SqCWD and Scotts Valley Water

District; and recycled water via expansion of PWS with addition of wells. Portfolio 1, as modeled, would meet 97% of the City's water supply augmentation goal as defined in the SOWF policy,

- 2) Portfolio 2, Local Potable Reuse Option, includes: Five City ASR wells; transfers via interties with Scotts Valley Water District; and a recycled water plant in Santa Cruz for potable reuse through raw water augmentation via conveyance to the City's GHWTP for treatment or for treated water augmentation via conveyance to the City's existing Bay Street Reservoirs. Portfolio 2, as modeled, would meet 100% of the City's water supply augmentation goal, and
- 3) Portfolio 3, Local Desalination includes: Zero to five City ASR wells ; transfers via interties with Scotts Valley Water District; and a local desalination plant. Portfolio 3, as modeled, would meet 100% of the City's water supply augmentation goal (City of Santa Cruz 2024⁶).

In the presentation to the City's Water Commission in December 2024, the following actions were highlighted as part of the WSAIP:

- Working toward completion of the following by 2027:
 - ♦ Conversion of Beltz 12 to an ASR well;
 - ♦ Progress on converting Beltz 8 and 9 to ASR wells;
 - ♦ Development of agreements with SqCWD for near-term and potential longer-term water transfers and partnerships on the PWS Project;
 - ♦ Completion of the intertie pipeline and pump station and operating agreement with Scotts Valley Water District;
 - ♦ Groundwater modeling in the Santa Margarita Groundwater Basin to evaluate potential future transfers and ASR;
 - ♦ Collaboration with San Lorenzo Valley Water District on the feasibility of utilizing their contracted allotment of Loch Lomond water;
 - ♦ Ongoing evaluation of the feasibility of recycled water and desalination projects; and
 - ♦ Ongoing community engagement.
- No later than 2027, work will be performed to define how much of the total gap can be filled with surface-water-reliant projects and to determine whether a shift to recycled water or desalination needs to be made.
- The previously set 2032 milestone for supply augmentation may not be achievable particularly with a recycled water or desalination project which have long design and regulatory approval timelines; however, significant progress can be made if planning

⁶ 2024. City of Sana Cruz. Water Commission Information Report, Agenda of 12/09/2024-Water Supply Augmentation Implementation Plan Summary Report. December 2, 2024.

work continues in parallel (City of Santa Cruz 2024⁷).

The goals for the next two years as reported to the City's Water Commission in December 2024 are to:

- Complete a portion of ASR in the Santa Cruz Mid-County Groundwater Basin;
- Meet the 2027 milestone of augmenting water supply by 500 MGY;
- Continue groundwater modeling in the Mid-County Groundwater Basin and Santa Margarita Groundwater Basin to identify future projects for basin sustainability and water supply; and
- Continue collaboration and pursuit of agreements with neighboring water agencies.
- Continue to engage with the community (City of Santa Cruz 2024).

As indicated above, ASR in the Mid-County Basin is actively underway at two locations, as is a water transfer/exchange option with Scotts Valley Water District. These additional supplies, therefore, are reasonably likely to be obtained for water supply augmentation by the City. See also [Chapter 3, Changes to Draft SEIR](#) for text revisions that summarize the current status of water augmentation supplies.

Based upon work currently being completed as part of the City's WSAIP, recycled water options as set forth in Portfolios 1 and 2, are being actively investigated. As indicated on page 15-10 of the Draft SEIR, the City has been examining the use of recycled water since 2000 and continues to do so as part of the WSAIP. At present, a recycled water project is considered feasible given the near-completion of the PWS Project and other successful recycled water projects that are now in operation throughout the state, including two recycled water projects in neighboring Monterey County that provide both agricultural irrigation and potable water supplies. Thus, a recycled water project is considered reasonably likely to occur within the meaning of *Vineyard*. See also response to [Comment O6-5](#) and [Chapter 3, Changes to Draft SEIR](#), for added text that provides a description of recycled water options currently under consideration.

Current modeling and results of the WSAIP show that ASR, water transfers/exchanges and a recycled water project would almost or completely meet the identified water shortfall during drought periods with Portfolio 1 or Portfolio 2, respectively. Thus, it does not appear that a desalination project would be needed. Instead, the City intends to continue moving forward with ASR, water transfers/exchanges, and continued evaluation of recycled water, and to determine, by 2027, if these strategies can be successful or if a desalination project would be required to satisfy long-term City water needs. Thus, a desalination project is not considered

⁷ City of Sana Cruz. 2024. Water Commission Information Report, Agenda of 12/09/2024- Water Supply Augmentation Implementation Plan Summary Report. December 2, 2024.

reasonably likely to occur because there is no certainty at this time that it will be needed, and it is not currently being actively pursued.

In summary, the City is making substantial progress in pursuing and implementing its WSAS and WSAIP and developing augmented water supplies as set out in the 2015 WSAS and 2020 UWMP and refined/updated with the SOWF and WSAIP. The City expects final action from the State Water Resources Control board on its water rights petitions by summer 2025, which will help facilitate other augmentation strategies that are underway. Planned ASR facilities in the Santa Cruz Mid-County Groundwater Basin are being completed on two wells, with others being evaluated. While ASR is part of the first element of the City's WSAS, water supply augmentation assumptions in the Project WSE do not rely solely on ASR; and as explained above, the City is pursuing water transfers/exchanges as part of its water supply augmentation strategy (see also response to [Comment O6-4](#)) and other improvements and continues to evaluate recycled water options. Additional supplies consisting of ASR, water transfers/exchanges, and recycled water, are reasonably likely to be obtained as discussed above. At present, the City has made no commitments to pursue a desalination project and does not expect that it will be needed based on current water supply modeling for the WSAIP. If water supply augmentation goals can be met through the reasonably likely projects of ASR, transfers/exchanges, and recycled water, as currently expected, desalination would not be necessary for water supply augmentation to meet long-term projected demand. The City continues to assess Portfolios 1 and 2 as set forth in the water supply augmentation roadmap and WSAIP, and seeks to determine by 2027 whether a shift to a desalination project would need to be considered.

The City acknowledges some uncertainties with the timing and water yield that will be provided by ASR, as well as obtaining all regulatory approvals necessary for ASR, which will continue to be addressed through the City's water supply planning as part of the WSAIP and updates to its UWMP that are required every five years pursuant to state law. Evolving results of the WSAIP, which will be completed in 2025, and the roadmap presented to the Water Commission, indicate that ASR projects in the Santa Cruz Mid-County Basin may not be in place until 2033 instead of 2030, as assumed in the WSE, and that ASR and transfers/exchanges may not be adequate in the long-term to meet water shortfalls during extended drought periods (City of Santa Cruz Water Commission Meeting, November 4, 2024 Agenda Materials). As indicated above, however, the WSAIP continues to assess recycled water as part of two water supply augmentation portfolios based on the WSAS to meet the supply gap as defined in the SOWF. Nonetheless, the ASR water supply augmentation strategies identified and being pursued by the City in the Santa Cruz Mid-County Basin are "reasonably likely to occur" within the meaning of the *Vineyard* case, as discussed earlier, and the City's WSAIP will further lay out the implementation of each water supply augmentation portfolio. As discussed above, the City has developed comprehensive plans by which, moving forward with a variety of complementary water augmentation projects, the City can achieve a future water supply that will be reliable and sufficient even during multi-year droughts.

Finally, it is worth putting the water demands of the Downtown Plan Expansion Project in context. The preceding discussion focuses on *Citywide* demand going forward in time and assumes continued growth and development in Santa Cruz. The water demand attributable just to the Project is comparatively modest. As the Draft SEIR explains on pages 15-29 and 15-30, and as updated in the **Chapter 3, Changes to Draft SEIR**, the 2020 UWMP includes a Water Shortage Contingency Plan pursuant to requirements of the California Water Code that addresses how the City's water system would be managed during a water shortage emergency that arises as a result of drought, which could result in required customer water use reductions when shortfalls occur. With implementation of planned water augmentation projects and strategies and after the year 2030, potential shortfalls are projected to be only four percent. Furthermore, the City's SOWF and WSAIP provide a roadmap for the City's water supply augmentation to meet current and projected demands as described above that show a three percent shortfall under Portfolio 1 and no shortfall under Portfolio 2. However, the City's water supply augmentation roadmap seeks to eliminate any shortfall.

During periods of dry years and drought with the estimated shortfall, water customers could be subject to water curtailment as enacted by the City. As indicated in the Draft SEIR, a multiple-dry year scenario could require substantial curtailment by all water customers until a number of planned water supply projects and strategies are expected to be implemented by 2033. Future development resulting from the Project is expected to occur over 15-25 years, some of which could be within the period of projected near-term water shortages during the fifth year of a drought. However, the project's estimated water demand is very minimal compared to the total projected water demand in 2030 to 2045 (approximately 1.7 percent of the total demand). If a shortage and subsequent curtailment were to occur, the project's demand when spread out among all users would not be a substantial increase as to cause more severe curtailment than would already be required throughout the service area, and thus the impact conclusion in the Draft SEIR as shown below remains valid.

Therefore, the impact of increased water demand on water supplies due to the project is considered less-than-significant as there are sufficient supplies from existing sources to serve the project during normal and single-year dry periods, and the project's minimal demand during multiple-year droughts would not be substantial in comparison to total demand.

Project users would be required to comply with required curtailment orders if imposed as would all of the service area customers. In addition, the project would be subject to City development standards and requirements that include requirements for installation of water conservation fixtures and landscaping for new construction. In addition, the project would pay the required "System Development Charge" for the required new service connection. This charge as set forth in Chapter 16.14 of the City's Municipal Code is intended to mitigate the water supply impacts caused by new development in the City of Santa Cruz water service area, and the funds are used for construction of public water system improvements and conservation programs.

The City also considered availability of water supplies to serve the project and other “reasonably foreseeable future development,” which the City determined to be projects that are under construction or have been approved. The 2024 updated water demand projections and water supply analysis considered all cumulative development projects, including pending permit applications as well as approved projects and projects under construction (see Appendix G). Thus, based on results of the 2024 demand projections and analysis explained above, the demand from the project and reasonably foreseeable development would not result in more stringent contingency measures than already anticipated for a multiple dry year period.

Therefore, water supplies with implementation of planned augmentation projects are sufficient to serve the project and reasonably foreseeable development, and the impact regarding water supply availability is *less-than-significant*.

4.3.3 MR-3: Potential Hydrologic Impacts Including Floodplain, Sea Level Rise, Stormwater, Water Quality, and Tsunamis

Summary of Comments

Comments were raised concerning the potential impact of future development due to flooding and sea level rise (SLR) associated with the San Lorenzo River, and the existing levees associated with climate change. Some comments also stated that existing stormwater pump stations are inadequate to accommodate future stormwater flows and that the FEMA Map does not account for rising groundwater. Some comments recommended that the Draft SEIR quantify the increased floodwater heights in the San Lorenzo River floodplain in the event of the 50, 100, 200 and 500-year floods, assuming a three to six foot sea level rise.

Some comments suggest that the Draft SEIR should address issues associated with sea level rise (SLR) using worst case sea level rise projections as well as the placement of fill behind the San Lorenzo River levee. Comments recommend that the Draft SEIR quantify the increased floodwater heights, due to earthen fill and other proposed development in the San Lorenzo River floodplain and adjacent areas, in 50, 100, 200 and 500-year flood events, assuming a three to six foot sea level rise (plus King tides).

Response

Draft SEIR [Chapter 9 Hydrology and Water Quality, Section 9.3 Environmental Setting \(starting on page 9-1\)](#) describes the physical characteristics including hydrologic conditions, stormwater, water quality, and hydrologic hazards.

Completed in 2000, the Army Corp of Engineer’s San Lorenzo River Flood Control and Environmental Restoration Project raised the river levee heights, provided landscaping and improved the pedestrian/bicycle path on the levee, and rehabilitated three of the four downtown bridges (over the San Lorenzo River) to increase flood flow capacity. Five pump stations along the river transfer the majority of the stormwater to the river. All stormwater

discharge, including water quality treatment is subject to the Clean Water Act which is implemented through requirements described in the City's Stormwater Master Plan (SWMP).

As described in the Draft SEIR and shown in **Figure 9-1 Flood Hazard Areas**, most of the project area is located in the FEMA 100-year floodplain and the area generally north of the convergence of Pacific Avenue and Front Street may be subject to future climate change threats associated with sea level rise and/or storm surge.

In 2002, FEMA re-designated much of the downtown and beach area from A-11 to the A-99 Flood Zone designation in recognition of the significant flood improvements resulting from the San Lorenzo River Flood Control and Environmental Restoration Project. Under the A-99 designation, new buildings and improvements are no longer mandated to meet FEMA flood construction requirements (City of Santa Cruz, 2013).

The 2025–2030 City of Santa Cruz Local Hazard Mitigation Plan – Climate Adaptation Plan, adopted by the City Council on March 11, 2025, further addresses sea level rise. The coastal climate vulnerability maps used for the report identify hazard zones for each climate scenario for the three planning horizons (2030, 2060, & 2100) under three different regional emissions scenarios (High, Medium, and Low). The resulting model allows planners to understand the range of impacts that may be expected and build an understanding of the overall risk posed by SLR. As shown in **Figure 9-2 Cumulative Risks of Sea Level Rise**, the project area is subject to the potential effects of SLR under the 2060 and 2100 planning horizons.

The Climate Adaptation Plan (CAP) considers flooding and severe coastal storms to be a considerable potential risk to the City and its residents. Intense, increased rainfall may lead to larger flood flows. Noted in the CAP are the potential for greater storm surges, wind speeds and resultant coastal erosion. These events are predicted to occur more frequently due to climate change impacts, including the impacts from sea level rise (City of Santa Cruz, 2025).

The CAP identifies the Downtown District as a “future community” that is vulnerable to tsunami inundation and flooding. New development in the downtown may be subject to regulations and requirements outlined in the City's Shoreline Protection Overlay District, Coastal Overlay District, Coastal Implementation Plan, and flood management ordinance. In addition, they will have to be built to the 2022 California Building Standards Code's minimum design and construction requirements, resulting in improved construction quality and stronger structural integrity.

Impact HYDRO-1 (DPA Impact 4.5-1): Stormwater Drainage and **Impact HYDRO-2 (DPA Impact 4.5-2): Water Quality** concluded that because compliance with the City's stormwater and water quality regulations will be required of future developments, the project would not indirectly lead to potentially significant stormwater drainage or water quality impacts.

Impact HYDRO-3 (DPA Impact 4.5-3): Flood Hazards states that as sea level continues to rise, seawater could extend farther upstream in the San Lorenzo River flood control channel more

frequently and rising gradually to higher elevations. This would lead to a rise in the water table beneath downtown. This area of the City has always been vulnerable to an elevated water table, but this will become a more significant issue in the future, likely resulting in the need for more pumping and implementation of other adaptation strategies (Griggs, Haddad, January 2011). Recommendations include; continued monitoring of City pump stations along the San Lorenzo River, installation of additional monitoring wells, and increased pumping capacity as necessary (Ibid.). Additionally, the City has evaluated the feasibility of installing a new pump station just south of Soquel Ave to reduce flows in the critically undersized 42"-48" Storm drain line between Soquel Ave and Pump Station 1, south of Laurel Street. The City's adopted Climate Adaptation Plan update includes a high priority action to implement measures to protect downtown from flooding.

Additionally, due to the potential for floodwater intrusion in the downtown, the Downtown Plan (as proposed) requires that all new buildings in the South of Laurel Area be constructed in compliance with the standards for floodplain development as established by the California Building Standards Code and the more restrictive of either one of the following, based upon the timing of building permit submittal:

- a) the most updated mapping data published by FEMA, or
- b) any Letter of Map Revision (LOMR) submitted for review that postdates the published map applicable to the development site.

The Draft SEIR also concluded that the project would not lessen or worsen the potential for tsunami damage, although it would indirectly lead to intensified development with an increase in the number of people potentially exposed to a tsunami hazards. However, because dangerous tsunamis typically have originated at such a great distance, it is possible to issue fairly long-range warnings of their approach and evacuate people if necessary. Thus, the City's efforts to continue to periodically update its emergency evacuation procedures for tsunami hazard areas as well as coordination with other agencies as outlined in the City's adopted Hazard Mitigation Plan would respond to this concern.

The Draft SEIR determined that impacts associated with hydrologic conditions, stormwater, water quality, and hydrologic hazards would be *less-than-significant*.

4.3.4 MR-4: Displacement of Existing Land Uses

Summary of Comments

Comments were received regarding the potential displacement of existing residential and commercial land uses.

Response

Section 8.3.4 Anti-Displacement Policy of Appendix 8 of the amended Draft Downtown Plan includes policy language to address potential displacement of existing residents, including assistance with relocation expenses. Specifically, the proposed policy states:

The City is working to expand anti-displacement policies such as the current local preference policy in SCMC 24.16.045 consistent with all relevant state and federal laws, as expanded by SB 649 (2022) with a focus specifically on households at elevated risk of displacement, and development proposals will be subject to those standards from the time they take effect following future City Council action. Additionally, state regulations (i.e., California Health and Safety Code - Section 17975-17975.10 :: Article 2.5. Tenant Relocation Assistance and California Civil Code – Section 1946.2) require one-to-one replacement of existing housing units currently or recently occupied by lower income households, in conjunction with relocation expenses and first right of refusal requirements for existing tenants.

Displacement of low-income households is also addressed in California State Law, ensuring both that low-income households are provided with financial assistance to seek replacement housing, and that the below-market rate units are replaced on site with the new development. Furthermore, any existing housing units that are removed as a result of future development would be replaced with a greater number of housing units, thus expanding the supply of housing units.

Beyond the standard residential uses, the relocation requirements for the Adult Residential Care Facility located at 126 Front Street is also strictly protected by California state law. As stated in the proposed Appendix 8 of the Downtown Plan, the 47-bed facility cannot be closed or redeveloped until an alternative location is identified that can provide appropriate housing and care for all the existing residents, and all existing residents are successfully relocated to that facility or another facility of the same type. The total number of clients served at the facilities cannot decrease.

Regarding the displacement of existing commercial uses, their redevelopment is contingent upon the decisions of the respective landowner's and their respective lease agreements and is not subject to CEQA.

4.3.5 MR-5: Emergency Response and Evacuation Plans

Summary of Comments

Comments were received regarding the City's ability to respond to emergencies, particularly fire and emergency medical services, in light of future development. Some comments asked if the City has an emergency response traffic plan to address emergency access and evacuations.

Response

As described in [Chapter 3 Project Description](#), the Project includes a number of circulation improvements in and through the Project area to ensure that there is adequate emergency access from all public roadways. As described in [Section 3.5.2 Community Spaces](#) and shown in [Figure 3-6 Existing and Proposed Circulation](#), the project includes a number of roadway, pedestrian, and bike improvements designed to be safe and comfortable for walking, bicycling, and shared mobility; will provide for convenient access to transit and local destinations; and to support community activity. Ample sidewalks will be created that provide continuous path of pedestrian travel and provide space for trees, outdoor dining, bicycle parking, and landscape, as appropriate. Traffic lanes will be designed to accommodate yet slow traffic flows, reduce pedestrian crossing distances, and create human-scaled environments, maintaining ease of flow for all mobility modes and civic activities.

Impact T-3: Design-Safety and Emergency Access of the Draft EIR (page 14-18) found that the project has been designed in accordance with standard City requirements and future development would not be in conflict with design safety and emergency access and impacts are considered *less-than-significant*.

Furthermore, as part of the entitlement review process, all future development projects will be reviewed to ensure that there is adequate sight distance for exiting vehicles of both oncoming vehicles and pedestrians and that adequate fire truck access be provided from all public roadways. This will ensure that future development projects are designed in accordance with City police and fire department requirements and would provide for adequate emergency access.

Should a critical emergency situation occur (e.g. a major earthquake), the City of Santa Cruz has an Emergency Operations Plan (EOP) in place to respond to nearly every type of disaster.⁸ During an emergency response, the City of Santa Cruz follows the Standardized Emergency Management System (SEMS), set by the California Governor's Office of Emergency Services (CalOES), and integrates with the National Incident Management System (NIMS), as developed by the federal Department of Homeland Security (DHS) pursuant to Homeland Security Presidential Directive/HSPD-5. Adherence to these standards (SEMS, NIMS) ensures that all levels of government have the capability to work efficiently and effectively together, using a national approach to domestic incident management.

Additionally, as described in [Section 13.3.2 Fire Protection Services](#) on page 13-3 of the Draft EIR, the City of Santa Cruz Fire Department is an all-hazard emergency response and fire protection agency that serves the City, the University of California at Santa Cruz (UCSC), and participates in mutual aid responses within the County and State. The Fire Department has a long-term contract for full fire protection services with UCSC, and an automatic aid agreement with County Fire/CalFire. The Fire Department maintains mutual aid agreements with all

⁸ See [City of Santa Cruz Emergency Operations Plan \(2011\)](#).

surrounding fire agencies to provide, and receive, aid on an as needed basis. The fire Department is also a participant in the California Fire Assistance Agreement (CFAA) which allows for statewide mutual aid.

4.3.6 MR-6: Transportation – Level of Service

Summary of Comments

Comments were made regarding the general nature of the traffic congestion in the downtown, particularly during the summer months. Some comments suggested that a level of service (LOS) analysis should take summer weekend traffic into account, as well as increased rideshare services, package deliveries, bike and transit trips. Some comments also suggest that a level of services (LOS) analysis should be done in context to consistency with the City’s General Plan.

Some comments suggested that the Draft SEIR should evaluate the need for and costs of traffic mitigations, and how those costs will be paid in conjunction with cumulative growth forecasts.

Response

Pursuant to Senate Bill 743 (SB743), enacted into law in 2018 and as implemented through revisions to the State’s California Environmental Quality Act (CEQA) Guidelines, Vehicle Miles Traveled (VMT) has replaced Level of Service (LOS) as the metric used for assessment of potential environmental impact associated with transportation and vehicular traffic. Traffic congestion, or level-of-service, is not an environmental impact therefore the following is for informational purposes.

The City’s General Plan was adopted prior to 2018 and contains goals and policies referencing LOS. The courts have decided that even when LOS standards exist in the General Plan, those conflicts are not considered significant.⁹

The analysis of LOS and its potential impacts associated with increased transportation demand and its conflict with circulation plans, policies, or ordinances is addressed in **Impact T-1: Conflict with Circulation Plan, Policy, or Ordinance**. According to the Santa Cruz Downtown Expansion Plan Local Transportation Analysis (LTA) (Kimley Horn 2024), the project would result in a net increase of 6,307 daily trips, with 544 new trips occurring the AM peak-hour and 442 trips occurring during the PM peak hour.

As described in the LTA (page 16), weekend traffic to the project area is a concern as project area roadways can become congested with peak beach traffic. The project analyzed weekday morning and afternoon peak hours typical of the weekday commute, consistent with Traffic Study Guidelines and policies of the City’s General Plan analysis approach Saturday traffic counts are presented on page 19 of the LTA and show that peak hour traffic on Pacific Ave and

⁹ See [SB 743 Frequently Asked Questions - Office of Land Use and Climate Innovation](#).

Front Street are similar for both Saturdays and weekdays. Center Street showed an increase in peak hours volumes on Saturday compared to a weekday.

Future development projects within the project area would be subject to payment of traffic impact fees (TIF) that are applied to new development as part of the City-wide TIF program. The project is located in a developed area near transit, services, and recreation with a sidewalk and bike lane network. Future development projects would be required to provide onsite bicycle parking facilities in accordance with City requirements. The project location is in proximity to transit, bicycle, and pedestrian facilities, which would facilitate use of alternative modes of transportation, consistent with General Plan transportation policies and goals. To improve vehicular, pedestrian and bicycle circulation, Appendix 8 of the Downtown Plan (as amended) includes a number of circulation improvements that would be implemented as part of future development.

On Page 58 of the LTA, improvements on Laurel Street were identified to reduce queuing and improve travel time along the corridor. At the intersection of Laurel Street and Pacific, the eastbound and westbound left turn lanes could be removed to add an additional eastbound through lane, increasing vehicular throughput in the same roadway cross section. Left turns onto Pacific, at this intersection, would be eliminated at least during peak hours to accommodate that improvements.

The Draft SEIR concluded that the project for both 1) Existing + Approved Projects + Project Conditions and 2) Cumulative + Project Conditions would not conflict with General Plan mobility policies regarding level of service goals, transportation improvements, reduction of vehicle trips, and encouraging multi-modal and alternative transportation systems. The project would not conflict with adopted policies, plans or programs that support alternative transportation and impacts would be *less-than-significant*.

4.3.7 MR-7: Transportation – Parking

Summary of Comments

Comments suggested that the Draft SEIR should address potentially significant impacts associated with parking.

Response

Parking is no longer a threshold of significance under CEQA, and therefore no response is required. The following information is provided for informational purposes.

The City of Santa Cruz Municipal Code 24.12.240 identifies the number of parking spaces required for proposed development projects. However as noted in Municipal Code 24.12.220, development within ½-mile of a major transit stop is excepted from the above requirements as outlined in California Government Code Section 65863.2(b). The project may require the arena to provide employee parking per 65863.2(d).

While separate from CEQA, it is noted that a parking analysis for the project was included in the LTA (page 68). At full buildout, the analysis found that the existing Downtown parking garages can accommodate the excess parking demand from the project area for all days of week and new arena event scenarios with the exception of (Summer) Saturday with no arena event, when there would be a parking deficiency of approximately 455 spaces. The LTA recommended that should development exceed 1,373 dwelling units; the City evaluate if additional parking supply is needed in the Downtown. In the meantime, the LTA recommended a number of travel demand management (TDM) strategies, per the City of Santa Cruz's SB 743 Implementation Guidelines, dated May 12, 2022, to reduce the residential and commercial parking demand and improve roadway intersection operations.

4.3.8 MR-8: Transportation – Vehicle Miles Traveled (VMT)

Summary of Comments

Comments suggests that the Draft SEIR's Vehicle Miles Traveled (VMT) analysis should be revised to include potentially significant impacts during the summer and on weekends and be incorporated into the cumulative impacts. Comments also recommended that the analysis should include a separate VMT and parking analysis of the increased trips to the proposed relocated arena and identify appropriate mitigation. Some comments also recommended that the Draft SEIR should also evaluate the number of SF Bay Area workers who could move to Santa Cruz and become long distance commuters when the proposed new housing becomes available. Some comments contend that the use of billing zip codes to determine the "origin of destination" (where is trip starts from) is flawed.

Response: The analysis of VMT is described in **Impact T-2: Conflict with Vehicle Miles Traveled (VMT) Guidelines** of the Draft SEIR. The analysis concluded:

Based on the fact that: 1) the project is located within a half-mile of high quality transit and is therefore exempt from VMT per the City's adopted threshold and guidelines; 2) the net new VMT generated by the project would not represent significant growth as to substantially change regional travel patterns; and 3) the project would be required to be consistent with the City's General Plan 2030 goals, policies and actions that set forth comprehensive measures to reduce vehicle trips, increase vehicle occupancy, encourage use of alternative transportation modes, and promote alternative-sustainable land use patterns, all of or any one of which individually would help reduce vehicle trips and VMT, and avoid and minimize adverse impacts related to traffic; the project would not conflict or be inconsistent with CEQA Guidelines section 15064.3 regarding VMT, would not result in a significant VMT impact or exceed the City's adopted VMT threshold, and the impact would be *less-than-significant*.

The VMT CEQA Guidelines threshold establishes that a project exceeding a level of 15 percent below the County-wide average VMT may result in a significant transportation impact. The City's adopted SB 743 (VMT) Implementation Guidelines include potential Transportation

Demand Management (TDM) measures to help achieve VMT reduction. The analysis is based on County-wide average VMT, which includes both weekday and weekend trips.

While Transportation Demand Models are broadly considered the most accurate of available tools to assess VMT, their use is not always an ideal fit depending on the unique characteristics of the project being evaluated. This was determined to be the case for VMT evaluation for the new arena for two principal reasons:

Service Area Extent: Both the existing and proposed new arena attracts attendees from beyond Santa Cruz County, exceeding the scope of the Santa Cruz County Travel Demand Model (SCCTDM).

Event Diversity: The diverse nature of events held at the existing and new arena results in complex trip-making patterns that cannot be accurately modeled using the SCCTDM.

As noted on page 14-14 of the Draft SEIR, in lieu of using of travel demand model (TDM) which is considered standard practice for typical land uses (i.e. residential and commercial uses), alternative data sources and assumptions formed the basis for estimating the VMT associated with the existing and proposed new arena using zip code data from credit card ticket sales for Santa Cruz Warriors' basketball games. As such, the VMT analysis includes a detailed analysis of the proposed new arena using zip code data from credit card ticket sales for Santa Cruz Warriors' basketball games held on November 8, 9, and 15, 2024 as the baseline assumption for trip origins for all events. Absent other data sources, this data served as a proxy (baseline assumption) for trip origins for all events, consistent with transportation engineering best practices.

4.3.9 MR-9: Downtown Plan Expansion Area Plan Direction by City Council

Summary of Comments

Comments suggest that the motions adopted by the City Council regarding the proposed Project be incorporated in the Draft SEIR project objectives and analyzed accordingly. In particular, some comments raised questions regarding the project's conformance to the City Council's direction from January 2023 to "plan for 1,600 housing units and study 1,800 housing units in the EIR."

Response

The project to expand the Downtown Plan was initiated at the end of 2021 and has involved phases of information gathering, outreach, analysis, collaboration with major property owners including the Santa Cruz Warriors, and drafting new sections of the Downtown Plan itself.

On June 14, 2022, the City Council provided direction regarding height and the number of units. The City Council provided further direction on January 10, 2023, specifying that the plan include three desired outcomes. First, the expanded plan area should support the addition of 1,600 housing units (while studying up to 1,800 units in the Draft SEIR). Second, of these 1,600 new

units, at least 20% of them (320 units) should be available at below-market-rate (BMR) rent or sale prices. And third, to the greatest extent possible, City policy should incentivize construction of buildings that are no more than twelve stories in height, inclusive of an up to 50% density bonus.

On June 18, 2024, the City Council and City Planning Commission received an update on the Downtown Plan Expansion process in a joint study session. This meeting coincided with a month-long public review period where the Downtown Plan was released to the public to receive additional comment. The consensus direction from that meeting was for staff to return as soon as possible with the policy approach that would achieve the above-stated goals set in January 2023.

On October 22, 2024, the City Council approved the City Planning staff recommendation to include a Downtown Density Bonus for the project area to create a greater number and percentage of housing units that are restricted to below-market rate costs than would be created by projects using the State Density Bonus to build similar projects.

The Draft SEIR states:

“Because all sites in the project area are eligible for State Density Bonus, which would yield only 13-15% of the units being BMR [below market rate] and could result in heights greater than 12 stories, the Downtown Density Bonus would also be available to all property within the Downtown Plan Expansion area south of Laurel Street (the project area). This approach provides a higher likelihood of meeting the Council’s direction, particularly related to the maximum desired height and increased percentage of affordable units.” (Draft SEIR, page 3-15)

The two sites identified as options for a new arena (on Blocks C and D) each have a development capacity of 200 to 300 housing units. The most likely build-out scenario in the project area is one that includes a new arena on Block C and several new mixed-use buildings combining ground-floor commercial space with housing on upper levels, adjacent to some sites that do not redevelop. For this reason, a target of 1,600 housing units is accommodated in the proposed amendments to the Downtown Plan. Per City Council direction, the Draft SEIR evaluated up to 1,800 units in order to consider the potential environmental effects of a range of development scenarios and ensure that impacts were duly disclosed.

The City Council policies regarding the total number of housing units, percentage of affordable housing, and building height inclusive of density bonus are included as part of **Chapter 3 Project Description** of the Draft EIR.

4.3.10 MR-10: Draft SEIR Recirculation

Summary of Comments

Comments indicated that the Draft SEIR is flawed and should be corrected and recirculated for further public comment.

Response

The City disagrees with the claim that the Draft SEIR is inadequate as explained in the preceding and following responses. CEQA Guidelines section 15088.5 requires a lead agency to recirculate an EIR when “significant new information” is added to an EIR after public review but before certification. New information is not significant unless the “EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect.” “Significant new information” that would require circulation according to this section of the CEQA Guidelines include:

- A new significant environmental effect resulting from the project or from a new mitigation measure.
- A substantial increase in the severity of an environmental impact unless mitigation measures are adopted to reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impact of the project, but the project proponents decline to adopt it.
- The DEIR was so fundamentally inadequate that meaningful public review and comment were precluded.

Section 15088.5 also provides that the lead agency need only recirculate the chapters or portions of the Draft SEIR that have been revised. The lead agency may request that reviewers limit their comments to the revised sections, and the agency need only respond to comments received during the recirculation period that relate to the revised Draft SEIR sections.

The responses and clarifications provided in this Final SEIR do not result in any of the above conditions that would warrant recirculation. None of the Draft SEIR text revisions result in or indicate a new significant impact or a substantial increase in the severity of an impact associated with the proposed project. Finally, no feasible project alternatives or mitigation measures were put forward nor did comments received on the Draft SEIR indicate that the document was fundamentally inadequate as to preclude meaningful public review. For these reasons, recirculation of the Draft SEIR is not required.

4.4 Comment Letters and Responses

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



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Bay Delta Region
 2825 Cordelia Road, Suite 100
 Fairfield, CA 94534
 (707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



February 18, 2025

Comment Letter A1

Sarah Neuse, Senior Planner
 City of Santa Cruz
 809 Center Street
 Santa Cruz, CA, 95060
SNeuse@santacruzca.gov

Subject: Santa Cruz Downtown Plan Expansion, Draft Subsequent Environmental Impact Report, SCH No. 2022090276, City and County of Santa Cruz

Dear Sarah Neuse:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Subsequent Environmental Impact Report (DSEIR) from the City of Santa Cruz (City) for the Santa Cruz Downtown Plan Expansion (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation of the DSEIR.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on Projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's Lake and Streambed

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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Alteration (LSA) regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

REGULATORY REQUIREMENTS

California Endangered Species Act

A CESA Incidental Take Permit (ITP) must be obtained from CDFW if the Project has the potential to result in “take” of plants or animals listed under CESA, either during construction or over the life of the Project. Under CESA, “take” means “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” (Fish & G. Code, § 86.) CDFW’s issuance of an ITP is subject to CEQA and to facilitate permit issuance, any Project modifications and mitigation measures must be incorporated into the CEQA document analysis, discussion, and mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA permit.

CEQA requires a mandatory finding of significance if a Project is likely to substantially impact threatened or endangered species. Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065.) In addition, pursuant to CEQA, the lead agency cannot approve a Project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the Lead Agency makes and supports findings of overriding consideration for impacts that remain significant despite the implementation of all feasible mitigation. Findings of consideration under CEQA, however, do not eliminate the Project proponent’s obligation to comply with the Fish and Game Code.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting river, lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank (including associated riparian or wetland resources); or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains is generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also generally subject to notification requirements. **The Project site is adjacent to the San Lorenzo River. Any impacts to San Lorenzo River or associated riparian habitat would likely require an**

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LSA Notification. Therefore, any impact to the mainstems, tributaries, or floodplains or associated riparian habitat caused by the proposed Project will likely require an LSA Notification. CDFW may not execute a final LSA Agreement until it has considered the final EIR and complied with its responsibilities as a responsible agency under CEQA.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Santa Cruz

Objective: The Project would extend the City's existing Downtown Plan to facilitate redevelopment of the Project area in downtown Santa Cruz. The Project could incorporate the following: 1) a minimum of 1,800 housing units and 60,000 square feet of commercial area; 2) construction of a new 180,000-square-foot sports and entertainment arena; 3) increased building heights from the existing Downtown Plan; 4) circulation improvements including the closure of part of Spruce Street, creation of new civic spaces, relocation of a storm drain pump station, and other improvements; and 5) enhanced pedestrian connections between downtown and Main Beach. The Project would also include amendments to the City's General Plan 2030, the Local Coastal Program, the Beach and South of Laurel Comprehensive Area Plan, the San Lorenzo Urban River Plan, and the Municipal Code.

Location: The Project is located in downtown Santa Cruz and is bound by Laurel Street on the north, the San Lorenzo River on the east, Front Street on the south, and Center Street, Cedar Street, and neighborhoods west of Pacific Avenue on the west. The Project would cover approximately 29 acres. The Project is located in the coastal zone and the Project area currently consists of mixed development including commercial and residential.

Timeframe: A timeframe is not specified.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Santa Cruz in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

I. Mitigation Measure or Alternative and Related Impact Shortcoming

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS?

COMMENT 1: Nesting Bird Survey

A1-1

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Biological Resources Section, Page 7-9

Issue: Mitigation measure 4.3-3 (Preconstruction Nesting Survey) is not sufficient to reduce potentially significant impacts to less-than-significant levels because survey dates do not encompass the full nesting bird season.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Mitigation Measure or Alternative and Related Impact Shortcoming)

Mitigation Measure 1: If Project grading or construction is scheduled to take place between February 1 – September 15, a preconstruction survey of the Project vicinity for nesting birds shall be conducted by a qualified biologist experienced with the nesting behavior of bird species of the region. The survey shall determine if active nests are present within the planned area of disturbance or within 250 feet for non-raptors and 1,000 feet for raptors. The survey shall be performed no more than 14 days prior to the commencement of construction activities, and a second focused survey shall be conducted within 48 hours prior to construction activities that would occur during the nesting/breeding season. If ground disturbance activities are delayed following a survey, then an additional preconstruction survey shall be conducted such that no more than two weeks will have elapsed between the last survey and the commencement of ground disturbance activities. If a lapse of Project-related activities of seven days or longer occurs, another focused survey will be conducted before Project activities can be reinitiated.

If an active bird nest is found within the survey radii, species-specific measures shall be prepared by a qualified biologist and implemented to prevent abandonment of the active nest. A protective buffer distance shall be established by a qualified biologist based on the site conditions such as whether the nest is in a line of sight of the construction and the sensitivity of the birds nesting. Typical protective buffers are as follows: 1) 1,000 feet for large raptors such as buteos, 2) 500 feet for smaller raptors such as accipiters, and 3) 250 feet for passerines. No Project personnel or equipment shall be allowed to enter the protective buffer until the qualified biologist determines that the young have fully fledged and will no longer be adversely affected by the Project.

A qualified biologist shall observe any identified active nests prior to the start of any construction-related activities to establish a behavioral baseline of the adults and any nestlings, and the nest site(s) shall be monitored by the biologist periodically to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. The perimeter of the nest setback zone shall be fenced or adequately demarcated with stakes and flagging at 20-foot intervals, and construction personnel and activities restricted from the area. A survey report by a qualified biologist verifying that no active nests are present, or that the young have fledged, shall be submitted prior to initiation of grading in the nest-setback zone. The qualified

A1-1

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biologist shall serve as a biological monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur. All buffers shall be shown on all sets of construction drawings.

A1-1

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

A1-2

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (See Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

A1-3

CONCLUSION

CDFW appreciates the opportunity to comment on the DSEIR to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Alexis Harrison, Environmental Scientist, at (707) 815-2779 or Alexis.Harrison@wildlife.ca.gov; or Wesley Stokes, Senior Environmental Scientist (Supervisory), at (707) 339-6066 or Wesley.Stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486
Erin Chappell
Regional Manager
Bay Delta Region

ec: Office of Planning and Research, State Clearinghouse, Sacramento

4.4.1 Comment Letter A1: California Department of Fish and Wildlife (CDFW)

Comment A1-1: Nesting Bird Survey

The comment states that Mitigation Measure 4.3-3 (Preconstruction Nesting Survey) is not sufficient to reduce potentially significant impacts to less-than-significant levels because survey dates do not encompass the full nesting bird season, and recommended language is provided.

Response: The referenced mitigation measure has been revised with updated nesting season dates and other language included in the City's standard project conditions of approval and consistent with wording in recent Streambed Alteration Agreements issued by CDFW to the City. See revised mitigation wording in [Chapter 2, Summary](#).

Comment A1-2: Environmental Data

The comment notes that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

Comment A1-3: Environmental Document Filing Fees

The comment notes that payment of environmental document filing fees is necessary upon filing the Notice of Determination for the Project.

Response: The comment is acknowledged, and therefore no response is required.

California Department of Transportation

CALTRANS DISTRICT 5
50 HIGUERA STREET | SAN LUIS OBISPO, CA 93401-5415
(805) 549-3101 | FAX (805) 549-3329 TTY 711
www.dot.ca.gov



Comment Letter A2

February 19, 2025

SCH #2022090276
SCR/1/18.684

Sarah Neuse, Senior Planner
City of Santa Cruz
809 Center St
Santa Cruz, CA 95060

Re: Santa Cruz Downtown Plan Expansion Draft Environmental Impact Report (DEIR)

Dear Ms. Neuse:

The California Department of Transportation (Caltrans) appreciates the opportunity to review the Draft Environmental Impact Report (DEIR) for the Santa Cruz Downtown Plan Expansion, which proposes a series of amendments to the City's Downtown Plan by extending the boundary of the existing Downtown Plan to incorporate the approximate 29-acre project study area and incorporate policies, development standards and design guidelines for the study area in the City's Downtown Plan (amended January 28, 2020) that will facilitate future redevelopment of the project area. Caltrans supports local development that is consistent with State planning priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety. We accomplish this by working with local jurisdictions to achieve a shared vision of how the transportation system should and can accommodate interregional and local travel and development. Caltrans offers the following comments in response to the DEIR:

1. For the construction of associated pedestrian and bicycle improvements at the southern convergence of Pacific Avenue and Front Street, please consider indicating what type of associated pedestrian and bicycle improvements would be ideal for this location. For example, splitter islands, signage for pedestrians, yielding markings, entrance lines for vehicles, etc. A2-1
2. Please be aware that lane markings such as Class III bike facilities (sharrows) will need to be reviewed considering AB 1216, please refer to AB 1216 for applicability. A2-2
3. In section 3.5.3, consider mentioning the constraints included with the enhanced pedestrian sidewalks. Several constraints including utilities, drainage, parking, and street stress could result in very high cost to implement these features. A2-3

4. Please consider as part of the entitlement review process, recent bills that impacts the sight distances for pedestrians and bicyclist at intersections. AB 413 directly correlates to this new state requirement and is focused on the effects of daylighting for pedestrians and bicyclist.

A2-4

Thank you for the opportunity to review and comment on the proposed project. If you have any questions or need further clarification on the items discussed above, please contact me at (805) 835-6543 or email Jacob.m.Hernandez@dot.ca.gov.

Sincerely,



Jacob Hernandez
Transportation Planner
District 5 Local Development Review Coordinator

4.4.2 Comment Letter A2: California Department of Transportation (Caltrans)

Comment A2-1: Pedestrian and Bike Improvements

The comment asks that the City consider indicating what type of pedestrian and bicycle improvements are proposed at the intersection of Pacific Avenue and Front Street.

Response: The current conceptual plan as described in Appendix 8 of the Draft Downtown Plan proposes a new roundabout at the intersection of Front Street and Pacific Avenue. It also includes a policy requiring a separated one-way bike lanes and pedestrian crossings at this intersection.

Comment A2-2: Lane Markings

The comment indicates that lane markings such as Class III bike facilities (sharrows) will need to be reviewed considering AB 1216.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

Comment A2-3: Enhanced Pedestrian Sidewalks

The comment notes the high costs to implement enhanced pedestrian sidewalks as described in **Section 3.5.3 Streetscape and Circulation** of the Draft SEIR.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

Comment A2-4: Site Distance for Pedestrians and Bicyclists

The comment notes that the City should consider recent bills that impacts the sight distances for pedestrians and bicyclist at intersections (e.g. AB 413).

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.



February 19, 2025

Comment Letter A3

Sarah Neuse
Senior Planner
City of Santa Cruz
Planning and Community Development Department
Advance Planning Division
809 Center Street, Rm 101
Santa Cruz, CA 95060

RE: Santa Cruz Downtown Expansion Plan Draft Subsequent EIR Comments (SCH #: 2022090276)

Dear Ms. Neuse:

Thank you for the opportunity to review Draft Subsequent Environmental Impact Report (EIR) for the City of Santa Cruz's Downtown Plan Expansion. The following comment is offered for your consideration.

In the Draft Subsequent EIR for the Downton Plan Expansion, AMBAG requests the following revision:

- On page 6-6 in the **Air Quality and Greenhouse Gas Emissions** section, it states, "Since certification of the DPA Final EIR, AMBAG adopted the Monterey Bay 2045 Moving Forward – 2045 Metropolitan Transportation Plan/Sustainable Communities Strategy in June 2022 (2045 MTP/SCS), the implementation of which is anticipated to achieve a 4%-per-capita reduction and nearly 7%-per-capita reduction in GHG emissions from passenger vehicles by 2020 and 2035, respectively (AMBAG 2022)."

This is incorrect. Please revise to state "...the implementation of which is anticipated to achieve a 3% per capita reduction and a 6% per capita reduction in GHG emissions from passenger vehicles by 2020 and 2035, respectively."

- In the same paragraph on page 6-6, it states that "In addition, AMBAG is working with the Santa Barbara County Association of Governments and the San Luis Obispo Council of Governments to develop the Central Coast Zero Electric Vehicle Strategy that will identify gaps and opportunities to implement zero-emission vehicle infrastructure on the Central Coast, including on or near the State Highway System, major freight corridors, and transit

A3-1

hubs (AMBAG 2022).” This was completed in 2023. Please revise the text to reflect that this study has been completed.

A3-1

- On page 12-5 in the **Population and Housing** section, it states “For the year 20230, the period closest to expected completion of the project, the 2022 Regional Growth Forecast for the City of Santa Cruz estimates a population of 72,218 and 25,578 housing units.” Please revise the year to 2030.

A3-2

- On page 16-3, in the **Other CEQA Considerations** section, it states: “For the year 20230, the period closest to expected completion of the project, the 2022 Regional Growth Forecast for the City of Santa Cruz estimates a population of 72,218 and 25,578 housing units.” Please revise the year to 2030.

A3-3

Thank you for the opportunity to review the Draft Subsequent EIR for the Downtown Plan Expansion. Please feel free to contact me at hadamson@ambag.org or (831) 264-5086 if you have any questions.

Sincerely,



Heather Adamson
Director of Planning

4.4.3 Comment Letter A3: Association of Bay Area Governments

Comment A3-1: Air Quality and GHG Emissions

The comment requests two minor text corrections be made on page 6-6 of the Draft SEIR.

Response: The revision has been made as shown in [Chapter 3 Changes to the Draft SEIR](#).

Comment A3-2: Population and Housing

The comment requests a minor text correction be made on page 12-5 of the Draft SEIR.

Response: The revision has been made as shown in [Chapter 3 Changes to the Draft SEIR](#).

Comment A3-3: Other CEQA Considerations

The comment requests a minor text correction be made on page 16-3 of the Draft SEIR.

Response: The revision has been made as shown in [Chapter 3 Changes to the Draft SEIR](#).

From: [Ashleigh Trujillo](#)
To: [Sarah Neuse](#)
Cc: [Katie Stewart](#); [Beatriz Barranco](#); [Carolyn Burke](#)
Subject: Public Comment for Downtown Plan Expansion
Date: Friday, February 21, 2025 4:27:18 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Comment Letter A4

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

Hi Sarah.

I am the Senior Civil Engineer for the Santa Cruz County Sanitation District. I am writing to comment on the EIR for the Downtown Plan Expansion. We have a 36" force main that crosses San Lorenzo River, goes down Spruce Street, then Front Street, and Pacific Avenue as shown by the green line in the image below. The draft Expansion Plan seems to show there may be proposed improvements over our force main (street trees, fill, hardscape, and potentially structures). This force main carries ALL of the District's sewer collected from the entire District (spanning from Rio Del Mar to the City of Santa Cruz), and there is no redundancy. Therefore this is a highly critical facility that we must have access to excavate and repair at any time. Additionally, large loads and tree roots above our force main could cause damage that could lead to a catastrophic sewer spill. If you move forward with the Downtown Plan Expansion, we ask that we please be consulted during the preliminary design, final design, and construction phases of the project so that we can ensure that our infrastructure is protected.

A4-1



Please let me know if you have any questions at this time or if you would like to set up a meeting to discuss this further.

Thanks,



Ashleigh Trujillo, P.E.

Senior Civil Engineer – Sewer/Water
Community Development & Infrastructure
D: 831-454-2384
701 Ocean Street, Room 410



4.4.4 Comment Letter A4: Santa Cruz County

Comment A4-1: County Infrastructure Facilities

The comment notes that the Santa Cruz County Sanitation District owns and operates a 36-inch force main that crosses San Lorenzo River, and extends along Spruce Street, Front Street, and Pacific Avenue. The County asks that they be consulted during the preliminary design, final design, and construction phases of the project to ensure that this force main remain protected.

Response: Comment is acknowledged, and the City will coordinate with the County as part of all relevant infrastructure improvements and future development proposals in the project area.

From: [Skyler Murphy](#)
To: [Sarah Neuse](#)
Cc: [Taj Dufour](#); [Cameron Kostigen Mumper](#)
Subject: Downtown Plan Expansion DEIR - Soquel Creek Water District Comment
Date: Friday, January 10, 2025 8:42:08 AM

Comment Letter A5

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

Hello Sarah,

Soquel Creek Water District would like to submit the following comment on the Downtown Plan Expansion draft EIR.

The Soquel Creek Water District utilizes licensed radio frequencies with the FCC to operate critical water resource facilities. A radio path study was performed and development south of Laurel with multi stories will potentially block the existing radio path from the City's De Laveaga Water Tank to the City's Wastewater Treatment Facility. If interference is found, we would request a condition of approval for the development to include allowing a repeater on the top of the tallest building to maintain radio frequency communication.

A5-1

Please let me know if you have any questions on this comment.

Thank you!

Skyler Murphy | Water Resources Planner
Soquel Creek Water District | 5180 Soquel Dr., Soquel CA 95073 | www.soquelcreekwater.org
Phone 831-475-8500x148
email skylerm@soquelcreekwater.org

 Please consider the environment before printing this e-mail

4.4.5 Comment Letter A5: Soquel Creek Water District

Comment 6-1: Radio Facilities

The comment notes that the Soquel Creek Water District (SCWD) utilizes licensed radio frequencies with the FCC and that if future development interferes with the existing radio path from the City's De Laveaga Water Tank to the City's Wastewater Treatment Facility, the SCWD be allowed to include a repeater on the top of the tallest building to maintain radio frequency communication.

Response: Comment is acknowledged, and the City will work with the SCWD to ensure that existing or future radio communications are not affected by future development in the project area.

From: [Rick Longinotti](#)
To: [Sarah Neuse](#)
Subject: comments on dEIR
Date: Tuesday, February 18, 2025 10:48:36 AM

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****



Comment Letter O1

To: Sarah Neuse, Senior Planner
Via email: sneuse@santacruzca.gov

Comments on the Draft EIR Santa Cruz Downtown Plan Expansion (2025)

Dear Ms. Neuse,

Our organization's vision motivates our interest in contributing to the future vision for the South of Laurel area. Our vision statement includes support for:

- Reducing our community's dependency on auto travel by making it safe and convenient to get around without a private automobile. To achieve this vision, we advocate for public transit and safe bicycle and pedestrian infrastructure rather than projects that increase auto capacity.
- Land use decisions that encourage walkable compact development rather than sprawl to improve people's access to their jobs, school, shopping, recreation, and social life.
- Measures to protect and increase the supply of affordable housing near jobs to reduce demand for motorized transportation and encourage stable and healthy communities.

We appreciate the project's plans for walkability and bicycle infrastructure and compact development!

We appreciate that a free transit pass will be provided for each ticket to the Arena!

We appreciate that the City has incorporated the requirement that new development unbundle

O1-1

the cost of parking from the cost of renting/owning a residential unit! This measure will contribute to both a lower cost of housing for those who opt out of purchasing parking, as well as a strong incentive to reduce car ownership. We encourage the City to extend the unbundling requirement to the entire Downtown.

O1-1

We request that the City include permanent implementation of a robust shuttle between Downtown and the beach. Most previous plans have called for such a shuttle and various iterations have run for a while; but to date there is no plan nor funding source for a permanent shuttle. For the longer-term we request that the City include in its vision a plan to connect rail transit with the METRO Pacific Station. Connecting rail with bus transit would enhance ridership on both modes. It could also alleviate some of the congestion on Front St. during the peak visitor season that will be exacerbated by increased development.

O1-2

Here are some additional transportation demand management measures that we believe would be effective:

1.
Implement congestion pricing, charging non-resident vehicles proceeding towards the beach on Front St. Proceeds from the charge would go towards a shuttle between City garages Downtown and the beach. Signage and advertising would promote parking in City garages Downtown. We note the considerable vacant capacity in City garages on summer weekends. This congestion pricing plan would result in large numbers of visitors parking Downtown, and businesses in our existing Downtown would benefit.
2.
Offer free bus passes for all residents of new housing development, as already implemented at Pacific Shores Apartments and 1010 Pacific Ave.
3.
Because of the impact of the project on streets immediately outside the project area, improve Laurel St., Pacific Ave., Front St. and Chestnut St. for pedestrian and bike safety as part of the project, including during construction. Currently, on a block of Pacific Ave. the sidewalk and bike lane have disappeared. Prolonged construction in the project area will adversely affect bicycle and pedestrian movement unless adequate detours are established.
4.
Eliminate existing free right turns on Front St. outside the project area since they are hazardous to pedestrians and bicyclists.
5.
Ensure that new development promotes an enticing and safe sidewalk environment. One of the rationales for multi-use buildings is that ground floor commercial uses would activate the streetscape for pedestrians. But, to date long portions of new ground floor

O1-3

frontage consists of walls or private residential support uses neither of which entice pedestrian use.

6. Prepare an emergency response traffic plan to address (1) how emergency vehicles access or traverse the project area during congested times and (2) how emergency access to serve such a concentrated population will occur (e.g., what if there has to be evacuation of a 12 story building?)

O1-3

Affordable Housing

We have a concern that allowing much greater heights and hence density than currently allowed will reduce incentives for affordable housing. Under current State law, the more affordable housing provided (both quantity and affordability level), the more incentives are offered to build bigger. Allowing developers to build much bigger by right may reduce the incentive to use density bonus provisions and thus only the minimum required number of affordable units would get constructed.

Furthermore, the City's proposed Downtown Density Bonus could provide an incentive to developers to opt out of building required affordable units in favor of paying a fee. The amount of the fee appears to be significantly less than the cost of building affordable units. The result would be fewer affordable units built.

We suggest that the EIR analyze the potential for affordable units under AB 1287 with and without the proposed upzoning of the project area, and with and without the proposed Downtown Density Bonus. Without such analysis, it is not possible to compare the project alternatives in meeting the affordable housing goals of the project.

O1-4

We also suggest that the EIR examine if rezoning blocks designated medium density residential and high density residential to Regional Visitor Commercial will promote hotels rather than housing. With the recent opening of the Courtyard Santa Cruz on Riverside Avenue, the current construction of LaBahia, and the planned Cruz Hotel, is there really a need for more hotels and with the current closing of several restaurants and the amount of vacant commercial space in the city is there really a need for more restaurants? Following from the above discussion on activating the sidewalk, the City should prepare an incentive program or require the new projects to incorporate commercial uses that will serve the new residents so that they can walk to at least some of the establishments that they would want to patronize.

Thank you for considering these comments. Could you please acknowledge receipt of this email?

Thank you,

A handwritten signature in black ink that reads "Rick Longinotti". The signature is written in a cursive, flowing style. The letters are connected, and there is a small dot at the end of the last word. The signature is set against a light yellow rectangular background.

Rick Longinotti, Chair

4.4.6 Comment Letter O1: Campaign for Sustainable Transportation

Comment O1-1: Proposed Mobility Improvements

The comment summarizes the organization's support for mobility improvements as identified in the Draft Downtown Plan.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

Comment O1-2: Shuttle Between Downtown and the Beach

The comment suggests that the City include permanent implementation of a robust shuttle between Downtown and the beach.

Response: Comment is acknowledged. Page 8-35 of Appendix 8 of the Draft Downtown Plan includes the following streetscape policy regarding shuttles:

- Accommodate shuttles and ride-share pickup and drop off zones that promote shared-transit options such as shuttles, car share, rideshare, and/or other alternative-mobility options by incorporating designated places for pick-up and drop off, aka shared curb space.

Comment O1-3: Transportation Demand Management Strategies

The comment includes several transportation demand management (TDM) measure recommendations including implementing congestion pricing, offering free bus passes, providing pedestrian improvements during construction, eliminating the existing free right turns on Front Street, promoting a safe sidewalk environment, and preparing an emergency response traffic plan.

Response: Appendix 8 of the Draft Downtown Plan includes a number of TDM strategies to improve circulation for all travel modes, in particular [Section 8.4.3 Streetscape and Circulation](#). These include widening sidewalks, expanding the bike network, and incorporating streetscape components like on-street parking, curb bulb-outs, and lane markings (e.g., sharrows, bike boxes) to encourage safe, mixed vehicle and bike movement.

The specific recommended TDM measures will be considered as part of subsequent transportation design improvements.

Regarding preparation of an emergency response traffic plan, please see [Master Response MR-5 Preparation of an Emergency Response Transportation Plan](#).

Comment O1-4: Affordable Housing and Hotels as an Allowed Use

The comment suggests that the Draft EIR analyze the potential for affordable units under AB 1287 with and without the proposed upzoning of the project area, and with and without the proposed Downtown Density Bonus.

The comment also suggests that the EIR examine if rezoning blocks designated medium density residential and high density residential to Regional Visitor Commercial (RVC) General Plan land use designation will promote hotels rather than housing and that the City prepare an incentive program to incorporate commercial uses that will serve the new residents.

Response: Regarding affordable housing under AB 1287, see **Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287)**.

Regarding commercial uses that support new residents, Appendix 8 of the Draft Downtown Plan supports commercial uses on the ground floor throughout the project area. Hotels are an allowed use in every district in the Downtown, which all carries the RVC land use designation. In the past five years there have been multiple proposals for residential developments, including several 100% affordable housing developments in the Downtown, and only one proposal for a hotel. Given the limited market for hotels and that fact that one is being proposed, it is reasonable to assume that the change in Land Use designation would not make housing less likely to develop.



John Hall, Lira Filippini, Co-chairs

To: Sarah Neuse, sneuse@santacruzca.gov
From: John Hall, jrhall103@mac.com
Lira Filippini, lirafilippini@gmail.com

Re: Comments on the Downtown Expansion Area Plan Draft EIR

Dear Ms. Neuse:

Thank you for the opportunity to comment on this project. Our Downtown, Our Future is a grassroots group that seeks to bring informed urban planning and community-based improvements to the heart of the Santa Cruz community – our downtown. Because changes downtown affect the wider city, our agenda broadly includes concern for Santa Cruz as a whole as well.

1. The EIR Project Objectives fail to incorporate the policy of the City Council

Our Downtown, Our Future is composed of Santa Cruz residents who in 2022 sponsored a ballot measure that would have limited new parking garages Downtown, called for renovation of the library at its current location, and dedicated several city surface parking lots to affordable housing, while preserving Lot 4 for the Farmers Market. At their meeting of January 10, 2023, the City Council unanimously adopted the following motion:

- Revise the building height provisions in the draft Downtown Expansion Area Plan Amendment to provide for a maximum of 1,600 dwelling units, with a 20%

O2-1

affordability requirement on the total number of units and with no single building being more than 12 stories, inclusive of any density bonus incentive.

- Continue to study the 1,800 units that have been evaluated in the Environmental Impact Report (EIR) technical analyses since June of 2022, and direct Planning Department staff to study an alternative in the EIR that includes the parameters noted above in Item #1.

O2-1

The Project Objectives omit:

- the goal that 1600 units be a maximum of the project
- the goal that 20% of total units developed be affordable
- that no single building exceed 12 stories, inclusive of any density bonus

The EIR needs to revise the Project Objectives to align with the City Council policy.

2. The EIR needs to evaluate an alternative that includes the City Council's parameters:

A. Number of Units

Once the EIR Project Objectives are revised to include the Council policies, the EIR's Alternatives Analysis needs to evaluate how well each alternative achieves the City Council's goal of 1600 units maximum.

The EIR estimates that the project would result in 1800 units, assuming developers will choose a density bonus of 50% on some sites:

“Changing the General Plan designations would [result] in an estimated residential development capacity of 1,310 units exclusive of any density bonus, and up to 1,800 units assuming some sites pursue density bonus projects increasing development capacity by 50% or more.” (P 17-9)

O2-2

However, the assumption that developers would pursue a 50% density bonus is outdated. AB 1287, effective January 2024, offers up to a 100% density bonus. Hence, the project could result in several hundred units beyond 1800—significantly beyond the Council's goal of 1600 units.

Specifically, the EIR should be revised to reflect a valid projection of the number of units that, on the basis of AB 1287, the Downtown Plan Expansion would make possible and evaluate the Downtown Plan Expansion alternative on that basis.

The EIR estimates that the No Project Alternative (keeping the current zoning) would result in 1047 residential units, not counting any density bonus. The EIR should estimate what number of units could result from keeping the current zoning in the real-world scenario of developers choosing the density bonus offered by AB 1287. It is reasonable to conclude that counting a density bonus of up to 100%, the No Project Alternative would result in a number of units that is closer to the Council's goal of 1600 units than would the project.

In short, the Downtown Plan Expansion project, conceived by City staff before the passage of AB 1287, is no longer necessary to achieve the Council's housing goals.

The project is not necessary to achieve the 2023-2031 Housing Element City-wide goal of 3736 residential units. The Housing Element assumes that the project area would contribute 1047 units *under existing zoning*:

“As part of the 6th Cycle RHNA Sites Inventory (see Appendix G of the City's 2023 – 2031 Housing Element), the project area was identified as a key area to accommodate future housing and was determined to accommodate a total of 1,047 units (105 Very Low and Low Income; 105 Moderate Income, and 837 Above Moderate Income). For the purpose of the Housing Element, only the existing zoning capacity of the area was included.” Draft EIR p 3-2

O2-2

The City's ability to meet RHNA targets in future cycles is well served by AB 1287, which allows tall and massive buildings throughout the City.

Impact of prioritizing Regional Visitor Commercial over Residential

The project would change the General Plan designation of blocks B and D from high density residential to Regional Visitor Commercial. (Figure 3-11) Additionally, Block H would change from Medium Density Residential to Regional Visitor Commercial. The EIR should analyze whether encouraging the development of hotels in these areas would detract from the project objective #1 “Increase the total number of housing units that can be built in the City by adding capacity for multi-family housing, consistent with General Plan Land Use Element Policy 2.2 and Program 2.2.2.”

B. Building Height

In an agenda report for the City Council meeting of October 22, 2024, staff explained that the Council's goal of limiting building height cannot be accomplished by height limits:

O2-3

“There can be no specific height limit in place for a project that uses the State Density Bonus. Once a base project is calculated using existing development standards, those development standards can be waived if they help a project achieve its proposed bonus units. Typically, waivers will apply to site standards that regulate building massing – height, floor area ratio (FAR, which is a measure of building area compared to site area), setbacks, open space, and parking are the most common.” (Agenda 10-22-2024)

The EIR should incorporate the above explanation that developers can obtain waivers of height, FAR, setbacks, open space and parking in its analysis of how well the project would meet the project goals, including:

“Provide a balanced mix of residential and commercial uses in the project area that integrate into the rest of downtown and surrounding neighborhoods and provide a safe and attractive environment for living and working consistent with the City’s General Plan Land Use Element.” p 3-3

“Provide land uses and high-quality architecture that complement existing, adjacent land uses and development.” p 3-3

“Ensure that new development minimizes the obstruction of important views and viewsheds and complements the overall skyline of the greater downtown area consistent with General Plan Land Use Element.” p 3-5

An example of a proposed project that exceeds City height limits is a developer’s pre-application for an 18-story building at 2020 N. Pacific Ave, near the Town Clock, proposing to utilize the 100% density bonus. The City’s current zoning allows a height of 55 ft. Hence the height of the proposed 18 story building would be 3.5 times the City’s height limit.

With the state allowing a 100% density bonus and waivers on height and FAR, the only limit to the resulting height and mass of a new residential building is the base zoning. Increasing the base zoning South of Laurel will result in buildings that are higher and more massive than if the bonus were applied to the current zoning. This is contrary to the City Council goals.

The Downtown Plan Amendments propose a City density bonus with the goal of supporting “a compact urban core while achieving a higher-than-average rate of below-market-rate housing units, promoting high-quality design, and generally encouraging building heights of twelve stories or less.” (p 103)

O2-3

However, the EIR's argument for why developers would have an incentive to choose the City's density bonus is based on an outdated assumption of a state density bonus of 50%. The EIR states:

"The proposed bonus would offer more development potential than could be achieved through the 50% State Density Bonus."

AB 1287 now offers a 100% density bonus, making the EIR's argument moot.

It is hard to conceive of an incentive that would attract developers to a) limit building heights and b) build more below-market rate units, when both those goals would reduce developer profits. Indeed, the EIR presents no argument that the City density bonus would be more attractive to developers than the state density bonus other than the outdated argument just cited. On the contrary, it is reasonable to infer that developers would find it more onerous to comply with the City's density bonus requirements to meet "the required development standards as delineated below in parts h and i and complies with the requirements for Architectural Review." (p 103 Downtown Plan Amendments)

The only incentive we can imagine for developers to opt for the City's density bonus might be to avoid building as many units as required by state legislation. (see next section)

C. Percentage of Affordable Units

The City's proposed Downtown Density Bonus amendment to the Downtown Plan could result in fewer affordable units being built than under the existing state density bonus legislation. That's because the Downtown Density Bonus proposal would allow developers to opt out of building required affordable housing and instead pay a fee to the City's Affordable Housing Trust Fund. "Said fee will be calculated at a rate of \$60 per square foot of in-dwelling-unit leasable area". (Downtown Plan Amendments) This amount of fee does not come close to the cost of providing the number of affordable units required under state density bonus law. See example in footnote.^[1]

Without an estimate of development potential under AB 1287, it is unwarranted for the EIR to conclude that "The Downtown Density Bonus would create a greater number and greater percentage of housing units that are restricted to below-market rate costs than would be created by projects using the State Density Bonus to build similar projects." P 17-5

O2-3

O2-4

4. The Alternative Analysis’s claim that the Downtown Density Bonus better meets project goals than the state density bonus incentives is based on information that pre-dates AB 1287:

“The incentive structure in existing State Density Bonus policy and in state and federal funding currently focuses on creating and supporting these lower-income households, leaving Moderate Income households with few options in high-cost areas.

While excluding the Downtown Density Bonus would meet most of the project objectives, it would not fully promote development of downtown housing for more diverse economic segments of the community. As such, this No Downtown Density Bonus alternative was determined to be infeasible as a policy because it is inconsistent with the City’s decision makers’ prior direction and intent for the implementation of the Downtown Density Bonus and therefore it was eliminated from further consideration.” P 17-5

02-5

AB 1287 (2023) provides additional incentives for including moderate-income units. If up to 44% of the allowed units are reserved for moderate-income households, a bonus of up to 50% must be awarded. (Section 65915 of the Government Code) Hence the Alternatives Analysis needs to correct the false conclusion that the state density bonus leaves moderate-income households with few options.

[1] Example:

a. *State density bonus:* A building with 100 units under base zoning earns a 100% state density bonus by building 5 low income, 5 very low income, and 20 moderate income units. The result is a 200 unit building with a total of 30 below-market rate units. Source: [https://www.santamonica.gov/media/Document%20Library/Project/6th%20Cycle%20Housing%20Element%20\(2021-2029\)/AB1287%20FAQ.pdf](https://www.santamonica.gov/media/Document%20Library/Project/6th%20Cycle%20Housing%20Element%20(2021-2029)/AB1287%20FAQ.pdf)

b. *City’s Density Bonus:* A developer could get a 75% FAR bonus if they pay \$60 per square foot of in-dwelling-unit leasable area. A building with 100 units under base zoning could become 175 units. For an average apartment size of 900 sq ft. the developer would pay a fee of \$54,000 per unit, or \$9,450,000 total. Assuming a new affordable unit costs \$600,000, this would purchase 16 units offsite, compared to the 30 units that would be built on-site under the state density bonus.

4.4.7 Comment Letter O2: Our Downtown, Our Future

Comment O2-1: Downtown Plan Expansion Area Plan Direction by City Council

The Comment states that the EIR needs to evaluate an alternative that includes the City Council's parameters.

Response: See Master Response MR-9: Downtown Plan Expansion Area Plan Direction by City Council.

Comment O2-2: Alternatives Analysis and State Density Bonus

The comment recommends that **Chapter 17 Alternatives** of the Draft SEIR include an analysis based on AB 1287. The comment also suggests analyzing the impact of prioritizing regional visitor commercial uses (e.g., hotels) over residential.

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287).

Regarding hotels as an allowed use, see response to **Comment O1-4: Affordable Housing and Hotels as an Allowed Use**.

Comment O2-3: Building Height

The comment indicates that through the use of the State Density Bonus, that developers can receive waivers of height, floor area ratio, setbacks, etc. and questions why future development would be incentivized to utilize the Downtown Density Bonus.

Response: As described in **Section 3.7.2 Density Bonus** of the Draft SEIR:

"All projects seeking a Downtown Density Bonus would be committing to using only the City's program and permanently forgoing any State Density Bonus for which they might otherwise qualify. All projects would be required to exceed the existing base inclusionary requirements, with the result being the production of permanently below-market, income-qualified housing units that total at least 20% of the total units. The proposed Downtown Density Bonus offers two options of development bonuses and three options of qualifying for those bonuses. The goal of the Downtown Density Bonus is to be more attractive to developers than the State Density Bonus and thereby meet the City's goals under the program." (Page 3-15)

Future development would have the option of using either the State Density Bonus or the City's Downtown Density Bonus. The Draft SEIR considers both options, and no revisions to the SEIR are required.

Comment O2-4: Percentage of Affordable Units

The comment suggests that the City's proposed Downtown Density Bonus amendment to the Downtown Plan could result in fewer affordable units being built than under the existing state density bonus legislation.

Response: See response to [Comments O2-3](#) and [Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law \(AB 1287\)](#).

Comment O2-5: Alternatives Analysis and State Density (AB 1287)

The comment suggests that [Chapter 17 Alternatives](#) of the Draft SEIR conclusion that the Downtown Density Bonus better meets project goals than the State Density Bonus incentives is based on information that pre-dates AB 1287.

Response: See [Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law \(AB 1287\)](#).

From: [Pauline Seales](#)
To: [Sarah Neuse](#)
Subject: Comments on Draft EIR for Santa cruz Downtown expansion Plan 2025
Date: Tuesday, February 18, 2025 7:55:53 PM

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

Comment Letter O3



From: SC CAN
328 Getchell Street
Santa Cruz, CA, 95060

To: Sarah Neuse, Senior Planner
sneuse@santacruzca.gov

Comments on the Draft EIR Santa Cruz Downtown Plan Expansion (2025)

Dear Ms. Neuse,

• Climate Change Impact on Flooding in Downtown Santa Cruz •

After the Tōhoku tsunami washed away harbors and towns up and down the east coast of Japan in 2011, historians noted the presence of stone tablets as much as 10-feet tall warning people not to build any closer to the ocean than the markers. The stone markers, mostly from around 1898, carried inscriptions such as, “Remember the calamity of the great tsunamis. Do not build any homes below this point.”

But people did build below the markers; in 2011, and 29,000 died.

In the context of Santa Cruz’s downtown development plans, a new apartment building should normally last at least 100 years, a quarter century beyond the year 2100. So when we talk about sea level rise by 2100, we are well within the expected lifespan of a new building.

O3-1

Downtown Santa Cruz is built in the floodplain of the San Lorenzo River. After the city flooded in the 1950s, the Army Corps of Engineers built levees to protect the downtown. In 2004, improvements were made to the right bank levee that protects downtown. But these levees weren't designed for a climate change future and the levees are still at risk.

There are multiple, additive^[1] factors that increase the risk of levee failure and downtown flooding:

- More-intense storms due to climate change will bring increasingly heavy downpours in the mountains, leading to higher floods in the San Lorenzo River channel.
- More-intense storms due to climate change will bring larger storm surges, like the 30-foot waves that recently damaged the Santa Cruz Wharf.
- In recent years, major storms have not coincided with King Tides, which raise ocean levels at the river mouth by 6 or 7 feet over mean tide level. It is only a matter of time before a river at flood stage, a king tide, and a massive storm surge coincide, potentially overtopping the levees.
- Possibly the least appreciated risk to downtown, however, is sea level rise. Sea level over the last 100 years has amounted to just a few inches and has been largely due to thermal expansion of water from increasing ocean temperatures. Future sea level rise will include melt from Greenland and Antarctic ice sheets.

Current projections are for at least three feet of sea level rise along the California coast before 2100. However, that number is uncertain enough that State guidelines call for shipping ports and other critical infrastructure to plan for 10 feet of sea level rise by 2100.

The Santa Cruz sewage treatment plant qualifies as critical infrastructure. According to November 2021 draft guidelines published by the California Coastal Commission, titled Critical Infrastructure at Risk, Sea Level Rise Planning Guidance for California's Coastal Zone:

“Importantly, the consequences of flooding at a wastewater treatment plant extends far beyond the flood zone. Because whole communities rely on wastewater infrastructure, a recent study found that the number of people impacted by the loss of wastewater services due to sea level rise impacts could be five times as high as

previous predictions of the number of people who experience direct flooding (Hummel *et al.*, 2018).”

Part of the uncertainty about how much sea level rise to expect comes from our lack of understanding of glacial melt in Antarctica. Models projecting three feet of global SLR by 2100 do not include contributions from melting Antarctica ice sheets (land based ice). Recent estimates propose an *additional three feet by 2100* from Antarctica alone (Fricker et al, *Science*, February 7, 2025).

Adding it all up

Imagine three to six feet of permanent^[2] sea level rise, a seven-foot king tide, and a 20-foot storm surge.

- 6 feet of sea level rise

- 7 feet of king tide

- 25 feet of flooding at Salz Tannery^[3]

- 10 feet of storm surge

- 48 feet in the downtown river channel

If the San Lorenzo River exceeded a 25-foot flood stage for even a few hours, how would the levees fare against 48 feet of roiling waters laden with redwood logs from the mountains?

The Levee System

The levee system consists of three separate levees, one long one on the west bank of the river that protects downtown (about 13 feet high), and two shorter spans on the east bank of the river.^[4]

In any levee system, failure is part of the design and generally the levee that protects the least valuable property is designed to fail first, thus saving the more valuable properties.

In our case, the levee designed to fail is the one closest to the beach, known to the Army Corps of Engineers as the “San Lorenzo River Downstream Left Bank.” It is 10 to 15 feet high. According to the USACE, that levee protects more than 2000 residents and 480 buildings worth about \$260 million.

Since heavy rainfall tends to peak at night, an overtop of the levee would most likely happen in the small hours of the morning, forcing families to flee for higher ground (e.g. Ocean View Park), carrying children and pets. In the event of a levee overtop, USACE has forecast three-foot-high water rapidly flowing through the area.

Something like this might not happen soon, but within the next 75 years? Not at all impossible. And every year of continuing climate change makes it more likely.

The downtown levee is a bit higher, but is it invulnerable over the lifespan of new buildings? We'd like to see a persuasive answer to that question.

Planned Retreat

Just as Japanese planners built too close to the water, so have we. Santa Cruz needs to begin planning for retreat now. Soon, Santa Cruz needs to build housing in higher elevation areas such as the Soquel corridor. In low elevation areas like downtown, we should prioritize walkable spaces like parks and build marshes that can absorb the energy of crashing waves.

As Stanford climate researcher Noah Diffenbaugh has said, "What has become really clear is that the gap between what was predicted and what's happening? That gap is pretty small. But the gap between what's happening and *what we're prepared for* is really big, and it's getting bigger. That's just factually true, not just based on anecdotes. I think we're seeing that gap get wider and wider."

[1] https://www.weather.gov/media/owlie/surge_intro.pdf

[2] "Permanent" in the context of city planning.

[3] <https://water.noaa.gov/gauges/lrrc1>

[4] <https://levees.sec.usace.army.mil/search>

• CEQA Requirements •

In order to provide decision makers with information adequate to consider whether to approve the project, the EIR needs to discuss the impact of frequent or catastrophic flooding in the project area, which will be the inevitable result of sea level rise and a climate with more intense storms. The EIR needs to analyze whether the planned project is non-compliant with FEMA standards against earth fill in a flood zone, as well as requirements to elevate residential structures in a flood zone.

The EIR understates the risk of future flooding in the project area due to sea level rise and more intense storms. This is a failure to accurately describe the baseline conditions in the project area. The CEQA Guidelines require:

"An EIR must include a description of the physical environmental conditions in the vicinity of the project....The purpose of this requirement is to give the public and decision makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts."

The failure to accurately describe the flood risk prevents decision makers from having crucial information on whether to approve the project.

Encouraging an influx of population in an area where the risk of flooding is increasing exponentially does not comply with the City's General Plan goal:

HZ6.4 Avoid or reduce the potential for life loss, injury, and property and economic damage from flooding.

An EIR is an “environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” (*County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.) “One major purpose of an EIR is to... demonstrate to an apprehensive citizenry that the agency has in fact analyzed and considered the ecological implications of its action.” (*People ex rel. Dept. Pub. Wks. v. Bosio* (1975) 47 Cal.App.3d 495, 528; 14 Cal. Code Regs. § 15003 (d).) “If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees.” (*Laurel Heights, supra*, 47 Cal. 3d at p. 392, citing *People v. County of Kern* (1974) 39 Cal.App. 3d 830, 842; see 14 Cal. Code Regs. § 15003 (e).

Cal. Code Regs. tit. 14 § 15126.2 requires an EIR to “analyze any significant environmental effects the project might cause by bringing development and people into the area affected.” The CEQA Guidelines (2017) state:

“For example, an EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision. The subdivision would have the effect of attracting people to the location and exposing them to the hazards found there.

Similarly, the EIR should evaluate any potentially significant impacts of locating development in other areas susceptible to hazardous conditions (e.g., floodplains...”

The FEMA Flood Map Does Not Include Impact of Sea Level Rise

The EIR reports that “most of the project area is located in the FEMA 100-year floodplain.” It is of significant risk to future residents that construction standards in the project area are based on FEMA flood maps. (EIR p 9-8) These maps underestimate the frequency of future flooding:

“The magnitude of flooding that is used as the standard for floodplain management in the United States is flood with a probability of occurrence of 1 percent in any given year. This flood is also known as the 100-year flood.

[FEMA considers a 100 year flood area as “high risk”.]

It is important to note that DFIRMs [Digital Flood Insurance Rate Maps] are not designed to account for flooding caused by future conditions. Therefore,

O3-1

these maps likely understate vulnerable areas prone to intense precipitation caused by climate change.”

P 4-13, 2025-2030 City of Santa Cruz Local Hazard Mitigation Plan and Climate Adaptation Plan

The California Climate Adaptation Strategy (2009) describes the large discrepancy between current and future flood protection in its analysis of Santa Cruz flood risk:

“The City of Santa Cruz has a levee system that protects some low-lying parts of the city against a 100-year flood. With a sea level rise of approximately one foot, the anticipated 100-year flood event in Santa Cruz is expected to occur every 10 years, increasing the likelihood of storm-related inundation.”

Quoted in *Santa Cruz Climate Change Vulnerability Report* by Griggs & Haddad (2011)

The City’s Climate Change Adaptation Plan Update (2018) estimates a high probability that the one foot sea level rise will occur by 2060. (Table 3.2) Hence by 2060 there is a high probability of floods exceeding the City’s levee system every ten years.

It is important for the EIR to mention that the sea will continue to rise for centuries due to the carbon already in the atmosphere. So an even greater frequency of flooding can be expected after 2060.

The EIR reports that a current storm drain in the project area is “critically undersized”, but proposes no mitigations:

“Additionally, the City has evaluated the feasibility of installing a new pump station just south of Soquel Ave to reduce flows in the critically undersized 42-48” Storm drain line between Soquel Ave and Pump Station 1, south of Laurel Street.” p 9-8

The FEMA Map does not account for rising groundwater

The EIR reports that the 2002 FEMA 100-year flood designation was based on raising the height of the levees:

“The City of Santa Cruz has worked to improve the flood capacity of the San Lorenzo River levees over the past twenty years. In 2002, FEMA re-designated much of the downtown and beach area from A-11 to the A-99 Flood Zone designation in recognition of the significant flood improvements resulting from the San Lorenzo River Flood Control and Environmental Restoration Project. Under the A-99 designation, new buildings and improvements are no longer mandated to meet FEMA flood construction requirements.” P 9-4

03-1

The FEMA 100-year flood designation did not consider flooding from rising water table levels due to soil connectivity between the river bed and downtown. The EIR does mention the impact of sea level rise on the water table, but does not mention that the FEMA maps do not account for rising water tables:

“As sea level continues to rise, seawater could extend farther upstream in the San Lorenzo River flood control channel more frequently and rising gradually to higher elevations. This would lead to a rise in the water table beneath downtown. This area of the City has always been vulnerable to an elevated water table, but this will become a more significant issue in the future” (Griggs, Haddad, January 2011). dEIR p 9-8

Griggs and Haddad (2011) explain:

“Water is easily transmitted through these permeable sands and gravels so that the water table or ground water level beneath the city is essentially the same as the river level....The water table is only 4 to 8 feet below the ground surface, and at times may be within two feet of the surface.”

Hence with a sea level rise of two feet, there could be water in the streets of downtown.

Once the water table rises to street level Downtown, any water pumped from the streets to the river would quickly be replenished by the water flowing through the permeable river bed to Downtown streets. The pumps themselves are at risk of inundation.

The EIR fails to discuss flooding impacts

In a cursory statement, the EIR acknowledges that future sea level rise will affect the project area.

“As shown in Figure 9-2 Cumulative Risks of Sea Level Rise, the project area is subject to the potential effects of SLR [sea level rise] under the 2060 and 2100 planning horizons. However, the project area does not contain any critical facilities, as listed in the Climate Adaptation Plan Update, which provide essential services and protect life and property within the City.”

The last sentence is inconsistent with the information in the City's Appendix 8 South of Laurel Area that critical infrastructure in the project area includes:

“a stormwater pump station at the easterly edge, adjacent to the San Lorenzo River which importantly provides stormwater drainage for the entire Downtown, as well as significant sanitary sewer facilities belonging to the City of Scotts Valley and to the Santa Cruz County Sanitation District.” p 8-77

The EIR should discuss the “potential effects of sea level rise.” It should describe the impacts from flooding listed in the City's Local Hazard Mitigation Plan:

“Floods may cause loss of utilities, block transportation routes, pollute

drinking water systems and overwhelm wastewater systems, damage or destroy buildings and other structures, disrupt learning and public events, cause secondary hazards including landslides and mudslides, and lead to trauma, injuries or even death. In addition, lower income households affected by this hazard may have fewer relative resources, including insurance and government assistance, to prepare for and recover from flood impacts. They may also be more exposed to flood water pollutants and therefore water-related illnesses.”
P4-39

The EIR should estimate how encouraging the influx of population to a zone of frequent flooding will exacerbate these impacts.

The EIR’s cursory statement quoted above fails to mention that the City’s sea level rise assessment, on which the statement is based, does not account for storm water flow in the San Lorenzo River.

“It is important to note that the impact of river storm flows was not analyzed in the City’s SLR [Sea Level Rise] assessment, thus impacts are likely underestimated. -Climate Adaptation Plan Update 2018-2023 p22

Failure to include storm flows, king tides, and storm surges in the San Lorenzo River is an egregious omission that the EIR should correct in order to properly analyze the damage due to flooding. It is the combination of a storm-swollen San Lorenzo River and sea level rise that most threatens Downtown.

Landfill impact

The EIR reports:

“Implementation of the project would support fill on the landward side of the San Lorenzo levee in order to expand public access along the Santa Cruz Riverwalk.” p 7-12

The EIR should analyze whether this earth fill on the floodplain will make flood impacts more severe by displacing flood waters. This earth fill does not appear to comply with the General Plan goals:

HZ6.4.8 Minimize the alteration of natural floodplains, stream channels, and natural protective barriers that accommodate or channel floodwaters.
HZ6.4.9 Control filling, grading, dredging, and other development that may increase flood potential.

Nor does the earth fill appear to comply with FEMA Policy 206-24-005: Federal Flood Risk Management Standard (2024) which reads:

“Encroachments, including fill, new construction, substantial improvements,

O3-1

O3-2

and other development are prohibited within any adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood elevation within the community during the occurrence of the 1% AC flood discharge.”

O3-2

Additionally, the EIR needs to discuss whether locating the earth fill and new development adjacent to the levee will obstruct the future need to raise the height of the levee.

Release of pollutants

CEQA Guidelines ask if a project would “risk release of pollutants due to project Inundation?” The EIR denies that there will be a significant impact:

Impact HYDRO-2 (DPA Impact 4.5-2): Water Quality. Future development accommodated by the project could result in water quality degradation to San Lorenzo River from automobile oils and greases carried in stormwater runoff. Project grading could also result in erosion and potential downstream sedimentation if not properly managed (HYD-c). However, with compliance with City stormwater regulations and implementation of required controls, this is considered a *less-than-significant* impact.

O3-3

This discussion only considers auto pollution carried in stormwater runoff. The EIR should discuss the considerable pollution that will result from flooded buildings that are not properly designed for frequent or catastrophic flood events. That would require a survey of potential toxic materials from existing and future buildings, including basement level parking garages.

Under CEQA, a project impact would be considered significant if the project would “create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.” The pollutants released by new buildings that are frequently flooded, yet constructed under codes which assume a hundred-year flood, should be discussed by the EIR.

Public Health

The EIR fails to consider the impact on public health of mold contamination of buildings resulting from repeated flooding. See <https://pmc.ncbi.nlm.nih.gov/articles/PMC7483120/>

O3-4

Disaster preparedness

It would be difficult to argue that encouraging new development in a worsening flood zone does not diminish the community’s disaster preparedness. The EIR should evaluate how flooding would impact the City’s evacuation plans and routes. During

O3-5

the 1982 floods, a portion of the Soquel Avenue Bridge collapsed. How would flooding impact the City's streets, bridges, and public transit, and emergency response times?

03-5

Tsunamis

The EIR should answer the following questions:

1.
Are the levees designed to withstand tsunamis? What height of tsunami is likely to breach the levee protecting Downtown?
2.
The USGS publishes probabilities for timing of major earthquakes. What are the probabilities of an earthquake generating a tsunami from the Southern Cascadia Subduction Zone, or Monterey Bay Fault large enough to flood the project area?
3.
What is the warning time for alerting residents of tsunami's hitting Santa Cruz from these faults?
4.
What are the evacuation routes from this area, and how will increasing the population there affect evacuation?
5.
Is encouraging population growth in a tsunami risk area consistent with this General Plan goal: HZ6.6 *Avoid or reduce the potential for life loss, injury, and property and economic damage to the city from tsunamis and dam failure.*

03-6

Compliance with FEMA regulations

In 2024, the Federal Emergency Management Agency (FEMA) issued the Federal Flood Risk Management Standard (FFRMS) Policy 206-24-005. The purpose of the policy includes:

“Avoid, to the extent possible, the long- and short-term adverse impacts associated with occupancy and modification of floodplains and avoid direct or indirect support of floodplain development wherever there is a practicable alternative.”

03-7

To what extent does the project comply with these regulations, including “Minimization requirements for residential structures must be met by elevation above the applicable FFRMS floodplain”? How would failure to adopt these standards affect future home buyers seeking Federal Housing Administration (FHA) loans? How would failure to adopt these standards affect the City's application for FEMA grants? Would failure to adopt these standards result in the inability to build housing funded

by the Housing and Urban Development (HUD) in the project area?

Mitigation

At the very least, the EIR should require a mitigation that construction requirements in the project area be resilient in the face of frequent flooding. This would implement the General Plan goal HZ6.4.1 *Address the effects of global warming through changes in land use and building codes for low-lying areas that may be flooded by increases in sea levels and storm violence*. This General Plan goal explicitly calls for building code to address future sea level rise. As stated above, FEMA regulations also call for elevation of residential structures above expected flood waters.

The best mitigation for preventing the worsening impact of flooding is to direct development to higher ground areas of the City. Santa Cruz is like many urban areas, with a history of locating development in a high risk floodplain. Historically, it was poor people who settled in high risk areas—and suffered the consequences. In Santa Cruz, Chinatown was located next to the San Lorenzo River and was severely impacted by floods in 1862, 1890, and 1900. If we are to consider the well-being of future residents of Santa Cruz, we will not encourage population growth in this project area.

Pauline Seales

Founder, Santa Cruz Climate Action Network

Jennie Dusheck

Member, Santa Cruz Climate Action Network

4.4.8 Comment Letter O3: Santa Cruz Climate Action Network

Comment O3-1: Climate Impacts on Flooding in Downtown Santa Cruz

The comment suggests that future development will be subject to increased risk of levee failure and flooding in the downtown due to climate change and sea level rise.

Response: See Master Response MR-3: Potential Hydrologic Impacts Including Floodplain, Sea Level Rise, Stormwater, Water Quality, and Tsunamis.

Comment O3-2: Landfill impacts to the San Lorenzo River Levee

The comment suggests that the Draft SEIR should analyze whether earth fill on the floodplain will make flood impacts more severe by displacing flood waters.

Response: As noted by the commenter, FEMA Policy 206-24-005: Federal Flood Risk Management Standard (2024) requires that “Encroachments, including fill, new construction, substantial improvements, and other development are prohibited within any adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood elevation within the community during the occurrence of the 1% AC flood discharge.”

Any future development proposed in the project area will be required to comply with this regulation, and other recent development projects have not encountered any difficulty in meeting this standard and placing the fill as required by the Downtown Plan.

See also Master Response MR-3: Potential Hydrologic Impacts Including Floodplain, Sea Level Rise, Stormwater, Water Quality, and Tsunamis.

Comment O3-3: Release of Pollutants Due to Flooding

The comment indicates that the Draft SEIR only considered auto pollution carried in stormwater runoff and should consider pollution from flooded buildings not properly designed for frequent or catastrophic flood events.

Response: Future development projects include commercial and residential uses which are generally considered not to cause significant pollution due to flooding. No industrial commercial land uses would be permitted. The storage and use of hazardous materials that could potentially affect stormwater quality due to flooding (e. g. from a restaurant) would be required to comply with all Federal, State and local regulations.

Comment O3-4: Mold Contamination Due to Flooding

The comment suggests that the Draft SEIR fails to consider the impact on public health of mold contamination of buildings resulting from repeated flooding.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA. The issue of mold is not an issue subject to CEQA analysis. However, FEMA regulations prohibit the floor of any residential occupancy from being located at an elevation that is lower than Base Flood Elevation + 1 foot. The commercial occupancies which typically occur at street level of mixed-use buildings do not have such a prohibition and are required to be constructed using dry floodproofing techniques which preclude the entry of water to the interior of the building.

The City requires all new development to comply with the FEMA requirements and in the project area, an additional requirement will be added that new development proposals will comply with the stricter of the existing FEMA Maps of flood risk or any Letter of Map Revision (LOMR) that has been submitted to adjust flood levels or projected reach of flood waters. Further, the comment assumes that, in the rare occurrence of a catastrophic flood event, the proper steps for remediation to eliminate potential for mold or other hazards would not be adequately completed. Multifamily buildings would be required to fully remediate these damages prior to occupancy.

See also **Master Response MR-3: Potential Hydrologic Impacts Including Floodplain, Sea Level Rise, Stormwater, Water Quality, and Tsunamis.**

Comment O3-5: Disaster Preparedness Due to Flooding

The comment suggests that the EIR should evaluate how flooding would impact the City's evacuation plans and routes.

Response: See **Master Response MR-5: Emergency Response and Evacuation Plans.**

Comment O3-6: Tsunamis

The comment suggests that the Draft SEIR should address potential impacts associated with tsunamis.

Response: See **Master Response MR-3: Potential Hydrologic Impacts Including Floodplain, Sea Level Rise, Stormwater, Water Quality, and Tsunamis.**

Comment O3-7: Compliance with FEMA Regulations

The comment asks to what extent the project will comply with the Federal Flood Risk Management Standard (FFRMS) Policy 206-24-005 and suggests that the EIR should require a mitigation that construction requirements in the project area be resilient in the face of frequent flooding.

Response: See **Master Response MR-3: Potential Hydrologic Impacts Including Floodplain, Sea Level Rise, Stormwater, Water Quality, and Tsunamis.**

February 20, 2025

Santa Cruz Planning and Development Department
Advance Planning Division
809 Center St
Santa Cruz, CA 95060



Comment Letter O4

RE: Comments on Santa Cruz Downtown Plan Expansion and the Draft Subsequent Environmental Impact Report (SEIR)

Dear Commissioners and City Staff:

We write in regards to the Santa Cruz Downtown Plan Expansion and the Draft Subsequent Environmental Impact Report (SEIR) for the Plan to discuss “the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated.” (CEQA Guidelines § 15204.)

In response to the ever-increasing cost of living, Santa Cruz YIMBY advocates for abundant housing at all levels of affordability to meet the needs of a growing population in Santa Cruz County.

The Draft SEIR is insufficient as it does not adequately consider the effect of applicable State Density Bonus Law (SDBL) on the project area.

The Draft SEIR does not consider the effect of the current State Density Bonus Law (SDBL). We believe this results in new significant environmental impacts, an increase in the severity of previously identified project impacts, and the necessary analysis of new feasible project alternatives or mitigation measures. **As the utilization of applicable law is reasonably foreseeable, the failure of the Draft SEIR to analyze the environmental impacts of applicable SDBL implementation on the project area is a failure to proceed in the manner required by law rendering the SEIR legally insufficient.**

O4-1

The Draft SEIR must adequately analyze reasonably foreseeable significant environmental impacts of the Project.

O4-2

There are two types of EIRs: “program EIRs” and “project EIRs.” (*In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43

Cal.4th 1143, 1169.) The degree of specificity required in an EIR corresponds to the degree of specificity involved in the underlying project. An EIR on the adoption of a general plan need not be as precise as an EIR on the specific projects which might follow. (*Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 746). As noted on page 1-1 of the Draft SEIR, this document is being prepared as a "Program EIR."

Program EIRs are a type of report prepared for "a series of actions that can be characterized as one large project and are related" in some respect. (Guidelines, § 15189.) A program EIR is appropriate when prepared "[i]n connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program." (Guidelines, § 15168(a)(3).) A program EIR "evaluates the broad policy direction of a planning document, such as a general plan, but does not examine the potential site-specific impacts of the many individual projects that may be proposed in the future consistent with the plan." (*Citizens for a Sustainable Treasure Island v City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1047 ("Treasure Island").)

A program EIR intended for use as a first-tier EIR must still comply with CEQA's standards for an adequate environmental analysis in an EIR for a planning-level action. The focus should be placed on secondary effects and the level of detail should correspond to the level of detail of the program that is proposed. (Guidelines, § 15146, 15152(b); see *In re Bay-Delta, supra*, 43 Cal.4th at p. 1176.)

Tiering may be used to defer analysis of environmental impacts and mitigation measures to later phases of a program when impacts or mitigation measures are specific to later phases and are not determined by the first-tier approval decision, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand. (*In re Bay-Delta, supra*, 43 Cal.4th at p. 1169-1170; *Vineyard Area Citizens for Responsible Growth v City of Rancho Cordova* (2007) 40 Cal.4th 412, 431 *as modified* (Apr. 18, 2007) ("Vineyard Area"); *Town of Atherton v California High-Speed Rail Auth.* (2014) 228 Cal.App.4th 314, 346; *California Clean Energy Comm. v City of Woodland* (2014) 225 Cal.App.4th 173, 200.)

"However, as the Guidelines explain: 'Tiering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental impacts of the project and does not justify deferring such analysis to a later tier EIR or negative declaration.'" (*Vineyard Area, supra*, 40 Cal.4th at p. 431, internal citations omitted.) An EIR evaluating a planned land use project must assume that all phases of the project will eventually be built and will need water, and must analyze, to the extent reasonably possible, the impacts of providing water to the entire proposed project. (*Ibid.*)

O4-2

A significant environmental impact is ripe for evaluation in a first-tier EIR when it is a reasonably foreseeable consequence of the action proposed for approval and the agency has “sufficient reliable data to permit preparation of a meaningful and accurate report on the impact.” (*Los Angeles Unified Sch. Dist. v City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1028; see *Vineyard Area, supra*, 40 Cal.4th at p. 431 [analysis of future water sources for large community plan that would be developed over several decades and environmental effects of exploiting those water sources are not a type of information that may be deferred for later analysis].)

04-2

The sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. (*Treasure Island, supra*, 227 Cal.App.4th at p. 1051.)

“Drafting an EIR...necessarily involves some degree of forecasting. While forecasting the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can.” (*Stanislaus, supra*, 48 Cal.App.4th at p 206, internal citations omitted.)

The effects of SDBL are reasonably foreseeable significant environmental impacts of the Project.

The State Density Bonus Law (SDBL) seeks to encourage the development of affordable and senior housing throughout California. The SDBL is contained in California Government Code Sections 65915 through 65918, and mandates that a city or county shall grant a density bonus, and, if requested by the applicant and consistent with the applicable requirements of the SDBL, incentives or concessions, to an applicant proposing to develop affordable housing. A “density bonus” means a density increase over the otherwise maximum allowable gross residential density. The amount of density increase to which the applicant is entitled varies based on the percentage of low-income units being proposed as part of the overall housing development.

04-3

The SDBL allows a developer to seek density bonuses for housing development that is above the maximum density set under a jurisdiction’s General Plan land use plan. In exchange for the increased density, a certain number of affordable housing units must be made available at below market rate rents. In addition to increased density, qualifying applicants can also receive reductions in required development standards.

As of January 1, 2024, AB 1287 (Alvarez, 2023) amended State Density Bonus Law by requiring cities and counties to award an additional (or second) density bonus for projects that have already allocated the maximum amount of affordable housing for

very-low income, low-income or moderate-income units. State Density Bonus Law now allows up to a 100% density bonus, meaning that, for example, a project with a city general plan land use designation of 100 housing units is entitled to up to 100 additional housing units under state law, for a total of 200 units. Additionally, AB 1287 allows housing development projects to access a fourth incentive or concession if a project restricts at least 16 percent of units to Very Low Income households (for lease) or 45 percent to Moderate Income households (for sale). One hundred percent affordable housing developments may also take advantage of a fifth incentive under AB 1287.

SDBL's 100% density bonus has already been utilized in the City of Santa Cruz by developers with applications that are currently under review by the city.

- **831 Almar Avenue**

- The base density allows for 60 units. The developers are taking advantage of the SDBL to build 120 units.
<https://www.cityofsantacruz.com/government/city-departments/planning-and-community-development/planning-division/active-planning-applications-and-status/significant-project-applications/831-almar-ave>
- The 100% density bonus taking advantage of “SB [sic] 1287” is listed in the following document:
<https://www.cityofsantacruz.com/home/showpublisheddocument/99104/638466094018970000>

- **530 Ocean St**

- The base density allowed for the area is 113 units, while the project is proposed at 225.
- This project is set to be approved on March 5th at a zoning administrator hearing.
- Project info available at:
<https://www.cityofsantacruz.com/government/city-departments/planning-and-community-development/planning-division/active-planning-applications-and-status/significant-project-applications/water-street-525>
- The 100% density bonus is noted in the plan set here:
<https://www.cityofsantacruz.com/home/showpublisheddocument/103033/638744365097930000>

- **2020 North Pacific Ave**

- The calculated base density is 90 units, and the project proposes 180 units. This is a 100% density bonus.
- Project info:
<https://www.cityofsantacruz.com/government/city-departments/planning-and-community-development/planning-division/active-planning-applications-and-status/significant-project-applications/2020-north-pacific-ave-cp24-0038-4779>
- The Plan set with the 100% density bonus calculation:
<https://www.cityofsantacruz.com/home/showpublisheddocument/99170/638657214413900000>

04-3

Developers will use the laws at their disposal that are advantageous to build. On January 12, 2022, before SDBL was available, the zoning administrator approved the use of an “unlimited” density bonus for the approved [314 Jesse St. 100% affordable project](#). The General Plan at the time allowed for up to 27 units per acre, and the project was built at 102 units per acre, which is equivalent to a 296% density bonus. The project took advantage of AB 1763 (2020, Chiu). Through AB 1763, any project located within a half-mile of a major transit stop remains exempt from maximum density controls.

Additionally, the SDBL is being included by other jurisdictions in their program EIRs. The City of Los Angeles, in their Addendum to the Final Environmental Impact Report for the Citywide 2021-2029 Housing Element Update and Safety Element Update, explicitly includes the updates to SDBL. (p. 10, *available at*: https://clkrep.lacity.org/online/docs/2021/21-1230-S8_misc_7_11-13-2024.pdf). As their EIR does not anticipate new environmental impacts as a result of SDBL, it does not undertake further analysis. (*Id.*) This is in stark contrast to this SEIR, which neglects to analyze the SDBL in any way whatsoever.

The Project Development section of this SEIR lays out the parameters and an explanation for the anticipated buildout, stating: “Buildout of the project is anticipated to occur over the next approximately 15-25 years, depending on market conditions and other factors.” (3-11.) Because the expected buildout will occur over the next 15-25 years, even though tall, dense projects may not be currently feasible under current economic conditions, those conditions are likely to change significantly, and may improve feasibility for taller, denser projects over the course of the next quarter century.

The SEIR sets up the relevant analysis but does not go far enough in its realization. While the Project Development section of this SEIR section accurately identifies that “...the project would expand and specify the geographical areas in which increased development intensity and circulation improvements may be allowed,” and correctly indicates that, “[t]herefore, the project could lead to reasonably foreseeable indirect physical changes in the environment.” (3-11.) However, the SEIR as a whole fails to analyze the impacts of the SDBL, a law that is currently being used elsewhere in the City of Santa Cruz to increase the density of housing projects in development this year. It is difficult to square this fact with the present failure of the Santa Cruz Planning and Development Department to take this law into consideration in a plan that must serve downtown for the next 25 years. What is more reasonably foreseeable than the continued use of a law that developers are currently using in your city?

04-3

The SEIR does not follow the June 14, 2022, City Council direction for the Project's environmental review scope.

The following summary of the project's scope comes from the project website (available at:

<https://www.cityofsantacruz.com/government/city-departments/planning-and-community-development/long-range-policy-planning/ordinance-policy-updates/downtown-plan-expansion>).

At their June 14, 2022 meeting, the City Council directed staff to prepare an Environmental Impact Report (EIR) analyzing the potential for environmental impacts of the Downtown Plan Expansion, and to study the following features as part of the project:

- A minimum of 1600 housing units;
- Maximum heights not to exceed one taller building of 175 feet and three additional building components not to exceed 150 feet, with each height being inclusive of anticipated height increases associated with a 50% density bonus and with the taller building elements comprising only a portion of shorter podium building forms;

[...]

On January 10, 2023, the Santa Cruz City Council provided additional direction to staff, replacing the above direction in part and adding to it. The City Council directed staff to study a development option that:

- Includes a maximum of 1600 housing units

[...]

Further, the City Council directed that the EIR should continue studying a maximum of 1800 housing units as one of the development alternatives. EIRs typically consider two to three development alternatives for this type of project.

This summary is misleading at best. It is necessary to analyze, point by point, where these figures originate, starting with each iteration of density units.

According to the SEIR, 1,047 units is the specific existing zoning/general plan density capacity. (3-2, p. 36.) This is relatively consistent throughout the SEIR. On page 17-7, (p. 269): "Based on City staff estimates, approximately 1,050 residential units could be developed under existing land use designations and zoning...." To reiterate: **without**

O4-4

implementation of the SEIR project, 1,047 units could be built in the downtown expansion area. With the application of SDBL, which allows for a 100% density bonus, 2,094 units could be built in the downtown expansion area presently.

Thereafter, the SEIR becomes self-contradictory.

On page 3-12, the document says “...This [downtown expansion project] would result in an estimated residential development capacity of 1,307 units (exclusive of any density bonus, discussed below).” (3-12, p. 46.) It is difficult to follow the reasoning behind this statement. However, it appears to be used, in conjunction with the idea of a density bonus, to get to a maximum of 1,800 units.

This is less than the *minimum* 1,600 units that the city council directed staff to analyze in the EIR scoping hearing at the June 14, 2022, meeting. While it is reasonably foreseeable that projects may avail themselves of the state density bonus law as they have already been doing, the city should not assume that housing projects *will* avail themselves of the state density bonus for the purposes of determining what the *minimum* number of housing units available for development in the project is. In light of the fact that the city is considering a local density bonus program that offers incentives as an alternative to the state program, the city should assume, for the purposes of a zoned capacity *minimum*, that proposed developments will be consistent with the city’s zoned density. A local density bonus program must be analyzed as part of the SEIR, but should not be considered a “base” density, because it is an optional incentive program. It’s even possible the state could repeal the density bonus law altogether. **Therefore, 1,600 should be the minimum base density under the downtown expansion plan, not 1,307.**

O4-4

The city council direction on January 10, 2023, directed staff to continue to analyze the downtown expansion project under the June 14, 2022, scope, as well as to analyze an *alternative* plan that would result in 1,600 total units *inclusive* of density bonus. In giving the new direction, the Council clearly did not understand that including the provisions of state density bonus law, over 1,880 units, which is *more* than the requested 1,600 units, were *already permissible* under the existing zoning, thanks to the 80% density bonus for 100% affordable housing in AB 1763 [Chiu, 2019]. At the time that this alternative direction was added to the project scope, state density bonus law allowed market-rate projects to have up to a 50% increase in units by including a percentage of affordable units in the project. Assuming a 50% density bonus on the existing zoned capacity (1,047 units) in the project area would result in an expected total gross yield of 1,570.5 units. However, this ignores the law at the time, which would allow a 80% density bonus for 100% affordable projects.

Because state density bonus law, since 2024, has allowed market rate developments to achieve up to 100% density bonus, and there has been no density limit for 100% affordable housing projects if it is located within one-half mile of a major transit stop under state density bonus law since 2020 (AB 1763 [Chiu, 2019]), a maximum of 1,600 units was unreasonable.

In order for the Alternative 1 as directed by city council to analyze the environmental impact of a project, which, inclusive of state density bonus, allows a maximum of 1,600 units, such an analysis should study a *downzoning* relative to existing zoned capacity of 1,047 units, as 2,094 units are *already currently available* to develop using the state density bonus law under the existing zoning and general plan of the project area. If the council wishes to increase the city's capacity for housing under its own authority, it should study a plan to increase the base density of the zoning for the downtown plan, not a plan that reduces the zoned capacity below what is already permissible, because downzonings are not lawful under the Housing Crisis Act of 2019.

In order to achieve a maximum of 1,600 units inclusive of state density bonus units, the city would need to study an alternative plan that allows a base density of only 800 units, which is a *downzoning of 247 units compared to the status quo*.

Alternative 1, as analyzed in the SEIR project alternatives, is not responsive to the city council direction to study a *maximum density of 1,600 units inclusive of density bonus*, because it studies an 1,800 unit maximum project, which is beyond the scope that the city council directed for this alternative analysis.

On page 3-6 (p. 40): the SEIR says "The development plan envisions the ultimate buildout of between 1,300 (base zoning density) and 1,800 (through use of Density Bonuses) new residential units." Notwithstanding the city's assumption of 1,300 base density units is incorrect (it should be 1,600 as per the June 14, 2022 meeting), the 1,800 unit assumption on a base density of 1,300 units is only a 38% density bonus. This is despite the city's assumption that density bonus projects would be 50%.

Because a 100% density bonus is allowed under state law, and a 100% density bonus on top of a *minimum* density of 1,600 units is 3,200 units, the city should be analyzing the project for the environmental impacts associated with a maximum density of 3,200 units to be consistent with the June 14, 2022, city council direction to study a minimum of 1,600 units.

The SEIR only analyzes projects with a 50% state density bonus. (3-17, p. 51.) The city's inclusionary zoning (affordable housing ordinance) automatically qualifies all projects that are consistent with it as eligible for the state density bonus. A 100% density bonus is available for developers under state law, and there have been at

O4-4

least three proposals already submitted to the city for 100% density bonus projects, including one set to be approved on March 5, 2025. **Therefore, the city should analyze 100% density bonus projects on top of the base density available in the expansion plan because they are reasonably foreseeable.**

04-4

Because the city does not adequately consider the effect of applicable SDBL on the project area, nor consider the 6th Cycle Housing Element's housing growth projection, it neglects to adequately analyze reasonably foreseeable significant environmental impacts of the Project.

As an example, the section on Air Quality and Greenhouse Gas Emissions, (6-1, p. 71-94), does not appropriately take into account likely environmental impacts of the project on air quality and greenhouse gas emissions.

For the purpose of the SEIR analyses, the City estimates that approximately 1,800 new dwelling units could be constructed as a result of the project, for a net increase of 1,733 units after accounting for the 67 units to be demolished. The City had 24,506 existing dwelling units as of January 1, 2024 (California Department of Finance 2024), and approximately 2,300 residential units are under construction or have been approved throughout the City, including residential development at the University of California Santa Cruz (UCSC)⁶. With the addition of these units, the City's housing units would total 26,806 dwelling units. That number would increase to 28,539 dwelling units with the addition of the net increase in units for the project, which is below the AMBAG Regional Growth Forecast of 29,335 units for the City of Santa Cruz for the year 2035 that were factored into the AQMP.⁷

04-5

As such, the housing units accommodated by the project for year 2045 would be 796 units less than what was assumed in the AQMP for year 2035 for the City of Santa Cruz. Therefore, although adoption and implementation of the project could indirectly result in increased dwelling units and population associated with potential development that would be accommodated by the project, this growth would not conflict with or obstruct implementation of the AQMP (6a) and would result in no impact. (6-1, p. 71.)

The analysis fails to consider not only the allowable density under the state density bonus law, but also the projected housing development as identified and committed to in the city's 6th Cycle Housing Element of 2,880 units, which is in addition to the units that have already been proposed or are under construction (aka pipeline units). (See 6th Cycle Housing Element Appendix G: Housing Sites

Inventory, Table G-2, available at:

<https://www.cityofsantacruz.com/home/showpublisheddocument/98492/638433538809800000..>)

The 6th Cycle Housing Element projects an additional 2,880 units of housing to be built during the planning period (2023-2031). It lists 2,574 units as pipeline projects for a total of 5,454 potential units produced by 2030, not including the downtown expansion. The total anticipated growth by the city is actually 29,686, including the 2,880 projected units in the 6th Cycle housing element that were not analyzed in the SEIR. This does not include the 1,800 units proposed by the Project.

04-5

It is anticipated that 67 units will be demolished. Therefore, given the 29,686 units from the 6th Cycle Housing Element and the 1,800 units (at minimum, before taking into account SDBL) that are projected from the SEIR Project, the real total for the purposes of this analysis is 31,419 units. Notwithstanding our belief that the city should be studying at minimum 3,200 new units that can be facilitated by the project, **31,419 is still well beyond the Association of Monterey Bay Area Governments (AMBAG) regional growth forecast of 29,335 units** for the City of Santa Cruz, and thus may conflict or obstruct the implementation of the Air Quality Management Plan (AQMP). **Therefore, there is a significant air quality impact that can be anticipated. This impact must be analyzed, and mitigation measures should be proposed.**

Increased density is both advantageous and desirable.

Detractors will say that, if the Project has reasonably foreseeable impacts, the “No Project” alternative is best. However, this perspective does not take into account the desperation of the present situation. As our state continues to grapple with the interconnected challenges of the climate crisis, environmental injustice, loss of natural and working lands, and a housing crisis, we must transform how we make decisions about new housing of all kinds – and especially infill housing.

04-6

The link between climate and housing is abundantly clear. Simply allowing more people to live in California’s cities is one of the most potent means of reducing climate pollution with local policies, according to UC Berkeley and UC Davis researchers. (Jones, Christopher M. et al, “Carbon Footprint Planning: Quantifying Local and State Mitigation Opportunities for 700 California Cities,” Urban Planning, 2018, 3 (2), DOI: 10.17645/up.v3i2.1218, available here: <https://www.cogitatiopress.com/urbanplanning/article/view/1218>.) This is because cities have relatively low carbon footprints, particularly in the transit-rich core.

Housing not built in cities ends up in outlying suburbs where driving is required for most daily activities. That means far more asphalt, steel, and concrete, not to mention destroying forests and farmlands and exacerbating wildfire risks.

UC Berkeley researchers found that nationwide, our urban areas are the most inherently low-carbon. (Jones, Christopher and Kammen, Daniel M., "Spatial Distribution of U.S. Household Carbon Footprints Reveals Suburbanization Undermines Greenhouse Gas Benefits of Urban Population Density," *Environmental Science & Technology*, 2014, 48 (2), 895-902, DOI: 10.1021/es4034364, *available here*: <https://pubs.acs.org/doi/full/10.1021/es4034364>.) That is largely because people in cities drive less and are more likely to live in more compact multifamily homes with shared walls that do not require as much heating and cooling. What that means is that if more housing is built here in Santa Cruz, instead of in a remote suburb with greenfield development, we are actually massively reducing carbon emissions in our region – without any expensive technology or other major changes.

Opponents of housing have repeatedly weaponized CEQA to block environmentally friendly infill housing across California. This is nonsensical. Apartments do not negatively impact the environment. On the contrary, apartments are significantly more water-efficient than single-family homes, and use half as much energy. In cities that already have low car usage, residents also have lower transportation emissions than elsewhere – they can walk or use transit and bike lanes to get around. Increasing housing density in urban areas reduces car dependency and encourages other modes of transportation like walking, biking, and public transportation. When CEQA is abused by NIMBY groups, our cities become less energy-efficient.

This information is well-known to the state, which is why it prioritizes infill housing.

"[W]hen Californians seeking affordable housing are forced to drive longer distances to work, an increased amount of greenhouse gases and other pollutants is released and puts in jeopardy the achievement of the state's climate goals." (Gov. Code § 65584.)

The California Air Resources Board's 2022 Scoping Plan Update states: "More compact infill development generally generates lower emissions because attached building types and smaller residential unit sizes require fewer emissions to construct and less energy to heat and cool. Studies have estimated that infill development uses 10 to 20 percent less residential energy due to changes in unit types, sizes, and locations. Additional benefits include reduced heat island effects from paved surfaces like parking lots, which lowers long-term building energy use, and reduced emissions from the construction of infrastructure." (p. 5, California Air Resources Board, 2022 Scoping Plan, Appendix E, Sustainable and Equitable Communities, *available at*:

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<https://ww2.arb.ca.gov/sites/default/files/2022-11/2022-sp-appendix-e-sustainable-and-equitable-communities.pdf>.)

The California Air Resources Board's 2022 Scoping Plan Update already calls on the state to do better on land use: "Plan and invest in a sustainable transportation system. [...] Manage the use of the transportation system to advance climate and equity goals. Consider policies to optimize the use of California's transportation infrastructure by prioritizing the movement of people over vehicles. [And improve] alignment of land use planning and development with climate and equity goals.

Consider policies to accelerate infill development, affirmatively further fair housing, and increase natural and working lands protection, in furtherance of the State's planning priorities." (*Id.* at p. 10, emphasis added.)

The 2022 Scoping Plan Update finds: "Infill development can also reduce road and utility line lengths, as well as the travel distances needed to provide public services like police, garbage collection, and emergency response." Those reduced road lengths and travel distances also mean reduced emissions from driving and embodied carbon in our transportation systems. (*Id.* at p. 8.)

As the SEIR acknowledges, "[t]he Legislature enacted Assembly Bill (AB) 1279, the California Climate Crisis Act, in September 2022. The bill declares the policy of the state to achieve net zero GHG emissions as soon as possible, but no later than 2045, and achieve and maintain net negative GHG emissions thereafter." (SEIR 6-5, p. 75.) Because increasing density and building infill reduces greenhouse gas emissions, this should be a main consideration for the city moving forward.

Finally, without a full buildout of the Project under consideration, there will be an increase in Vehicle Miles Traveled (VMT), as more people will need to drive to get where they need to go. Therefore, it is recommended that the Project be completed with the highest density possible.

Conclusion

The purpose of the SEIR is to analyze reasonably foreseeable impacts of development. Based on existing state law (and the direction of city council), the development thresholds assumed within *must* be exceeded. This document, which is intended for 15-25 years of future development, is already outdated.

Because there are reasonably foreseeable impacts of this development that are feasible to address in the SEIR, the failure to do so will amount to a failure to proceed in the manner required by law. Therefore, if the city adopts this SEIR without an

O4-6

O4-7

analysis of the environmental impacts of building density allowed under California law, this SEIR will be legally insufficient.

O4-7

Furthermore, the city must analyze additional housing density because dense housing is environmentally superior to low density housing.

Sincerely,

Jocelyn Wolf
Rafa Sonnenfeld
Leads, Santa Cruz YIMBY

4.4.9 Comment Letter O4: Santa Cruz YIMBY

Comment O4-1: State Density Bonus Law

The comment states that the EIR does not adequately consider the effect of applicable State Density Bonus Law.

Response: See [Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law \(AB 1287\)](#).

Comment O4-2: Type of EIR

The comment describes the CEQA requirements and legal context associated with a “program EIR” and a “project EIR.”

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

Comment O4-3: State Density Bonus Law

The comment states that the EIR does not adequately consider the effect of applicable State Density Bonus Law.

Response: See [Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law \(AB 1287\)](#).

Comment O4-4: Downtown Plan Expansion Area Plan Direction by City Council

See [Master Response MR-9: Downtown Plan Expansion Area Plan Direction by City Council](#).

Comment O4-5: Air Quality and Greenhouse Gase Impacts in Context to the State Density Bonus Law and the City’s 6th Cycle Housing Element.

The comment indicates that the EIR analysis fails to consider reasonably foreseeable significant environmental impacts, citing air quality and greenhouse gas (GHG) emissions, as an example. The comment states that the EIR fails not only the allowable density under the state density bonus law, but also the projected housing development as identified and committed to in the City’s 6th Cycle Housing Element of 2,880 units, which is in addition to the units that have already been proposed or are under construction, with regards to air quality impacts and AMBAG growth forecasts. The comment also asserts that the project exceeds AMBAG growth forecasts and thus may conflict with or obstruct implementation of the Air Quality Management Plan (AQMP).

Response: Project air pollutant and GHG emissions were modeled and analyzed in the Draft SEIR. As discussed in [Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law \(AB 1287\)](#), the EIR is not required to address the maximum amount of development that could occur as a result of the project.

Regarding accounting for compliance with the City's 6th Cycle Housing Element, the referenced housing units in the comment are those established by the Regional Housing Needs Allocation (RHNA), which is a housing unit target set by the State of California to determine whether additional housing approval streamlining legislation (such as SB 423) applies to a given jurisdiction. Rather, it creates a process to show the state that capacity and programs exist to support a given housing target at a given time, and as explained in response to **Comment GP3-13** is not a mandate for development and would not be considered as part of the project. Thus, the City's adopted Housing Element and achieving RHNA is not required to be addressed as part of the Project impact analysis of air quality or GHG emissions.

Potential conflicts with the AQMP are discussed on page 6-11 of the Draft SEIR, which did not find a potential conflict as the number of residential units potentially resulting from the project and those already approved or under construction would total 28,539 residential units, which is below AMBAG forecasts factored into the AQMP. Furthermore, as indicated on page 6-15 of the Draft SEIR, according to the Monterey Bay Air Resources District, projects that are consistent with the AQMP would not have a significant cumulative impact on regional air quality.

Comment O4-6: Increased Density

The comment states that increased density is both advantageous and desirable.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

Comment O4-7: Conclusion

The comment summarizes the issues previously raised regarding impacts of building densities allowed under state law and concludes that the City must analyze additional housing density because dense housing is environmentally superior to low density housing.

Response: See response to **Comments O4-1, O4-3 and O4-4**.

February 21, 2025

Comment Letter 05

By Email

Sarah Neuse, Senior Planner
Planning and Community Development Department
City of Santa Cruz
809 Center Street, Room 101
Santa Cruz, CA 95060
SNeuse@santacruzca.gov

Re: Draft Subsequent EIR, Downtown Plan Expansion Project

Dear Ms. Neuse:

Please accept the following comments on the above-referenced Draft Subsequent EIR (“DSEIR”), submitted on behalf of Santa Cruzans for Responsible Development (“SCRD”), an unincorporated association of Santa Cruz residents and property owners.

The DSEIR purports to serve as a program-level, subsequent EIR for the Santa Cruz Downtown Plan Expansion (“Project”), a City Council-initiated proposal to expand the existing Downtown Plan to encompass an additional 29-acre area south of Laurel Street. As explained further in the body of this letter, the DSEIR fails to disclose or evaluate potentially significant environmental impacts resulting from additional foreseeable residential development that would result from implementation of the Project in combination with the State Density Bonus Law as recently amended by AB 1287. As the City is certainly aware, AB 1287 requires local agencies to approve substantial additional residential units beyond those required under the standard State Density Bonus provided developers agree to maintain them for very low- or moderate-income households. Since such approvals will typically occur ministerially, they will generally be exempt from environmental review under CEQA. It is therefore critically important that the City not only disclose to the public the full development potential under the Project in tandem with all available State Density

Bonuses, but that it identify, evaluate, and if necessary mitigate any significant impacts resulting from that development in the current SEIR before approving the proposed Plan Expansion. The City must therefore recirculate a revised Draft SEIR before taking any action to approve the Project.

I. The DSEIR Must be Revised To Evaluate Impacts from Reasonably Foreseeable Development under the State Density Bonus Law as Amended by AB 1287.

The DSEIR states that for purposes of environmental review, the Project area is conservatively expected to accommodate “up to 1,800 housing units.” (DSEIR, pp. 1-5; 3-6.) This number reflects an ultimate buildout of 1,300 units under the residential density provided by the Project’s base zoning, and an additional 500 units “through the use of Density Bonuses.” (*Id.*, p. 3-6.) Notably, the 1,800-unit figure is characterized as “maximum buildout.” (pp. 3-17; 12-5.) The DSEIR further states that: “[n]o new development shall exceed the base heights of 85 feet, 70 feet, or 50 feet except as the result of compliance with any density bonus program or provision of state or local law,” and that “[a]dditional height is permitted through application of a State Density Bonus, the City’s proposed Downtown Density Bonus, or other local density bonus provision.” (pp. 1-5.) Th

While the DSEIR thus acknowledges the possibility of development of additional units and building heights beyond the Project’s base zoning, it is clear that the referenced “Density Bonuses” include only the 50 percent State Density Bonus or, alternatively, the proposed City Downtown Density Bonus of additional FAR. (*See* pp. 3-15, 3-16.) As discussed below, this is a substantial underrepresentation of the foreseeable additional units available under the Density Bonus Law as recently amended, and a substantial mischaracterization of the degree to which building heights could exceed those permissible under the Project’s base zoning.

In 2023, the Governor signed AB 1287, which amended the State Density Bonus Law to create a new “stackable” density bonus (bonus on top of bonus) designed to facilitate construction of middle-income housing and additional very low-income housing. Projects already qualifying for the existing 50 percent State Density Bonus that commit to constructing additional very low-income or moderate-income units can receive additional density bonuses at specified percentages. The additional bonuses are additive of the initial 50 percent bonus, meaning a project could obtain a

05-1

100 percent density bonus if providing the required percentage of affordable units. Given these strong incentives created by the Legislature, it is reasonably foreseeable, if not highly likely, that residential developers in Santa Cruz will seek to avail themselves of the additional density bonuses afforded by AB 1287 in the Project area.

The DSEIR's failure to disclose and evaluate impacts from full buildout under the Project and all available State Density Bonuses renders it legally inadequate. It is a longstanding principle under CEQA that an EIR must consider and evaluate impacts from reasonably foreseeable future activities resulting from a project. (*Laurel Heights Improvement Ass'n v Regents of Univ. of Cal.* (1988) 47 Cal.3d 376.) Likewise, in addition to analyzing direct effects, an EIR must identify and describe a project's significant indirect environmental. (CEQA Guidelines, § 15126.2(a).) Under these standards, an EIR's analysis must include environmental impacts that will occur indirectly as a foreseeable consequence of the project. (See *El Dorado Union High Sch. Dist. v City of Placerville* (1983) 144 Cal.App.3d 123; *City of Hayward v Board of Trustees of Cal. State Univ.* (2015) 242 Cal.App.4th 833.)

O5-1

All potential impacts of a project, direct and long-term, temporary and permanent, individual and cumulative, must be considered. For planning and zoning decisions such as the Project here, impacts include those resulting from ultimate development. (*Bozung v. Local Agency Formation Commission of Ventura County* (1975) 13 Cal.3d 263, 279-82; *City of Livermore v. Local Agency Formation Commission* (1986) 184 Cal.App.3d 531, 539.) Moreover, CEQA requires an EIR to "[d]iscuss the ways in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." (Guidelines, § 15162.2, underline added.) As discussed in the following section, the DSEIR's failure to disclose and evaluate impacts, including cumulative impacts, from reasonably foreseeable additional residential development under the State Density Bonus Law as amended by AB 1287, renders the document inadequate as a matter of law. The City should accordingly revise and recirculate an updated DSEIR that accounts for such foreseeable development.

A. Specific Impact Analyses That Must Be Revised and Recirculated

A potentially significant environmental impact is ripe for evaluation in an EIR – including a Program EIR - when it is a “reasonably foreseeable consequence of the action proposed for approval,” and the agency has “sufficient reliable data to permit

preparation of a meaningful and accurate report on the impact.” (*Los Angeles Unified Sch. Dist. v City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1028.) Here, the DSEIR evaluated impacts from buildout under the Project using analytic methods described in each topical section. In nearly all cases, the methodologies assumed construction of only 1,800 residential units, i.e., not accounting for all reasonably foreseeable construction with all available State Density Bonuses. At a minimum, therefore, the following sections of the DSEIR must be revised to account for new and potentially more significant impacts associated with this larger unit count.

1. Aesthetics

The DSEIR’s analysis of the Project’s aesthetic impacts is premised on development densities and building heights derived from base zoning with a 50 percent density bonus. While future individual building heights will depend on the density bonuses, waivers, and concessions claimed by particular developers, the visual simulations presented in the DSEIR can and should be updated to reflect the foreseeable height increases resulting from the increased unit counts likely to occur with all available State Density Bonuses, including the “stackable” bonuses under AB 1287. The City should accordingly update the simulations in Figures 5-3 through 5-6, and the shadow analyses in Figures 7-1a through 7-1c and recirculate them in a revised DSEIR.

O5-2

2. Air Quality and Greenhouse Gas Emissions

To evaluate the Project’s air quality and greenhouse gas (“GHG”) impacts, the DSEIR used CalEEMod, the standard air pollutant modeling software package recommended by most California air districts including the Monterey Bay Air Resources District (“MBARD”). (p. 6-9.) Based on the results of the CalEEMod model run, the DSEIR concludes there will be no significant air quality or GHG impacts during the Project’s operational phase.

O5-3

The modeling inputs and assumptions underlying this conclusion are presented in Appendix C of the DSEIR. In a table titled “CalEEMod Operational Inputs – Project,” under the heading “Land Use Assumptions,”¹ it is shown that the

¹ Appendix C has no page numbers, but the table in question appears on the first page immediately following the Table of Contents.

City modeled the Project's air pollutant/GHG emissions assuming buildout of 1,783 mid-rise apartments and 17 low-rise apartments, or a total of 1,800 total residential units consistent with the Project descriptions. See screenshot below.

05-3

CalEEMod Operational Inputs - Project							
Type	Size	Unit	Lot Acreage	Building Area (sq ft)	Landscape Area (sq ft)	Special Landscape Area (sq ft)	Population
Arena	180.00	1000sqft	57.86	180,000	252,026	0	0
Apartments Low Rise	17.00	Dwelling U	1.06	18,020	4,628	0	45
Apartments Mid Rise	1,783.00	Dwelling U	47	1,711,680	204,388	0	4,689
Strip Mall	30.00	1000sqft	0.69	30,000	3,000	0	0
High Turnover Sit Down Restaurant	30.00	1000sqft	0.69	30,000	3,000	0	0

For the reasons cited above, the City should re-run the CalEEMod model using land use assumptions that are representative of foreseeable unit counts under full buildout potential under the Project in combination with all available State Density Bonuses, and present the results in an updated air quality/GHG analysis in a revised and recirculated DSEIR.

3. Population & Housing

The DSEIR assumes that buildout of 1,800 units would result in up to 3,173 new residents (p. 12-5), a substantial undercount for the reasons discussed above. The DSEIR should be revised to evaluate impacts on population and housing resulting from the total number of new residents that could foreseeably result from buildout under full development potential under the Project with all available State Density Bonuses.

05-4

4. Public Services

As with its discussion of Population and Housing, the DSEIR's analysis of impacts to Public Services assumes the Project would result in a population increase of up to 3,173 new residents. (p. 13-9.) The DSEIR projects new service demands for fire, police, schools, and parks based on this number, again a substantial undercount.

05-5

The DSEIR should be revised to evaluate impacts from increased demand for these public services resulting from the total number of new residents that could foreseeably result from buildout under the Project with all available State Density Bonuses, to ensure they are not overstrained or underfunded.

5. Transportation

The DSEIR's analysis of traffic and transportation impacts once again is premised on the assumption that the Project would result in a net increase of 1,734 residential units and up to 3,173 new residents. (p. 14-7.) The DSEIR then reports total net daily trip generation increase of 6,307, with 544 new AM peak and 442 new PM peak trips. (*Id.*) Appendix C reports trip generation assumptions that differ from these estimates, showing total adjusted daily trips for 1,783 mid-rise multifamily units and 17 low-rise multifamily units to equal 7,943 (see screenshot below).

05-6

Project Conditions - Land Use/Trip Gen	CalEEMod Use	Size	Units	TIS Trip Rates	Daily Trips	Internal Capture	Mode Share Reduction	Adj Daily Trips	Adj Trip Rate
Arena	Arena	180 KSF		1.69	305	Total annual trips divided by 365 days/year			
Multifamily Housing (Low-Rise) (220)		17 DU		6.76	115		-15	100	5.882
Multifamily Housing (Mid-Rise) (221)		1783 DU		4.54	8,096		-1119	6,977	3.913
Strip Retail Plaza (<40k) (822)		30 KSF		54.48	1634	-442	-226	966	32.200
High-Turnover (Sit-Down) Restaurant (932)		30 KSF		107.23	3217	-427	-445	2,345	78.167
					13,367	-869	-1805	10,693	

Regardless of this inconsistency (which should be addressed and corrected in any event), the DSEIR should be revised to re-evaluate the Project's transportation impacts that stem from trip generation assumptions² based on trip generation estimates that reflect buildout under the Project with all available State Density Bonuses.

6. Water Supply

In its discussion of water supply impacts in its chapter on Utilities, Service Systems, and Energy Conservation, the DSEIR states:

The project could lead to development, resulting in a net increase of approximately 1,734 new multi-family residential units and a net decrease of approximately 16,700 square feet of commercial uses. Based on water demand rates documented in the City's adopted 2020 UWMP, the project could result in a water demand of approximately 50 MGY, based on multi-family residential (MFR) water demand rates used in the 2020 UWMP and rates for commercial uses developed by the City and included in the General Plan 2030 EIR. (p. 15-27.)

05-7

² We are mindful that level of service (LOS) impacts are no longer CEQA-significant, but they do remain relevant for purposes of gauging consistency with the City's General Plan, as the DSEIR itself acknowledges. (p. 14-8.)

Appendix C, however, includes a set of tables under the heading “Water Supply Assumptions,” that includes a table headed: “Project Conditions – Water Use.” Consistent with the assumptions used in the air pollutant/GHG modeling, the table shows a total of 1,800 residential units with a combined indoor water use of 59,130,000 gallons per year. See screenshot below.

05-7

Project Conditions - Water Use				
Type	Size	Unit	Building Area (sq ft)	Indoor Water Use (gals/year)
Arena	180.00	1000sqft	180,000	3,399,000 based on annual attendees
Apartments Low Rise	17.00	Dwelling Unit	18,020	558,450
Apartments Mid Rise	1,783.00	Dwelling Unit	1,711,680	58,571,550
Strip Mall	30.00	1000sqft	30,000	1,980,000
High Turnover Sit Down Restaurant	30.00	1000sqft	30,000	1,980,000
			Total	66,489,000

This discrepancy is unexplained, and should be rectified in a revised and recirculated DSEIR together with updated water use/demand assumptions that reflect full buildout under the Project in combination with all available State Density Bonuses.

7. Cumulative Impacts

The DSEIR’s discussion of cumulative impacts uses the “list based” approach for the identification of other past, presents, and foreseeable future projects that could produce significant impacts in combination with those generated by the Project. (p. 16-5.) Table 16-1 lists the cumulative projects in questions, identifying projects that could add up to 3,629 new residential units not including the Project. The Table then shows a Project unit count of 1,732, for a combined total of 5,361. (p. 16-6.). The DSEIR’s cumulative impact analysis proceeds to address increased combined service demands from these various projects and the current Project together, concluding they would not be significant or cumulative considerable.

05-8

For the same reasons set forth above, the DSEIR’s cumulative impact analysis should be revised to reflect an accurate total cumulative total unit count from full buildout under the Project in combination with all available State Density Bonuses

8. Alternatives

The DSEIR's analysis of the "No Project" alternative is legally inadequate under CEQA because it fails to accurately describe what foreseeably would occur if the Project were not approved. Section 15126.6(e)(2) of the CEQA Guidelines provides:

The "no project" analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

Here, the DSEIR correctly observes that if the Project were not approved, "future redevelopment of the area would be subject to the provisions of the City's existing adopted plans and zoning, as well as the provisions of State law." (p. 17-6, 17-17, underline added.) The DSEIR then proceeds to estimate that approximately 1,050 residential units could be developed in the Project area under existing land use designation and zoning, 260 fewer than could potentially be developed with the Project exclusive of any Density Bonus. (p. 17-17.)

In other words, the DSEIR's analysis of the No Project Alternative fails to account not only for the patently foreseeable future use of the standard 50 percent State Density Bonus by developers in the Project area, but it also ignores (as has the entire DSEIR) the potential for the additional, up to 100 percent bonus under AB 1287. This failure of analysis is likely highly prejudicial, as many if not all of the Project's primary objectives are likely achievable without the Project by virtue of operation of the State Density Bonus Law as augmented by AB 1287.

II. **Because Many Future Residential Projects Are Likely to Be Approved Ministerially, the City Must Disclose and Evaluate all Foreseeable Impacts From Them Before Approving the Project.**

The DSEIR describes itself as a "Program EIR," and cites the possibility of further project-specific environmental review as individual projects are brought forward. (Introduction, p. 2.) The DSEIR also acknowledges the possibility that some

O5-9

O5-10

individual projects may qualify for processing under various “streamlining” tools available under CEQA or be deemed exempt from further environmental review altogether. (p. 3-18.) However, the DSEIR fails to acknowledge the strong likelihood that many, if not a majority, of individual residential development projects that are consistent with the plan and that qualify for State Density Bonuses will likely qualify for ministerial review and approval, and will thus be CEQA-exempt. Thus, this DSEIR will likely serve as the only opportunity for City officials and the public to scrutinize impacts from most of the development projects authorized by the Project. The Draft EIR should disclose this, and should to the extent feasible evaluate these impacts.

O5-10

Regardless, while the City may to some extent leave a detailed impact analysis to later environmental reviews prepared for individual projects, CEQA does not permit the City to defer an analysis of reasonably foreseeable significant environmental impacts to a later stage of review to avoid addressing those impacts in a first-tier EIR. (Guidelines, § 15152(b).) While a program EIR allows the lead agency to defer analysis of some of the details of later phases of long-term projects until they come up for approval, CEQA’s information disclosure requirements are not satisfied by simply asserting that analysis will be undertaken at some point in the future. (*Vineyard Area Citizens for Responsible Growth v City of Rancho Cordova* (2007) 40 Cal.4th 412, 431; *Santa Clarita Org. for Planning the Env’t v County of Los Angeles* (2003) 106 Cal.App.4th 715, 723.)

III. Recirculation of a Revised DSEIR is Required under CEQA.

Recirculation of an EIR prior to certification is required “when the new information added to an EIR discloses: (1) a new substantial environmental impact resulting from the project or from a new mitigation measure proposed to be implemented (cf. Guidelines, § 15162, subd. (a)(1), (3)(B)(1)); (2) a substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance (cf. Guidelines, § 15162, subd. (a)(3)(B)(2)); (3) a feasible project alternative or mitigation measure that clearly would lessen the environmental impacts of the project, but which the project's proponents decline to adopt (cf. Guidelines, § 15162, subd. (a)(3)(B)(3), (4)); or (4) that the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft was in effect meaningless.” (*Laurel Heights Improvement*

O5-11

Assn. v. Regents of University of California (1993) 6 Cal. 4th 1112, 1130, citing *Mountain Lion Coalition v. Fish & Game Comm'n* (1989) 214 Cal.App.3d 1043.)

Here, for the reasons set forth above, the DSEIR is so fundamentally and basically inadequate, that recirculation of a new DSEIR will be required to allow the public to meaningfully review and comment on the proposed project.

Thank you for your consideration of these comments.

Most sincerely,

M. R. WOLFE & ASSOCIATES, P.C



Mark R. Wolfe

On behalf of Santa Cruzans for Responsible
Development

O5-11

4.4.10 Comment Letter O5: Santa Cruzans for Responsible Development**Comment O5-1: Evaluation of Foreseeable Development and State Density Bonus (AB 1287)**

The comment states that the Draft SEIR's failure to disclose and evaluate impacts from buildout with all available State Density Bonuses renders it legally inadequate, and the City should revise and recirculate an updated Draft SEIR that accounts for such foreseeable development.

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287).

Comment O5-2: Aesthetics and State Density Bonus (AB 1287)

The comment suggests that the Draft SEIR's analysis of the Project's aesthetic impacts is premised on development densities and building heights derived from base zoning with a 50 percent density bonus.

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287).

Comment O5-3: Air Quality and Greenhouse Gas Emissions and State Density Bonus (AB 1287)

The commenter states that the Draft SEIR should be revised to evaluate air quality/GHG impacts resulting from total number of new residents that could foreseeably result from buildout with all available State Density Bonuses.

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287).

Comment O5-4: Population and Housing and State Density Bonus (AB 1287)

The comment indicates that the Draft SEIR should be revised to evaluate impacts on population and housing resulting from the total number of new residents that could foreseeably result from buildout under full development potential under the Project with all available State Density Bonuses.

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287).

Comment O5-5: Public Services and State Density Bonus (AB 1287)

The commenter states that the Draft SEIR should be revised to evaluate impacts from increased demand for public services (fire, police, schools, and parks) resulting from total number of new residents that could foreseeably result from buildout with all available State Density Bonuses.

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287).

Comment O5-6: Transportation and Air Quality Modelling

The comment indicates that the average daily trip generation estimate for Multi-family Housing used for the Air Quality and Greenhouse Gas Emissions (AQ/GHG) modelling analysis (7,943) is greater than the average daily trip generation estimate (6,307) as assumed in the Draft EIR (1,636 greater trips). The comment also suggests that the Draft EIR should be revised to re-evaluate the project's transportation impacts that stem from trip generation assumptions based on trip generation estimates that reflect buildout under the project with all available State Density Bonuses.

Response: Appendix C to the Draft SEIR is entitled, "Air Quality, Greenhouse Gas Emissions, and Energy Demand Calculations" and was prepared to support the Draft SEIR's analysis of air quality impacts, greenhouse gas (GHG) emissions impacts, and energy demand. The trip generation estimate in Appendix C accounted for existing development, which is shown in the table preceding the table included in the comment, as well as full project development shown in the table in the comment. This approach was used to better estimate and model the net increase in criteria air pollutants and GHG emissions as a result of the project, and thus, is more conservative for the purpose of the air/GHG emissions modeling, the results of which are included in Appendix C. Appendix C was not intended to be an indicator of actual trip generation. Appendix C shows a net increase of 6,534 trips, which is slightly higher than the trips estimated in the transportation analysis, but more conservative for the purpose of the air quality modeling. It is noted that the table in the commenter's screenshot does not match the table in Appendix C in the published Draft SEIR.

Regarding re-evaluation of the project's transportation impacts with respect to State Density Bonuses, see **Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287)**.

Comment O5-7: Project Water Demand

The comment indicates that the Draft SEIR Utilities, Service Systems, and Energy Conservation chapter states that the Project would result in a net increase of approximately 1,734 multi-family residential units and a net decrease of approximately 16,700 square feet of commercial uses with a water use of 50 million gallons per year (MGY), but the Draft SEIR Appendix C shows a total of 1,800 residential units with a water use of 59 MGY. The commenter asks that the discrepancy be explained and that an updated water demand be provided to reflect full buildout with all available State Density Bonuses.

Response: The Draft SEIR Utilities chapter provided an estimated Project water demand based on the estimated net changes with redevelopment of existing developed properties to show the potential net increase in water demand with the Project. However, the Water Supply Evaluation (WSE) in Appendix E provides the full review of water demand associated with the Project and other reasonably foreseeable and cumulative development, the conclusions of which provide the basis for the water supply impact analysis. Appendix C to the Draft SEIR is entitled, "Air Quality, Greenhouse Gas Emissions, and Energy Demand Calculations" and was prepared to

support the Draft SEIR's analysis of air quality impacts, greenhouse gas (GHG) emissions impacts, and energy demand. Its purpose was therefore different than the purpose behind the WSE. The water demand estimate in Appendix C accounted for existing development, which is shown in the table preceding the table included in the comment, as well as full project development shown in the table in the comment. This approach was used to better estimate and model the net increase in criteria air pollutants and GHG emissions as a result of the project, and thus, is more conservative for the purpose of the air/GHG emissions modeling, the results of which are included in Appendix C. Appendix C was not intended to be an indicator of actual potential water demand. The definitive document on that subject is the WSE, which is found in Appendix E to the Draft SEIR.

See **Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287)** for an explanation of why an analysis of full buildout with all available State Density Bonuses is not required, and thus, does not warrant an updated water demand and water supply analysis.

The fact that the numbers generated in the air quality/GHG analyses are not identical to those generated in the WSE is neither unusual nor inappropriate under CEQA. In the preparation of EIRs, it is common for different experts working on different environmental topics to come up with quantitative conclusions that are not exactly the same. Such divergences are typically explained by the manner in which the authors of each analysis have chosen to be conservative, consistent with CEQA principles.

Although CEQA does not require a “worst case analysis” (*East Oakland Stadium Alliance v. City of Oakland* (2023) 89 Cal.App.5th 1226, 1252), the courts have emphasized the importance of not *understating* environmental impacts. Thus, one court said that “[i]t is vitally important that an EIR avoid minimizing the cumulative impacts.” (*Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421, 431.) “A cumulative impact analysis which understates information concerning the severity and significance of cumulative impacts impedes meaningful public discussion and skews the decision-maker's perspective concerning the environmental consequences of the project, the necessity for mitigation measures, and the appropriateness of project approval.” (*Ibid.*)

With these principles in mind, expert CEQA practitioners tend to try to err, if at all, on the side of overstating environmental impacts. Experts in different disciplines sometimes take different steps to accomplish a sufficiently conservative analysis. This is what happened here.

Notably, CEQA grants agencies broad discretion to determine the appropriate approach for analyzing a project's impacts. (See, e.g., *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 228 “[a] lead agency enjoys substantial discretion in its choice of methodology”; *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 493 [agency has discretion to determine whether to classify impacts as “significant” depending on the circumstances and nature of affected area]; *Ebbetts Pass Forest Watch v. California Dept. of Forestry* (2004) 123 Cal.App.4th 1331, 1351 “[t]he selection of the assessment area is left to the [agency's] expertise, and absent a showing of *arbitrary* action, we must assume the

[agency] exercised its discretion appropriately”] (*italics added*); see also *O.W.L. Foundation v. City of Rohnert Park* (2008) 168 Cal.App.4th 568, 574 [noting that where the relevant statute does not specify a particular methodology for a sufficiency analysis, the agency is afforded substantial discretion in determining how to measure an impact].)

Consistent with this broad discretion, lead agencies and their experts in differing disciplines may reasonably employ different assumptions and methods in preparing individual impact analyses or technical studies for particular issue areas, even where some of the assumptions required for these individual studies may overlap. Such flexibility and discretion are appropriate, as they permit an expert in a particular field to adjust technical assumptions to ensure they are sufficiently conservative (i.e., to avoid the risk that any impacts might be understated), and reflect the varied focuses that, under different disciplines, are required to develop accurate forecasts and conclusions.

Comment O5-8: Cumulative Analysis and State Density Bonus (AB 1287)

The comment indicates that the Draft SEIR’s cumulative impact analysis should be revised to reflect a cumulative total unit count from full buildout under the Project in combination with all available State Density Bonuses.

Response: See [Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law \(AB 1287\)](#).

Comment O5-9: Alternative Analysis and State Density Bonus (AB 1287)

The comment indicates that the Draft SEIR’s analysis of the “No Project” alternative is legally inadequate under CEQA because it fails to accurately describe what foreseeably would occur if the Project were not approved.

See [Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law \(AB 1287\)](#).

Comment O5-10: CEQA Evaluation of State Density Bonus Projects

The comment indicates that because future residential projects are likely to be approved ministerially, the City must disclose and evaluate all foreseeable impacts from them before approving the project.

See [Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law \(AB 1287\)](#).

Comment O5-11: Recirculation of a Revised Draft EIR

The comment indicates that recirculation of a revised Draft SEIR is required under CEQA.

See [Master Response MR-6: Draft SEIR Recirculation](#).



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Comment Letter O6

To: Sarah Neuse, Senior Planner, City of Santa Cruz
sneuse@santacruzca.gov

February 21, 2025

Comments on the Draft Subsequent EIR Santa Cruz Downtown Plan Expansion (2025)

Dear Ms. Neuse,

The Sierra Club's Urban Infill Policy reads, "An essential strategy for reducing urban related carbon emissions is supporting dense, mixed-use communities and land uses that prioritize walking, biking or transit to meet daily transportation needs, as well as balancing jobs and housing within the region." The policy supports affordable housing accessible to all, explaining, "If we make communities not only dense, but inclusive, then fewer people will have to drive till they qualify for housing financing, saving even more emissions."

The Sierra Club has reviewed the Draft Environmental Impact Report (DEIR) for the above-reference project and offers the following comments.

Affordable Housing

The proposed Downtown Plan Amendments includes a Downtown Density Bonus applicable to the project area. The goal of this proposed local bonus is to achieve "a higher-than-average rate of below-market-rate housing units, promoting high-quality design, and generally encouraging building heights of twelve stories or less." We are concerned that this local bonus would result in fewer affordable units than the state density bonus. The Downtown Density Bonus proposal would allow developers to opt out of building required affordable housing and instead pay a fee to the City's Affordable Housing Trust Fund. "Said fee will be calculated at a rate of \$60 per square foot of in-dwelling-unit leasable area". (Downtown Plan Amendments) This amount of fee does not come close to the cost of constructing the number of affordable units required by

O6-1

state density bonus law. The EIR Alternatives Analysis should analyze the likely outcome of the fee option versus actual construction of units in order to give decision makers the information they need.

We are also concerned that the project would change the General Plan designation of blocks B and D from high density residential to Regional Visitor Commercial. (Figure 3-11) Additionally, Block H would change from Medium Density Residential to Regional Visitor Commercial. The EIR should address whether allowing the development of hotels in areas currently designated residential would detract from project objective #1: “Increase the total number of housing units that can be built in the City by adding capacity for multi-family housing, consistent with General Plan Land Use Element Policy 2.2 and Program 2.2.2.”

O6-1

Water Supply Impacts

According to CEQA, the EIR needs to discuss the likelihood that water supply alternatives will actually become available to serve this project, and disclose the significant foreseeable environmental effects of each alternative, as well as mitigation measures to minimize each adverse impact.

The EIR acknowledges that the Santa Cruz water supply is inadequate to meet water demand from existing customers in multiple drought years. Hence the water supply is also inadequate for new demand resulting from this project.

“The water supply reliability and drought risk assessments included in 2020 UWMP found water supply to be adequate in normal and single dry years but show a potential lack of adequate supplies during near-term multiple consecutive dry years.” p 15-14

O6-2

In spite of the project adding demand to an inadequate water supply, the EIR claims that there are no significant impacts on the water supply due to this project. The EIR makes two arguments to justify this claim:

- I. “In the 2030 – 2040 analysis period, assuming implementation of the City’s proposed water rights modifications, ASR [Aquifer Storage and Recovery] and planned infrastructure improvements, the City projects having sufficient water supply available in normal years, single dry years, and multiple dry years to serve anticipated demand.” P 15-16
- II. “Payment of the System Development Charge and implementation of other water conservation measures would mitigate the project’s contribution

to cumulative water supply impacts. Therefore, the project's incremental contribution to a significant cumulative water supply impact would not be cumulatively considerable." P 16-14

O6-2

Neither of these arguments is supported by the City's water studies. We address the arguments in order.

I. Likelihood of Future Water Supplies

The California Supreme Court decision in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) requires an environmental impact report to discuss whether future water supplies to supply a project are likely to be implemented:

"Future water supplies identified and analyzed must bear a likelihood of actually proving available; speculative sources and unrealistic allocations ("paper water") are insufficient bases for decision making under CEQA...The EIR's discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water's availability."

The EIR for this project does not discuss the likelihood of the water supply projects under consideration to actually become available.

O6-3

The Project relies on paper water

The EIR makes the inaccurate assumption that the entire ASR project (water injected into wells and retrieved during the dry season) discussed in the *Santa Cruz Water Rights Project EIR* will be implemented by 2030:

"In 2030, the City will have implemented the following components of the WSAS [Water Supply Augmentation Strategy] and planned infrastructure projects: ASR in the Santa Cruz Mid-County Groundwater Basin and/or the Santa Margarita Groundwater Basin, sized for...8.0 MGD extraction as described in the Santa Cruz Water Rights Project Final EIR." P 15-15

This assumption that the entire ASR concept will be implemented by 2030 conflicts with the *Water Rights Project Final EIR (2021)*, which clearly differentiates between the City's plan to construct ASR at the Beltz wells in the near term and study of the potential for other ASR opportunities at some indeterminate future time:

"[The] subcomponent of ASR, Beltz ASR, would provide only a portion of the total ASR capacity at Beltz 8, 9, 10 and 12. The remainder of the total capacity would be provided at new ASR facilities. Further planning and analysis are required to determine locations for any potential new ASR facilities. Actual capacity and operational characteristics for new ASR facilities and Beltz ASR facilities would

be based on completion of ASR pilot programs, design-level groundwater modeling, and the ASR design process.” (p1-6)

ASR evaluation in the Beltz well area has been going on for ten years and is still in the pilot stage. There are no estimates in the draft EIR for the yield potential for the Beltz wells.

There are no current plans for a pilot project in the Santa Margarita Basin. Hence it is not reasonable to assume that ASR is feasible in that basin, let alone become operational by 2030.

The Water Rights Project Final EIR (2021) defines the total extraction goal of both near term and future ASR at 8.0 million gallons per day:

“ASR would have ... a proposed extraction infrastructure capacity of 8.0 mgd, which is defined to meet the agreed-upon worst-year gap” (p 7-5)

The 2021 EIR set the proposed *target* of 8.0 mgd to match the worst-year gap. The target is not a scientifically derived estimate of what the aquifers are capable of providing. As stated above, the potential for ASR outside the Beltz area depends on positive outcomes of groundwater modeling and pilot testing. For purposes of CEQA, ASR outside of the Beltz well area is paper water.

The Draft EIR for the Downtown Plan Expansion fails to refer to any studies or documents explaining how it arrived at the assumption that the yield of ASR is capable of meeting the worst-year gap. This assumption conflicts with the estimated yield of ASR in the City’s Securing Our Water Future Memorandum (2022) See City Council Agenda Packet, Nov 29, 2022, page 157, Figure 5 Supply Augmentation Projects Impacts on Deficit Reduction. In that memorandum, ASR is predicted to reduce a 3-year deficit from 2190 million gallons to 860 million gallons—still a considerable deficit.

The most recent Water Supply Augmentation Implementation Plan Quarterly Report (December 2024) indicates no commitment to any water supply projects beyond the ASR injection wells at Beltz 8 and 12. This conflicts with the Draft EIR’s claim that the City’s multi-drought year problem will be remedied by construction of the entire ASR project by 2030. The Quarterly Report indicates that the potential yield of surface water-reliant projects [ASR and water transfers] will be estimated at a future date:

“Between now and the beginning of 2027, but no later than 2027, work will be performed to define how much of the total [supply v. demand] gap can be filled

O6-3

with surface-water-reliant projects and if a shift to recycled water or desalination needs to be made.”

--December 2024 minutes of the City Water Commission

O6-3

The EIR is not compliant with the Vineyard decision since it does not discuss the uncertainties of ASR, its principal strategy to meet multi-year drought demand.

Water Transfers

As with discussion of ASR, the Draft EIR for the Downtown Plan Extension fails to discuss potential yield, specific implementation steps and challenges of water transfers with neighboring districts. The Water Rights Project Final EIR (2021) defines those steps:

“Such transfers and exchanges would likely be provided for via agreements with defined terms related to timing, volume of water, water year conditions, return of water, etc., that would be developed between the City and one or more of the neighboring agencies.” P1-7

There is no information to suggest that the City and neighboring districts are drafting any agreements beyond the pilot program for transfers between the City and Soquel Creek Water District. The Water Supply Assessment (WSA) fails to report the fact that the pilot program is inactive. There have been no transfers of water from Santa Cruz to Soquel Creek District for at least the last two years, in spite of above average rainfall and a large surplus of runoff in Santa Cruz’ surface water sources during winter and spring. This may be due to the fact that the Soquel Creek District is investing heavily in a recycled water project and is not interested in purchasing water from Santa Cruz at this time. Since the pilot transfer program began in 2015 there has been no water returning to Santa Cruz from Soquel Creek District.

O6-4

The WSE reports: “The City and Scotts Valley Water District are currently pursuing the Intertie-1 Project to construct an intertie and pump station to link the two water systems.” While the intertie would make a water transfer between the City and Scotts Valley physically possible, the WSA reports no information on how such a water transfer would work or what quantity of water would be available to the City in drought years.

The EIR does not report on any progress of discussion between the City and Scotts Valley Water District towards water transfers. The interest that Scotts Valley Water District (SVWD) may have in an agreement for receiving water from Santa Cruz in wet years and delivering water to Santa Cruz during drought years may be undermined by the other options SVWD available to SVWD, including injecting recycled water from the

Scotts Valley recycled water plant into the aquifer. The Draft EIR does not discuss this uncertainty.

The WSE reports that water rights changes to allow transfers and ASR have not yet been approved by the state. The EIR expects that the water rights approvals will occur in 2025. If approvals do not occur by the time of the release of the Final EIR, this adds another uncertainty to the plans for future water supplies.

Given the apparent disinterest of the Soquel Creek Water District in purchasing Santa Cruz water, and the absence of any plans for a water exchange with Scotts Valley, the transfer/exchange strategy does not meet the standard of a likely water supply strategy.

Failure to Analyze Environmental Impact of Alternatives

This Draft EIR does not comply with Vineyard, since it should discuss alternatives to ASR, and conduct an analysis of the significant environmental impacts of those alternatives. According to the Vineyard decision:

“If the uncertainties inherent in long-term land use and water planning make it impossible to confidently identify the future water sources, an EIR may satisfy CEQA if it acknowledges the degree of uncertainty involved, discusses the reasonably foreseeable alternatives—including alternative water sources and the option of curtailing the development if sufficient water is not available for later phases—and discloses the significant foreseeable environmental effects of each alternative, as well as mitigation measures to minimize each adverse impact.”

Recycled Water and/or Desalination

The EIR reports that recycled water and desalination are alternatives:

“in the event the groundwater storage strategies described in Element 1 [transfers] and Element 2 [ASR] prove insufficient to meet the goals of cost-effectiveness, timeliness, or yield. In the event advanced-treated recycled water does not meet the City’s needs, desalination would become Element 3.” P 15-8

According to the WSE, these projects are in the study phase. Since desalination and recycled water projects are in an early stage of evaluation, they do not qualify as “bearing a likelihood of actually proving available”.

The Draft EIR does not comply with the Vineyard decision requirement to analyze environmental impacts of recycled water and desalination. Nor does the Draft EIR mention the Draft EIR for a desalination project that was released in 2013 met with

O6-4

O6-5

considerable community opposition due to the energy intensity of that alternative. This community opposition resulted in 73% of voters passing an amendment to the City Charter that requires approval by voters before a desalination project could be built. This hurdle further distances desalination from meeting the likelihood standard.

O6-5

II. Cumulative Impact of the Project

The Draft EIR acknowledges that the impact of cumulative development on the water supply during droughts is significant, and that the project would contribute to that impact:

“Without augmented water supplies, cumulative development and associated water demand during dry periods would result in a potentially significant cumulative impact on water supplies...

Future development resulting from the project would contribute to significant cumulative impacts related to water supply availability over the next 20 years.”

Page 16-13

Yet the EIR claims that the project’s contribution to a significant cumulative water supply impact would not be significant. It claims, “Payment of the System Development Charge and implementation of other water conservation measures would mitigate the project’s contribution to cumulative water supply impacts.”

O6-6

This reasoning is flawed. Payment into the fund that pays for existing infrastructure and new water projects is not the same as supplemental water supply projects coming online. The City has funded water infrastructure improvements through the System Development Charge for decades, yet has built no new water supplies during those decades until the pilot ASR well at Beltz 12. (Infrastructure projects funded by the System Development Charge, such as the upgraded Graham Hill Treatment Plant and raw water pipelines improve system reliability, but are not considered supplemental water supply projects.)

The EIR states:

“An EIR may determine that a project’s contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus not significant when, for example, a project funds its fair share of a mitigation measure designed to alleviate the cumulative impact.” P 16-4

As stated above, there is no mitigation measure that has been identified as likely to reduce the cumulative impact on the water supply to a level of insignificance. Hence the fact that the project would contribute to the System Development fund is not a mitigation.

The EIR is internally inconsistent. As stated above, it acknowledges that without future water supplies cumulative development would result in significant impact. Yet it claims that “The project would not require or result in the need for relocation or construction of new expanded water.”

O6-6

The EIR fails to discuss the impact of water demand resulting from the project on reservoir storage during multi-year droughts.

“The additional Project demand would not result in a substantial increase in water demand during dry years and would not be of a magnitude to affect the level of curtailment that might be in effect (UTIL-b). Therefore, the impact is considered a *less-than-significant impact.*” P 15-27

This statement does not reflect how new demand impacts storage in the City’s Loch Lomond Reservoir. Every spring or summer as the flows in the San Lorenzo River and North Coast streams diminish, the City draws water from Loch Lomond. Hence water demand from new development reduces water stored in Loch Lomond. According to the City’s document, *Adequacy of Municipal Water Supplies to Support Future Development* (2004):

“Any future increase in seasonal or annual demand for water will be felt through greater and greater withdrawals from Loch Lomond.” P 11

In years when the lake refills during the winter, this increased withdrawal from the reservoir has no impact on available storage for the following year. However, in years when the lake does not refill, the increased demand from new development results in lower reservoir storage than if there were no new development. The City’s document continues:

O6-7

“Ultimately, continuing to provide water to new customers upon request, as is the current practice, may do harm to existing customers by making the potential water shortage situation worse than it would otherwise be.” P 22

The impact of new development on the reservoir is cumulative during successive dry years. The EIR estimates the annual demand for this project to be 50 million gallons (p 15-17). In dry years when surface water sources are limited, the City may draw on Loch

Lomond for 8, 9, or 10 months of the year. It is appropriate to assume that 100% of the additional demand resulting from growth is drawn from Loch Lomond during these months. In a dry winter when the lake does not refill, that could be 40 million gallons less available storage for the following year. In second dry year, the cumulative impact is 80 million gallons less storage, and so on. In the fifth year of a 5-year drought scenario, Loch Lomond would have 200 million gallons less storage than without the project.

Both of the future supply and demand projections discussed in the EIR (Tables 15-1 and 15-2) demonstrate that the City's total shortfall after multiple dry years is significant. Table 15-1 estimates a shortfall of 600 million gallons (23%) would occur in a 5th dry year (before implementation of ASR and infrastructure projects). If the project did not exist, the shortfall would be 400 million gallons or 15%.

This difference in shortfall with and without the project is significant. According to the Water Shortage Contingency Plan Update (2021) the 23% shortfall with the project would result in a higher stage of City curtailment of water use than the 15% shortfall without the project. Hence the EIR's statement that the increase in demand due to the project "would not be of a magnitude to affect the level of curtailment that might be in effect" is inaccurate. It does not take into account how new demand actually affects reservoir levels.

The impact of the project demand on reservoir levels would be greater than we just discussed, since the EIR's estimate of 50 million gallons per year understates the project demand. That's because the EIR assumes that developers will choose a 50% density bonus, when new legislation offers a 100% density bonus:

"Under current market conditions in the Downtown Plan area, the 50% density bonus is the upper limit of the most common bonus pursued by market rate developers in the downtown area, so City staff has been using a 50% bonus as a standard for calculation." P 17-4

Developers chose a 50% density bonus under the prior legislative allowances. Hence assuming that developers would choose 50% under the current legal environment is not justified. The EIR needs to estimate the total units that could materialize with this project, and revise its estimate of water demand resulting from the project.

III Mitigations

As the documentation shows, only a portion of the water supply projects that the City is contemplating can be considered likely to actually become available in the 20 year time

O6-7

O6-8

frame of this EIR. Hence the EIR should make a finding that the cumulative impact of this project is significant.

06-8

IV Biological Resources

The City needs to establish or reaffirm a rule requiring all landscaping along the proposed Riverwalk to be limited to native plants appropriate to the site and to exclude any invasive species or native plant cultivars that can contaminate native gene pools. The specific wording, appropriate to the site, is necessary to include because previous plantings along the levee have included numerous species that, while native to Santa Cruz county, are not typically found in habitats analogous to the levee slope, which is a potential negative impact. How will the EIR mitigation plan ensure that managed vegetation along the river levee and Riverwalk does not adversely affect the existing native habitats and new soil substrates?

06-9

Summary

The Sierra Club had identified significant deficiencies in the Draft Environmental Impact Report for City of Santa Cruz Downtown Plan Expansion. We look forward to and expect full discussion of the issues raised herein.

Thank you for your consideration of these comments.

Yours Sincerely,

Michael Guth

Chair, Santa Cruz Group of the Ventana Chapter, Sierra Club

4.4.11 Comment Letter O6: Sierra Club

Comment O6-1: Affordable Housing and Hotels as an Allowed Use

The comment suggests that the in-lieu Affordable Housing Trust Fund fee associated with the Downtown Density Bonus is not sufficient to construct the number of affordable units required by State Density Bonus and recommends that the Draft EIR Alternatives Analysis should analyze the likely outcome of the fee option versus actual construction of units.

The comment also suggests that the Draft EIR should address whether allowing the development of hotels in areas currently designated residential would detract from Project Objective #1 which states: “Increase the total number of housing units that can be built in the City by adding capacity for multi-family housing, consistent with General Plan Land Use Element Policy 2.2 and Program 2.2.2.”

Response: Regarding the in-lieu Affordable Housing Trust Fund and as described in Section 3.7.2 Density Bonus in the Draft SEIR, the fee would be an option to constructing affordable housing on- or off-site. The City would be required to spend all of these funds on development and preservation projects serving lower-income households and a minimum of 50% of these funds must be spent inside the Coastal Zone. The fee would not serve as mitigation compensation for an impact and is consistent with existing City policy in facilitating the development of affordable housing.

Regarding hotels as an allowed use, see response to [Comment O1-4: Affordable Housing and Hotels as an Allowed Use](#).

Comment O6-2: Water Supply Cumulative Impacts

The comment states that the EIR needs to discuss the likelihood that water supply alternatives will actually become available to serve the Project, and disclose the significant foreseeable environmental effects of each alternative, as well as mitigation measures to minimize adverse supplies during near-term consecutive dry years. The comment further states that assumptions about implementation of the City’s proposed water rights modifications, Aquifer Storage and Recovery (ASR) and planned infrastructure improvements, as well as payment of the System Development Charge and water conservation to mitigate the Project’s contribution to cumulative water supply impacts are not supported by the City’s water studies.

Response: See [Master Response MR-2: Likelihood of Future Water Supplies](#) regarding likelihood of future water supplies, response to [Comment O6-5](#) regarding impacts of water supply options, and response to [Comment O6-06](#) regarding cumulative impacts

Comment O6-3: Likelihood of Future Water Supplies

The comment states that the Draft SEIR does not discuss the likelihood of the water supply projects under consideration to actually become available as required by the California Supreme Court decision in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007), relying on “paper water.” The commenter suggests that the EIR makes the

inaccurate assumption that the entire ASR (Aquifer Storage and Recovery) Project discussed in the Santa Cruz Water Rights Project EIR will be implemented by 2030, but the Water Rights Final EIR clearly differentiates between the City's plan to construct ASR at the Beltz wells in the near term and study of the potential for other ASR opportunities in the future, and that the EIR fails to refer to any studies or documents explaining how it arrived at the assumption that the yield of ASR is capable of meeting the worst-year gap that had been identified as 8 MGY. The comment also states that this assumption conflicts with the estimated yield of ASR in the City's Securing Our Water Future Memorandum (2022) and the most recent Water Supply Augmentation Implementation Plan Quarterly Report (December 2024) that indicates no commitment to any water supply projects beyond the ASR injection wells at Beltz 8 and 12. This conflicts with the Draft SEIR's claim that the City's multi-year drought problem will be remedied by construction of the entire ASR project by 2030. The comment states that the EIR is not compliant with the Vineyard decision since it does not discuss the uncertainties of ASR, its principal strategy to meet multi-year drought demand.

Response: See **Master Response MR-2: Likelihood of Future Water Supplies** regarding implementation of ASR.

"Paper water" is an expression often misused in CEQA debates. As used here by the commenter, the term is misapplied. As coined by the courts, the term "paper water" was never intended to apply to all water supplies that had not yet been brought to fruition, but rather was used to describe theoretical water supplies that, though vaguely planned for at one time, were abandoned though they continued to negatively influence land use planning.

The term "paper water" was first used in a CEQA case in *Planning and Conservation League v. Department of Water Resources* (2000) 83 Cal.App.4th 892, 908 (PCL). There, the Court of Appeal addressed a problem that existed in the 1990s and early 2000s. As of the year 2000, some local land use planning agencies commonly relied on inflated and unrealistic "entitlements" associated with water supply contracts for water from the State Water Project (SWP). Such contracts were between the California Department of Water Resources (DWR), which operates the SWP, and its numerous individual water contractors representing both agricultural and urban water users. As of that time, the court seemed to believe that such local land use planners had to come to grips with the reality that then-traditional SWP contract "entitlements" were about one-half real water and one-half "paper water."

As originally conceived, the SWP was to be a complex network of reservoirs, canals, and other facilities designed to deliver roughly 4.2 million acre-feet ("maf") of water each year. The State of California, however, built only a portion of the facilities needed to create and transport such a large supply. Thus, the SWP as actually constructed can reliably deliver only about half of the originally-contemplated amount. And there was (and remains) little, if any, prospect that the State will complete the SWP as originally envisioned by its founders back in the 1950s. (*Id.* at pp. 898–899, 912–913.)

Unfortunately, the court in *PCL* did not offer the reader any details regarding either the SWP as originally conceived or the SWP as actually built. Such helpful information must be gleaned from other sources. In a later case, the Third District Court of Appeal described the SWP *as built* as follows:

“Water from the Feather River is stored behind Oroville Dam and is released into the Feather River and its eventual confluence with the Sacramento River.” In the northern Delta, water is diverted from Barker Slough into the North Bay Aqueduct for municipal use in Solano and Napa Counties. “The water flow continues through the Delta to the Clifton Court Forebay [in the southern Delta] where a portion of it enters the South Bay Aqueduct for delivery to [urban and agricultural areas in Alameda and Santa Clara Counties]. A much greater portion is lifted [at the Harvey O. Banks Delta Pumping Plant] into the [Edmund G. Brown] California Aqueduct for transport through the San Joaquin Valley [and for use by contractors in the southern San Joaquin Valley] and eventually again lifted by a series of pumping stations over the Tehachapi Mountains for delivery and use in the Southern California region.”

(*State Water Resources Control Board Cases* (2006) 136 Cal. App. 4th 674, 693 [citations omitted].)

According to the Public Law Research Institute, “[t]he single most important feature of the original [SWP] which was *never constructed* was the proposed tie-in of the north coast rivers into the State Water Project. These rivers include the Eel, Mad, Van Duzen, Klamath and much of the Trinity. Each of these rivers was originally authorized for inclusion in the State Water Project in 12938 of the California Water Code.” (Call, David M., *Legislative Impairment of Contracts Between the State Water Project and Its Contractors* (Public Law Research Institute Fall 1994) [italics added].)

As the Court of Appeal decision in *PCL* recounted, the need to deal with the reality that full SWP build-out, with several dams in northern coast range rivers, was not likely to occur during the drought in the late 1980s and early 1990s, when SWP shortages grew acute. Disputes arose between DWR and its agricultural and urban contractors regarding how to share the pain of shortfalls during that dry period. DWR had been requiring agricultural contractors to bear the brunt of the shortages before reducing supplies to urban contractors, invoking Article 18, subdivision (a), of the standard contract between DWR and its contractors. This provision applied during *temporary*, drought-related shortages. As the court explained, “[s]ubdivision (a) is referred to as ‘the agricultural first deficiency.’ Although agricultural contractors suffer first during a temporary shortage under subdivision (a), they are entitled to makeup water first in times of surplus.” (*Id.* at p. 900.) In the early 90s, agricultural contractors argued that the reallocation of water from them to urban contractors pursuant to Article 18, subdivision (a), was improper, since shortages were not attributable to temporary dry weather but rather to DWR’s inability to build all of the originally-planned SWP facilities. Article 18, subdivision (b), of

the standard water contract between DWR and its contractors dealt with *permanent* shortages by requiring across-the-board reductions that would force urban contractors to sacrifice equally with agricultural contractors.

Against this backdrop, DWR and its contractors finally agreed to negotiate a settlement of the Article 18 controversy, so as to avoid the draconian, across-the-board cuts required by Article 18, subdivision (b). Those negotiations were broadened to encompass the entire framework of water supply contracts and the SWP. The so-called Monterey Agreement was the result. One of its major goals was “to ‘[i]ncrease water management flexibility, providing more tools to local water agencies to maximize existing facilities.’” To accomplish this goal, DWR would, among other things, “provide for permanent sales of water among contractors.” (83 Cal.App.4th at pp. 901–902.) As explained in a later court decision,

under the Monterey Agreement, agricultural contractors “will make available for permanent transfer to Urban Contractors on a willing buyer-willing seller basis 130,000 acre-feet of annual entitlements, with [Kern County Water Agency] being responsible for any portion of this amount not made available by other Ag Contractors.” This will allow urban contractors to obtain additional entitlements, thereby slightly increasing their overall deliveries even in times of shortage.

(*Friends of the Santa Clara River v. Castaic Lake Water Agency* (2002) 95 Cal.App.4th 1373, 1376-1377.)

Under the old approach, in which water contractors could point to inflated “entitlements” that assumed north coast dams and reservoirs that were never built, “[t]here [was] certainly the possibility that local decision makers [could be] seduced by contractual entitlements and approve projects dependent on water worth little more than a wish and a prayer.” (83 Cal.App.4th at p. 915.) As the *PCL* court explained, “[p]aper water always was an illusion. ‘Entitlements’ is a misnomer, for contractors surely cannot be entitled to water nature refuses to provide or the body politic refuses to harvest, store, and deliver. Paper water represents the unfulfilled dreams of those who, steeped in the water culture of the 1960’s, created the expectation that 4.23 maf of water could be delivered by a SWP built to capacity.” (*Id.* at p. 914, fn. 7.)

The City of Santa Cruz is not connected to the SWP or to any other large statewide or regional water supply system. Rather, the City has developed its own multi-source water supply system from locally available and sub-regional sources. The additional water supplies currently being pursued by the City would all involve “wet water” that can foreseeably be obtained through regulatory steps known to the City. These anticipated water supplies bear no resemblance whatsoever to the “paper water” discussed in the *PCL* decision, which were illusory, phantom water molecules planned at one time to be held behind future reservoirs that were never built.

Comment O6-4: Water Transfers

The comment indicates that the Draft EIR fails to discuss potential yield, specific implementation steps and challenges of water transfers with neighboring districts. There is no information to suggest that the City and neighboring districts are drafting any agreements beyond the pilot program for transfers between the City and Soquel Creek Water District, and there have been no transfers of water from Santa Cruz to the District for at least the last two years. The comment also states that if water rights approvals do not occur by the time of the release of the Final EIR, this adds another uncertainty to the plans for future water supplies, concluding that the transfer/exchange strategy does not meet the standard of a likely water supply strategy.

Response: Water transfers were not presumed in the WSE prepared for the Project, although this strategy has always been part of the WSAS (see DSEIR pages 15-8 to 15-9) and is part of the refined Portfolios being considered in the WSAIP as indicated in **Master Response MR-2: Likelihood of Future Water Supplies**.

The WSE did provide an update of the status of water transfer/exchange strategies. Regarding transfers with Soquel Creek Water District, in 2016, the two agencies entered into a cooperative water transfer pilot project to assess the feasibility of ongoing transfers from the City to Soquel Creek Water District. Pilot transfers began in December 2018 and are ongoing. Between 2018 and 2023, the City successfully transferred approximately 96 million gallons to the District. The existing transfer agreement extends through 2026, allowing additional piloting to continue as water supply conditions allow. Intermittent transfers from the District to the City have also occurred during winter storms and periods when the City's production was temporarily reduced due to construction of capital improvement projects. The City and Soquel Creek Water District continue to coordinate efforts regarding ongoing transfers.

The City and Scotts Valley Water District are currently pursuing the Intertie 1 Project to construct an intertie and pump station to link the two water systems. In 2022, the California Department of Water Resources awarded a \$9,449,786 grant that includes funding for the intertie project. Project design has been completed, and construction commenced in late 2024 and is expected to be completed in May 2026.

Future transfers and exchanges with local agencies, including Soquel Creek Water District, Scotts Valley Water District, Central Water District, and San Lorenzo Valley Water District would be facilitated by the water rights modifications to place of use proposed in the Santa Cruz Water Rights Project, which were examined in the Santa Cruz Water Rights Project EIR. As indicated in **Master Response MR-2: Likelihood of Future Water Supplies**, a decision by the State on the City's Water Rights petitions is expected in 2025. See **Chapter 3, Changes to DEIR**, which provides updated text on status of water transfers/exchanges and other water supply augmentation projects the City is pursuing.

The Project WSE does acknowledge that the transfer and exchange strategy is limited both by availability of surface water for transfer and by the demand of other-agency systems to utilize

transferred water when available. However, implementation of water transfers / exchanges is actively moving forward and continues to be part of the City's overall water augmentation strategy and, given progress to date, would be considered reasonably likely to occur, especially with the Scotts Valley Water District since the intertie is being constructed.

Comment O6-5: Environmental Impacts of Water Supply Options

The comment states that the Draft EIR does not comply with the *Vineyard* case ruling since it should discuss alternatives to ASR and conduct an analysis of the significant environmental impacts of those alternatives. The comment also states that the EIR reports that recycled water and desalination are alternatives, and the Draft EIR does not comply with the *Vineyard* decision requirement to analyze environmental impacts of recycled water and desalination.

Response: The *Vineyard* decision requires that an EIR include "some discussion of possible replacement sources or alternatives to use of the anticipated water" only where "despite a full discussion, it is impossible to confidently determine that anticipated future water sources will be available[.]" (40 Cal.4th 412, 432, italics added.) The Supreme Court formulated this rule in response to *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 372-373, where a lead agency, in addressing the water supply for a proposed industrial project in light of other foreseeable demand, simply assumed the successful negotiation of a future water supply contract that did not exist at the time of project approval. The lead agency invoked this nonexistent contract in finding that the project's water supply impacts would be less than significant. (*Id.* at p. 372.) The appellate court held the EIR inadequate for not disclosing possible alternative water sources and their impacts. In light of the uncertainty regarding American Canyon's future supplies, the EIR "cannot simply label the possibility that they will not materialize as 'speculative,' and decline to address it. The County should be informed if other sources exist, and be informed, in at least general terms, of the environmental consequences of tapping such resources." (*Id.* at p. 373.)

The situation here is not similar with respect to those water sources the City considers to be reasonably likely. The City is confident that the sources in that category can be obtained over time. They are not speculative, and the EIR and WSE both lay out in detail the anticipated processes for obtaining them. The City has not "declined to address" any key water source that it is actively pursuing. Indeed, the City has addressed those sources in considerable detail.

As discussed in **Master Response MR-2: Likelihood of Future Water Supplies**, augmented water supplies provided by ASR in the Santa Cruz Mid-County Basin are reasonably likely to occur, although there is some uncertainty in timing and yield to be provided. Additional water supply augmentation being pursued by the City is water transfers/exchanges and a recycled water project. Impacts of ASR, water transfers/exchanges, and Tait Diversion Improvements were evaluated in the Water Rights EIR.

As discussed in **Master Response MR-2: Likelihood of Future Water Supplies**, the City has indicated that evolving results of the WSAIP, which will be completed in 2025, suggest that ASR and transfers/exchanges may not be adequate in the long-term to meet water supply shortfalls

during extended drought periods (City of Santa Cruz Water Commission Meeting, December 9, 2024 Agenda Materials and Meeting Minutes). A recycled water option is included in Portfolios 1 and 2 of the City's roadmap for water supply augmentation in addition to ASR, water transfers/exchanges, and other improvements. the City has indicated that evolving results of the WSAIP, which will be completed in 2025, suggest that ASR and transfers/exchanges may not be adequate in the long-term to meet water supply shortfalls during extended drought periods (City of Santa Cruz Water Commission Meeting, December 9, 2024 Agenda Materials and Meeting Minutes). A recycled water option is included in Portfolios 1 and 2 of the City's roadmap for water supply augmentation in addition to ASR, water transfers/exchanges, and other improvements. At present, the City has made no commitments to pursue a desalination project, and does not expect that it will be needed based on current water supply modeling for the WSAIP. If water supply augmentation goals can be met through the reasonably likely projects of ASR, transfers/exchanges, and recycled water, as currently expected, desalination would not be necessary for water supply augmentation to meet long-term projected demand. A recycled water option has been identified by the City as a long-term option since the WSAS was developed in 2015. For reasons explained in [Master Response MR-2: Likelihood of Future Water Supplies](#), a recycled water option is considered reasonably likely to be obtained, and additional text is provided in [Chapter 3, Changes to DEIR](#), which provides descriptions of these options and potential environmental impacts associated with construction and operation of a recycled project.

The potential long-term need for a desalination project would only be pursued after all other strategies have been explored and determined to be insufficient. Desalination has long been considered the last option to be pursued given uncertainties about public acceptance and regulatory approvals. At this time, a recycled water option is being investigated, and is considered to be reasonably likely, while a desalination project is not being pursued, and is not considered to be reasonably likely as discussed in [Master Response MR-2: Likelihood of Future Water Supplies](#). As such, further review of the potential impacts of desalination need not be addressed herein. (See, e.g., CEQA Guidelines, § 15145 [CEQA does not require speculation]; *Friends of the Sierra Railroad v. Tuolumne Park & Recreation Dist.* (2007) 147 Cal.App.4th 643, 654-655, 657 ["CEQA review is premature if the agency action in question occurs too early in the planning process to allow *meaningful analysis* of potential impacts"; "ordering CEQA review in the absence of a plan involving an identifiable impact would not be meaningful"], italics added; *Topanga Beach Renters Assn. v. Dept. of General Services* (1976) 58 Cal.App.3d 188, 196 [speculative environmental analysis serves no purpose; "[e]valuation of future effects must wait the future decisions that could cause the effects"]; *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1224-1225 [without "specific, pending plans," piecemealing claims should be rejected as speculative]; *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 395 [agencies need not speculate on impacts of uncertain timing and scope]; CEQA Guidelines, § 15003, subd. (g) [CEQA's purpose "is not to generate paper"]; accord *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 135-136.)

Comment O6-6: Cumulative Water Supply Impacts

The comment states that the Draft EIR acknowledges that the cumulative impact on the water supply during droughts is significant, but claims that the City's reasoning that payment of the System Development Charge and implementation of other water conservation measures would mitigate the Project's contribution to cumulative water supply impacts is flawed and that no mitigation measure has been identified to reduce the cumulative impact. The comment also claims that the EIR is internally inconsistent as it acknowledges that without future water supplies cumulative development would result in significant impact, but yet indicates that the Project would not require or result in the need for relocation or construction of new expanded water.

Response: The Draft SEIR does identify a potentially significant cumulative impact to water supply in the near-term (2025-2030) depending on the level of development construction, and shortfalls (approximately four percent) in the fifth year of a multi-year drought under climate change forecasts to the year 2040 and in normal, single dry year and multiple dry years by the year 2045, with a slightly higher shortfall in the fifth year of a multi-year drought. This cumulatively significant impact would occur "[w]ithout augmented water supplies[.]" (Draft SEIR, p. 15-13.) However, as indicated in the Draft SEIR, **Master Response MR-2: Likelihood of Future Water Supplies**, and in the preceding responses, the City has been pursuing its identified strategies for water supply augmentation through its SOWF Policy and WSAIP, which the City anticipates would meet projected supply under worst-case conditions. By funding its fair share of future water supply augmentation projects, future development resulting from the Project will reduce its contribution to this cumulatively significant impact to a less than cumulatively considerable level, as explained below.

As indicated in the EIR and pursuant to CEQA Guidelines section 15130(a)(3), in determining, whether a project's contribution to a significant cumulative impact is "cumulatively considerable," a project's contribution would be rendered less than cumulatively considerable and thus not significant, when a project funds its fair share of a mitigation measure designed to alleviate the cumulative impact. As reported in the Draft SEIR (page 16-21), the "System Development Charge" is required for a new or upgraded service connection or where a project adds new residential uses, is used to fund public water system improvements, and is assessed so projects pay the proportional share of the costs of new and existing water facilities necessary to meet the demand resulting from new or enlarged water services. The universe of projects funded through this charge changes over time as the City identifies additional projects and modifies the charge, if need be, to account for the capital costs of such projects. This charge is intended to mitigate the water supply impacts caused by new development in the City's water service area, and the funds are used for construction of public water system improvements and conservation programs.

"Fee-based infrastructure mitigation programs have been found to be adequate mitigation measures under CEQA. [Citations.] The CEQA Guidelines also recognize that when an impact is not unique to a single project, but is instead the result of cumulative conditions, the only

feasible mitigation may involve adoption of ordinances or other regulations designed to address the cumulative impact. (Guidelines, § 15130, subd. (c).) Section 15130 of the Guidelines now specifically provides that an EIR may determine that a project's contribution to a cumulative impact may be mitigated by requiring the project 'to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact.' (Guidelines, § 15130, subd. (a)(3).)" (*Save Our Peninsula Committee v. Monterey County Bd. Supervisors* (2001) 87 Cal.App.4th 99, 140.)

Because, consistent with these principles, the project will fund its fair share of future water supply augmentation through the payment of the System Development Charge and will implement other required water efficiency measures and fixtures, the EIR correctly concludes that the Project's incremental contribution to a significant cumulative impact would not be cumulatively considerable. The EIR also notes that the additional demand indirectly resulting from the Project would not exacerbate water supply reliability during a future drought because the amount of additional demand associated with development resulting from the Project over the next 20 years when spread across all service area customers would not result in any noticeable increase in the timing or extent of curtailment in customer use that would otherwise be implemented during drought conditions. It is also noted that the Project consists of amendments to a land use plan, and no development projects are currently proposed. Contrary to the comment's assertion, potential development indirectly resulting from the Project, in and of itself, would not require construction of new or expanded water facilities, but in combination with other reasonably foreseeable and cumulative development, would require augmented water supplies during extended drought periods.

Comment O6-7: Cumulative Impacts to Loch Lomond Reservoir

The comment states that the EIR fails to discuss the impact of water demand resulting from the Project on Loch Lomond Reservoir storage during multi-year droughts and that it is appropriate to assume that 100 percent of additional demand resulting from growth would be drawn from Loch Lomond during dry years when surface water supplies are limited. The comment opines that without the Project, the projected water supply shortfall would be 400 million gallons (MG) instead of 600, which would result in a higher level of curtailment contrary to the EIR's statement that the level of curtailment would not be effected. The comment also suggests that future development may consider 100% density bonuses, and the water estimate should be revised to reflect this.

Response: The water model utilized by the City factors all water sources in the City's water supply system. It is inaccurate to assume that Project water use would solely be derived from Loch Lomond Reservoir during a drought; rather, water supply would be derived from a combination of all available sources, with the order in which particular sources would be called upon being based on physical conditions, regulatory rules and constraints, and other factors governing how the City operates its overall system in real time. The Draft SEIR does report a potential near-term water supply shortage of 400-600 MG during the fourth and fifth years of a multi-year drought until ASR and other water system improvements described in the WSE are in

place. As indicated in **Master Response MR-2: Likelihood of Future Water Supplies** and response to **Comment O6-4**, ASR and water transfers/exchanges are being implemented, although implementation may occur later than the year 2030 as was assumed in the WSE. However, the Project WSE concluded that the City's water supply planning efforts through its SOWF Policy and WSAIP would ensure that water supply augmentation projects are fine-tuned to address and eliminate projected future shortages as explained in response to **Comment O6-4**.

Comment O6-8: Cumulative Water Impact Mitigation

The comment states that only a portion of the water supply projects that the City is contemplating can be considered likely to actually become available in 20 year, and that the EIR should make a finding that the cumulative impact of the Project is significant.

Response: The Draft SEIR does identify a potentially significant cumulative impact to water supply but concludes that the Project's contribution is not cumulatively considerable, as explained in response to **Comment O6-6**.

Comment O6-9: Biological Resources – Planting Along San Lorenzo River Levee

The comment asks how the EIR mitigation plan will ensure that managed vegetation along the river levee and Riverwalk does not adversely affect the existing native habitats and new soil substrates.

Response: As discussed in **Section 7.3, Environmental Setting**, there are no existing habitat areas within the Downtown Plan Expansion area, except for the San Lorenzo River adjacent to the existing levee. Existing trees on the landward side of the levee have been planted as indicated on page 7-4 of the Draft SEIR. The levee is not a natural habitat. The Citywide Creek and Wetlands Management Plan includes development and standards for projects adjacent to watercourses throughout the City. Standard 4.5.3 addresses use of suitable plant materials, including recommended species and prohibited species. All future development adjacent to the river would be subject to the provisions of the Creeks Management Plan, including planting standards.

From: [Rick Abend](#)
To: [Sarah Neuse](#)
Subject: DEIR Comments: Downtown Plan Expansion
Date: Sunday, February 16, 2025 9:10:41 AM

Comment Letter GP1

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

The expansion plan is horrible. The height limit is way too high. It will destroy the character of our town and turn it into urban blight. Why would anyone be so stupid to support this? Town needs to grow but in a reasonably way.

GP1-1

4.4.12 Comment Letter GP1: Rick Abend**Comment GP1-1: Building Heights**

The comment suggests that the building height limit is too high.

Response: The comment is acknowledged. However, the comment does not identify analyses not already addressed the Draft SEIR, does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required. The City notes that the proposed height limits in the project area are identical to the ones found directly north of Laurel Street within the existing Downtown Plan area, absent use of any density bonus policy.

From: [stephen bare](#)
To: [Sarah Neuse](#)
Subject: DEIR Comments: Downtown Plan Expansion
Date: Monday, February 17, 2025 7:07:01 PM

Comment Letter GP2

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

The proposed downtown development plan is unsustainable, unwanted, and represents the corporate by-out of Santa Cruz. Development downtown is counterproductive and serves those who view the world through the lens of money, profit, and power. Downtown development is ironically similar in a frightening way to the Trumpian nightmare we find ourselves in; it is rooted in profit at the expense of people and is sold to the masses as something needed and necessary when it is not either. Downtown development is culturally, environmentally, and destructive to our sustainability. Downtown development is exploitation.

GP2-1

4.4.13 Comment Letter GP2: Stephen Bare

Comment GP2-1: Disagreement with Project

The comment indicates their general disagreement with the project.

Response: The comment is acknowledged. However, the comment does not identify analyses not already addressed the Draft SEIR, does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

February 21, 2025

Comment Letter GP3

Sarah Neuse, Senior Planner
City of Santa Cruz Planning and Community Development Dept.
809 Center Street, Rm. 101
Santa Cruz, CA 95060
Email: sneuse@cityofsantacruz.com

Re: Comments on Downtown Plan Expansion Draft EIR

Dear Ms. Neuse,

Thank you for the opportunity to provide comments on the Draft Downtown Plan Expansion (DPE) Project Subsequent Environmental Impact Report (EIR). As you know, one of the main purposes of the California Environmental Quality Act (CEQA) is to provide decision making bodies (in this case the City Council) with the information they need to responsibly make land use decisions. EIRs are intended to be **"full disclosure"** documents that identify, analyze, and recommend possible mitigations for, ALL of a project's potentially significant impacts, including secondary impacts that can be expected to arise from the project, so that all the cards are on the table for the City Council to evaluate when making big, irreversible land use decisions like this one. **This project will likely be the biggest, most impactful, land use change in the city's history.** Given the magnitude of this project, in order to allow the City Council to make a responsible decision, this EIR must go beyond the bare minimum analysis required for critical issues such as impacts to traffic congestion and water supply. Additionally, the 45-day public review period should be extended to the full 60-days normally given for a project of this magnitude.

With the foregoing in mind, please ensure that the Final EIR, or preferably a revised Draft EIR (to be recirculated for additional comments), addresses the following issues:

General Comment

There are numerous typographical errors throughout the Draft EIR document. It also appears that the consultant cut-and-pasted numerous sections from another EIR without making the necessary corrections for this new, different project. These errors should be corrected in a revised Draft EIR.

GP3-1

Land Use and Planning

Governing Land Use Document is the 1994 General Plan Update (not 2012 Update):

A revised Draft EIR should confirm that the city's 2012 General Plan update, and any related zoning ordinance changes, do not apply within the project area inside the Coastal Zone boundaries (i.e., almost all of the project area), since the 2012 General Plan Update has not yet been submitted to the Calif. Coastal Commission for consideration as a Local Coastal Program Land Use Plan update. Therefore, the previous 1994 General Plan and its conforming zoning code still governs in the project area. Please also include a project area map showing the Coastal Zone boundary. This means that Blocks B (Wheel Works site) and D (current Kaiser Arena site) currently have 48-foot building height limits, and the remainder of the 29-acre project area has 35-36 foot height limits. The project's consistency with the goals, objectives and programs of the 1994 General Plan update should be fully evaluated in the Final EIR or, more appropriately, in a revised Draft EIR.

GP3-2

Impacts of State Density Bonuses Not Evaluated:

The Draft EIR does not analyze the state Density Bonus Law impacts on potential building heights and housing unit counts. The DPE project involves raising the height limits across the 29-acre South of Laurel Area (SOLA) site, up to a new base height limit of 85-feet in much of it (before any "density bonus" is applied), increased from the existing 35- to 48-foot height limits. The rest of the SOLA would have 50- to 70-foot height limits (before density bonus). While the Draft EIR mentions that developer utilization of the 50% state density bonus is possible, it does not evaluate the impact this 50% density bonus, if applied by developers, would have on the eventual heights of buildings in the SOLA given the new proposed increased base zoning height limits (i.e., 50-85 feet proposed, increased from the current 35-48 feet). Moreover, the Draft EIR does not even acknowledge, let alone analyze or evaluate, the new 100% state "stackable" density bonus provisions in AB 1287. Application of this provision by developers will potentially double the number of housing units that could be built under existing and proposed base zoning scenarios, and at least double or triple (or more) the building heights over the existing and proposed base zoning height limits in SOLA. It is likely that developers will utilize this option. The EIR must be revised to fully evaluate potential full utilization of the 100% density bonus throughout the project area, with revised visual simulations (i.e., revised Figs. 5-3 through 5-6) and conceptual renderings (Figs. 3-17 and 3-18), so decision makers will have a clear idea of the potential impact of this new state law (AB 1287).

GP3-3

It should be noted and remembered that AB 1287 is how the 192-ft. 16-story Clocktower Center project was able to be proposed in a 50-ft. height limit zone on North Pacific Ave. across from the Clocktower. If that developer (Workbench) had secured the financing for it (which they still might) the city would not have been able to deny it, due to AB 1287. If a developer can now build a 16-story, 192-foot building in a 50-foot height limit zone (i.e., **almost 4 times as high as the zoning district limit**), how much taller could they build in the multiple blocks proposed to have a 85-foot height limit zone in SOLA? Twenty-five stories? Thirty stories? The EIR needs to evaluate this possibility, with revised visual simulations (i.e., Figs. 5-3 through 5-6), conceptual renderings (i.e., Figs. 3-17 and 3-18), and building elevation schematics (e.g., Fig. 3-16).

The increased number of housing units that could be built in the project area, assuming full or robust utilization of AB 1287's 100% density bonus provisions, should also be evaluated in a revised Draft EIR. Hundreds of units over the City Council approved 1,600 units, or the EIR's upper evaluation limit of 1,800 units, could result. Will there be a trigger mechanism to stop additional units over the 1,800-unit upper target limit from being built? How will this higher unit count affect the EIR's analysis of the project's resource and infrastructure impacts?

Not fully acknowledging and evaluating these state density bonus provisions and their impacts is a major deficiency in the Draft EIR that must be corrected. CEQA Guides Sec. 15146(b) requires that General Plan Amendment EIRs, such as this one, evaluate the secondary effects that can be expected to follow from the proposed action. If the existing zoning height and floor area ratio (FAR) limits in SOLA are raised, as proposed in the DPE project, it is reasonable to expect that developers may choose to fully exploit the 100% state density bonus provision in AB 1287. A full evaluation of the potential ramifications of developers exercising this option is needed. The Draft EIR fails to provide such an analysis. This oversight will require wholesale revision to most of the resource impacts analyses in the Draft EIR. Based on the magnitude of the deficiencies of this EIR due to this oversight, a revised Draft EIR should be prepared and circulated for review in lieu of a simple response to comments in a Final EIR.

Alternatives Analysis

Please include, as a component of each of the alternatives analyzed (including the "preferred" and "no project" alternatives), the assumption that all of the new/proposed housing units will be smaller sized housing units (e.g., 400-800 sq. ft.), so as to minimize the height and floor area ratios (FARs) needed to achieve numeric housing unit/density targets. These smaller "efficiency units" and "luxury efficiency units", if properly designed, can provide more than adequate living space for residents, and can

GP3-3

GP3-4

likely eliminate the need for buildings over 5-7 stories, while meeting the project objective of 1,600 new housing units. At the very least, the EIR's housing unit size assumptions must be disclosed.

GP3-4

As part of the Alternatives Analysis, visual simulation graphics and conceptual renderings (similar to Figs. 5-3 thru 5-6, and 3-17 & 3-18), should be provided showing what **all** the various project alternatives would look like, assuming buildout with applicable density bonus options (i.e., AB 1287 100% state density bonus, and the proposed "Downtown Density Bonus" - Options A and B).

GP3-5

Alternative 1 and Proposed City "Downtown Density Bonus":

The description of Alternative 1 needs clarification - it states that current General Plan and zoning designations would be retained in the project area. But then it refers to only Blocks B, D and H retaining their current height limits. The other blocks in the project area currently have height limits of 35-36 feet that presumably will be retained as part of Alternative 1 (this should be clarified in the EIR). Blocks A, C, E, F, G, I and J, currently have 35-36 feet height limits, as per the most recent Local Coastal Program Land Use Plan and Implementation Plan certified by the California Coastal Commission (i.e., the city's 1994 General Plan update and its implementing zoning code). This is still the governing land use document (i.e., not any more recent updates to the city's General Plan, zoning code, area plans, etc. that have not yet been formally certified by the Coastal Commission) for the project area, which is almost entirely in the Coastal Zone. This should be clarified in the EIR.

GP3-6

Alternative 1 is similar to the "No Project" Alternative in that it involves retaining the existing zoning and height limits in SOLA, but in addition includes most of the other aspects of the proposed project, including the new Warriors arena and the proposed cityscape/infrastructure improvements. However, Alternative 1 also includes implementation of the city's proposed new "Downtown Density Bonus" (DDB), which under "Option A" would incentivize the construction of 145-foot (12-story) buildings throughout the 29-acre SOLA project area (in exchange for 20% net of units being affordable), even in locations that would have a base zoning height limit of only 35-feet under this Alternative. This is problematic, as it would still greatly impact SOLA despite retaining the current lower base height limits, potentially covering the entire 29-acre area with massive 12-story buildings of 145-foot height, not including the extra 15-feet of height allowed for "rooftop amenities". **These 12-story buildings, potentially covering most or all of the project area, would be TWICE as tall as the huge 6-story Anton-Pacific building recently completed on the other side of Laurel Street.**

To reduce this impact, Alternative 1 should be revised to include a scaled-down version of the Downtown Density Bonus (DDB). This proposed **Reduced Downtown Density Bonus** would scale the original DDB back proportionally to account for the lower height limits in Alternative 1 as compared to the “preferred alternative”. For example, since the Alternative 1 height limit along the levee in Blocks B (Wheel Works location) and D (current arena location) would remain at the current 48-feet, instead of increasing to 85-feet as in the proposed project, a Reduced Downtown Density Bonus “Option A” could allow heights of 82-feet (7-8 stories) in blocks B and D. The height limits under this Reduced Downtown Density Bonus are proposed to be proportionally reduced as follows: 145-feet is 1.7 times higher than 85-feet, so under the Reduced Downtown Density Bonus 82-feet is the height limit because it is 1.7 times higher than 48-foot existing zoning height limit.

Similarly, in the remaining blocks, where the current height limits are 35-36 feet (which would stay the case under Alternative 1), the proposed Reduced Downtown Density Bonus would allow heights of 61 feet (i.e., 35-feet times 1.7) or 6-stories. This is roughly the height of the Anton-Pacific building, once the City’s 15-foot “rooftop amenities” allowance is added to the 61-feet.

Under a Reduced Downtown Density Bonus, in “Option B” it is proposed that the height limit would be proportionally reduced to 48-feet in Blocks B & D, and 36-feet in the rest of the project area (i.e., reduced from the DPE’s proposed 85-feet under Option B).

Buildings of these heights, allowed under the proposed Reduced Downtown Density Bonus, would likely be able to provide at least 1,600 new housing units, with 20% net below market rate (either onsite or offsite, as proposed in the original DDB), and a new multi-purpose Warriors arena. It was reported in Lookout that the Warriors have indicated that they could accomplish the project goals, including the new arena, with buildings of only 7-8 stories in height (Lookout story by Max Chun, 3/1/24 <https://lookout.co/fact-check-will-buildings-in-downtown-santa-cruz-expansion-plan-be-only-7-to-8-stories-tall/>). This version of Alternative 1, with a Reduced Downtown Density Bonus as described above, likely could achieve all of the DPE project goals without requiring the building of multiple enormous 12-plus story buildings across the 29-acres of SOLA, which would mar the cityscape of Santa Cruz forever. This Reduced Downtown Density Bonus proposal should be examined and evaluated as part of Alternative 1, or in a new different alternative that also retains current zoning height limits (as reflected in the last certified LCP), in a revised Draft EIR.

Aesthetics

The DPE project involves raising the height limits across the 29-acre south of Laurel site, up to a new base height limit of 85-feet in much of it (from the current 35-48 feet). The rest of the SOLA would have 50-70 foot height limits (before density bonus). That means, based on what the developer “Workbench” was able to force the city to accept in the 16-story Clocktower Center, buildings will easily be able to go up to 25 or even 30 stories (300+ feet) in an 85-ft. height limit zone, and the city won’t be able to stop it. None of that is analyzed in the EIR, which wrongly assumes that 12-stories (145-feet) will be the upper height limit of any building. All of the graphics and photo simulations in the EIR wrongly assume that no buildings will be higher than 12-stories. This needs to be corrected in a revised Draft EIR.

GP3-7

The aesthetic impact analysis should be revised to include impacts to views, from buildings that could be built under AB 1287 rules, towards the downtown from the top of Beach Hill (not just the Cliff St. stairs but also from along the western end of Third St.) as well as views from along the San Lorenzo River. All visual simulation graphics in the DEIR, the DPE Plan itself, and related documents should be revised to give the public and decision makers an idea of the potential impact of raising the height limits in SOLA to 70- and 85-feet, as the project proposes.

Air Quality and Greenhouse Gas (GHG) Emissions

The EIR must evaluate busy weekend and weekday emissions from the traffic congestion that will be created and exacerbated by the proposed project in combination with all other anticipated development within the City, including anticipated/probable UCSC growth, including UCSC growth anticipated in the latest UCSC Long Range Development Plan (LRDP) and LRDP EIR. The traffic circles on Front St. and by the wharf, and surrounding streets, are already gridlocked on many weekends, and Laurel St. through the project area is already heavily congested during weekday commute periods (especially when UCSC is in session).

GP3-8

Biological Resources

The EIR must address potential bird strike and other impacts caused by potentially having 25-story (or taller) buildings (due to AB 1287) directly adjacent to a major bend in the San Lorenzo River corridor, as this flyway is used by numerous avian species, including State and Federally-listed endangered ones. The EIR also needs to analyze the shading impacts these towers could have on the fish and wildlife in the San Lorenzo

GP3-9

River, and acceptability of shading, bird strike and other impacts under the California Coastal Act.

GP3-9

Hydrology and Water Quality

As climate change progresses, sea level will rise and areas that are currently behind the levee and outside the 100-year floodplain will soon no longer be so, as noted in the city's 2/18/25 Flood Control and Climate Change Webinar. The revised Draft EIR should analyze this issue using worst case sea level rise projections, as the worst case climate change scenarios are increasingly becoming the likely-case scenarios (especially given policy trends at the federal level). The worst case flood scenarios should take into account Antarctic glacial loss trends/projections (which most current models do not) and assume that floods occur during 7-ft. "King" high tide events which typically happen at the same time of year as our biggest storms (i.e., Dec.-Jan.).

An earlier iteration of the proposed project (as described in the City Council agenda packet for 6/14/22, Item #30) explicitly included the placement of a large wedge of earthen fill next to the river levee in order to gradually bring the grade up to meet and be even with the top of the levee. The current version of the SOLA plan (Appendix 8 of the Downtown Plan) is less explicit about this wedge of fill, but it appears to still be part of the proposal (see Fig. 8.4-21, cross-section #13). The SOLA Plan (Downtown Plan Appendix 8) and the DPE EIR must be explicit about any fill proposed in the project area, the entirety of which is in the San Lorenzo River floodplain, including locations and amounts (i.e., volumes in cubic yards). The EIR must be revised to address the potential impact of placing the proposed amount of fill on the displacement of flood waters in the event of a large levee-topping flood, the potential frequency of which will increase as sea-level rises, and large storm frequency and intensity increases in the coming years and decades. This proposed fill will displace floodwaters in the event of a large flood, causing other areas in the floodplain to experience higher flood flows than they would if the fill were not there. The EIR should quantify the increased floodwater heights, due to this fill and other proposed development (i.e., from this project and other proposed projects), in the rest of the San Lorenzo River floodplain, and adjacent areas, in the event of the 50, 100, 200 and 500-year floods, assuming a 3 to 6 foot sea level rise (plus taking King tides into account), which scientists believe is likely in coming decades. As a mitigation measure the project should be revised to not include any such fill.

GP3-10

Noise and Vibration

The proposed arena should be required to be as sound-proof as possible, utilizing state of the art design and construction technology and techniques to attenuate noise coming from inside the venue. This should be a required EIR mitigation measure.

GP3-11

The revised Draft EIR should disclose the extent to which construction phase pile driving will need to occur, how deep will pilings need to be driven, how long will it take, how loud will it be? What level of vibration is to be expected and what will be the impacts to neighboring areas.

Population and Housing

The revised Draft EIR should specify (or at least estimate) the number of below market-rate "affordable" housing units that will be built as part of the project, by income category (i.e., "moderate", "low", "very low" and "extremely low" and "acutely low"), and specify (or estimate) the ratio of "for sale" units to rental apartment units.

The EIR also needs to fully analyze and mitigate the impact on the City's affordable housing crisis of demolishing the affordable housing development to re-align Laurel Street Extension. This should include a detailed analysis of the number of current residents, particularly in the Front Street board and care facility for developmentally disabled adults, who would be displaced by the project as well as the availability of relocation opportunities. Potential replacement housing sites should be evaluated for feasibility. A mitigation measure should require that replacement housing be available and residents of the board and care facility be sufficiently housed and accommodated prior to the re-alignment of Laurel Street Extension.

GP3-12

A revised Draft EIR should also provide an analysis of why the city's "fair share" Regional Housing Needs Allocation (RHNA) construction goal of 3,736 new housing units for the 2023-31 planning period is **5 times higher** than it was for the previous (current) planning period, but the Monterey Bay area's regional allocation from the state was **only 3 times higher** than last time. Why did the City of Santa Cruz agree to take on far more than its "fair share" of the regional housing need (without any push back or appeal)?

A revised Draft EIR should also analyze, and provide an estimate of, the percentage of the new housing units that will likely be occupied by higher income people choosing to move here from elsewhere, as opposed to providing new housing opportunities for those already here. In particular, a jobs/housing balance estimate should be made of

how much of the “regional housing need” required by Silicon Valley employment will be provided by the project here in Santa Cruz.

Also, since some members of the public presume that the project's added housing will help to resolve the city's housing crisis for the poorest members of society, the revised Draft EIR should evaluate how the project will impact and benefit the city's unhoused population.

GP3-12

Utilities, Service Systems and Energy Conservation

Inadequate Water Supply and Demand Analyses:

The EIR analysis of impacts to the city's water supply is insufficient. The EIR's analysis, which relies heavily on the city's 2020 update of its Urban Water Management Plan (UWMP), fails to fully evaluate the project's impact on the city's water supply, taking into account all anticipated future growth in the city's water service area and likely supply constraints due to drought conditions. Unfortunately, the 2020 UWMP does not properly take these factors into account and cannot be relied upon for the EIR's analysis. For example, the UWMP makes the faulty assumption that the worst case 5-year drought the city is likely to ever face was the 1973-1977 period, a stretch that includes two abnormally wet years (1973 and 1974), one normal rainfall year (1975), and only two dry years (1976 and 1977). It uses that 5-year "worst case drought scenario" period as the basis to paint an overly rosy picture of the city water supply's ability to withstand a major drought. The EIR uses this 3 wet years followed by 2 dry years time frame as its “multi-year drought” scenario. This is highly misleading and leads to an overly optimistic forecast of what water availability will be like in a real multi-year drought. A revised Draft EIR needs to correct this mistake.

GP3-13

Moreover, the housing unit growth projection used in the 2020 UWMP does not take into account AMBAG's recent Regional Housing Needs Allocation (RHNA) of some 3,750 new units by 2031, let alone future RHNA growth mandates. Nor does it account for the UCSC growth as specified in the latest UCSC Long Range Development Plan (LRDP). The EIR makes an attempt to correct the faulty water demand forecast in the UWMP (in Attachment 1 of Appendix A of Appendix E of the Draft EIR), but that analysis also fails to account for the 2023-31 RHNA or the UCSC LRDP.

Thus, the EIR **overestimates** the amount of water available during a major extended drought, and **underestimates** the level of growth the city is likely to experience in the near and long term future. The EIR must be revised to provide an updated water supply analysis, that takes into account these shortcomings of the 2020 UWMP and the

subsequent faulty demand analysis, with a more realistic worst case scenario long term drought analysis, and updated growth projections in the city's water service area, including anticipated/likely UCSC growth and current and future RHNA's (i.e., beyond 2031). The City Council needs a truthful and accurate water supply analysis before approving a project of this magnitude.

Because we already experience water use restrictions and cutbacks in dry years, and are already conserving more water per household than almost any other County in the state, it is likely that a desalination plant (and/or other expensive supply augmentation infrastructure) will be needed to accommodate the existing and anticipated development (including the new RHNA construction goal of some 3,750 units by 2031). The EIR should be updated to include an economic impact analysis that estimates how much individual residential water rate payers in the city will be charged monthly to pay for the desal plant (and/or other infrastructure) needed to accommodate the proposed and anticipated growth. These are things we as citizens need to know before the City Council makes large irreversible land use decisions like the one being proposed with this Downtown Plan Expansion. The EIR must provide this information.

GP3-13

Transportation

The EIR's Vehicle Miles Traveled (VMT) analysis should be revised to include potentially significant impacts during the summer and on weekends. This analysis should also be provided as part of the evaluation of cumulative impacts. The EIR also should include a separate VMT and parking analysis of the increased trips to the proposed relocated arena. Mitigation measures such as shuttles, bus passes to season ticket holders, and other Transportation Demand Management (TDM) measures should be evaluated. The VMT analysis should also fully evaluate and account for the number of Silicon Valley and other SF Bay Area workers who will move to Santa Cruz and become long distance commuters when the proposed new housing becomes available to them.

GP3-14

With regard to Level of Service (LOS) impacts, the traffic study's conclusion that only one intersection (Front and Laurel) will suffer only a minor drop in LOS (from LOS "D" to LOS "E"), despite the addition of 1,800 housing units, is **laughable**. The LOS analysis needs to be redone, this time taking summer weekend traffic into account. The area already often experiences gridlock in those recurrent peak times. The addition of 1,800 new housing units, and a new multi-use arena that will likely host multiple major events per month, will surely cause more than a slight drop in LOS at one intersection. Also, the traffic study also does not appear to take into account the thousands of monthly Uber-type rideshare service and door-dash trips, package deliveries, and other

GP3-15

congestion causing trips (including increased bike, e-bike and bus trips) the project will create. A new LOS (and VMT) analysis is needed that takes into account the foregoing factors, with additional traffic mitigations proposed. Even though such a LOS analysis is not required by CEQA, the city's General Plan (GP) does require the city to "Acknowledge and manage congestion" (GP Goal M3.1) and to "Strive to maintain the established 'level of service' D or better at signalized intersections" (GP Goal M3.1.3), so at a minimum a more thorough analysis of the project's LOS impacts, taking into account these factors, is needed. The proposed project will greatly exacerbate the already near gridlock traffic conditions the aforementioned areas are already experiencing at peak times and these project impacts should be evaluated and disclosed in a revised Draft EIR so that the City Council has this information prior to their consideration of project approval.

A revised Draft EIR should be prepared that fully addresses General Plan-relevant impacts to traffic congestion from the proposed project and each of the alternatives (plus other anticipated projects/growth), including during peak summer weekend and weekday rush hour periods, with the realistic assumption that most of the new residences will have the same number of cars as multi-family residences in Santa Cruz do currently. It would be improper to assume a lower automobile ownership rate than what we see now. We don't have a robust transit system such as exists in places like New York or San Francisco, so we should realistically assume a higher private vehicle ownership and use rate than those places. The EIR should evaluate the need for and costs of traffic mitigations, and how those costs will be paid. Even though CEQA does not require traffic congestion created by a project to be analyzed in an EIR, it does not prohibit it either (it only prohibits LOS reductions from being considered a "significant" impact), and since the city's General Plan requires the addressing of LOS impacts, it would be **highly irresponsible** for the City Council to approve a project that adds up to 1,800+ new housing units in such a small area without full knowledge of the traffic impacts it will create. Therefore, a revised Draft EIR VMT analysis, and a revised traffic study, should fully analyze traffic congestion created by the project (in addition to VMT), in conjunction with that created by other anticipated growth/projects in the area (including UCSC growth as forecasted in the latest UCSC LRDP and LRDP EIR).

GP3-15

In addition, a revised Draft EIR should be prepared to evaluate the potentially significant parking impacts of the project, and should assume a realistic automobile ownership rate when it comes to providing the needed parking. Multi-family developments are generally undersupplied in parking spaces, resulting in residents having to park their vehicles on-street throughout the neighborhood. This is already a huge problem in the South of Laurel neighborhood around large multi-family developments such as the Cypress Point apartments at the end of Felix Street. The revised Draft EIR needs to make realistic

GP3-16

assumptions about the need for parking and where parking will occur if not enough spaces are provided by the new development.

GP3-16

Public Services

The Draft EIR needs to be revised to better analyze the potentially significant impacts of increased traffic and congestion from the proposed new development on public safety through evaluation of traffic accidents (esp. involving pedestrians and bicycle riders), and especially first responder response times, particularly during the frequent summer weekend gridlock conditions (which will only intensify due to the project), with comparative analysis of similar areas.

GP3-17

The revised Draft EIR should better evaluate the impacts to emergency services, particularly given the current "at capacity" status of the fire department, and especially their lack of ladders high enough to reach tall multi-story buildings. When and where will new fire stations be built/expanded?

The EIR should also fully evaluate the project's impact (accounting for all possible cumulative growth) to the city's solid waste disposal facility, including a capacity analysis of the city dump.

Other CEQA Considerations

Recreation:

The Draft EIR needs to evaluate potentially significant recreational resource impacts of the project, in particular the impact of adding up to 1,800 new housing units on parks (e.g., added people dangerously parking along Hwy. 1 outside of Wilder Ranch SP) and already dangerously overcrowded surf breaks (e.g., Steamer Lane and Cowell's).

GP3-18

Geologic and Hydrologic Hazards:

Even though the NOP stated that "Geology and Soils" do not need to be addressed in the EIR, the fact that multiple 25 or 30 story habitable structures could be built on the deep alluvial fill that underlies the entire project area. The entire area, especially locations closest to the river levee, is subject to significant liquefaction hazards during large earthquakes. The proposed tall (and potentially very tall) buildings will experience significant shaking in the event of a large earthquake. This is a topic that must be thoroughly evaluated and addressed in a revised Draft EIR.

GP3-19

Similarly, flooding hazards to properties and people in the floodplain, created by the proposed project, and particularly any proposed fill, should be fully evaluated in a revised Draft EIR. A revised Draft EIR should fully evaluate the increased flood levels due to proposed fill in the project area from any flooding in the San Lorenzo River floodplain in event of flood waters exceeding leveed channel capacity (taking worst case projected sea level rise into account). It should also evaluate the costs of this increased level of flooding to other structures and infrastructure in or adjacent to the floodplain, including the mitigation cost of raising existing habitable structures throughout the floodplain to a flood-safe elevation.

GP3-19

The revised Draft EIR should also fully evaluate tsunami hazard potential, especially given the recently updated tsunami hazard analysis released by the Calif. Geological Survey. It should also evaluate the increased tsunami hazard to other structures and infrastructure that would result from the project's proposed wedge of fill (to raise grade level) and other structures that could displace floodwaters, and fully evaluate the costs of increased damages from these higher flood/tsunami water levels that could result from the project.

Temporary Impacts:

As a construction phase mitigation, the revised Draft EIR should require all sidewalks remain open to pedestrian use, unlike the current situation at the new building going up along Front Street. New large minimal setback buildings constructed in most cities, such as San Francisco and New York, make provisions for publicly accessible covered sidewalks adjacent to construction sites. There is no reason why that shouldn't be the case here.

GP3-20

Cumulative Impacts:

The EIR's cumulative impact analysis does not appear to take into account UCSC's LRDP or future RHNAs. Nor does it account for the implementation of recent state housing laws and incentives, including potential implementation of AB 1287 and other density bonuses throughout the city. This should be corrected in a revised Draft EIR that assumes such likely future growth in **all** of its analyses of the various potential resource and infrastructure impacts.

GP3-21

Conclusion

Given that this Downtown Plan Expansion (DPE) proposal likely represents the **largest, most impactful land use project in the city's history**, the City Council needs a full

GP3-22

accounting of what the project will entail and what direct and secondary impacts could occur. The Draft EIR does not provide such an accounting. The Draft EIR needs to be fully revised to adequately evaluate and analyze what will happen, taking into account AB 1287's 100% density bonus, if the Council does raise those height and Floor Area Ratio (FAR) limits as they are proposing in SOLA. How tall could the buildings get? Where would they be located? How big and where would the shadows be? Additional and revised graphic depictions showing what could occur given AB 1287, and showing what each of the EIR alternatives would look like, are needed in a revised EIR and in the DPE Plan. The 1,800 upper limit of the number of new housing units being analyzed in the Draft EIR would also likely be exceeded with these taller towers, and that should also be evaluated in a revised Draft EIR, which will need to be recirculated for review.

City leaders hopefully have learned the recent lesson from the shockingly massive **192-foot tall** (16-story) Clocktower Center proposal, which the city will be **forced to accept** in a **50-foot height limit zone** if the developer ("Workbench") so chooses. **That's almost 4 times as tall as the height limit for that zone.** Workbench has indicated they will resurrect that proposal if and when they secure the financing. Given that the state rules such as AB 1287 now allow such exceedances of city height limits, the city should not be raising its base height limits if it doesn't have to do so. There will be plenty of tall buildings, with thousands of new housing units, allowed in the city under current height limits plus the new AB 1287 100% state density bonus. The state's Regional Housing Need Allocation (RHNA) new housing unit construction mandate of 3,736 units by 2031 can be easily met under current zoning height and density limits (according to the city's Housing Element). Within SOLA, the principal goals of the Downtown Plan Expansion (i.e., 1,600 units with 20% net affordable, and a new Warriors arena) can likely be achieved **without raising height or FAR limits**. It was reported in the online news publication Lookout that the SC Warriors have indicated that they could accomplish the project goals, including the new arena, with buildings of only 7-8 stories in height (Lookout story by Max Chun, March 1, 2024 <https://lookout.co/fact-check-will-buildings-in-downtown-santa-cruz-expansion-plan-be-only-7-to-8-stories-tall/>). This can be done under a revised version of the EIR's Alternative 1, keeping current height limits and zoning, with the Reduced Downtown Density Bonus proposal described above, and this proposed revised Alternative 1 should be fully evaluated in a revised Draft EIR. The City does **not** need to raise height limits in SOLA to achieve the main goals of the proposed DPE project. Raising height limits would be an irreversible mistake (due to SB 330 which essentially prohibits downzoning) that could easily result in massive 20-30 story buildings being built (due to the 100% Density Bonus provisions of AB 1287). Santa Cruz is not ready for this kind of overdevelopment.

GP3-22

Even the city's goal of limiting building heights to 12-stories (i.e., 145-feet tall plus 15-foot "rooftop amenities allowance for a total of 160-feet tall), as expressed in the proposed "Downtown Density Bonus" incentive (Option A), would result in overly massive structures TWICE as tall as the new Anton-Pacific building at Pacific and Laurel. These buildings would loom over Beach Hill and the surrounding neighborhoods and would be out of scale for the area. A better option would be to adopt Alternative 1 with the Reduced Downtown Density Bonus (as described above) which would limit buildings to a much more reasonable 6-8 stories in SOLA. This would still be tall enough to meet the project's goals of 1,600 new housing units, with a net 20% of them being below market-rate, and the funding of a new Warriors/multi-use arena.

Thank you for this opportunity to comment on the Draft EIR for the proposed Downtown Plan Expansion. I look forward to seeing the concerns raised above being addressed in the Final EIR, or preferably a full, revised Draft EIR that would be recirculated for further review.

Sincerely,

Frank Barron, AICP
Retired Land Use Planner & Long Term City Resident

cc: City Council
Planning Commission

4.4.14 Comment Letter GP3: Frank Barron

Comment GP3-1: Typographical Errors

The commentor notes that there are typographical errors in the Draft EIR but does not identify specific revisions.

Response: The comment is acknowledged. However, the comment does not identify analyses not already addressed the Draft SEIR, does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

Comment GP3-2: Consistency Analysis Using the 1994 General Plan

The comment suggests that the Project's consistency with the goals, objectives and programs of the 1994 General Plan update should be fully evaluated in the Final EIR or in a revised Draft EIR since the 2012 General Plan Update has not yet been submitted to the CA Coastal Commission for consideration as a Local Coastal Program Land Use Plan update.

Response: As noted in Section 3.2 Project Context and Background of the Draft SEIR, the relevant City planning documents used in the CEQA analysis include:

- General Plan 2030 (2012 as amended)
- Local Coastal Program (1994 as amended)
- Beach/South of Laurel Comprehensive Area Plan (1998)
- Downtown Site Furnishing Standards (2022)
- Community-wide Climate Action Plan for 2030 (2022)
- San Lorenzo Urban River Plan 2003
- City of Santa Cruz Active Transportation Plan (2017)
- Santa Cruz Municipal Code
- Various infrastructure master/management plans

The 1994 General Plan included coastal policies that form the basis of the City's Local Coastal Program Land Use Plan (LCP LUP), but also includes many other policies, goals, and programs that were superseded by the General Plan 2030. Only those policies identified in the 1994 General Plan as being part of the LCP LUP are relevant for development and land use within the coastal zone; all others are superseded by the 2030 General Plan. Where conflicts arise between LCP policies and General Plan Policies, the LCP takes jurisdiction. Where no direct conflicts exist, new development in the coastal zone is required to comply with the policies found in both documents, plus any applicable area plan, and the relevant standards in the City's Municipal Code.

The Project includes amendments the City's LCP, which in addition to the Downtown Plan amendments, consist of the following as shown in Appendix B of the Draft SEIR: a note added to LUP Table L-11; amendment of the General Plan and LUP land use designation from various residential designations to Regional Visitor Commercial for six parcels; and amendment of zone district from CBD-E to CBD for numerous parcels. City staff will fully review Project consistency with the General Plan 2030 and LCP as part of the project review. The CEQA analysis does review whether the project conflicts with any policies adopted for the purpose of mitigating an environmental impact and does include a relevant LCP policy (see [Table 10-1: Review of Applicable General Plan Policies](#) in the Draft SEIR). Furthermore, the impacts indirectly resulting from the Project, including land uses and development standards in the Downtown Plan, are evaluated throughout the Draft SEIR.

Comment GP3-3: Impacts of State Density Bonuses Not Evaluated

The comment states that the Draft EIR must evaluate increased housing units with AB 1287's 100% density bonus and effects on resources and infrastructure with a revised Draft EIR to be circulated for review.

Response: See [Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law \(AB 1287\)](#).

Comment GP3-4: Use of Smaller Sized Housing Units in the Alternatives Analysis

The comment suggest that as a component of each of the alternatives analyzed, the assumption be made that units will be small (e.g., 400-800 sq. ft.) to minimize the height and floor area ratios (FARs) needed to achieve the project's targets.

Response: As described in [Section 1.1 Purpose of the EIR](#) in the Draft SEIR, the EIR was prepared as a "Program EIR" pursuant to section 15168 of the State CEQA Guidelines. A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related geographically, by similar environmental effects, as logical parts in the chain of contemplated actions, or in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program.

Furthermore, as described in [Section 3.4 Project Overview](#) of the Draft SEIR, the project consists of a series of amendments to the City's Downtown Plan extending the boundary of the existing Downtown Plan to incorporate the project area and add development standards and design guidelines for the study area, and other policies and standards to the City's Downtown Plan (amended October 24, 2023) associated with future development or redevelopment within the project area.

The housing unit sizes assumed in the conceptual buildout analysis was prepared by the City and the consultant team based on recent mixed-use development in the Downtown and general market trends. Because no specific development projects are included in the (Program) SEIR, a range of reasonably foreseeable future housing unit sizes was utilized as part of the conceptual buildout analysis; namely a variety of one-, two-, and three-bedroom units.

Because the proposed amendments to the downtown plan would regulate development maximums using a maximum Floor Area Ratio (FAR) of 3.5 rather than a maximum density of dwelling units, the size of the housing units would not affect the bulk or height of the buildings.

Comment GP3-5: Visual Simulations for the Alternative Analysis

The comment suggests incorporating visual simulations and conceptual renderings assuming buildings utilizing the 100% State Density Bonus.

Response: See [Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law \(AB 1287\)](#).

Comment GP3-6: Reduced Downtown Density Bonus Alternative

The comment suggests revising Alternative 1: Reduced Project with a “Reduced Downtown Density Bonus” alternative which would result in lower building heights as compared to the proposed Downtown Density Bonus assumptions. The comment notes that this revised alternative would still be able to meet the project Objectives without requiring taller (12 story) buildings. The comment concludes by stating that this Reduced Downtown Density Bonus proposal should be examined and evaluated as part of Alternative 1, or in a new different alternative that also retains current zoning height limits (as reflected in the last certified LCP), in a revised Draft SEIR.

Response: Alternative 1 would maintain the existing General Plan and zoning designations in the project area. The General Plan and LCP designations on Blocks B and D would remain High Density Residential (30.1 – 55 DUs/acre), and Block H would remain Medium Density Residential (20.1 – 30 DUs/acre) (instead of being designated Regional Visitor Commercial like the remainder of the project area as proposed). Building heights on Blocks B, D and H would be governed by existing zoning.

Alternative 1 could result in future development that uses either the State Density Bonus or Downtown Density Bonus to exceed development standards for height, FAR, residential density, stepback requirements, and any other standards restricting the potential development envelope.

The commentor’s suggestion to include a “scaled-down version of the Downtown Density Bonus” would not affect the (existing) development standards under Alternative 1 and therefore would not affect building heights, before any density bonus.

The goal of the Downtown Density Bonus is to be more attractive to developers than the State Density Bonus and thereby meet the City’s goals under the program. Creating a “scaled-down” option would not be consistent with these goals, including creating more affordable housing (as compared to the State Density Bonus), and incentivizing future development in a manner consistent with the project objectives. Reducing the incentives associated with the Downtown Density Bonus would make the options available through the State Density Bonus more

attractive, and thereby eliminating any opportunity for architectural review or increased levels of below-market rate housing.

See also [Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law \(AB 1287\)](#).

Comment GP3-7: Aesthetics and State Density Bonus

The comment suggests that the aesthetic impact analysis should be revised to include impacts to views, from buildings that could be built under AB 1287 rules, towards the downtown from the top of Beach Hill (not just the Cliff St. stairs but also from along the western end of Third St.) as well as views from along the San Lorenzo River.

See [Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law \(AB 1287\)](#).

Comment GP3-8: Air Quality and Greenhouse Gas (GHG) Emissions

The comment suggests that the EIR must evaluate busy weekend and weekday emissions from the cumulative congestion that will be created and exacerbated by the proposed project in combination with all other anticipated development within the City.

Response: This localized congestion emissions analysis for cumulative plus project traffic is already included in the Draft SEIR, in the discussion of carbon monoxide (CO) hotspots. As described therein:

“To verify that the project would not cause or contribute to a violation of the CO standard, a screening evaluation was conducted comparing the highest hourly traffic volumes at any studied intersection to the 24,000 vehicles-per-hour criterion. Based on traffic conditions considered for development of the project and described in the Local Transportation Analysis for the project (Kimley-Horn, 2024), the maximum hourly volume would be approximately 7,893 vehicles at the intersection of Ocean Street and Water Street in the PM peak hour for the Cumulative Plus Project scenario, which would be substantially less than the screening criterion applied.” (Draft SEIR page 6-14)

In addition to localized CO hotspots, regional emissions of criteria air pollutants were estimated using the California Emissions Estimator Model (CalEEMod), which includes trip rates for Saturday, Sunday, and weekdays, to determine emissions for different days of the week. Finally, as described in the Draft SEIR on page 6-10, vehicle trip rates for a maximum event day (i.e., a large entertainment event with the most attendees) were incorporated into the analysis to determine the worst-case day emissions for comparison to the Monterey Bay Air Resources Board thresholds of significance. Based on the preceding, the air quality analysis performed for the project adequately and appropriately addressed mobile source vehicular emissions on a localized and regional basis.

Comment GP3-9: Biological Resources

The comment states that the EIR must address potential bird strike and other impacts caused by potentially having 25-story (or taller) buildings (due to AB 1287), as well as, shading impacts from taller buildings on fish and wildlife in the San Lorenzo River.

Response: See [Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law \(AB 1287\)](#) for an explanation of why an analysis of full buildout with all available State Density Bonuses is not required, and thus, additional impact analyses are not warranted.

Comment GP3-10: Hydrology and Water Quality

The comment suggests that the Draft SEIR should analyze client change using worst case sea level rise projections.

See [Master Response MR-3: Potential Hydrologic Impacts Including Floodplain, Sea Level Rise, Stormwater, Water Quality, and Tsunamis](#).

Comment GP3-11: Noise and Vibration

The comment states that the proposed arena should be required to be as sound-proof as possible, utilizing state-of-the-art design and construction technology and that the Draft EIR should disclose the extent of construction phase pile driving and vibration impacts to neighboring areas.

Response: A new arena would be an enclosed building, and potential noise impacts from arena events to neighboring areas are evaluated on pages 11-8 to 11-12 of the Draft SEIR, which found concluded that the impact would be less than significant. With regards to construction and potential pile driving activities, no development projects are currently proposed, and it is not known whether or not pile driving elements would be part of future construction. As indicated on page 11-16 of the Draft SEIR, future development projects would be reviewed on a case-by-case basis, and would be required to include mitigation measures, if needed, for construction noise and vibration, consistent with the City's General Plan 2030 (Actions HZ3.1.3 and HZ3.1.5), which requires that construction activities are managed to minimize overall noise impacts on surrounding land uses.

Comment GP3-12: Population and Housing

The comment suggest that the Draft EIR should identify the number of below market-rate "affordable" housing units that will be built as part of the project, by income category (i.e., "moderate", "low", "very low" and "extremely low" and "acutely low"), and specify (or estimate) the ratio of "for sale" units to rental apartment units.

It also states that the Draft EIR should analyze the impact on the City's affordable housing crisis of demolishing the existing housing to re-align Laurel Street Extension. This should include a detailed analysis of the number of current residents, particularly in the Front Street board and care facility for developmentally disabled adults, who would be displaced by the project and the availability of relocation opportunities.

The comment also asked that a revised Draft EIR should provide an analysis of why the City's RHNA is higher than previous numbers.

Response: The comment on affordability levels is acknowledged. However, the comment does not identify analyses not already addressed the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

As noted in the Draft SEIR, the project consists of a number of amendments to the previously adopted Downtown Plan; and related amendments to the City's General Plan 2030, the Local Coastal Program (LCP), the Municipal Code (Zoning Ordinance and Zoning Map), and the Beach and South of Laurel Comprehensive Area Plan(B/SOL Plan). No development projects have been formally proposed at this time and development indirectly accommodated by the project is estimated to occur over the next 15-25 years. While the amended Downtown Plan (including the Downtown Density Bonus), in coordination with other existing City policies, will encourage the future development of affordable housing, the exact number of housing units that will be constructed, the precise level of affordability that will be provided, and the tenancy of those units is contingent upon future development projects which will be subject to these City plans and policies which can accommodate a variety of development scenarios.

Regarding the displacement of existing housing and other land uses in the project area, see **Master Response MR-4: Displacement of Existing Land Use.**

The comment regarding the City's RHNA is acknowledged, but is not related to the proposed Project, and no response is required. See response to **Comment O4-5** regarding an explanation of the City's RHNA.

Comment GP3-13: Water Supply and Demand Analysis

The comment states that the EIR analysis of impacts to the City's water supply is insufficient, relies on the City's 2020 Urban Water Management Plan (UWMP), fails to fully evaluate the Project's impact on the city's water supply, taking into account all anticipated future growth in the City's water service area and likely supply constraints due to drought conditions. The comment also questions the basis of the multi-year drought scenario (1973-1977), failure to account for the 2023-31 RHNA (Regional Housing Needs Allocation) or the University of California Santa Cruz (UCSC) Long-Range Development Plan (LRDP), and suggests that the EIR overestimates the amount of water available during a major extended drought and underestimates the level of growth the City is likely to experience. The comment asks for an updated water supply analysis and also indicates that a desalination plant likely will be needed, and the EIR should include an economic analysis with estimates of charges to residential rate payers.

Response: The water demand and water supply analyses in the EIR rely on the Water Supply Evaluation (WSE) (Draft SEIR Appendix E) prepared by the City as explained and summarized on pages 15-14 to 15-21; see **Master Response MR-2: Likelihood of Future Water Supplies.** Completed in October 2024, the WSE includes an update to the water demand projections in

the 2020 UWMP and includes known cumulative development projects and growth within the City's water service area, including unincorporated areas in the County and a portion of the City of Capitola. (See Attachment 1 of Appendix E, which includes growth at the University of California Santa Cruz [UCSC] campus due to growth resulting from its Long-Range Development Plan¹⁰). Thus, the analysis does not rely solely on the City's 2020 UWMP, but also makes use of updated information.

The WSE does use 1973-1977 as the basis for the five-consecutive-year drought scenario as did the 2020 UWMP because it is the period in the historic record that was most challenging from a water supply perspective, particularly due to the two extremely dry years of 1976-1977. Even though the sequence began with wet and normal years, the extremely dry period that occurred in the final two years of the sequence in 1976 and 1977 resulted in the greatest water supply shortages of any five year period. The City acted within its reasonable discretion in using historical hydrological data, which is a very common practice in water planning in California. (See, e.g., *AquAlliance v. U.S. Bureau of Reclamation* 287 F.Supp.3d 969, 1017-1018 (E.D. Cal. 2018) [court rejects CEQA attack against historic hydrological data used for modeling baseline groundwater conditions; the agency's decision to focus on particular historic drought periods was supported by substantial evidence]; see also *San Francisco Baykeeper, Inc. v. State Lands Com.* (2015) 242 Cal.App.4th 202, 218-219 [court upholds agency's use of "a five-year average of annual mining volumes" as "a better indicator of existing mining conditions than the 2007 rate"].) Here, the WSE also included a model of a Climate Change scenario that factored in additional water supply limitations during a multi-year period. Thus, the WSE and Revised Draft EIR ultimately relied on a combination of past historical data and expert future projections intended to account for how future conditions might differ from past conditions. The City thus made reasonable efforts to deal with the uncertainties inherent in attempting to project future environmental conditions.

The RHNA is a housing unit target set by the State of California to determine whether additional housing approval streamlining legislation (such as SB 423) applies to a given jurisdiction. The RHNA amount does not necessarily reflect the housing needs of Santa Cruz, and it does not directly reflect the amount of housing that should be planned. Rather, it creates a process to show the state that capacity and programs exist to support the housing target for a given time. The RHNA amount is set by the State in eight-year cycles, and each jurisdiction must update its General Plan Housing Element to reflect how the jurisdiction is providing enough capacity and supportive programs to help achieve that target. Meeting RHNA targets depends not only on planning and programs, but also on macroeconomic market factors that support housing development applications and construction over which the City has no control.

The City of Santa Cruz met its previous 5th Cycle RHNA targets in all housing affordability categories (the RHNA totaled 747 units in the 5th Cycle), which exempted the City from certain

¹⁰ The Water Supply Evaluation indicates that water demand projections were updated in 2020 to reflect UCSC LRDP growth.

statutes. However, the current 6th Cycle RHNA represents nearly a fivefold increase in the housing target (3,736 units), and the adopted Housing Element does demonstrate that capacity exists to meet the RHNA target. However, the City has no control over the timing or amount of housing proposed within the City.

As explained on page 16-5 of the Draft SEIR, the cumulative analysis uses the “list-based approach” for identification of cumulative projects. It is noted, however, that cumulative development accounted for in the Draft SEIR includes 3,629 housing units, a majority of which will be counted in the current 6th Cycle. The potential residential development that could occur in the downtown expansion area as a result of the project is not expected to all occur during this current cycle, but also is conservatively accounted for in the cumulative analysis in the Draft SEIR.

Thus, the RHNA is a target, but not a mandate for development, and it is not necessary to include it in the cumulative analysis or reasonably foreseeable development accounted for in the Project water supply impact analysis. Even so, the amount of residential development analyzed in the Draft SEIR’s cumulative analysis exceeds the RHNA target, and impacts of cumulative development, including potential development occurring as a result of the Project, are addressed in [Section 16.4.2, Cumulative Analysis](#), of the Draft SEIR.

See response to [Comment O6-5](#) regarding a potential future desalination facility, which is not currently proposed or reasonably foreseeable. Furthermore, economic analyses are not required under CEQA as indicated on page 1-8 of the Draft SEIR. See also *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1401 [“economic data is not required to be included in an EIR”]; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 689 (*San Franciscans*) [“[a]s is self-evident from its name, an EIR is an environmental impact report”]; “[a]s such, it is an informational document, not one that must include ultimate determinations of economic feasibility”, original italics; and *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1502-1506 [agreeing with conclusions in *San Franciscans*].)

Comment GP3-14: Transportation – Vehicle Miles Traveled (VMT)

The comment suggests that the VMT analysis in the Draft SEIR should be revised to include potentially significant impacts during the summer and on weekends.

Response: See [Master Response MR-8: Transportation – Vehicle Miles Traveled \(VMT\)](#).

Comment GP3-15: Transportation – Level of Service (LOS)

The comment suggests that the LOS analysis in the Draft SEIR should be revised to include potentially significant impacts during the summer and on weekends.

Response: See [Master Response MR-6: Transportation – Level of Service](#).

Comment GP3-16: Transportation -- Parking

The comment suggests that the Draft EIR should be prepared to evaluate the potentially significant parking impacts of the project and should assume a realistic automobile ownership rate when providing the needed parking.

See **Master Response MR-7: Transportation – Parking**.

Comment GP3-17: Public Safety and Emergency Response

The comment suggested that the Draft EIR analyze potential impacts associated with emergency response services as well as solid waste disposal capacity.

Response: Regarding emergency response services, see **Master Response MR-5: Emergency Response and Evacuation Plans**.

Potential impacts associated with solid waste are addressed in **Impact UTL-3 (DPA EIR Impact 4.6-3): Solid Waste Generation** of the Draft SEIR. The analysis concluded that solid waste generated by future development accommodated by the project would be disposed of at the City's Resource Recovery Facility (RRF), which is expected to reach capacity in the year 2054. The City's RRF has a remaining capacity of approximately 51%, respectively, or approximately 5.3 million cy of solid waste. Daily throughput in 2023 averaged 34% of the RRF's permitted daily capacity of 535 tons. Given this, the City's RRF would have adequate capacity to accommodate the net increase in solid waste generated by the project of 1.55 tons per day, the Draft SEIR concluded that the impact would be less than significant.

Comment GP3-18: Recreation – Parks

The comment states that the EIR should evaluate potentially significant impacts to parks and recreation facilities with addition of up to 1,800 new housing units, such as parking at Wilder Ranch State Park and overcrowded surf breaks.

Response: Potential impacts associated with parks and recreation facilities are addressed in **Impact PUB-1d (DPA EIR Impact 4.6-1d): Parks** and **Impact PUB-2 (DPA EIR Impact 4.6-2): Parks and Recreation** of the Draft SEIR. The analysis, which is based on the thresholds of significance for determining potential impacts identified on page 13-8 of the Draft SEIR, considered the potential need to expand parks and whether increased use of recreational facilities would cause substantial deterioration of recreational facilities. The impact analysis concluded that the Project's indirect impact on parks and recreational facilities would be considered less than significant. The Draft SEIR also indicated that the new arena could potentially accommodate public recreational uses during the Santa Cruz Warriors off-season.

Comment GP3-19: Geologic and Hydrologic Hazards

The comment indicates that the project area, especially locations closest to the river levee, is subject to significant liquefaction hazards during large earthquakes and that future development could experience significant shaking in the event of a large earthquake.

Response: Section 2.4 Effects Not Found to be Significant of the Draft SEIR concluded that future development in the project area with or without the project would be required to be designed in accordance with CA Building Code requirements, including recommendations of project-level geotechnical reports, which would avoid potentially significant impacts due to exposure to seismic hazards, including liquefaction.

Comment GP3-20: Temporary Pedestrian Impacts During Construction

The comment suggests that during construction, sidewalks should remain open to pedestrian use.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

Comment GP3-21: Cumulative Impacts

The comment suggests that the cumulative impact analysis does not take into account the UCSC Long Range Development Plan (LRDP), AB 1287 and density bonuses or future housing associated with the City's Housing Element and Regional Housing Needs Assessment (RHNA).

Response: As described in Section 16.4.2 Cumulative Analysis of the Draft SEIR, the EIR used a list-based approach for the identification of cumulative projects. Based on CEQA criteria, cumulative projects considered for the analysis include other residential and commercial development projects that are under construction or approved within the City or whose impacts would otherwise combine with the impacts of the project which are shown in Table 16-1: City of Santa Cruz Cumulative Projects. As indicated on page 16-6 of the Draft SEIR, residential development at the University of California Santa Cruz (UCSC) campus was considered, including 39 new employee housing units, a net decrease of 59 student housing units, and a net increase of approximately 2,580 student beds. As indicated in response to Comment GP13-3, UCSC growth resulting from its LRDP was taken into account in the Water Supply Evaluation prepared for the Project.

Regarding potential additional density bonuses under AB 1287, see Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287). Regarding future housing associated with the City's RHNA, see responses to Comments O4-5 and GP3-13.

Comment GP3-22: Conclusion

The comment summarizes that the Draft EIR needs to be revised to take into account AB 1287's 100% density bonus and effects on height, as well as a revised Alternative 1, but does not include any additional new information.

Response: See preceding response to Comments GP3-3, GP3-5, GP3-6 and GP3-7.

From: [Tim Brattan](#)
To: [Sarah Neuse](#); [City Council](#)
Subject: DEIR for the Downtown Plan Expansion
Date: Thursday, February 13, 2025 8:52:42 AM

Comment Letter GP4

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

Dear Sarah, Mayor Keeley and City Council Members,

The South of Laurel Area plan's draft environmental impact report does not address important points.

1) The 100% stackable density bonus provisions in state law AB 1287 are missing in the city analysis. Increasing height limits from 35-48 feet to 85 feet, and a portion at 50–70-foot before the 100% bonus is unacceptably high and completely out of character for our city.

GP4-1

2) Your insistence on managing growth with boxlike, commoditized rental buildings is only because you've allowed wealthy investors to overly influence policy platforms. The downtown plan ignores alternatives to build for neighborhood sustainability. Santa Cruz can meet its state-mandated requirements **without upzoning**.

GP4-2

3) The environmental report fails to evaluate the proposal to insert large amounts of earthen infill at the levee's floodplain, nor evaluate unintended colder wind chill from tall buildings, traffic congestion, costly infrastructure or additional city services.

GP4-3

4) Future water demand is inadequately addressed in the environmental report using a faulty drought scenario to mistakenly determine the 1,600 envisioned units, plus hotels and commercial space.

GP4-4

Please don't cave to the deep pocket developers who could care less about what our city looks like or how over overdeveloped it becomes. Don't let our town be even more overbuilt, more congested, jeopardize natural resources and environment, or lose its unique charm to history.

Sincerely,

Tim Brattan
Santa Cruz

4.4.15 Comment Letter GP4: Tim Brattan

Comment GP4-1: State Density Bonus AB 1287

The comment states that 100% density bonus provisions under state law are missing in the EIR analyses and would result in increased heights.

See [Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law \(AB 1287\)](#).

Comment GP4-2: General Development Character

The comment states their general dissatisfaction with development in downtown Santa Cruz.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

Comment GP4-3: Draft EIR Inadequacies

The comment makes a general statement regarding the Draft EIR's failure to address earthen fill adjacent to the levee, climate effects from taller buildings, traffic congestion, costly infrastructure, and additional city services.

Response: Regarding earth fill adjacent to the levee, see [Master Response MR-3: Potential Hydrologic Impacts Including Floodplain, Sea Level Rise, Stormwater, Water Quality, and Tsunamis](#).

For the remaining comments, they are acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

Comment GP4-4: Water Demand

The comment states that future water demand is inadequately addressed using "a faulty drought scenario to mistakenly determine the 1,600 envisioned units, plus hotels and commercial space."

Response: The comment does not specify which drought scenario is being referred to or why it is faulty, and thus, a specific response cannot be provided. However, a Water Supply Evaluation prepared for the Project that is included in the Draft SEIR Appendix E and summarized in Section 15 of the Draft SEIR explains the methodology and results of the updated water demand projections and water supply impact analysis, including historic periods of drought. See also response to [Comment GP3-13](#) regarding drought periods used in the modeling and response to [Comment O5-7](#) regarding how water demand for the project was calculated.

From: [Eva Brunner](#)
To: [Sarah Neuse](#)
Subject: Downtown Plan Expansion Comments
Date: Thursday, February 20, 2025 8:24:04 PM

Comment Letter GP5

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

Hello Sarah -

I would like to voice my concern about the Downtown Plan Expansion. I do not support the Expansion plan.

There is no need to increase current height limits. The state's density bonus doubles or triples the current height, which would already allow tall buildings. It seems completely unreasonable for City to raise the heights even further.

GP5-1

I'm extremely concerned with the lack of forethought to our limited infrastructure and water availability. We are all well aware that with climate change droughts are going to become more frequent and more severe. We are already asked to conserve water when we are in a drought (and we seem to be good at it). But it makes no sense to think that our current water resources will be able to support ALL of the new development being proposed in the City. So, increasing building beyond what is necessary for the sake of the developers dreams is going to be a nightmare for Santa Cruz. I'm sure that the City is looking at Desalination as the answer. Desalination will save us.

GP5-2

My other concern is traffic and parking. The current downtown plan is going to put a huge strain on our already very serious traffic issues. The even more increased traffic downtown and South of Laurel with just the current plan is going to be brutal. Imagine how insane it will be with the expansion plan! Parking will be an absolute nightmare. There is no way that everyone who lives or visits SOL and downtown will all be on e-bikes. That is just not realistic.

GP5-3

One thing I don't hear discussed is emergency response. Particularly fire response. Our city (and county) do not have the appropriate equipment needed for buildings that could be almost 200 feet tall. In fact, do our fire departments appropriate equipment for possible heights of the buildings at the current plan? Fire trucks and ladder trucks are incredibly expensive. There will probably need to be changes in the current fire departments to accommodate these huge trucks. Where will the funds for this come from?

GP5-4

There are so many more issues that I could speak to, such as the increase in flooding potential in downtown due to the large landfill berms which will bring the street level close to the levee. Where will the flood waters go? Downtown. Then there is the wind tunnel effect of enormously tall buildings, the shading of recreation areas.

Does Santa Cruz REALLY need the expansion? It really doesn't.

If you haven't already, I encourage you to listen to Mathilde Rand's February 3rd interview with Frank Barron and Rick Longinotti regarding the DPE. Here is the link:

<https://ksqd.org/downtown-plan-expansion-frank-barron-and-rick-longinotti/#gsc.tab=0>

Thank you,
Eva Brunner
Santa Cruz

--

Eva Brunner

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for small business and non-profit organizations

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4.4.16 Comment Letter GP5: Eva Brunner

Comment GP5-1: Building Heights and State Density Bonus (AB 1287).

The comment suggests that there is no need to increase the current height limits due to the State Density Bonus.

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287).

Comment GP5-2: Water Supply

The comment expresses concern regarding infrastructure and water availability, including desalination.

Response: Comment is acknowledged. However, the comment does not address analyses in the Draft SEIR, and therefore no response is required.

Comment GP5-3: Traffic and Parking

The comment makes a general comment about their concern regarding traffic and parking in the downtown.

Response: See Master Response MR-6: Transportation – Level of Service and Master Response MR-7: Transportation – Parking.

Comment GP5-4: Emergency Response

The comment suggests that the City does not have adequate equipment to respond to emergencies, particularly for fire.

Response: See Master Response MR-5: Emergency Response and Evacuation Plans.

Comment GP5-5: Flood Protection

The comment makes a general comment regarding the potential increase for flooding in the downtown.

Response: See Master Response MR-3: Potential Hydrologic Impacts Including Floodplain, Sea Level Rise, Stormwater, Water Quality, and Tsunamis.

From: [Roylene Champeaux](#)
To: [Sarah Neuse](#)
Subject: DEIR Comments: Downtown Plan Expansion
Date: Sunday, February 16, 2025 1:57:28 PM

Comment Letter GP6

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

The city needs to improve infrastructure before building more housing. There aren't enough physicians and hospitals to provide care for the existing population. There isn't enough water, enough police, enough firefighters, and the streets are poorly maintained with traffic backed up at many locations for large segments of the day. Then when summer arrives with the influx of tourists traffic jams are even worse. The city is putting the cart before the horse. I moved here two years ago and can't believe how dysfunctional Santa Cruz city government can be.

GP6-1

4.4.17 Comment Letter GP6: Roylene Champeaux

Comment GP6-1: General Lack of Services and Facilities

The comment identifies a number of services and facilities that they believe are lacking in Santa Cruz.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

From: [Charlene Clarke & Bill Barnes](#)
To: [Sarah Neuse](#)
Subject: Comment on Downtown Plan Expansion DEIR document
Date: Friday, February 21, 2025 4:55:21 PM

Comment Letter GP7

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

Feb. 21, 2025

Dear Ms. Neuse,

Thank you for this opportunity to comment on the Downtown Plan Expansion DEIR document. I will keep my comments brief.

1) I had understood from Mayor Keeley that his plan for south of Laurel had placed a limit on building heights south of Laurel to be 12 stories - including density bonus. This DEIR envisions up zoning well beyond 12 stories once state density bonus is included. The current zoning in this area is 35 to 48 ft. This zoning should remain thereby allowing a state density bonus on top of that. This would be in keeping with Mayor Keeley's promise and be more in alignment with the other developments underway and proposed in the downtown area in general.

GP7-1

2. I have found the analysis of the creation of shadow in the south of Laurel area to be significantly lacking. If I understand the DEIR's current analysis south of Laurel will be heavily shadowed in the winter - except at noon. This will have a significant impact on the neighborhood by creating a much cooler living environment for those transiting the streets and for those living in the new units. A more detailed analysis of this impact must be conducted and included in the final EIR document. A similar analysis of the creation of wind corridors should also be included. Already on Front Street with the new development you can experience the impact of less sun and more wind.

GP7-2

Thank you for your time,
Charlene Clarke
227 Oregon St.
SC, 95060

4.4.18 Comment Letter GP7: Charlene Clarke**Comment GP7-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287)**

The comment expresses belief that building heights would be 12 stories, including density bonuses.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR, and therefore no response is required. See also **Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287)**.

Comment GP7-2: Shadow and Wind Analysis

The comment states that the shadow analysis is significantly lacking, that buildings would have a significant impact on the neighborhood, and a more detailed analysis should be prepared, as well as a similar analysis related to creation of wind corridors.

Response: The impacts of shadows on urban living conditions is not a CEQA threshold of significance and therefore was not analyzed. However, as described in **Impact BIO-1b (DPA EIR Impact 4.3-1): Indirect Impacts to Special Status Species and Riparian and Aquatic Habitat**, a shadow analysis was prepared using a computer-generated massing model assuming future built out of the proposed project during time periods when shadows would be at their most extreme level. The shadow model was used to determine impacts to riparian habitat along the San Lorenzo River. The impact analysis found concluded that shadows created by taller buildings with the proposed additional height would not significantly alter habitat conditions, including habitat for special-status species potentially occupying this area. As a result, no adverse impacts related to shading are anticipated to waterside riparian species.

Potential impacts associated with “creation of wind corridors” is not a CEQA threshold of significance and therefore was not analyzed.

From: [Carol Colin](#)
To: [Sarah Neuse](#)
Subject: I am concerned
Date: Tuesday, January 14, 2025 8:37:06 AM

Comment Letter GP8

****CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

Sarah Neuse;

I am concerned for the inhabitants of the residential facility there. Are you planning to re-house this segment of vulnerable mentally ill people?

Also you are going to destroy our beloved Yan Flower restaurant and new Ace hardware?

Please Clarify, your intentions.

Senior Advocate,

Carol Colin cjc4peace@gmail.com

GP8-1

4.4.19 Comment Letter GP8: Carol Colin

Comment GP8-1: Displacement of Existing Land Uses

The comment expresses concern for the inhabitants of the residential facility.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR, and therefore no response is required. See **Master Response MR-4: Displacement of Existing Land Uses**.

From: [Trician Comings](#)
To: [Sarah Neuse](#)
Subject: DEIR Comments: Downtown Plan Expansion
Date: Thursday, February 20, 2025 8:27:18 AM

Comment Letter GP9

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

Dear City Senior Planner Sarah Neuse,

I think the City Council should leave the General Plan alone and not rezone SOLA.
The true impact of the 100% density bonus should be studied.
The EIR is flawed and the overall impacts should be thoroughly analyzed using real data, like
for drought, noise, traffic, flooding, liquefaction and more.
This massive project is unnecessary and would be a huge change for Santa Cruz. It is not
consistent with our town character and atmosphere.

GP9-1

Sincerely,

Trician Comings

4.4.20 Comment Letter GP9: Trician Comings

Comment GP9-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287)

The comment states that the impact of the 100% density bonuses should be studied, that the EIR is flawed, and impacts be thoroughly analyzed regarding drought, noise, traffic, flooding and liquefaction.

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287).

From: [Susan Cook](#)
To: [Sarah Neuse](#)
Cc: [City Council](#)
Subject: DEIR Comments: Downtown Plan Expansion
Date: Friday, February 14, 2025 1:09:11 PM

Comment Letter GP10

****CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

Dear Ms Neuse,

I am an average homeowner/taxpayer in Santa Cruz with two functioning eyes that notice how few of the new high-rise apartments are occupied. The lights at night simply are not on. Maybe you have no power to do anything to slow the overbuilding and it is going to happen anyway, no matter how many citizens are appalled and wonder where common sense has gone. If businesses thought the new occupants of these newly built (and under construction/ in the planning stage) apartments were going to swell the ranks of shoppers downtown, they would hang on to their storefronts, but sadly they are not.

Your department is asking for comment. Are you really? Yes, I feel disheartened and cynical.

Sincerely,

Susan Cook

GP10-1

4.4.21 Comment Letter GP10: Susan Cook

Comment GP10-1: Residential Occupancy

The comment states that the existing new multi-family residential buildings are not fully occupied.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

From: [Keven Cook](#)
To: [Sarah Neuse](#)
Cc: [Fred Keeley](#); [Scott Newsome](#)
Subject: Comment on Downtown Plan Expansion
Date: Thursday, February 20, 2025 10:32:24 AM

Comment Letter GP11

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

Hello Sarah,

I listened to Mathilde Rand's interview with Frank Barron and Rick Longinotti, from February 3rd on KSQD, concerning the Downtown Plan Expansion. Here is a link to the interview:

<https://ksqd.org/downtown-plan-expansion-frank-barron-and-rick-longinotti/#gsc.tab=0>

They nailed the issues of excessive growth and increasing water use that I'm concerned about. They connected the dots between unreasonable growth creating a foreseen water emergency, which will lead the City to push again for a desalination plant that the people don't want. And they discussed the irrational decision to continue building in a flood zone when floods will become even more common in the future. They also mentioned some points that I hadn't considered such as the large landfill berms that would be added around buildings close to the levee, which would push more flood water into the rest of downtown, where I live.

The current height limits, when the state's density bonus doubles or triples that, would already allow tall buildings. It is not necessary for the City to raise the heights even further.

Theoretically, my representative on the City Council is Scott Newsome for District 4, but neither Scott, Mayor Fred Keeley, or any of the City Council members live downtown. So, thanks to the current gerrymandered city districts, we who live in downtown Santa Cruz do not feel represented at all. Show me that somebody there cares about me.

- Keven Cook
218 Myrtle St

GP11-1

4.4.22 Comment Letter GP11: Keven Cook

Comment GP11-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287)

The comment suggests that there is no need to increase building heights in light of the State Density Bonus.

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287).

From: [Daniel Crews](#)
To: [Fred Keeley](#); [Renee Golder](#); [Susie O'Hara](#); [Sonja Brunner](#); [Shebreh Kalantari-Johnson](#); [Scott Newsome](#); [Gabriela Trigueiro](#); [Sarah Neuse](#)
Subject: Downtown expansion
Date: Friday, January 10, 2025 8:40:11 PM

Comment Letter GP12

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

Hello,

Thanks for your service and time. I am writing to express my deep disappointment in the downtown expansion. I understand and accept the need for higher density but adding south of Laurel to Down Town so 12+ stories can be built for the overly wealthy is simply not going to improve our lives.

Im wondering if any of the email recipients here have spent much time on the river levee path recently. The council is poised to approve way above affordable rate housing while the river path is congested with transients and homeless residents. I spend more time than I enjoy downtown and know that any of the proposed buildings are only going to add to the congestion and garbage on the streets.

That being said, these sort of buildings are only going to make home ownership for SC's kids harder. None of the proposed units going up now are for purchase. You are turning SC into a rental town and ignoring the homeless on the path.

Im keeping this short for your attention span
thanks for your time

-Daniel

Encinal st

GP12-1

4.4.23 Comment Letter GP12: Daniel Crews

Comment GP12-1: Housing Ownership

The comment indicates a general dissatisfaction with the amount of development and potential impacts with overall congestion and public services (i.e., garbage). The comment further notes that none of the existing new residential units being constructed are available for purchase.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

From: [Shelly D'Amour](#)
To: [Sarah Neuse](#)
Subject: DEIR Comments: Downtown Plan Expansion
Date: Thursday, February 20, 2025 7:13:34 PM

Comment Letter GP13

****CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

Why in the world would the City raise the base height for proposed developments in this area to 85 feet when it doesn't have to? Isn't it bad enough that the State permits these rapacious, greed-driven carpetbaggers to force their will on us, and destroy our sweet quirky town? Why are you helping them?

I'm sure you've gotten plenty of feedback already about the inadequate water study, and the horrendous traffic impact. I want to add that we have one very small hospital here and only 2 in the County. That has environmental impact. My husband was in Dominican 3 times in a month with a serious heart issue that required surgery. We were in the ER for over 12 hours each time before he could get a room - and he was lucky it only took that long. My friend was there recently for almost 24 hours before getting a room. You have to think about the services and infrastructure we have available now (or lack thereof), just for the current population - never mind all this additional. Environmental impact should take into consideration quality of life, which is a lot more than just an overpriced box in the sky to live in.

Shelly D'Amour
Downtown resident since 1994.

GP13-1

4.4.24 Comment Letter GP13: Shelly D'Amour**Comment GP13-1: Public Services and Infrastructure**

The comment suggests that current and future development may have an impacts on public services and infrastructure, in particular, hospitals.

Response: Chapter 13 Public Services of the Draft SEIR analyzes potential impacts on public services including police and fire protection services and determined that impacts would be less than significant. Because the potential impact to hospital service is not a public service under CEQA, it was not analyzed. See also Master Response MR-5: Emergency Response and Evacuation Plans.

From: [lisa ekström](#)
To: [Sarah Neuse](#)
Cc: [Fred Keeley](#); [Scott Newsome](#)
Subject: Downtown Plan Expansion Draft EIR: Comments
Date: Friday, February 21, 2025 4:36:36 PM

Comment Letter GP14

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

Hello Sarah,

I have had a chance to review the draft EIR for the Downtown Plan Expansion project, although I must note that the time available to review it struck me as inadequate for such a large document with such enormous and serious impacts for Santa Cruz. I know concerned residents who have told me they've barely been able to scratch the surface so far, much less thoroughly review the report.

The first thing that both surprises me and deeply concerns me is that I could find nowhere in the document an acknowledgement of the recent state legislation, AB 1287, which can yield a 100% density bonus awarded to an eligible project. I did find mention of a 50% density bonus in the report:

"... a 50% density bonus is the upper limit of the most common bonus pursued by market rate developers, so City Planning staff has been using a 50% bonus as a standard for calculation for recent development projects."

This was an immediate red flag for me because we've already seen here in Santa Cruz one repercussion of the new state laws regarding density bonuses: Workbench's alarming proposal for an 18-story (later 16-story) tower nearly 200 feet, completely dwarfing our town clock and even the Mission Hill view — in a part of downtown that has a height limit of 50 feet. That would be 4 times the current height limit.

Not being able to find any mention of AB 1287's 100% density bonus provisions within this document informed me that likely-case scenarios, much less worst-case scenarios, are not addressed in this draft EIR.

I've also concluded that the Downtown Expansion Plan itself as well as the draft EIR Project Objectives, as written, do not accurately reflect the policy of the City Council which adopted this motion on 1/10/2023:

- *Revise the building height provisions in the draft Downtown Expansion Area Plan Amendment to provide for a maximum of 1,600 dwelling units, with a 20% affordability requirement on the total number of units and with no single building being more than 12 stories, inclusive of any density bonus incentive.*

I could not find these objectives included in 3.3 Project Objectives, pages 37-39.

Because of this, I do not agree with the proposal to raise building height limits within

GP14-1

GP14-2

GP14-3

SOLA from their current 35 to 48 feet. Raised height limits are not only unnecessary in order to achieve the City Council's objectives or the RHNA goals. These unnecessary raised height limits also would effectively guarantee that we would have no controls over developers building towers well over 200 feet there. And the "Downtown Density Bonus" proposed does not strike me as having sufficient incentives or any legal teeth to keep developers from preferring the state's 100% density bonus option.

GP14-3

Furthermore, regarding building height limits, I understand that the 1994 General Plan and zoning actually still applies to the SOLA project area since the General Plan 2030 (2012) update has not been submitted to or approved by the California Coastal Commission as a Local Coastal Program Land Use Plan update.

GP14-4

With the 5pm deadline for submission of comment, I do not have time to address my additional serious concerns about this draft EIR. I cannot find the document to realistically consider:

- Impacts to the city's water supply
- Responsible recognition of the effects of climate change, including increased sea level, more powerful storm surges, higher flooding in the river — and the disastrous consequences of not planning for these
- The above-mentioned threats to our sewage treatment plant
- Impacts to area traffic and transportation

GP14-5

In consideration of the inadequately-addressed, genuinely consequential issues throughout the draft EIR, I ask that a thorough redrafting be undertaken. I would also like to see the comments and concerns of the community addressed in a public way, preferably before there is a new draft made.

Thank you,
Lisa Ekström
Santa Cruz resident

-

4.4.25 Comment Letter GP14: Lisa Ekstrom

Comment GP14-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287)

The comment suggests that the project should be analyzed in context to the State Density Bonus Law AB 1287.

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287).

Comment GP14-2: Consistency with City Council Policy

The comment suggests that the Draft SEIR is not consistent with City Council policy regarding the project.

Response: See Master Response MR-9: Downtown Plan Expansion Area Plan Direction by City Council.

Comment GP14-3: CEQA Analysis in Context to State Density Bonus Law (AB 1287)

The comment suggests that building heights should not be increased in light of the State Density Bonus.

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287).

Comment GP14-4: Consistency Analysis Using the 1994 General Plan

The comment suggests that the project should be analyzed using the 1994 General Plan.

Response: See response to Comment GP3-2: Consistency Analysis Using the 1994 General Plan.

Comment GP14-5: Water Supply and Other Impacts

The comment suggests that the Draft EIR does not realistically consider impacts to the City's water supply, effects of climate change, including threats to the City's sewage treatment plant, and traffic and transportation impacts and asks for a redrafting of the EIR.

Response: Comment is acknowledged but does not provide reasons that the Draft SEIR allegedly did not consider impacts cited in the comment. Water supply impacts are addressed in Chapter 15 of the Draft SEIR; see also Master Response MR-2: Likelihood of Future Water Supplies. See Master Response MR-3: Potential Hydrologic Impacts Including Floodplain, Sea Level Rise, Stormwater, Water Quality, and Tsunamis regarding sea level rise. Transportation impacts are addressed in Chapter 14 of the Draft SEIR. See also Master Response MR-10: Draft SEIR Recirculation.

From: [Jonathan Evans](#)
To: [Sarah Neuse](#)
Cc: [Supervisor Manu Koenig](#)
Subject: DEIR Comments: SUPPORT Downtown Plan Expansion
Date: Sunday, February 16, 2025 9:31:29 AM

Comment Letter GP15

****CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

Ms. Neuse,

I support high density housing south of Laurel and encourage the city to allow high rise buildings to accommodate housing.

As a resident of neighboring Live Oak who frequently visits downtown I encourage high rise housing to build upon the vibrant pedestrian oriented development in downtown and the nearby boardwalk area.

Thank you,
Jonathan Evans
Santa Cruz, 95062

GP15-1

4.4.26 Comment Letter GP15: Jonathan Evans

Comment GP15-1: Support for High Density Housing

The comment indicates their support for the development of high-density housing in downtown Santa Cruz.

Response: The comment provides support for high-density housing in downtown and is acknowledged; no response is required.

From: [REED FLOCKS](#)
To: [Sarah Neuse](#)
Subject: Draft EIR
Date: Wednesday, February 19, 2025 9:55:53 AM

Comment Letter GP16

****CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

A mitigated negative declaration is inappropriate. Height limits should be limited to 35 to 48 feet. With density bonuses the potential building heights will still be overwhelming. Raising building height limits beyond 35 to 48 feet would be a slap in the face to our community. The EIR must consider the impact of 100percent acceptance of density bonuses. Reed Flocks

GP16-1

4.4.27 Comment Letter GP16: Reed Flocks

Comment GP16-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287)

The comment suggests that the Draft EIR should consider the impacts of 100% density bonuses.

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287).

From: [Natalie Goff](#)
To: [Sarah Neuse](#)
Subject: My submission/response to the Downtown Expansion Project
Date: Friday, February 21, 2025 8:22:17 AM

Comment Letter GP17

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

Please include my response below to the Santa Cruz Downtown Expansion project. I am out of the country. If there is a special form I needed to use, I apologize.

Natalie Goff

Downtown resident and homeowner for over 40 year.

Dear Santa Cruz City Council and city planners:

Southern California just experienced intense firestorms in which residents were forced to quickly evacuate their one and two story homes. These residents evacuated by using privately owned automobiles. Within the majority of these neighborhoods, there were multiple streets that fleeing residents could use as escape routes. The streets in these neighborhoods were wide enough and numerous enough to accommodate emergency vehicles entering the area at the same time as people in their cars fled.

We must plan by comparing what is being proposed in Downtown Santa Cruz with the disaster in L.A. There are lessons we can learn from this comparison.

Nowhere in the EIR is mandatory, fast-paced evacuation addressed.

The downtown plan encourages a notion that future Santa Cruz residents who live in the proposed tall buildings will ride public transportation. According to the plan, they will live their lives riding the METRO, on they will travel on foot or by bike. Where is an evacuation plan for these fleeing residents? Will these thousands of people wait in line at bus stops? How will the buses get into town over the bridges? Would METRO bus drivers be expected to risk their lives and drive their buses towards a fire? Please, Compare and Contrast!

The South-of Laurel and downtown areas area have few thoroughfares for escape. A firestorm would head to the area from the west and north...these are our normal wind directions. Our downtown, unlike the sprawling neighborhoods of Pacific Palisades and Altadena, has only four bridges across the San Lorenzo River over which vehicles may cross and pedestrians have a small walkway across the river. During an evacuation, emergency vehicles would need to use these same bridges to enter downtown. I do not see a discussion regarding traffic congestion during an emergency. A firestorm headed downtown from the west and/or north, this possibility requires serious examination and discussion regarding public safety. Four bridges, very narrow streets, and no way to transport carless people out of harms way. Discuss evacuation, please. This should be a valid concern.

Finally, the high-rises. I do not see in the EIR a mention of emergency equipment required to reach people in buildings taller than 7 stories. Why are the developers not mandated to pay for

GP17-1

GP17-2

this equipment?

Thank you for your time,

Natalie Goff

Downtown resident and homeowner of 40+ years.

4.4.28 Comment Letter GP17: Natalie Goff**Comment 17-1: Emergency Response Planning**

The comment raises concerns about emergency evacuation and access by emergency vehicles during an evacuation and asks that public safety and evacuation be discussed.

Response: See **Master Response MR-5: Emergency Response and Evacuation Plans.**

Comment 17-2: Emergency Equipment Compensation

The comment suggests that future development projects should be required to pay for emergency equipment associated with buildings taller than seven stories.

Response: The City of Santa Cruz adopted a Public Safety Impact Fee in 2021, with the stated purpose to, in part, “establish a public safety funding mechanism to pay new development’s fair share of the costs of fire and police facilities, apparatuses, vehicle and equipment and shall be imposed upon residential and non-residential development projects which can reasonably be anticipated to create new or additional need for responsive, quality public safety services” triggered by the new development. This fee is assessed on building permits for all new housing development, with the exception of new Accessory Dwelling Units and 100% affordable housing developments, in an amount set by resolution of the City Council and adjusted annually for inflation.

Future development in the project area will be required to pay this fee, which is adequate to address the identified potential impacts consistent with the CEQA Guidelines, § 15130, subd. (a)(3) and *Save Our Peninsula Committee v. Monterey County*.

From: [Jeanne Greateorex](#)
To: [Sarah Neuse](#)
Subject: Tall Buildings in Santa Cruz
Date: Monday, February 17, 2025 1:41:20 PM

Comment Letter GP18

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

I do not live in Santa Cruz City but rather in Santa Cruz County. However, I do hope that my comments will be read.

The charm and appeal of Santa Cruz is that it is NOT like San Jose or New York with towering buildings that shadow the streets all day and impede any views other than another wall.

Much of the city's revenue is from visitors and tourists. Are you willing to let all those dollars flow to Monterey?

Make Santa Cruz artsy again. Make Santa Cruz a beach town destination. Keep Santa Cruz charming. According to Lookout Santa Cruz, new housing can be created without resorting to tall buildings.

Thank you for reading my email.

- Jeanne Greateorex, Watsonville, CA

GP18-1

4.4.29 Comment Letter GP18: Jeanne Greateorex

Comment GP18-1: General Comment

The comment makes several general comments about the quality of life in Santa Cruz and revenue from visitors and tourists.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

From: [Gillian Greensite](#)
To: [Sarah Neuse](#)
Subject: Comments on Downtown Extension Project DEIR
Date: Friday, February 21, 2025 1:18:30 PM

Comment Letter GP19

****CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

Dear Ms. Neuse,

Below are my comments and questions regarding the draft EIR for the Downtown Extension Project.

Thank you,

Gillian Greensite

Draft EIR
Downtown Extension Project

Comments and Questions.

1. New Warriors Arena

The DEIR states that the new arena will have a “slightly higher capacity” than the current arena. This is objectively inaccurate. The current arena is 35,000 square feet with a seating capacity of 2,500. The proposed new arena is 180,000 square feet with a seating capacity of 4,000.

Will this inaccurate conclusion be corrected and the actual impacts evaluated in the FEIR? If not, why not?

GP19-1

2. Housing

a)

In the LCP, under the heading Housing, for the B/SOL area under section 4.2, it states, “Promote more family oriented development with fifty percent of new housing units to be two or more bedrooms.” The project area is covered by this requirement.

Will the Downtown Extension project adhere to this LCP policy? If not, why will it be changed? What will the new policy be for the project area if not this one? What will be the impacts of such a change?

GP19-2

b)

The DEIR is silent on the State’s new density bonus law, AB 1287 which now allows a 100% density bonus, considerably raising the expected heights in the project area. Given this new law, will the city still intend to upzone allowed building heights in the project area? If so, what will be the environmental impacts of the newly allowed heights under the new state density laws?

GP19-3

Traffic

CEQA does not require congestion to be studied for development projects. However it does require VMT to be studied. The DEIR did not study the additional VMT which will result from traffic avoiding the congestion from the project located within the major beach tourist traffic routes and the residential lower west side neighborhoods.

Detours to avoid the congestion will occur. Will this omission be corrected for the FEIR? If not, why not?

GP19-4

What is the safety impact of the project for emergency vehicles trying to access the Wharf and the beach area? What is the impact on delivery vehicles to the Wharf businesses?

GP19-5

Respectfully submitted on February 21, 2025
Gillian Greensite
gilliangreensite@gmail.com

4.4.30 Comment Letter GP19: Gillian Greensite

Comment GP19-1: New Arena Capacity

The comment mischaracterizes the seating capacity for the proposed new arena.

Response: As stated on page 3-8 in the Draft SEIR:

The new arena is planned to have the capacity of approximately 3,200 fixed seats (e.g., for basketball games), and approximately 4,000 fixed and temporary seating for other entertainment events such as musical concerts. Ancillary uses include a secondary practice court, locker/team support facilities, food service/merchandising, and administrative support services. This would replace the existing 35,000 sf. temporary arena with 2,475 fixed seats and 3,100 fixed and temporary seating for other entertainment events.

Comment GP19-2: Housing for Families

The comment states that in the City's Local Coastal Program for the Beach and South of Laurel (B/SOL) Area Comprehensive Plan (Section 4.2) includes a policy to "Promote more family oriented development with fifty percent of new housing units to be two or more bedrooms."

Response: The Downtown Plan (as amended) includes removal of the project area from the B/SOL area and incorporation into the Downtown Plan area. As such, this policy will no longer apply to the project area. Furthermore, the first objective of the South of Laurel Area Plan (Appendix 8) is to "Create an active, inviting, safe and comfortable place for residents and visitors of all ages" (page 8-7).

Comment GP19-3: CEQA Analysis in Context to State Density Bonus Law (AB 1287)

The comment suggests that the Draft EIR should consider the impacts of 100% density bonuses.

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287).

Comment GP19-4: VMT Analysis

The comment suggests that the Draft EIR should analyze the additional VMT which will result from traffic avoiding the congestion from the project located within the major beach tourist traffic routes and the residential lower west side neighborhoods.

Response: See Master Response MR-8: Transportation – Vehicle Miles Traveled (VMT).

Comment GP19-5: Emergency Vehicle and Delivery Vehicle Access to the Santa Cruz Wharf and Beach Area

The comment asks about the safety impact of the for emergency and delivery vehicles trying to access the Wharf and the beach area as a result of the Project.

Response: As described in [Chapter 3 Project Description](#), the Project includes a number of circulation improvements in and through the project Area. No changes to the roadway network in the area of the Wharf and Beach Area are proposed, with the exception of minor pedestrian and circulation improvements on Cliff Drive. See also [Master Response MR-5: Emergency Response and Evacuation Plans](#).

From: [Karin Grobe](#)
To: [Sarah Neuse](#)
Subject: DEIR for Downtown Plan Expansion
Date: Tuesday, February 18, 2025 4:36:30 PM

Comment Letter GP20

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

Sarah Neuse
Senior Planner
City of Santa Cruz

Dear Ms. Neuse

I am submitting comments on the DEIR for Downtown Plan Expansion

Please analyze/study the risk of flooding due to San Lorenzo River overflowing and sea level rise due to climate change.

GP20-1

Please study the traffic flow on weekends and holidays.

GP20-2

Please study the traffic/exit plan should fire or flood force evacuation.

GP20-3

Thank you for your consideration.

Karin Grobe
236 Sheldon Avenue
Santa Cruz, CA 95060
karingrobe@gmail.com

4.4.31 Comment Letter GP20: Karin Grobe

Comment GP20-1: Flood and Sea Level Rise

The comment suggests that the Draft SEIR analyze the risk of flooding due to San Lorenzo River overflowing and sea level rise due to climate change.

Response: See Master Response MR-3: Potential Hydrologic Impacts Including Floodplain, Sea Level Rise, Stormwater, Water Quality, and Tsunamis.

Comment GP20-2: Traffic Flow on Weekends and Holidays

The comment suggests that the Draft SEIR analyze traffic flow on weekends and holidays.

Response: See Master Response MR-6: Transportation – Level of Service.

Comment GP20-3: Emergency Response

The comment suggests that the Draft SEIR analysis evaluation plans in case of fire or flooding.

Response: See Master Comment MR-5: Emergency Response and Evacuation Plans.

Dear Ms. Neuse:

I have made a valiant effort to read through most of the Draft EIR for the Downtown Expansion Plan. I have tried to become better educated about CEQA. I have tried to present my comments using quotes from the Draft EIR as well as my comments (use of a larger font and indented, hopefully to make it easier to understand.).

Sections of the Draft EIR that were deemed to be of less-than-significant impact by Kimley-impact include:

AES 3 Visual character of the surrounding area

Neighborhood Conservation Overlay District The Neighborhood Conservation Overlay District (NCOD) is comprised of Chapter 24 Part 31 of the Santa Cruz Municipal Code. The purpose of the NCOD is to: 1) Conserve and enhance the residential quality of life within designated neighborhoods; 2) Stimulate maintenance and reinvestment in structures consistent with design guidelines; 3) Facilitate homeownership; and 4) Ensure compatible development along district boundaries. The project area is located adjacent to the NCOD. As amended, the Downtown Plan would change the zoning adjacent to and east of the NCOD (Blocks E, F and G) from CBD-E Subdistrict Lower Pacific Avenue to CBD Central Business District, consistent with the rest of the downtown north of Laurel Street. The floor area ratio (FAR) of 3.5 would remain unchanged, and the existing building height of 35 feet would be modestly increased to only 50 feet.

GP21-1

Additional height is permitted through application of a State Density Bonus, the City's proposed Downtown Density Bonus, or other local density bonus provision.

Judi's comment: Where in the Draft EIR does it mention opportunities for facilitating home ownership (see above)? The DPE should include a commitment that developers will include a certain percentage of homes that can be purchased for different income levels, not just rented. And how will blocks of 12-story buildings (or higher, with 100% density bonus) "conserve and enhance the residential quality of life" in the adjacent neighborhood?

AES 4 Introduction of light and glare

COMMENT 3: Artificial Lighting Issue: The Project has the potential to increase artificial lighting from addition of buildings and other development. Artificial lighting often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife.

GP21-2

Evidence the impact would be significant: Night lighting can disrupt the circadian rhythms of wildlife species. Many species use photoperiod cues for communication such as bird song (Miller, 2006), determining when to begin foraging (Stone et al., 2009), behavior thermoregulation (Beiswenger, 1977), and migration (Longcore and Rich, 2004).

Recommendations to minimize significant impacts: CDFW recommends eliminating all non-essential artificial lighting. If artificial lighting is necessary, CDFW recommends avoiding or limiting the use of artificial lights during the hours of dawn and dusk, when many wildlife species are most active. CDFW also recommends that outdoor lighting be shielded, cast downward, and does not spill over onto other properties or upwards into the night sky.

GP21-2

Judi's Comment: The size and type of signage in the area of the Warriors' arena must not violate the above recommendations. There is mention of large digital signage at the arena, and that would not conform to the above CDFW recommendation.

HYDRO 3 Flood hazards

Sea Level Rise: As shown in Figure 9-2 Cumulative Risks of Sea Level Rise, the project area is subject to the potential effects of SLR under the 2060 and 2100 planning horizons. However, the project area does not contain any contain any critical facilities, as listed in the Climate Adaptation Plan Update, which provide essential services and protect life and property within the City.

GP21-3

Judi's comment: Even if there are no "critical facilities," should the dangers to people living in the 1800+ units of housing that may be subject to flooding be dismissed?

POP 1 Inducement of substantial population growth

PUB 1a Fire protection

"The project would result in indirect impacts related to increases in service calls. It is not expected that the project would reduce response times. However, the development and growth accommodated by the project would contribute to an existing facility deficiency experienced by the Fire Department, as well as contribute to a cumulative impact regarding Fire Department facility deficiencies that is addressed in Chapter 16 Other CEQA Considerations. The City's Fire Department has identified the need for an expanded or new fire station and has indicated that the existing downtown fire station is inadequate in terms of space and equipment to meet existing needs, as well as, future growth. The project would contribute to an existing need for additional facilities.

GP21-4

Therefore, the impact related to increased fire protection demands and the need for new or expanded facilities is less-than-significant.”

Judi’s comment: With 100% density bonus permitted with AB 1287, the need for expanded facilities will likely be significant. Re-evaluate this in a Draft EIR that takes into account the potential of 100% density bonuses.

GP21-4

PUB 1b Police protection

“The Department’s existing facility and vehicles are adequate for **the existing population** (Garcia, Police Department, personal communication, May 2024). The Department is currently authorized 94 sworn police officer positions and 25 professional staff positions. Police Department staff have indicated that **the department is currently understaffed.**”

GP21-5

Judi’s comment: Re-evaluate in light of 100% Density Bonus Law.

PUB 1c Schools

According to the District’s updated 2024 Developer Fee Justification Study for the Santa Cruz School Districts, District facilities have the capacity to accommodate 6,262 students (Schoolworks, Inc. 2024). **The 2024 Fee Study identifies a capacity need for 6,828 students based on projected development is needed, resulting in a deficit capacity for 566 students.** The District has identified a need for 2.85 acres for new facilities (1.12 acres for grades Kindergarten-6 and 1.73 acres for grades 9-12). **No sites have been identified to accommodate this demand.**”

Judi’s comment: Does the deficit capacity of 566 account for possible development in the area with the 100% density bonus (AB 1287)), resulting in more residents with school-age children? If not, include the potential caused by much taller buildings/more housing units.

GP21-6

The project would not directly result in new development but could lead to intensified development in the project area, resulting in increased student enrollments. Based on the District’s updated student generation rate of 0.2132 students per household, development resulting from the project could result in approximately 370 students. **However, it is expected that new residential units within the expanded Downtown Plan area would be smaller and potentially likely to generate fewer students.**”

Judi's comment: This acknowledges that much of the housing in the DPE is NOT intended for FAMILIES, which is very much in demand.)

GP21-6

PUB 1d Parks

“There are no neighborhood or community parks within the project area. For many recommended new or expanded uses, specific site locations are not identified in the Master Plan, and, in some cases additional study is recommended in order to identify suitable locations.”

“As previously discussed, the City currently does not meet the desired level of service for neighborhood and community parks and is deficient by approximately 67 acres. Thus, existing developed neighborhood parks could be considered at capacity use, in general, based on the City's park service standards. Based on the City's parks standards set forth in the General Plan, the potential population indirectly resulting from the project could result in the need for approximately 6.6 acres of additional neighborhood park land and approximately 8.2 acres of additional community park land.”

GP21-7

Judi's comment: The EIR needs to re-evaluate this in light of new 100% density bonus (AB 1287). The additional “neighborhood park land” and “additional community park land” should be specified in the DPE.

Impact PUB-2 (DPA EIR Impact 4.6-2):

Parks and Recreation. Future development and growth accommodated by the project would indirectly result in increased demand for parks and recreational facilities that could result in some deterioration of existing parks and recreational facilities (PUB-b)

T1 Conflict with VMT Thresholds

Traffic – The Kimley Horn Traffic Study fails to provide a real world scenario. One reason is that weekend traffic was not analyzed.

From the Executive Summary:

“The project exceeds the City's level of service standards of deficiency, causing the level of service to go from acceptable to substandard with the addition of the Project trips”

The following study intersections were determined to operate at an unacceptable level of service, are included in the TIF but do not have a TIF improvement: ·

GP21-8

Intersection #6: Front Street & Laurel Street
Intersection #18: Chestnut Street & Laurel Street
Intersection #23: Ocean Street and Soquel Avenue

The following study intersection was determined to operate at an unacceptable level of service but is not included in the TIF: ·

Intersection #33: Pacific Avenue and Second Street

The transportation analysis shows that the additional development does not by itself create transportation deficiencies for vehicle operations at the full development that cannot be mitigated. It does further congestion at intersections in the city that are currently known to need improvements

Volume Reassignment With the access control of the Laurel Street Extension, the volumes were reassigned to the adjacent roadway network for the each Plus Project scenario. Using a conservative methodology, all the southbound approach volumes at the intersection of Laurel Street Extension and 3rd Street were reassigned. This assumes that all traffic on the segment is cut-through traffic. Although is unlikely to be all cut-through traffic, this reassignment would show the maximum number of vehicles assigned to other intersections. Overall, baseline volumes were rerouted from using Front Street and the Laurel Street Extension to using Center Street and Second Street if coming from the West and using Ocean Street, Barson Street, and Riverside Avenue if coming from the east. Overall, this reassignment resulted in a decrease in vehicles within the Downtown Expansion Area and an increase in volumes along Center Street, Ocean Street, and Riverside Avenue.

GP21-8

Judi's Comment: "Volume reassignment" states the obvious – decreasing vehicles in the Downtown Expansion Area will simply mean they will clog up other downtown streets. Unless there is some sort of frequent, reliable bus or shuttle service to the DPE, traffic in the DPE will be at an unacceptable level. And this does not take into account increased traffic resulting from proposed large housing developments on Ocean Street. City officials must look at the WHOLE picture, not piecemeal, project by project.

T3 Design Safety and Emergency Access

UTIL 1 Water Supply

UTIL 3 Solid Waste Generation

UTIL 5 Energy Use

California Environmental Quality Act (CEQA) Guidelines requires that all aspects of a project must be considered when evaluating its impact on the environment, including planning, acquisition, development, and operation. The EIR must also discuss (1) significant environmental effects of the project, (2) significant environmental effects that cannot be avoided if the project is implemented, (3) significant irreversible environmental changes that would result from implementation of the project, and (4) growth-inducing impacts of the project.

GP21-9

16.2 Significant Irreversible Environmental Changes The State CEQA Guidelines require a discussion of significant irreversible environmental changes with project implementation, including uses of nonrenewable resources during the initial and continued phases of the project (section 15126.6(c)). The Guidelines indicate that use of nonrenewable resources during the initial and continued phases of the project may be irreversible.

Judi's comment: Re-evaluate Water Supply, Solid Waste Generation and Energy Use in light of AB 1287.

In a Table on page 142-43 of the General Plan, under "Land Use" LUI.3, it is stated

"Ensure that facilities and services required by a development are available, proportionate, and appropriate to development densities and use intensities."

NO CONFLICT: Public services are available.

GP21-10

Judi's comment: The availability of medical providers is already insufficient for present residents, let alone hundreds more.

I'm sure other community members will provide knowledgeable comments in other areas (Traffic, Hydrology, etc.)

Of great significance is that this Draft EIR does not take into consideration State law AB 1287, which allows a 100% Density Bonus, creating the possibility of much greater numbers of housing units and residents.

GP21-11

Given the following findings in the Draft EIR, what was found to be of less-than-significant impact could likely be found to be of substantial impact, even beyond what feasible mitigations could achieve.

Submitted by Judi Grunstra, February 18, 2025

4.4.32 Comment Letter GP21: Judi Grunstra (2/18/25)

Comment GP21-1: Home Ownership and Adjacent Neighborhoods

The comment asks where in the Draft EIR does it mention home ownership and affordability and what effect will the project have on adjacent neighborhoods.

Response: Home ownership is not a threshold of significant under CEQA and therefore no response is required. Housing affordability is addressed in **Section 3.7.2 Density Bonus** (starting on page 3-14) of the Draft SEIR.

Chapter 10 Land Use and Planning (page10-9), addresses potential impacts on adjacent neighborhoods, and in particular the adjacent Neighborhood Conservation Overlay District (NCOD) located west of the project area. The analysis states:

The project area is located adjacent to the NCOD. As amended, the Downtown Plan would change the zoning adjacent to and east of the NCOD (Blocks E, F and G) from CBD-E Subdistrict Lower Pacific Avenue to CBD Central Business District, consistent with the rest of the downtown north of Laurel Street. The floor area ratio (FAR) of 3.5 would remain unchanged, and the existing building height of 35 feet would be modestly increased to only 50 feet. Therefore, the project would not conflict with the purpose of the NCOD, including ensuring compatible development along the district boundaries, and impacts would be *less-than-significant*.

Comment GP21-2: Introduction of Light and Glare

The comment suggests that light and glare from future development (particularly from the new arena) could have an effect on biological resources and references general recommendations from the CA Department of Fish and Wildlife.

Response: As described in **Impact AES-4 (DPA EIR Impact 4.1-3): Introduction of Light and Glare**. The analysis states:

The project includes design guidelines for the project area would require all lighting fixtures to be fully shielded and avoid over-lighting buildings that are intrusive to adjacent buildings, residence, and streetscapes.

Exterior building lighting would be further reviewed as part of the Design Permit review for future site-specific developments, and the project would be conditioned to install lighting such that it is directed downward and does not create light onto adjacent properties.

Therefore, the project would not result in a significant impact related to creation of a new source of substantial light or glare. This is consistent with the conclusions as described in both the General Plan 2030 EIR and the DPA Draft EIR and impacts would be *less-than-significant*.

Comment GP21-3: Flood Hazard and Sea Level Rise

The comment suggest that impacts to housing from flooding and sea level rise be addressed.

Response: See Master Response MR-3: Potential Hydrologic Impacts Including Floodplain, Sea Level Rise, Stormwater, Water Quality, and Tsunamis.

Comment GP 21-4: Fire Protection and 100% State Density Law

The comment states that with 100% density bonuses permitted with AB1287, the need for expanded fire protection facilities will be significant and should be taken into account in a re-evaluated Draft EIR.

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287) and Master Response MR-10: Draft SEIR Recirculation.

Comment GP21-5: Police Protection and 100% State Density Law

The comment states that police protection should be re-evaluated in light of 100% density bonuses.

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287).

Comment GP 21-6: Schools and 100% State Density Law

The comment asks if the school capacity deficit accounts for development with 100% density bonuses (AB1287) that would include more residents and school-aged children.

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287).

Comment GP 21-7: Parks and 100% State Density Law

The comment states that the EIR needs to re-evaluate need for parks in light of 100% density bonuses (AB1287) and asks that the additional neighborhood park lands be specified in the Downtown Plan.

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287). As discussed on pages 13-13 to 13-16 of the Draft SEIR, no significant impacts were identified with regards to parks and recreational facilities, including potential deterioration of existing parks and recreational facilities as a result of use by future residents of development resulting from the project.

Comment GP 21-8: Level of Service Analysis

The comment suggests that weekend traffic should have been analyzed in the Draft SEIR.

Response: See Master Response MR-6: Transportation – Level of Service.

Comment GP 21-9: Water Supply, Solid Waste, and Energy Use in Light of AB 1287

The comment states that CEQA Guidelines require evaluation of all aspects of a project and requires discussion of significant irreversible impacts. The comment asks that water supply, solid waste and energy be re-evaluated in light of AB 1287.

Response: Chapter 16 of the Draft SEIR identifies significant unavoidable impacts and evaluates significant irreversible environmental changes and growth inducement. Regarding review of water supply, solid waste generation and energy in light of AB1287, see **Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287)**.

Comment 21-10: Emergency Access

Comment states that medical providers are insufficient for residents.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

Comment 21-11: State Density Bonus Law

The comment suggests that the Draft EIR should consider the impacts of 100% density bonuses.

See **Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287)**.

From: [Judi Grunstra](#)
To: [Sarah Neuse](#)
Subject: Draft EIR Additional comment
Date: Thursday, February 20, 2025 12:47:54 PM

Comment Letter GP22

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

February 20, 2025

Dear Ms. Neuse:

Please accept these additional comments about the Downtown Expansion Plan Draft EIR.
Thank you. Judi Grunstra

7.2 Scoping Issues Addressed

Public and agency comments related to biological resources were received during the public scoping period in response to the Notice of Preparation (NOP). Issues raised in these comments include:

§ **Consider impacts to habitat and biological resources**, including impacts to San Lorenzo River, environmentally sensitive habitat areas (ESHAs) and wetlands.

§ **Prepare site-specific analysis to evaluate all direct, indirect impacts and cumulative impacts, temporary and permanent, impacts to special status species.**

My Comment: If the issue of Heritage Trees did not come up as part of the Scoping Issues, I believe an environmental impact report or revision should include this, whether or not they fall into the category of "special status species." Many of our city's Heritage Trees are being destroyed, as one can read in nearly every new development plan, even when the arborist's report states that some of these trees are in good health.

I request that the DPE include a map of the area indicating the existing Heritage Trees on each block. Also, that developers and architects be made aware of the city's Heritage Tree ordinance, that requires a project to be designed from the start to preserve the healthy Heritage Trees. Planting young trees or paying an in-lieu fee are poor substitutes.

GP22-1

Judi Grunstra

4.4.33 Comment Letter GP22: Judi Grunstra (2/20/25)**Comment GP22-1: Heritage Trees**

The comment asks whether heritage trees are “special status species” and requests that existing heritage trees should be mapped and that developers be made aware of the City’s Heritage Tree Ordinance.

Response: Special status species, which are discussed on pages 7-4 and 7-8 to 7-9 in the Draft SEIR, do not include heritage trees as defined by City regulations. Heritage tree regulations are cited on page 7-2 of the Draft SEIR, and potential impacts to heritage trees as a result of future development are evaluated on pages 7-11 to 7-13 of the Draft SEIR, including requirements for permits to remove heritage trees and replacement of removed trees. Mapping existing heritage trees in the Project area is not required under CEQA.

February 21, 2025

Comment Letter GP23

To:

Sarah Neuse, Senior Planner
City of Santa Cruz
sneuse@santacruzca.gov

From:

John Hall
Jrhall103@mac.com

Comments on the Downtown Plan Expansion Draft EIR

The Draft EIR document is appropriately very detailed and I have no doubt that some facilitation of development along the lines envisioned in the Downtown Plan Expansion [DPE] is appropriate. However, the expansion plan envisions a dramatic transformation of Santa Cruz as a community. We have to get it right. Rather than drill down to the many specifics that are of legitimate concern, here, I restrict myself to two general issues and questions that I see as paramount. The first concerns planning parameters for the Draft EIR based on assessments of “likelihood.” The second concerns the failure of the Draft EIR to take into account changes in State law, specifically AB 1287. I end with a conclusion based on the issues raised that argues for serious consideration of Alternative 1 as the best approach to renewal of the South of Laurel area.

Assumptions about City Downtown Plan Expansion based on Likelihood rather than Legal Limits. The Draft EIR frequently bases its analysis of development patterns that it assesses as “likely.” Yet the basis of likelihood assessments seems doubtful. Two important examples:

Based on the historic development pattern in the City and the proposed development standards, a varied-height is the most likely result of the project.
[Draft EIR, p. 5-10]

Future structures constructed as a result of the project would be required to be set back at least 10 feet from the western edge of the Santa Cruz Riverwalk and likely would be set back further than 10 feet in order to provide for additional open space adjacent to the Santa Cruz Riverwalk as required in the Downtown Plan. [Draft EIR, p. 7-7]

GP23-1

Developers, insofar as they are not subject to additional legal constraints, often pursue projects that are at the limits of, or with variance requests, exceed legal allowability. The methodology for each assertion of likelihood needs to be spelled out.

Under the State legal and developer-interest circumstances, basing inferences on likelihood is insufficient. Environmental impacts should be, at the least, additionally assessed on the basis of legal limits.

GP23-1

Question: Will the revised Draft EIR provide explanations of the methodology for determining likelihood? Would it be appropriate for a methodology to provide assessments of a range of likelihoods – low probability, moderate probably, strong probability?

Question: Will, and if so, how will the City assess the environmental impacts of the Downtown Plan Expansion in terms of what it legally permits, as well as what the authors of the EIR deem “likely”?

Incorrect density-bonus assumption in Draft EIR. The Draft EIR is based on a fundamental assumption that permeates the analysis. That assumption is incorrect. Conclusions based on a fundamental false assumption cannot be valid.

Specifically, the Draft EIR assumes a 50% density-bonus option for developers based on State law that has been superseded by AB 1287, which allows developers a 100% density bonus. The new State B 1287 legal environment substantially increases the legal limits of development South of Laurel in building height, floor/area ratio, and number of housing units. Because the Draft EIR fails to take into account these legal parameters, it is fundamentally flawed.

GP23-2

To take one example, the following statement from the EIR is incorrect.

With implementation of requirements to limit heights, provision of setbacks, implementation of design treatments to minimize building mass, and compliance with the Downtown Plan development standards and design guidelines (as amended), potential intensified development resulting from additional allowed heights would not significantly alter the visual character of the project area from what might be developed under the allowable standards or taller buildings that have been constructed in the downtown area. [Draft EIR, p. 5-11]

Failing to account for the more recent AB 1287 density bonus yields inadequate analyses across the entire EIR analysis, most importantly concerning air quality, noise, buildings’ shading of streetscapes, traffic, demand for water, and other direct environmental issues. As well, the analysis as it stands cannot address issues of safety, aesthetics, and the impact of development on community life.

Question: given the foundationally flawed basis of the Draft EIR, will the City commission an entirely new Draft EIR based on the current State legal environment or will it undertake a comprehensive and thorough revision based on the current State AB 1287 legal environment?

GP23-2

Conclusion. Given the inadequate basis of the Draft EIR, it is my view that the City must undertake either a new or, at the least, comprehensively revised Draft EIR based on defensible and valid assumptions. Such an analysis, I strongly suspect, will fundamentally alter the relative tradeoffs of the DPE versus alternatives, notably, what the Draft EIR designates as Alternative 1. In particular, Alternative 1, with prevailing density bonuses, will come much closer to attaining all project objectives than is presently assumed. A new or thoroughly revised Draft EIR taking into account current density-bonus opportunities will also show substantially increased significant impacts of the DPE as proposed in comparison to those shown in the current Draft EIR.

These findings will be important to consider in relation to how to structure the final DPE proposal. As the Draft EIR states,

GP23-3

According to State CEQA Guidelines (section 15126.6), an EIR shall describe a range of reasonable alternatives to the project or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives. [Draft EIR, p. 17-1, emph. added]

Taking into account current State AB 1287 law, compared to Alternative 1, the present DPE proposal is both unnecessary and excessive in its environmental impacts. Alternative 1, perhaps with minor adjustments, deserves immediate and full consideration as the preferred alternative for moving forward with renewal of the South of Laurel area.

4.4.34 Comment Letter GP23: John Hall

Comment GP23-1: Legal Basis for Development Limits

The comment suggests that future development may not be subject to the City's legally-enforced development standards.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

Comment GP23-2: Incorrect Density Bonus Assumption

The comment suggests that the Draft SEIR should account for AB 1287 density bonus yields.

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287).

Comment GP23-3: Draft DEIR Recirculation

The comment suggests that the Draft SEIR is inadequate in light of State Density Bonus Law AB 1287.

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287) and Master Response MR-10: Draft SEIR Recirculation.

From: [Hil](#)
To: [Sarah Neuse](#); [Susie O'Hara](#)
Subject: SoLa comments and observations
Date: Friday, February 21, 2025 1:00:51 PM

Comment Letter GP24

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

Hi Sara and Susie,

The city SoLa plan misrepresents so many key issues in the EIR it reads like wishful thinking not honest policy.

Be realistic that having a limited water supply in our county affects all of us. We citizens deserve a water supply that is not put in danger by any development. Where do you plan to put a desalination plant and who will pay for it?

GP24-1

Have you noticed that we have had half the rain fall this year as last year?

Building in a flood zone affects all of us. The proposal to infill at SoLa will endanger all the other neighborhoods along the levee, where I live. Please be realistic and admit a flood will happen here sooner than later and infill is not appropriate for the area.

GP24-2

Keep the zoning the way it is. Opening the door to 20+ stories buildings is not conducive to our small city. Buildings of this height will force our city to invest heavily in infrastructure to support them. We'll need many new fire trucks and places to house them. All of our city services will be impacted and who will pay? 35 foot buildings are tall enough to support this development.

GP24-3

Parking and traffic are not adequately studied. To assume a renter who can afford market rate apartment won't also have a car is misguided at best. Have you really studied traffic at peak times? I don't think so.

GP24-4

Worker housing needs to actually be affordable. Calling a three-bedroom apartment 'family housing' is nice, but unless it's designated for 'low income' families it will just house students.

GP24-5

The city needs to address who will gain ownership of the properties you plan to seize by eminent domain. Please be transparent about who you are displacing in favor of this development.

GP24-6

I support new housing, just not giveaways to developer/landlords who will build skyscrapers with so many market rate units they will never be lived in.

I support a new arena, just not at the cost of putting the safety of our city at risk of floods, traffic jams and lack of services OR citizens having any taxes go to pay for it or the impacts it creates.

Thank you, Hilary Hamm

4.4.35 Comment Letter GP24: Hilary Hamm

Comment GP24-1: Water Supply

The comment states that citizens deserve a water supply that is not put in danger by any development and asked where a desalination plant will be put and who will pay for it.

Response: The comment does not address analyses regarding water supply, which are included Chapter 15 of the Draft SEIR. A desalination plant is not proposed. See **Master Response MR-2: Likelihood of Future Water Supplies** and response to **Comment O6-5**.

Comment GP24-2: Floodplain and Sea Level Rise

The comment suggests that the Draft SEIR should analyze potential impacts associated with the floodplain and sea level rise.

Response: See **Master Response MR-3: Potential Hydrologic Impacts Including Floodplain, Sea Level Rise, Stormwater, Water Quality, and Tsunamis**.

Comment GP24-3: Public Services and Infrastructure

The comment suggests that the additional building heights (i.e., 20 + stories) will require additional public services and infrastructure.

Response: See **Master Responses MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287)** and **MR-5: Emergency Response and Evacuation Plans**.

Comment GP24-4: Transportation and Level of Service

The comment suggests that traffic at peak periods should be analyzed.

Response: See **Master Response MR-6: Transportation – Level of Service**.

Comment GP24-5: Affordable Housing

The comment recommends designating low income housing for families.

Response: A discussion regarding the designation of affordable housing is provided in **Section 3.7.2 Density Bonus** of the Draft SEIR. See also **Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287)**.

Comment GP24-6: Displacement of Existing Land Uses

The comment indicates that the city needs to address who will gain ownership of the properties seized by eminent domain.

Response: See **Master Response MR-4: Displacement of Existing Land Uses**.

From: [Lindsay Harman](#)
To: [Sarah Neuse](#)
Subject: South of laurel project
Date: Thursday, January 09, 2025 9:38:00 AM

Comment Letter GP25

****CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

Hello, I am a proponent of the south of Laurel project. I am writing this email to suggest that within the plan there is room for expansion of the depot park field. Field space is a huge problem in Santa Cruz for youth sports and adults recreation times. It seems like with all the development and with the increase in housing, some of the mitigation should include an increase in park/field space. Allocating more field space and expanding Depot park would be great for the growing downtown community. Santa Cruz city needs another field and infrastructure for lights on these fields is also needed. It would increase playing time after dark, especially in the winter months.

GP25-1

Thank you,
Lindsay Harman
Resident

Sent from my iPhone

4.4.36 Comment Letter GP25: Lindsay Harman

Comment GP25-1: Expansion of Depot Park

The comment suggest expanding Depot Park as compensation for additional future development.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

From: [A.K. Herrick](#)
To: [Sarah Neuse](#)
Subject: Deir for SOLA
Date: Friday, February 21, 2025 5:00:00 PM

Comment Letter GP26

****CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

Quickly before the deadline. The draft EIR plan does not guard strongly enough against AB 1287. Please keep planned heights below 50 ft so that the bonus density that the state grants doesn't push developed buildings into the 10+ story realm!

Thank you. Kalai Herrick

GP26-1

4.4.37 Comment Letter GP26: Kalai Herrick

Comment 26-1: Potential Impacts Associated with AB 1287

The comment suggests no increasing building heights.

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287).

February 21st, 2025

Comment Letter GP27

Sarah Neuse, Senior Planner
City of Santa Cruz Planning and Community Development Dept.
809 Center Street, Rm. 101
Santa Cruz, CA 95060
Email: sneuse@cityofsantacruz.com

Ms. Neuse:

This letter is a response to the Draft Environmental Impact Report (DEIR) related to the "Downtown Expansion Plan". I appreciate your soliciting the community's feedback in this matter and my having the opportunity to relay certain concerns which are top of mind after reading then re-reading the EIR several times over. As you're no doubt aware, per CEQA law and case precedent (*City of Long Beach v. Los Angeles Unified School District* (2009), *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001)) etc., critiques of EIRs by the public, when substantive, require responses that are likewise detailed, usually baked into a later version of said EIR, and that acknowledge shortcomings where they exist and answer direct questions. In this spirit, I gratefully look forward to your replies after you and your colleagues take time to dig in on my and other community members' feedback.

Please find my concerns below. I've endeavored to keep them as concise as practicable:

1. Unnecessary Height Increases, irrespective of rationale

In the most general sense the Downtown Expansion Plan proposes to upzone a 29 acre swathe of Santa Cruz South of Laurel ("SOLA"), reroute the Laurel St. Extension and build a larger, new, Warriors Stadium. One of many consequences will be the addition (net new) of around *at least* 1,734 units (more on that "at least" part later). It is implied that these new units are possible *because* of the proposed upzoning. That is, because of this project. This is how the City of Santa Cruz has framed things, but this is misleading.

Present zoning, per City of Santa Cruz Planning Documents, in the area is pictured below. Heights, along with the potential number of units in each neighborhood section, are called out (in this case about 931 units). Again this is with EXISTING zoning and per the current General Plan. This assumes you change nothing.

In light of current density bonus incentives, and especially given state laws like AB 2011 and SB 423, it's not just possible but probable that developers will take advantage accordingly and increase all of the unit counts and heights cited in the below diagram by 50%, if not more. They're well within their rights to do so. Doing this would easily increase height ranges to

GP27-1

between 70 - 140 ft. and represents capacity for around 1400-1800 units, depending on which incentives developers leverage and combine.

In other words, *without* changing any zoning and by simply letting developers capitalize on existing state density bonus incentives and streamlining laws, we'd wind up with a similar new amount of housing (including a similar affordable unit blend and added tax base for the city) as what you say will be the result of making all the changes detailed in the EIR.

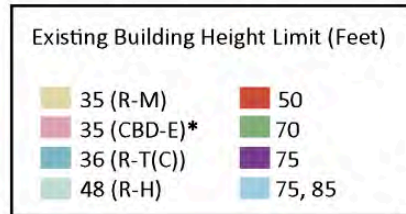
How do you reconcile similar outcomes from two different processes, one of which seeks to reroute roads, upzone city blocks and draws on city planning staff's time / incurs many billable hours from Kimley Horn while the other would require no effort on the city staff's part and instead just leaving things as-is? Why pursue this project at all if the touted output is something that - by and large - could be achieved without any changes to the status quo?

(I should note, as a relevant aside) this project is not necessary to achieve the 2023-2031 Housing Element City-wide goal of 3736 residential units. That too can be done with existing zoning.

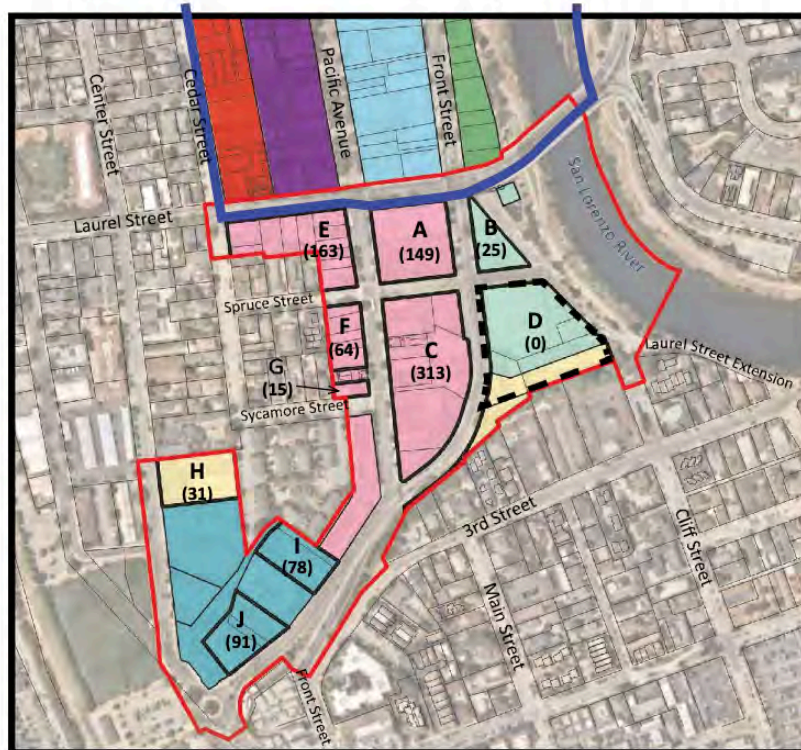
GP27-1

1.1 Given proposed base height increases, namely up to around 85 ft base, it must be acknowledged that current state laws make bonuses of 75% and beyond more than plausible. That is to say buildings well over 145 feet in height. These are tacitly acknowledged in this EIR, but your math is based solely on 50% bonuses, treating anything higher as an edge case when, in actuality and as your EIR literally states: **there can be no specific height limit in place for a project that uses the State Density Bonus.**

This is forecasting in bad faith and the EIR's projections *must redo their analysis (traffic, environmental etc.) for scenarios wherein there's a 75% or even 100% density bonus applied. "It probably won't happen" doesn't suffice as mitigation here, because it still can happen. Can you show the effects, empirically, that would result from your proposed upzoning PLUS developers taking advantage of a 100% density bonus on top of that? Where in this EIR are there calculations from a traffic, congestion, emissions, water use and biological (flora and fauna) standpoint? Please provide.*



* 3.5 FAR allowed; redevelopment parcels projected to be built out at heights exceeding 60+ feet as allowed by State Law.



Baseline Scenario (Existing Zoning and General Plan)

All Parcels		
Baseline		
Total Gross Floor Area:	(square feet)	1,202,000
Total Commercial Area:	(square feet)	50,000
Total Net Residential Area:	(square feet)	697,000
Total Unit Count:	(units)	931
Overall Density:	(units / acre)	87.1
Overall FAR:		2.58

2. Use of “this project doesn’t reflect actual *construction* and is thus exempted from more detailed impact analysis” is overused and insufficient.

Throughout the EIR I came across words to the effect of, “**The project would not directly result in new development. However, it would expand areas for potential additional building height that could accommodate intensified redevelopment of existing developed sites**”. In so many words, this basically means certain impacts and effects of the project covered by this EIR can’t be quantified since no specific *buildings* are yet proposed. To provide a specific example from the EIR, when discussing construction emissions it reads verbatim: **Construction emissions cannot be determined in the absence of specific development projects with identified construction schedules and equipment.** But that isn’t true.

There’s an abundance of forecasting and modeling data drawn from comparable, recent projects that would allow the EIR’s authors to make informed assumptions about the type of buildings that might go up in the SOLA neighborhood post-upzoning, and what their attendant construction effects would be. Many cities of similar size and density (e.g., Berkeley, Palo Alto, Santa Monica) modeled construction emissions for long-term, phased developments using existing methodologies. CEQA guidelines *require* lead agencies to estimate emissions using standard modeling tools, even in cases where specific project details are unavailable and the California Air Resources Board (CARB) and regional agencies (such as the Bay Area Air Quality Management District (BAAQMD)) provide standard emission factors for typical construction activities.

Given the preceding, I have to ask: Why weren’t *construction* emissions modeled using something like CalEEMod in the same way that you modeled for *operational* emissions? There’s no shortage of recent California new-builds that would be comparable to what would happen in SOLA, and their emissions (and other impact) data is easily had for forecasting and estimation purposes. Please provide these calculations.

3. Traffic Flow and Congestion

My last feedback centers on traffic and congestion analysis. The level of detail and proposed (or lack thereof) mitigation measures are not insufficient here.

3.1 Intersection Service Levels

The EIR mentions three intersections that *presently* are operating at an unacceptable level of service. They are:

- Intersection #6: Front St & Laurel St – AM Conditions
- Intersection #18: Chestnut St & Laurel St – AM & PM Conditions
- Intersection #23: Ocean St & Soquel Ave – PM Conditions

GP27-2

GP27-3

It then proceeds to explain this underperformance will be mitigated with “approved projects plus (the) project conditions scenario”, and thus the matter is resolved except for Front & Laurel St., which can be mitigated by “revising signal timing”. This raises a few questions:

- Are the referenced “approved projects” tackling two intersections’ issues slated for construction of just possibilities? Is funding secured? In other words, are we passing the buck on this issue with a vague assertion that other projects “down the line” will tackle the problem? What are these projects, specifically?
- If signal timing alone would address the issue for the Front St. and Laurel St. intersection, why hasn’t the city made those changes? Where is the data leading to this conclusion?

GP27-3

3.2 Stadium Impact with Respect to VMTs

The EIR artificially dilutes the impact of stadium events by evenly distributing attendance across 365 days, which is not realistic given the nature of events held in an arena. These happenings do not occur uniformly throughout the year and their attendees don’t come and go at a steady, evenly-paced rate; quite the opposite —instead, they are heavily biased towards the latter half of the week, usually arriving just hours before events and concentrated during peak seasons. Absent taking this into account, the EIR methodology undercounts true traffic, parking, and vehicle miles traveled (VMT) impacts that will be felt by the community.

Questions: There’s no shortage of data on sports and entertainment event attendance and seasonality. Why was there no analysis that leveraged historical attendee and VMT data throughout the year (and accounted for peak periods like holidays and summer) vs. pulling attendance data from just three days in a single month (Nov 8th, 9th and 15th 2024)? This skews your outputs. Why aren’t arrivals and departures prorated along more realistic lines vs. inaccurately assuming that attendees for something like basketball games trickle in and out evenly over a week? The *count* of persons is as important as the *concentration* of persons. Will you perform a new analysis taking these things into account? If not, why is your current method sufficiently accurate, in your eyes?

GP27-4

Reliance on billing zip codes to determine the starting location of attendees’ trips is also inherently flawed. People frequently relocate, use family members’ addresses or credit cards, and in the case of the large student population, parents’ addresses may be falsely attributed to attendees who actually reside in Santa Cruz and vice versa. While the EIR correctly excludes walk-up and reseller purchases from your calculations, the exclusion of travel outside a 150 mile radius since it’s “unlikely to generate a round trip” is faulty. Plenty of folks will drive from Sacramento, Bakersfield and Santa Barbara etc. (all just slightly farther than 150 miles away), see an event, stay in town a few days, then go home. This affects traffic. These omissions and generalizations introduce inaccuracies into the VMT analysis. Superior data sources for VMT calculations include:

- Anonymized cell phone location data (companies like SafeGraph)
- Rideshare (Lyft and Uber) data
- Public Transit and Rideshare data (local metro statistics)
- Hotel and Airbnb Data (companies like AirDNA)

GP27-4

At the very least some if not all of these resources should be used to supplement your analysis and thereby more accurately portray VMTs. Will you do these new calculations and if not, why do billing zip codes - with so much risk for inaccuracy - suffice as a marker for attendee travel distance?

3.3 Lack of parking and its consequences

CEQA does not require EIRs to address parking availability or lack thereof as an environmental impact. However, it *does require* analysis of spillover parking's direct impacts. Things like double parking, increased emissions due to circling, etc. I did not see this required analysis in the EIR. Is there a reason this hasn't been performed? Can you quantify the knock-on effects environmentally, congestion-wise, and safety-wise of upzoning in such a way that 20+ story buildings, their residents and the cars they will undoubtedly bring with them are factored into things? Where is this analysis?

In the EIR, there are exactly 33 mentions of parking. Almost all of these are describing existing parking OR parking that will eventually be removed by future development. No new parking or even approximate parking spaces that will accompany future development is mentioned. This stands in stark contrast to what, prior to Sacramento laws relieving developers of these requirements, Santa Cruz Municipal Code Chapter 24.12.240 requires, which is laid out below:

GP27-5

	for each employee on the day event
Sports arenas, auditoriums, assembly halls, and meeting rooms	1 for each 3.5 seats of maximum seating capacity
Theaters	1 for each 3.5 seats for the first 350 seats; plus 1 for each 5 additional seats

Residential Uses			
	Number of Bedrooms		
Type	Efficiency	1	2+
Single-family (including townhouses), houseboat, duplex, triplex, multiple mobilehomes, community housing projects, other multifamily dwelling units	1.0	1.0	2.0
Community housing projects, townhouses, and multifamily projects of 5 units or more	In addition to meeting above residential parking requirements, guest parking spaces shall be provided at a rate 10% of the above standards. Fractional spaces will be rounded up to the next whole number.		

GP27-5

Using these guidelines, and running with the EIR's projected 1,734 net new units (at minimum; let's conservatively assume they're all one bedrooms or studios) along with a planned new stadium that contains net-new approximately 1,000 more seats than the current stadium, this would suggest that Santa Cruz City itself - but for new statewide laws - believes such future development *should* include another 2,020 parking spaces. In the absence of sufficient parking adjacent neighborhoods and streets will be severely impacted. I'd like to see an analysis of this lack of parking's impact, something that is distinct from VMT congestion impacts and required by CEQA.

With appreciation for your time and in anticipation of your revised numbers and analysis,

A Concerned Citizen and Member of Santa Cruzans for Responsible Development

4.4.38 Comment Letter GP27: Gerald Hooper

Comment GP27-1: Housing Density and State Density Bonus Law

The comment suggests that the height increases are unnecessary.

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287).

Comment GP27-2: Modelling of Air Quality Emissions

The comment suggests asks why construction emissions were not modeled using CalEEMod in same way that was modeled for operational emissions.

Response: As indicated in the Draft SEIR and noted in the comment, construction emissions cannot be determined in the absence of specific development projects with identified construction schedules and equipment. To estimate emissions, the CalEEMod model requires specific inputs of land use types, sizes, acreage disturbed, soil import/export quantities, building square footage and/or tonnage demolition debris, and construction phase durations. At this time, future development project sizes, location, and timing are not known and the required inputs into CalEEMod would be speculative. The CEQA Guidelines state that if a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact (14 CCR 15145). Therefore, as construction information is not known at this time, such quantitative emission analysis is speculative and need not be analyzed in the Draft SEIR.

Comment GP27-3: Transportation and Level of Service

The comment asks about the feasibility of funding specific intersection improvements as identified the Local Traffic Analysis prepared by Kimley-Horn.

Response: See Master Response MR-6: Transportation – Level of Service.

Comment GP27-4: VMT Impacts Associated with the New Arena

The comment suggests that the Draft SEIR does not fully address dilutes the impact of stadium events by evenly distributing attendance across 365 days, which is not realistic given the nature of events held in an arena.

Response: See Master Response MR-8: Transportation – Vehicle Miles Traveled (VMT).

Comment GP27-5: Parking

The comment suggests that while CEQA does not require EIRs to address parking availability, it does require analysis of spillover parking's direct impacts.

Response: See Master Response MR-7: Transportation – Parking.

From: [Karla Hutton](#)
To: [Sarah Neuse](#)
Subject: DEIR Comments: NO NO NO to Downtown Plan Expansion
Date: Friday, February 21, 2025 12:37:37 PM

Comment Letter GP28

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

As a resident of Santa Cruz since 1973 I have seen many changes in our beautiful area. However, the proposal to build out 29 acres in SoLa to 12 plus story buildings is the most egregious. 12 stories + more if the developers decide to see this as an incentive for taller and more units! Are you kidding? Has anyone in your department stood next to a 12 story building recently? Imagine that was dwarfing our town clock and casting dark shadows on much of the area around it. Just at 12 feet! 12 feet is ridiculous, but anything taller is absolutely unnecessary and irresponsible! Please, don't make this irreversible mistake. The law requires a full disclosure of documents by the EIR-Initial impacts and secondary impacts...Please at least have the EIR address those impacts. and or reconsider your 12 story proposal. This type building is too high, too ugly, too dense and too impactful for this already congested area.

GP28-1

Thank you for your time.

Respectfully,
Karla Hutton

831.226.4180

4.4.39 Comment Letter GP28: Karla Hutton

Comment GP28-1: Allowance to Construct Buildings Greater than 12 Stories

The comment suggests that 12 story buildings is too dense and not appropriate for Santa Cruz.

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287).

From: [Itos](#)
To: [Sarah Neuse](#)
Subject: Santa Cruz 2030 General Plan
Date: Monday, January 13, 2025 5:38:59 PM

Comment Letter GP29

****CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

Dear Ms Neuse,

My concern at this time is why have plans to build more housing when there are unfinished housing construction that have been sitting idle for over a few years now? Additionally, aren't the completed projects at low occupancy?

GP29-1

4.4.40 Comment Letter GP29: Itos**Comment GP29-1: Occupancy of Current Residential Projects**

The comment asks why the City is working on plans to build more housing when recently constructed residential projects are vacant or at low occupancy.

Response: Occupancy of residential projects is a factor of market supply and demand and is not a threshold of significance of under CEQA. Therefore, the comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

From: [Raymond A Kubick III](#)
To: [Sarah Neuse](#)
Cc: [City Council](#)
Subject: Comments of SOLA Revised EIR - Please DO NOT RAISE EXISTING HEIGHT LIMITS
Date: Sunday, February 16, 2025 4:29:30 PM

Comment Letter GP30

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

Hello,

Thank you for the extensive EIR for the south of Laurel development. I am still reading the document, but I wanted to give the highest priority input now.

Please do **not** raise the existing height limits (anywhere in the city)! With existing, and anticipating future, density bonus regulations, excessively tall buildings will already be built. There is no reasonable justification for increasing building height limits unless one is trying to emulate Oakland.

GP30-1

In addition, I am seeing many commercial vacancies and know that there are also residential vacancies in the new complex on Front Street. If there are already high vacancy rates, the problem will increase with more building.

GP30-2

Clearly, the large scope of these plans means that the development/management/financing will be handled by very large corporations with limited participation from local companies, except as minor sub-contractors. Eventually, the big property managers will crush small landlords, whether they are local or not.

GP30-3

My wife and I often ride our bikes along Laurel and into town or towards the ocean on Front Street. It will become more difficult and dangerous to ride a bike through town. Since biking is one of the solutions for limited parking, that seems like the wrong way to go.

GP30-4

Thank you all the work creating this plan, there are many very nice aspects to the plan. The pedestrian zones and gathering places along the river are well done!

Regards,
Ray Kubick
1002 Seabright Avenue

4.4.41 Comment Letter GP30: Raymond Kubick**Comment GP30-1: Building Heights**

The comment asks that the existing building heights not be changed.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

Comment GP30-2: Commercial and Residential Vacancies

The comment suggests that there are existing commercial and residential vacancies and thus there is no need for additional development.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

Comment GP30-3: Developer Interests

The comment suggests that development activity by local companies will be limited due to the scale and scope of the project.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

Comment GP30-4: Bicycle Access

The comment suggests that biking through the downtown will become more difficult.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

From: [Dick Landon](#)
To: [Sarah Neuse](#)
Subject: comment for Down Town Expansion
Date: Friday, February 07, 2025 4:13:35 PM

Comment Letter GP31

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

To whom this may concern,

just a few burning questions,

- 1) why are the current high rise buildings downtown mostly wood? A easily placed fire during windy conditions would most likely destroy a lot of the city. | [GP31-1](#)
 - 2) Why built on a flood zone? Why not place thousands of unit away from town in a larger area with direct access to rt 17 or rt 1 on solid grounds? | [GP31-2](#)
 - 3) Can you give a link to justify all this expansion because of State law requirements if that is the major reason? | [GP31-3](#)
 - 4) Are these tall building foundations in an earthquake town drilled down to the bedrock? | [GP31-4](#)
 - 5) Why are you wreaking a beautiful small sea coast town? Abuse and crazy.. just my opinion | [GP31-5](#)
 - 6) Are you counting on the addition of thousands of people moving in from over the hill to be able to afford these units? They are the only ones that can afford these downtown apartments, other that well paid local public employees, which we know that won't happen. | [GP31-6](#)
 - 7) What are you plans for the addition (big city) crime that will occur in the downtown? | [GP31-7](#)
 - 8) Are the local property owners and tax payers going to be on the financial 'hook' if a lot of the units stay empty and the developers go belly-up? | [GP31-8](#)
 - 9) Have you inform people how much all the local utilities (not to mention general taxes) are going to increase with the extreme extra burden on them from 4-6k additional people downtown? | [GP31-9](#)
- Totally nuts!

Richard Landon
retired Board Director, Branciforte Fire

4.4.42 Comment Letter GP31: Dick Landon

Comment GP31-1: Building Construction Using Wood

The comment suggests that wood construction would exacerbate fires, particularly during windy conditions.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

Comment GP31-2: Construction in a Flood Zone

The comment questions why future development should occur in a flood zone.

See [Master Response MR-3: Potential Hydrologic Impacts Including Floodplain, Sea Level Rise, Stormwater, Water Quality, and Tsunamis](#).

Comment GP31-3: Housing and State Law Requirements

The comment indicates providing a link to justify the project in light of State law requirements.

See [Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law \(AB 1287\)](#).

Comment GP31-4: Building Foundations

The comment asks if the tall building foundations will be drilled down to the bedrock.

Response: See [Comment GP3-19: Geologic and Hydrologic Hazards](#).

Comment GP31-5: Community Character

The comment suggests that the project will ruin the small town character of Santa Cruz.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

Comment GP31-6: Housing Market

The comment suggests that the only people that will be able to afford the new housing will be coming from out of the area.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

Comment GP31-7: Crime

The comment suggests that the project will increase the amount of crime in the downtown.

Response: Potential impacts associated with police protection is addressed in **Impact PUB-1b (DPA EIR Impact 4.6-1b): Police Protection** on page 13-10 of the Draft SEIR. Impacts were determined to be *less-than-significant*.

Comment GP31-8: Financial Liability

The comment suggests that local property owners may become financially liable due to vacant units and/or financial instability of the developer(s).

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

Comment GP31-9: Increase in Utility Costs

The comment suggests that utility costs will increase as a result of the project.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

From: [Larry Lenihan](#)
To: [Sarah Neuse](#)
Subject: DEIR Comments: Downtown Plan Expansion
Date: Wednesday, February 12, 2025 9:32:00 PM

Comment Letter GP32

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

PLEASE stop all this madness of tall buildings in downtown Santa Cruz !! We are losing our charm quickly !! I have been here since 1984 and things are changing more now than they did after the 1989 earthquake !! These tall buildings are way too much , they are not affordable ,we can't even fill up the empty retail spaces on Pacific and yet more are being added on the ground floor of every TOO tall building they make THIS IS INSANE !! I love living here , and want to stay loving living here , STOP,STOP,STOP all this building !! It makes me mad and sad everytime I pass through downtown SC !!

GP32-1

4.4.43 Comment Letter GP32: Larry Lenihan

Comment GP32-1: Future Development

The comment is a general statement regarding displeasure with overall development in the downtown.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

To: Sarah Neuse by email: sneuse@santacruzca.gov

Comments on the Draft EIR for the Downtown Plan Expansion

In *Vineyard* decision, the Supreme Court identified specific requirements for an adequate analysis of water supply issues in an EIR. The Court explained that future water supplies identified and analyzed in an EIR must be reasonably likely to prove available. Speculative sources and unrealistic allocations do not provide an adequate basis for decision-making.

The Draft EIR reports that the project relies on future water from Aquifer Storage and Recovery (ASR) in the Santa Margarita Aquifer in the Scotts Valley area to satisfy multiple dry year demand. The only future water supply source that has been pilot tested, and found likely to prove available is ASR at the Beltz wells in the Live Oak area. No pilot testing has been planned for ASR in the Santa Margarita Aquifer. The two alternatives mentioned in addition to ASR, desalination and recycled water, have not been determined to be feasible.

When a full analysis of future water supplies for a project leaves some uncertainty regarding the availability of future supplies, the EIR must discuss possible replacement or alternative supply sources, and the environmental effects of resorting to those alternative supply sources.

The only environmental study of future water supply strategies is the EIR for Beltz #8 and #12 Aquifer Storage and Recovery. No environmental study has been conducted of ASR in the Santa Margarita Basin, as there is no project to study. The Draft EIR does not comply with CEQA since it fails to discuss any environmental impacts of ASR in Scotts Valley, desalination, or recycled water, which are mentioned as alternative water supply sources.

The EIR must discuss the option of curtailing the development if sufficient water is not available for later phases. The Draft EIR does not do so.

Cumulative Impact

The Draft EIR states, “Without augmented water supplies, cumulative development and associated water demand during dry periods would result in a potentially significant cumulative impact on water supplies...”

GP33-1

As discussed above, the future water supply sources mentioned by the Draft EIR are speculative. Hence the EIR should make a finding that the cumulative impact of this project is significant.

Mitigations

The obvious mitigation would be to link project adoption to the adequacy of water supplies to meet project demand. In an analogous legal situation, the City is suing the University of California Santa Cruz, seeking a similar mitigation: that the university would link expansion of enrollment to the provision of housing.

Another possible mitigation is water-neutral development. The Soquel Creek Water District adopted a water demand offset fee in 2004 in which developers paid a fee to fully offset the increased demand resulting from new projects. The fees were used to retrofit existing buildings with efficient toilets and fixtures. Since most toilets in Santa Cruz are efficient, it may no longer be feasible to identify water conservation measures that offset new water demand. However, the EIR should analyze whether water neutral development may be accomplished by a cap and trade system for water.

<https://waterinthewest.stanford.edu/news-events/news-insights/share-wealth-cap-and-trade-system-water-conservation-and-resiliency>

Nature has set limits on the local water supply. “The system relies entirely on rainfall, surface runoff, and groundwater infiltration occurring within watersheds located in Santa Cruz County.” (Appendix E p4) Since all water sources depend on rainfall, it is physically impossible for water demand to keep growing. The only unlimited source of water is the ocean. However, desalination trades one precious resource, electricity, for another, water. The trade comes at the expense of the environment since the carbon footprint of desalination is many times larger than the City’s current water production. Under these circumstances, water neutral development needs to be explored.

GP33-2

4.4.44 Comment Letter GP33: Rick Longinotti

Comment GP33-1: Water Supply

The comment states that the Draft EIR does not comply with CEQA since it fails to discuss any environmental impacts of ASR in Scotts Valley, desalination, or recycled water, which are mentioned as alternative water supply sources and the EIR must discuss the option of curtailing development if sufficient water is not available for later phases.

Response: See [Master Response MR-2: Likelihood of Future Water Supplies](#) and response to [Comment O6-5](#) regarding ASR, desalination and recycled water. The Project is a plan that would not directly result in new development or development phases.

Comment 33-2: Cumulative Development and Mitigation

The comment states that because future water supply sources are speculative, the EIR should make a finding that the cumulative impact of the Project is significant. The comment also suggests that a mitigation would be to link Project adoption to the adequacy of water supplies or require water-neutral development.

Response: The Draft SEIR does identify a potentially significant cumulative impact to water supply but concludes that the Project's contribution is not cumulatively considerable as explained in response to [Comment O6-6](#). Water supply adequacy would be reviewed at the time development arising from the Project (adoption of the amendments to the Downtown Plan) is proposed, but as indicated in [Master Response MR-2: Likelihood of Future Water Supplies](#), the City is pursuing and implementing the water supply augmentation strategies that were laid out in 2015 by the City's Water Supply Advisory Committee and incorporated into and refined by subsequent water planning documents. Regarding requiring water-neutral development, the City has implemented and continues to implement water efficiency measures that generally have helped to reduce water demand despite increased development over the past 25 years.

From: [Martha Macambridge](#)
To: [Sarah Neuse](#)
Subject: Fwd: Downtown Plan Extension South of Laurel
Date: Friday, February 21, 2025 4:48:03 PM

Comment Letter GP34

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----- Forwarded message -----

From: Martha Macambridge <mmacambridge@gmail.com>
Date: Fri, Feb 21, 2025 at 4:26 PM
Subject: Downtown Plan Extension South of Laurel

Hello Sarah,

I'm writing today to voice my concerns regarding the South of Laurel Extension plan.

The preliminary DEIR report states "minimal" impact. How can this be called minimal? The area for the Downtown Plan encompasses 29 acres, a new Warriors arena and up to 20 story towers. I do not want any more than the 10 - 12 floor buildings that are already allowed.

The questions I have are:

How are we going to provide adequate support for fires?

| GP34-1

Where are we going to get the water necessary to support all of these buildings (residents and businesses)?

| GP34-2

Will we really be able to provide the necessary support in emergency situations? Our local hospital is already overwhelmed and understaffed.

| GP34-3

Please hold the building heights to the 10 - 12 floor that are currently allowed.

| GP34-4

Respectfully,
-Martha Macambridge
City of Santa Cruz resident

--

Martha Macambridge
RIP Democracy 11.5.2024
2222 East Cliff - Suite 212 - Santa Cruz - CA 95062
mailing address: PO Box 2191 - Santa Cruz - CA - 95063

"Pushing the envelope for Santa Cruz County since 1985"

831-334-5959

mmacambridge@gmail.com

--

Martha Macambridge

RIP Democracy 11.5.2024

2222 East Cliff - Suite 212 - Santa Cruz - CA 95062

mailing address: PO Box 2191 - Santa Cruz - CA - 95063

"Pushing the envelope for Santa Cruz County since 1985"

831-334-5959

mmacambridge@gmail.com

4.4.45 Comment Letter GP34: Martha Macambridge**Comment GP34-1: Adequate Support for Fire**

The comment asks if the project will provide adequate fire protection.

Response: Potential impacts associated with fire protection are described in **Impact Pub-1a (DPA EIR Impact 4.6-1a): Fire Protection** on page 13-10 of the Draft SEIR. Impacts were determined to be *less-than-significant*.

Comment GP34-2: Water Supply

The comment asks where water will come from to support the Project.

Response: Water demand and impacts on water supply are evaluated in Chapter 15 of the Draft SEIR based on a Water Supply Evaluation prepared for the Project that is included in Appendix E of the Draft SEIR. See also **Master Response MR-2: Likelihood of Future Water Supplies**.

Comment GP34-3: Emergency Response

The comment questions if the City will be able to provide adequate support in emergency situations, particularly for local hospitals.

See **Master Response MR-5: Emergency Response and Evacuation Plans**. Additionally, impacts to hospital services is not a CEQA threshold of significance as it does not constitute a physical change in the environment.

Comment GP34-4: Building Heights

The comment asks that the existing building heights not be changed.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

From: [Joyce Marks](#)
To: [Sarah Neuse](#)
Subject: DEIR Comments: Downtown Plan Expansion
Date: Friday, February 21, 2025 7:33:39 AM

Comment Letter GP35

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Now that the state has raised the heights and density possible, the traffic and parking issues need to be restudied. I live on Beach Hill and driving and parking are impossibly difficult during summer weekends. What month, days and times did you study these issues? Why do you think these huge buildings and arena events will not have a huge impact? Joyce Marks, 133 Younger Way, Santa Cruz, CA 95060.

GP35-1

4.4.46 Comment Letter GP35: Joyce Marks

Comment GP35-1: Traffic and Parking Impacts

The comment suggests that traffic and parking need to be studied due to State Density Bonus law.

Response: See Master Responses MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287), MR-6 Transportation – Level of Service, and MR-8: Transportation – Parking.

From: [sue martin](#)
To: [Sarah Neuse](#)
Subject: DEIR Comments: Downtown Plan Expansion
Date: Monday, February 17, 2025 9:16:55 AM

Comment Letter GP36

****CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

The fabric of Santa Cruz is already turning upside down with all of the current construction, making it unrecognizable. I do not understand the need of development. Does the city council want to make this beach town unnavigable ? How are all of the inhabitants going to get around the already gridlocked routes in and out of Santa Cruz?

This is sad considering our population already includes a daily influx of tourists flooding our streets with little parking available. Also, the River walk is not safe due to the homeless hangout. What a waste of space. Let's improve what we have, not complicate it.

Have a conscience for Santa Cruz

We don't have the ability to absorb more humans.

Sue Martin
Seabright neighbor

Sent from my iPhone

GP36-1

4.4.47 Comment Letter GP36: Sue Martin (2/17/25 – 1)

Comment GP36-1: Community Character

The comment suggests that the project will ruin the small town character of Santa Cruz.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

From: [sue martin](#)
To: [Sarah Neuse](#)
Subject: DEIR Comments: Downtown Plan Expansion
Date: Monday, February 17, 2025 12:14:47 PM

Comment Letter GP37

****CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

Ps Where will these new residents work? There are few jobs here.
Sent from my iPhone

GP37-1

4.4.48 Comment Letter GP37: Sue Martin (2/17/25 – 2)

Comment GP37-1: Jobs

The comment asks where the new residents will work.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

From: [Susan Monheit](#)
To: [Sarah Neuse](#); [Sarah Neuse](#)
Subject: 2025 Santa Cruz downtown Plan Expansion EIR Comments
Date: Thursday, February 06, 2025 10:52:46 AM

Comment Letter GP38

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

Dear Ms. Neuse,

Thank you for this opportunity to comment on the Downtown Plan Expansion EIR document. See my comments below:

1. SEIR Project Development Buildout Assumptions: Density Bonus of 100% MUST be default Assumption for all Analysis in this EIR.

The City's baseline assumption that the density bonus which will be applied by developers will be only 50% is grossly inadequate, and laughable. It significantly diminishes the impacts of the Project in a deceptive and way. It is not disclose the true impacts of the proposed project in violation of CEQA regulations.

Current California density bonus laws allow developers 100% density bonus entitlements above the number of units they initially propose to build. There is every reason to believe that developers will use the maximum 100% density bonus to maximize their profits in the Santa Cruz Downtown Expansion Area, south of Laurel St. (SOLA).

The EIR must be revised to assume use of maximum density bonus law at 100% of the proposed base project, resulting in increased building heights, and associated impacts in all areas evaluated by this EIR.

All impact analysis must be revised to reflect an additional building height caused by implementation of the allowable 100% state density bonus law.

2. Violation of Mayor Keeley's promised limit on building height in the SOLA area to 12-stories inclusive of density bonus.

The EIR discloses that the south of Laurel area, site of the proposed downtown plan expansion, will allow 12 stories as a baseline upon which density bonus can be applied. This is indirect conflict with the maximum height promised by Mayor Keely upon entering office in January 2023.

In light of additional height and floors, resulting from application of state density bonus laws, it is irresponsible of the City Council to approve Projects that exceed the allowable height under the current General Plan 2030 (2012 as amended). In the SOLA area maximum height is currently 35-48 feet (Table 5-1: existing zoning height). So 35-48 ft. should remain the baseline on top of which state density bonus laws are applied if Mayor Keeleys's promises to

GP38-1

GP38-2

be kept.

3. Shadow and Sunlight Analysis of SOLA

Figures 7-a, b, & c show expected shadow from construction of proposed (15 to 20?) story buildings south of Laurel at three times a day in December, March, and June.

Analysis of shadow in winter shows that the entire SOLA area will rarely see sunlight except at high noon, and will create a substantially colder micro-climate on the streets than the rest of town, or than would exist under the existing General Plan that allows for a maximum of 3- 5 stories in this area.

This will significantly degrade the quality of life for residents in existing and newly constructed units in the SOLA; discourage and depress tourist use of retail and proposed outdoor eateries located within the area; and create adverse conditions for homeless who live on the streets and are predicted to remain in this area after construction.

These impacts were not disclosed and should be included in the EIR document.

GP38-3

5. Conclusion Errors: By definition the No Project Alternative will not result in adverse impacts. [Section 2.5 Alternatives to the project (page 2–12, Summary)]

In the conclusion of the EIR, the statement that the No Project Alternative will result in adverse impacts to the area, is FALSE.

By definition, the No Project Alternative is the baseline against which all Proposed Project alternatives are compared. This is an egregious misrepresentation. This misdirection must be corrected.

Thank you for this opportunity to comment on the Downtown Plan Expansion EIR.

Respectfully,

Susan Monheit

City residence

GP38-4

4.4.49 Comment Letter GP38: Susan Monheit (2/6/25)**Comment GP38-1: Density Bonus of 100%**

The comment suggests that the Draft SEIR needs to address all impacts in light of a 100% State Density Bonus.

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287).

Comment GP38-2: Conflict with City Council Direction

The comment suggests that the Draft SEIR did not address Council policy to limit building heights to 12 stories inclusive of density bonus.

See Master Response MR-9: Downtown Plan Expansion Area Plan Direction by City Council.

Comment GP38-3: Shadow and Sunlight Analysis

The comment indicates that the shadows generated from the project could degrade the quality of life for residents and tourists.

Response: See Comment GP7-2: Shadow and Wind Analysis.

Comment GP38-4: No Project Alternative

The comment suggests that the Draft EIR statement that the No Project Alternative will result in adverse impacts is false.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

From: [Susan Monheit](#)
To: [Sarah Neuse](#); [Sarah Neuse](#)
Subject: Downtown Plan Expansion EIR Comments - Letter #2
Date: Monday, February 17, 2025 5:35:24 PM

Comment Letter GP39

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

Dear Ms. Neuse,
I am submitting additional comments on the Downtown Plan Expansion (DPE) EIR. Please see below.

Thank you,
Susan Monheit

Downtown Plan Expansion EIR Comments - Letter #2

1. The EIR fails to acknowledge, let alone evaluate, the Downtown Plan Expansion's (DPE) proposal to place large amounts of earthen fill in the floodplain next to the levee. The DPE envisions raising the grade of the area adjacent to (west of) the San Lorenzo River levee to be even with the top of the levee. To do this, an enormous wedge-shaped volume of dirt consisting of thousands of cubic yards of fill will have to be placed in the area west of the levee. In the event of the next major levee-overtopping flood (which almost happened in 2024), this fill will likely displace floodwaters, causing higher and more widespread flood levels throughout the downtown floodplain neighborhoods. These types of major floods have occurred regularly in the past (e.g., 1791, 1822, 1862, 1871, 1890, 1895, 1907, 1940, 1955, and events that almost topped the levees in 1982, 1998, 2017 and 2024), and are likely to occur more frequently in the future due to climate change. This failure to acknowledge and evaluate this potentially significant impact is a major flaw in the EIR that needs to be corrected.

GP39-1

2. The issue of water supply and future water demand is inadequately addressed in the EIR. On the supply side, the EIR relies upon an overly optimistic worst case scenario multi-year drought. It uses the 1973-77 period as its example of the worst 5-consecutive year drought we are likely to ever face, even though 1973 and 1974 were abnormally wet years and 1975 was an average rainfall year (only 1976 and 1977 were abnormally dry years). The EIR uses that faulty worst case multi-year drought scenario as the basis for mistakenly determining that the 1600-1800 unit project, plus other anticipated growth in the city, will not overly tax the city's water supply during a major drought. The EIR needs to presume 5 very dry years in a row for this type of analysis to be valid. During my career as a State of California Water Regulator, working for the SWRCB in the Division of Water Rights, I know the 5-yr droughts will become increasingly common. The drought period between 2013-2018 would be a better example of a 5-yr drought period than 1973-77, although if any of those yrs are not "dry" years, the wetter yr should be replaced with a duplicate of a dry year during this period for the baseline analysis in this EIR.

GP39-2

3. On the water demand side, the EIR does not appear to take into account the state's RHNA construction mandate of 3,736 new housing units in the city by 2031. The EIR relies on a future housing unit forecast (contained in Attachment 1 of Appendix A of Appendix E of the EIR) that does not acknowledge the RHNA mandate or appear to take it into account, let alone likely future RHNA mandates. The EIR needs to explicitly specify that the current and likely future RHNAs are incorporated in its forecast of future water demand.

GP39-3

4. If future water supply is likely to rely on desalination, then the construction and impacts of a desalination plant must also be evaluated in this EIR.

GP39-4

5. The basis of the traffic impact of the DPE should include evaluation of traffic circulation during times of peak congestion such as weekends and during the summer.

GP39-5

4.4.50 Comment Letter GP39: Susan Monheit (2/17/25)**Comment GP39-1: Earthen Fill Adjacent to the San Lorenzo River Levee**

See Master Response MR-3: Potential Hydrologic Impacts Including Floodplain, Sea Level Rise, Stormwater, Water Quality, and Tsunamis.

Comment GP39-2: Water Supply

The comment states that water supply and future water demand are inadequately addressed in the EIR regarding the worst-case scenario multi-year drought. The comment suggests that the drought period between 2013-2018 would be a better example of a 5-year drought period rather than 1973-77, although if any of those years are not "dry" years, the wetter year should be replaced with a duplicate of a dry year during this period for the baseline analysis in this EIR.

Response: See response to Comment GP3-13.

Comment GP39-3: Water Demand

The comment states that the EIR does not appear to take into account the state's RHNA construction mandate of 3,736 new housing units in the city by 2031 and likely future RHNA mandates.

Response: See response to Comment GP3-13.

Comment GP39-4: Water Supply – Desalination Plant

The comments states that if future water supply is likely to rely on desalination, the impacts of construction of a desalination plant must be evaluated in the EIR.

Response: See response to Comment O6-5.

Comment GP39-5: Traffic Congestion During Peak Weekend and Summer

The comment suggests that the Draft SEIR should include evaluation of traffic circulation during times of peak congestion such as weekends and during the summer.

Response: See Master Response MR-6: Transportation – Level of Service.

From: [karen morris](#)
To: [Sarah Neuse](#)
Subject: Citizen comment on proposed housing, developments, and rail trail
Date: Tuesday, February 18, 2025 8:29:56 AM

Comment Letter GP40

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

As a 27 year resident and home owner of Santa Cruz County, I'd like to state two things that concern me to the city council.

1. The new housing developments in the downtown area are too tall, too expensive and most Important NOT attractive. These new developments are not beautifying our city, they're making our city look like every other place in America, and they do not hold historical respect to the architecture that makes Santa Cruz unique with Our deco and Victorian history.

GP40-1

2. The train is not going to be used enough to make it worth the money. People like cars and getting exactly where they wanna go. Train will not be used as you are hoping. Santa Cruz has a A population into natural beauty and fitness just give us a trail where we can skate and ride our electric bikes and take walks within nature corridors, and on our beautiful coastline. Forget the train idea it's ridiculously expensive and destroys attractive areas.

GP40-2

Sincerely Karen Morris

.

4.4.51 Comment Letter GP40: Karen Morris**Comment GP40-1: Quality of Housing Development**

The comment suggests that new housing developments in the downtown area are too tall, too expensive and is not attractive.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

Comment GP40-2: Santa Cruz Branch Rail Line

The comment suggests that a train (Santa Cruz Branch Rail Line) is not going to be used to make it worth the money.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

From: [Michelle Nicely](#)
To: [Sarah Neuse](#)
Subject: Re: Wharf and downtown
Date: Wednesday, January 08, 2025 10:01:01 AM

Comment Letter GP41

****CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

Sent from my iPhone

> On Jan 8, 2025, at 9:54 AM, Michelle Nicely <michelle.nicely@mac.com> wrote:

>

> Hi there,

>

> Needs to be a mile out and have hydrofoil ferries - and docking ability for BIG boats like San Diego.

>

> Fix up and restore the older buildings on Pacific and the apartments in them so folks that LIVE in them can shop and live downtown. No character in the new buildings.

>

> And the old buildings with huge spaces for stores... big stores are not coming back- need to make glass separations for artists and small shop owners like Cannery Row.

>

> Maybe start advertising at the UC for all the new apartments for students (same price and BIG and NEW ... and then the homes can be sold again to folks that want to establish families.

>

> The new buildings won't last because the materials are not like they used to be.

>

>

> And I do believe we can have Cruise Ships come and go.

>

> 6000 people for 2 days and then they leave on the boat.... Amsterdam says this saved the culture of the city. ♀

>

>

> <image2.png>

> <image3.jpeg>

>

>

Sent too soon---

And, I have a huge plan for agriculture historical music festival, as I was one of the the first hosts of SXSW in Austin Tx.

Sincerely,
Michelle Nicely
831-588-4748
www.NicelySC.com

> Sent from my iPhone

GP41-1

4.4.52 Comment Letter GP41: Michelle Nicely (1/8/25 - 1)

Comment GP41-1: Cruise Ships and Other Miscellaneous Topics

The comment makes various regarding the use of cruise ships, hydrofoil ferries, use of old buildings, housing for USCS students, and building materials.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

From: [Michelle Nicely](#)
To: [Sarah Neuse](#)
Subject: Wharf and downtown
Date: Wednesday, January 08, 2025 9:54:39 AM
Attachments: [image2.png](#)

Comment Letter GP42

****CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

Hi there,

Needs to be a mile out and have hydrofoil ferries - and docking ability for BIG boats like San Diego.

Fix up and restore the older buildings on Pacific and the apartments in them so folks that LIVE in them can shop and live downtown. No character in the new buildings.

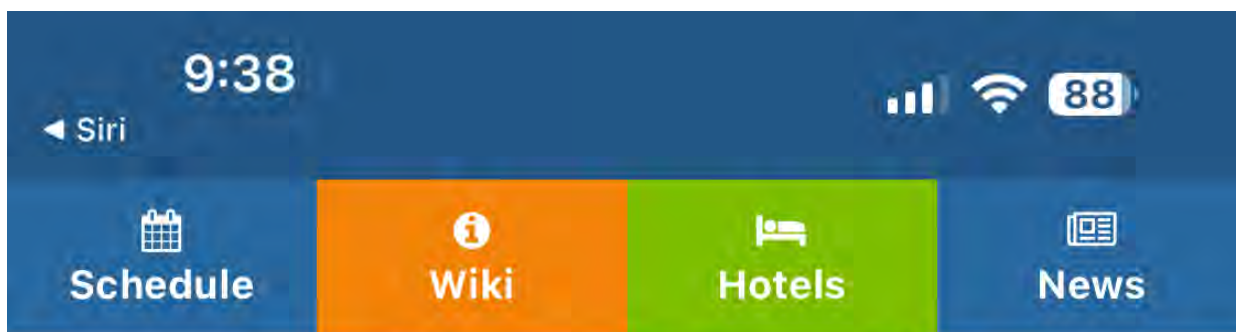
And the old buildings with huge spaces for stores... big stores are not coming back- need to make glass separations for artists and small shop owners like Cannery Row.

Maybe start advertising at the UC for all the new apartments for students (same price and BIG and NEW ... and then the homes can be sold again to folks that want to establish families.

The new buildings won't last because the materials are not like they used to be.

And I do believe we can have Cruise Ships come and go.

6000 people for 2 days and then they leave on the boat.... Amsterdam says this saved the culture of the city. ♀



Among the notable current-day attractions are the Fisherman's Wharf, Cannery Row, the annual Monterey Jazz Festival, Monterey Bay Aquarium, Monterey Museum of Art, Salvador Dali Museum, premium art galleries.

Monterey CA is popular for the diversity and abundance of its marine life, including sea otters, sea lions, harbor seals, kelp forests, bat rays, dolphins, pelicans and several species of whales. Just a few miles offshore is Monterey Canyon, the biggest and deepest (3.2 km /2 mi) underwater canyon off North America's Pacific coast, which within hours provides scientists with access to the deep sea.

GP42-1

As cruise destination, Monterey Bay is visited seasonally and on voyages to ports in Alaska or Mexico. Most cruise vessels visiting Monterey are on relocation itineraries (RepositionCruises.com) scheduled in Spring and Fall.

In 2017, Port Monterey (locode USMY3) handled a total of 10 cruise ship calls (compared to 2016's only 2 and 2015's 6). Additionally, the privately/residents-owned ship [MS The World](#) remained anchored here for 3 days.

In February 2023, the City Council voted 3-2 in favor to terminate passenger landing (docking and disembarkation) services for cruise ships. The

GP42-1

GetYourGuide

 Find the best things to do in Monterey with the help of over 2 million trusted reviews.

OPEN »

 cruisemapper.com

In February 2023, the City Council voted 3-2 in favor to terminate passenger landing (docking and disembarkation) services for cruise ships. The vessels continue to be allowed to anchor in Monterey Bay and ferry their tourists to the shore via tender boats. However, cruise companies/ship operators are

required to hire staff at the Port to process the visitors at the public dock. According to CLIA data, cruise tourists spend ~US\$125 per person (average) while ashore in the USA.

Prior to the [COVID crisis](#), the Port had between 7 and 12 cruise calls/ship visits annually. In 2023, Monterey had a total of 21x cruise ship calls/visits scheduled for March-April-May-October-November.

Monterey CA cruise terminal

Monterey CA is a tendering port, meaning it has no docking facilities (wharf or quay) for large vessels. Cruise ships anchor in front of the harbor and their passengers are transported / ferried to the town via tender boats. Disembarkation and embarkation ashore is done at Fisherman's Wharf.

However, the port can handle only one cruise vessel per day, and has 2 anchorage areas designated for such vessels.

GP42-1

4.4.53 Comment Letter GP42: Michael Nicely (1/8/25 – 2)

Comment GP 42-1: Cruise Ships

The comment suggests that the City should pursue accommodating cruise ships for tourists and visitors.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

From: [Douglas](#)
To: [Sarah Neuse](#)
Subject: DEIR Comments: Downtown Plan Expansion
Date: Thursday, February 06, 2025 2:20:42 PM

Comment Letter GP43

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

Dear Sarah,

I'm not a city resident, but am nonetheless deeply concerned about this review, which seems deeply flawed. I doubt that there are many people in this county that want 30-story buildings downtown, and for you to pretend otherwise is either irresponsible or deceitful. The token quantity of low income housing doesn't mitigate the wholesale damage of these projects. The government of Santa Cruz should be serving its citizens, not some developers.

GP43-1

Thank you,
Doug Oreck
831-708-8510

4.4.54 Comment Letter GP43: Doug Oreck

Comment GP43-1: Downtown Development in General

The comment indicates a dissatisfaction with building development in the downtown.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

From: [philodygmn](#)
To: [Sarah Neuse](#)
Subject: Re: corridor safety
Date: Thursday, February 06, 2025 4:42:20 PM
Attachments: [Outlook-nngbus5z.png](#)

Comment Letter GP44

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

Sarah,

Hello, this is Nathan from 401 Pacific.

Please add to my prior comments the strong need for canopied trees to act as wind-breaks on both sides of Pacific. This came to the fore in my mind with the recent stormy weather: if this whole stretch of Pacific becomes tall, sheer buildings, the wind-tunnel effect will be made vastly more severe. The prevailing wind direction funnels up Center against Beach Hill northwest and especially across Depot Park direct from the wider Pacific, virtually dead-on alignment with the straightaway. Stickly palm trees like at the giant new complex at the corner of Pacific and Front won't cut it.

To reiterate two previous, related points:

- 1) the flooding in front of lot 407 must be resolved
- 2) heavy canopy along my proposed sidewalk hugging the back of Beach Hill in place of the unstructured parking spaces to connect with the existing sidewalk in front of the shops at the Center/Pacific rotunda along with medium canopy density trees in front of the buildings that are on the north side would also mitigate the terrible heat island effect in Summer.

I sincerely hope merit is seen in the concerns that lead to my proposed ideas as well as the ideas themselves!

GP44-1

On Wed, Jan 15, 2025 at 9:59 AM Sarah Neuse <sneuse@santacruzca.gov> wrote:

Hello again,

Thanks for sending these further comments. I have shared them with our Transportation division and will also record them as comments on the EIR.

Thanks for your continued interest and involvement with the City.

Sincerely,

Sarah Neuse

She/Her

Senior Planner

City of Santa Cruz | Planning & Community Development/Advance Planning

809 Center Street, Room 101, Santa Cruz, CA 95060

Direct: [831-420-5092](tel:831-420-5092)

Email: sneuse@santacruzca.gov

Web: cityofsantacruz.com



From: philodygm <philodygm@gmail.com>

Sent: Tuesday, January 14, 2025 11:24 AM

To: Sarah Neuse <sneuse@santacruzca.gov>

Subject: corridor safety

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

Sarah,

Hello again, from the back corner of 401 Pacific.

I realized overnight that I feel the need to state that in my opinion the additional traffic flows meant to be directed down “my” stretch of Pacific behind Beach Hill necessitate a lighted pedestrian crossing at the bus station in front of our building linked to the existing crosswalk at the foot of Beach Hill’s exit ramp (Front Street north) by a shaded path against that exit ramp’s back wall in place of the handful of parking spaces there now and extending to the existing sidewalk in front of the shops that hug the rear of Beach Hill at the Center/Pacific rotunda. The type of lighted crossing I mean exists a few places around town, such as at King Street and Mission, or in Capitola out front of the DMV office: a pedestrian can press a button for yellow lights mounted over the street to flash that impels drivers to anticipate a crossing and there’s bright yellow “lego bumps” as a crossing path over the street an lots of signage.

I see a need for this because right now this corridor’s hardscape, formed by the bare-concrete back of Beach Hill and the brutalist, zero-offset cliff-face that is the giant new complex at Front and Pacific even where there’s no ground-floor shops, functions as an aggravating factor for drivers which the unobstructed view down the straight-away incents them to treat as free-and-clear to accelerate down—I’m sure you’re aware of what a well-established fact it is that the more of the road drivers see at once, the faster they drive, especially when straight. The new rotunda at Center I feel will give drivers EVEN MORE

GP44-1

impetus to gun it once they hit the straight-away, coming from Front's curve diverting behind Beach Hill. The lone palm trees jutting out of the sidewalk right now do little to mitigate this, and if the trees in figure 3-3 are similarly spartan I expect no relief from them—their trunks might even exacerbate visibility issues: parked cars and obstructions like dumpsters on the left, then people whipping around the corner from the wharf to barrel down the back of Beach Hill on the right already create a stressful left-turn experience out 401's driveway. Crossing readily and safely is important to me because my alternative to reach downtown is to slow-walk my bike on the sidewalk to reach then cross Pacific at Front, or the opposite direction to Center which entails at least 3 extra crossings versus Pacific if I'm to reach anywhere beyond the old bus station site downtown. My options are a microcosm of what will be available to all of the new pedestrians/bicyclists from sites I and J.

GP44-1

In Summer this stretch is also a terrible heat island, again because of the unshaded bare rock of the back of Beach Hill against the wide black-top of the road, pure hardscape, which gets sun all the way until sunset. I am certain that sacrificing the parking spaces along the back of Beach Hill's exit ramp in order to establish a shaded sidewalk linking the lighted crossing with the existing crosswalk at the foot of the ramp will not only improve safety, but reduce the heat island effect, as well.

Another benefit of this would be to establish an unbroken shaded pathway from the stadium through to Depot Park, which would again improve circulation to the shops behind Beach Hill at Center/Pacific's rotunda. The awkward gap where the Beach Hill exit ramp joins Front proper would benefit from a "broad striped white lines" crosswalk indicating to drivers that pedestrians are meant to cross directly through their access to Front proper.

I am certain that a lighted crossing at the bus stop benefits the area's residents by improving safety in its discouragement of drivers from speeding down the straightaway, and that a shaded path linking the stadium to the park along Pacific's south side better serves both residents and businesses.

Thank you for your consideration of my requests/recommendations.

4.4.55 Comment Letter GP44: Philodygmn (2/6/25 – 1)**Comment GP44-1: Climatic Conditions and Other Miscellaneous Topics Related to the Project Area**

The comment suggests various recommendations to address issues associated with localized flooding, pedestrian circulation, transit access, and heat island and wind tunnel effects.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

From: [philodygmn](#)
To: [Sarah Neuse](#)
Subject: Re: corridor safety
Date: Thursday, February 06, 2025 5:43:41 PM
Attachments: [Outlook-nngbus5z.png](#)

Comment Letter GP45

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

Sarah,

Nathan from 401 Pacific with what I feel to be some important details regarding the placement of my proposed flashing yellow-lighted crossing at the west corner of our site:

I think that the lighted crossing I propose is best located several yards past the bus stop meaning that the crossing would be within a few dozen feet toward the west along this stretch of Pacific, because I don't see the sense in having people back-track east behind the loading zone that's across the front of our site made so that the bus can pull up to that stop (and even less sense in putting the crossing in that loading zone, for reasons I hope are to obvious to need explanation). This placement is also almost exactly halfway between the Center/Pacific rotunda and the existing crosswalk from the ramp down the back of Beach Hill. The distance past the bus stop is so that the bus itself won't block too much of the pedestrians' view of the westbound lane as they begin a crossing. Yes, this creates a potential for delays of that bus when disembarked passengers or other pedestrians initiate crossings before the bus has had the chance to leave and from traffic back-up's in the wake of a crossing, but I honestly don't think that there's ever much time pressure on that direction of the routes that stop there, and even if there were, the crossing's enhanced safety is well worth it, in my firm opinion (and my proposed south-side shaded walkway would provide some nice bonuses). Provided you can sculpt and anchor it strongly enough to withstand the gale-force winds likely to develop with climate change and even just the very strong winds common down the corridor in Winter, an elevated bubble mirror allowing a view over and past the bus from the yellow crossing might be helpful.

I also think that even more signage on Center coming north from the pier warning to take right-turns SLOWLY and to EXPECT pedestrian crossings would be appropriate. You might even install a driver's-eye-level sign nearer that corner triggered by the crossing, because the way people whip around that right-turn coming up Center I figure the sooner they're aware a crossing is happening the better, especially in the case of someone coming from their left across the north/west-bound lane.

Allow me to also clarify that mitigating the heat island and wind tunnel effects with the south-side walking-path/sidewalk and canopied trees is important enough to implement regardless of whether or not my yellow lighted crossing is, as strongly as I feel that both would synergize well.

On Thu, Feb 6, 2025 at 4:41 PM philodygmn <philodygmn@gmail.com> wrote:

GP45-1

Sarah,

Hello, this is Nathan from 401 Pacific.

Please add to my prior comments the strong need for canopied trees to act as wind-breaks on both sides of Pacific. This came to the fore in my mind with the recent stormy weather: if this whole stretch of Pacific becomes tall, sheer buildings, the wind-tunnel effect will be made vastly more severe. The prevailing wind direction funnels up Center against Beach Hill northwest and especially across Depot Park direct from the wider Pacific, virtually dead-on alignment with the straightaway. Stickly palm trees like at the giant new complex at the corner of Pacific and Front won't cut it.

To reiterate two previous, related points:

- 1) the flooding in front of lot 407 must be resolved
- 2) heavy canopy along my proposed sidewalk hugging the back of Beach Hill in place of the unstructured parking spaces to connect with the existing sidewalk in front of the shops at the Center/Pacific rotunda along with medium canopy density trees in front of the buildings that are on the north side would also mitigate the terrible heat island effect in Summer.

I sincerely hope merit is seen in the concerns that lead to my proposed ideas as well as the ideas themselves!

GP45-1

On Wed, Jan 15, 2025 at 9:59 AM Sarah Neuse <sneuse@santacruzca.gov> wrote:

Hello again,

Thanks for sending these further comments. I have shared them with our Transportation division and will also record them as comments on the EIR.

Thanks for your continued interest and involvement with the City.

Sincerely,

Sarah Neuse

She/Her

Senior Planner

City of Santa Cruz | Planning & Community Development/Advance Planning

809 Center Street, Room 101, Santa Cruz, CA 95060

Direct: [831-420-5092](tel:831-420-5092)

Email: sneuse@santacruzca.gov

Web: cityofsantacruz.com



From: philodygmn <philodygmn@gmail.com>
Sent: Tuesday, January 14, 2025 11:24 AM
To: Sarah Neuse <sneuse@santacruzca.gov>
Subject: corridor safety

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

Sarah,

Hello again, from the back corner of 401 Pacific.

I realized overnight that I feel the need to state that in my opinion the additional traffic flows meant to be directed down “my” stretch of Pacific behind Beach Hill necessitate a lighted pedestrian crossing at the bus station in front of our building linked to the existing crosswalk at the foot of Beach Hill’s exit ramp (Front Street north) by a shaded path against that exit ramp’s back wall in place of the handful of parking spaces there now and extending to the existing sidewalk in front of the shops that hug the rear of Beach Hill at the Center/Pacific rotunda. The type of lighted crossing I mean exists a few places around town, such as at King Street and Mission, or in Capitola out front of the DMV office: a pedestrian can press a button for yellow lights mounted over the street to flash that impels drivers to anticipate a crossing and there’s bright yellow “lego bumps” as a crossing path over the street an lots of signage.

I see a need for this because right now this corridor’s hardscape, formed by the bare-concrete back of Beach Hill and the brutalist, zero-offset cliff-face that is the giant new complex at Front and Pacific even where there’s no ground-floor shops, functions as an aggravating factor for drivers which the unobstructed view down the straight-away incents them to treat as free-and-clear to accelerate down—I’m sure you’re aware of what a well-established fact it is that the more of the road drivers see at once, the faster they drive, especially when straight. The new rotunda at Center I feel will give drivers EVEN MORE impetus to gun it once they hit the straight-away, coming from Front’s curve diverting behind Beach Hill. The lone palm trees jutting out of the sidewalk right now do little to mitigate this, and if the trees in figure 3-3 are similarly spartan I expect no relief from them—their trunks might even exacerbate visibility issues: parked cars and obstructions like dumpsters on the left, then people whipping around the corner from the wharf to barrel down the back of Beach Hill on the right already create a stressful left-turn experience out 401’s driveway. Crossing readily and safely is important to me because my alternative to reach downtown is to slow-walk my bike on the sidewalk to reach then cross Pacific at Front, or the opposite direction to Center which entails at least 3 extra crossings versus Pacific if I’m to reach anywhere beyond the old bus station site

GP45-1

downtown. My options are a microcosm of what will be available to all of the new pedestrians/bicyclists from sites I and J.

In Summer this stretch is also a terrible heat island, again because of the unshaded bare rock of the back of Beach Hill against the wide black-top of the road, pure hardscape, which gets sun all the way until sunset. I am certain that sacrificing the parking spaces along the back of Beach Hill's exit ramp in order to establish a shaded sidewalk linking the lighted crossing with the existing crosswalk at the foot of the ramp will not only improve safety, but reduce the heat island effect, as well.

Another benefit of this would be to establish an unbroken shaded pathway from the stadium through to Depot Park, which would again improve circulation to the shops behind Beach Hill at Center/Pacific's rotunda. The awkward gap where the Beach Hill exit ramp joins Front proper would benefit from a "broad striped white lines" crosswalk indicating to drivers that pedestrians are meant to cross directly through their access to Front proper.

I am certain that a lighted crossing at the bus stop benefits the area's residents by improving safety in its discouragement of drivers from speeding down the straightaway, and that a shaded path linking the stadium to the park along Pacific's south side better serves both residents and businesses.

Thank you for your consideration of my requests/recommendations.

GP45-1

4.4.1 Comment Letter GP45: Philodygmn (2/6/25 – 2)

Comment GP45-1: Climatic Conditions and Other Miscellaneous Topics Related to the Project Area

The comment suggests various recommendations to address issues associated with localized flooding, pedestrian circulation, transit access, and heat island and wind tunnel effects.

Response: See response to Comment GP44-1: Climatic Conditions and Other Miscellaneous Topics Related to the Project Area.

From: [philodygmn](#)
To: [Sarah Neuse](#)
Subject: 401 Pacific air supply
Date: Monday, January 13, 2025 10:22:10 AM

Comment Letter GP46

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

Sarah,

I live in the northeast corner of 401 Pacific on the top floor. As disappointed as I am that airflow over the building's westside will be impaired as shown in figure 7-1a through -c by the new, taller building slated for site J (as labeled in figure 11-2A), I can accept and understand that as an unavoidable facet of increased housing stock downtown, however an even more important concern to myself personally is the new building's air quality impacts.

My current building 401 has its laundry room exhaust at the southeast corner which mercifully is rarely directed through my window thanks to the prevailing coastal wind flowing west to east, however a similar arrangement for site J would place 401 directly in J's exhaust path, made much worse by our inner courtyard forming a catch-bowl for any pollution, chemicals, and whatever else given-off by that building. I implore you to insist that any exhaust J may have be directed to exit near the rear of its footprint because I anticipate that will least-impact the airflow down our corridor of Pacific Avenue for its residents.

Another major concern I have is that the plan's excellent idea to emphasize rooftop amenities will be used to facilitate rooftop _smoking_, which would likely be an even worse threat to air quality here given its residents would likely have access to a majority of its footprint for such activity.

If it would be better that I submit my concerns/requests in a format other than this message to you, I welcome your recommendation as to the method.

Thank you for your consideration of my concerns.

P. S. This pertains to a site beyond the project area but I still would like to add that I hope you keep the park because its low elevation is what allows the wind off the coast to prevail along this corridor of Pacific Avenue not just on the street but throughout its volume of air space for the lots surrounding the roadway itself.

P. P. S. Needless to say, I'm relieved that 401 is not slated for renovation, and I want to vouch for its merit with its all-steel construction, above-average sound and vibration damping, lovely garden out front and around the sides, bike racks and storage rooms, on-site laundry with 1 giant-format top-load washing machine and dryer per floor, inner courtyard accessible from the middle floor, spacious downstairs lobby with indoor mailboxes, and the fact that Internet access is through the phenomenal local provider Cruz I/O who are responsible for my ability to afford the service built into the structure despite my limited income.

GP46-1

4.4.1 Comment Letter GP46: Philodygm (1/13/25)

Comment GP46-1: Climatic Conditions and Other Miscellaneous Topics Related to the Project Area

The comment suggests various recommendations to address issues associated with localized flooding, pedestrian circulation, transit access, and heat island and wind tunnel effects.

Response: See response to Comment GP44-1: Climatic Conditions and Other Miscellaneous Topics Related to the Project Area.

From: [philodygmn](#)
To: [Sarah Neuse](#)
Subject: corridor safety
Date: Tuesday, January 14, 2025 11:24:59 AM

Comment Letter GP47

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

Sarah,

Hello again, from the back corner of 401 Pacific.

I realized overnight that I feel the need to state that in my opinion the additional traffic flows meant to be directed down “my” stretch of Pacific behind Beach Hill necessitate a lighted pedestrian crossing at the bus station in front of our building linked to the existing crosswalk at the foot of Beach Hill’s exit ramp (Front Street north) by a shaded path against that exit ramp’s back wall in place of the handful of parking spaces there now and extending to the existing sidewalk in front of the shops that hug the rear of Beach Hill at the Center/Pacific rotunda. The type of lighted crossing I mean exists a few places around town, such as at King Street and Mission, or in Capitola out front of the DMV office: a pedestrian can press a button for yellow lights mounted over the street to flash that impels drivers to anticipate a crossing and there’s bright yellow “lego bumps” as a crossing path over the street and lots of signage.

I see a need for this because right now this corridor’s hardscape, formed by the bare-concrete back of Beach Hill and the brutalist, zero-offset cliff-face that is the giant new complex at Front and Pacific even where there’s no ground-floor shops, functions as an aggravating factor for drivers which the unobstructed view down the straight-away incents them to treat as free-and-clear to accelerate down—I’m sure you’re aware of what a well-established fact it is that the more of the road drivers see at once, the faster they drive, especially when straight. The new rotunda at Center I feel will give drivers EVEN MORE impetus to gun it once they hit the straight-away, coming from Front’s curve diverting behind Beach Hill. The lone palm trees jutting out of the sidewalk right now do little to mitigate this, and if the trees in figure 3-3 are similarly spartan I expect no relief from them—their trunks might even exacerbate visibility issues: parked cars and obstructions like dumpsters on the left, then people whipping around the corner from the wharf to barrel down the back of Beach Hill on the right already create a stressful left-turn experience out 401’s driveway. Crossing readily and safely is important to me because my alternative to reach downtown is to slow-walk my bike on the sidewalk to reach then cross Pacific at Front, or the opposite direction to Center which entails at least 3 extra crossings versus Pacific if I’m to reach anywhere beyond the old bus station site downtown. My options are a microcosm of what will be available to all of the new pedestrians/bicyclists from sites I and J.

In Summer this stretch is also a terrible heat island, again because of the unshaded bare rock of the back of Beach Hill against the wide black-top of the road, pure hardscape, which gets sun all the way until sunset. I am certain that sacrificing the parking spaces along the back of Beach Hill’s exit ramp in order to establish a shaded sidewalk linking the lighted crossing with the existing crosswalk at the foot of the ramp will not only improve safety, but reduce the heat island effect, as well.

GP47-1

Another benefit of this would be to establish an unbroken shaded pathway from the stadium through to Depot Park, which would again improve circulation to the shops behind Beach Hill at Center/Pacific's rotunda. The awkward gap where the Beach Hill exit ramp joins Front proper would benefit from a "broad striped white lines" crosswalk indicating to drivers that pedestrians are meant to cross directly through their access to Front proper.

I am certain that a lighted crossing at the bus stop benefits the area's residents by improving safety in its discouragement of drivers from speeding down the straightaway, and that a shaded path linking the stadium to the park along Pacific's south side better serves both residents and businesses.

Thank you for your consideration of my requests/recommendations.

4.4.2 Comment Letter GP47: Philodygm (1/14/25)

Comment GP47-1: Climatic Conditions and Other Miscellaneous Topics Related to the Project Area

The comment suggests various recommendations to address issues associated with localized flooding, pedestrian circulation, transit access, and heat island and wind tunnel effects.

Response: See response to Comment GP44-1: Climatic Conditions and Other Miscellaneous Topics Related to the Project Area.

From: [philodygmn](#)
To: [Sarah Neuse](#)
Subject: drainage along Pacific, tree shade
Date: Wednesday, January 15, 2025 10:20:30 AM

Comment Letter GP48

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ********

Sarah,

One more item from the back corner of 401 Pacific:

Drainage has been a problem particularly out front of 413 Pacific during rain, with standing water reaching past the bike lane into the main roadway. Since it appears a sidewalk re-work is in the plan, I ask that drainage be seriously redressed as part of that.

I should also add drainage as an important facet to accommodate in the implementation of my proposed south-side shaded pedestrian path/sidewalk, as well, with the goal being ideally sufficient soil and plant-life to mitigate the water sheering down the back side of Beach Hill, though a channel under the sidewalk to drain into the sewer system would probably be a wise enhancement, especially because it would be a lot nicer to have plants on the roadway side rather than right up against the wall, so a drainage channel right under the wall might make the most sense.

I alluded to this in my previous corridor safety message, but I should emphasize my dissatisfaction with the Capitola-style palm trees out front of the giant complex at Front and Pacific down the street because they provide almost no shade. There is a balance to be struck between preserving good airflow down the corridor versus providing some heat-island mitigation. My proposed south-side footpath would be a perfect place for heavier canopy, whereas the trees on the north side right in front of buildings would better be medium density and size, but the Capitola-style palmtrees, while picturesque, are in my firm opinion quite inappropriate this far from the wharf, and waste an important opportunity to mitigate the head island effect along this corridor of Pacific between where it is joined by Front and Center.

GP48-1

4.4.3 Comment Letter GP48: Philodygm (1/15/25)

Comment GP48-1: Climatic Conditions and Other Miscellaneous Topics Related to the Project Area

The comment suggests various recommendations to address issues associated with localized flooding, pedestrian circulation, transit access, and heat island and wind tunnel effects.

Response: See response to [Comment GP44-1: Climatic Conditions and Other Miscellaneous Topics Related to the Project Area](#).

From: mpisanoful@gmail.com
To: [Sarah Neuse](#)
Subject: Downtown Plan Expansion
Date: Thursday, January 09, 2025 12:56:57 PM

Comment Letter GP49

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

Hi Sarah,

To make room for a large as possible Arena;
Adjust or close several streets;
Connect Front St. to Laurel Street Extension at Laurel St (move part of Front St. to Wheel Works area).
Close Spruce St. between Pacific & Front.

GP49-1

Just to note;
Allow for a electric tram from the clock tower to the Boardwalk on Pacific Ave – along Laurel Street Extension.

GP49-2

Thank you
Michael Pisano - Soquel

4.4.4 Comment Letter GP49: Michael Pisano

Comment GP49-1: New Arena

The comment makes various roadway suggestions to accommodate the new arena.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

Comment GP49-2: Electric Tram

The comment suggests allowing for an electric tram from the Clock Tower to the Boardwalk.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

From: [Ron Pomerantz](#)
To: [Sarah Neuse](#)
Subject: Santa Cruz Downtown Plan Expansion Draft Subsequent EIR (SEIR) January 2025 comments
Date: Friday, February 21, 2025 2:58:43 PM

Comment Letter GP50

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

Good day Ms. Sarah Neuse.

Thank you for providing a platform to respond to the Santa Cruz Downtown Plan Expansion Draft Subsequent Environmental Impact Report (SEIR).

The SEIR certainly cannot be the Final EIR without major additions and revisions. The City did not come close to getting their money's worth from Kimley-Horn & Associates, the company that prepared the SEIR, unless they were hired to assure the SEIR showed virtually no significant major issues. There are major flaws in the SEIR that undermine its credibility listed below.

1) The SEIR did not analyze 100% Density Bonus allowances under SB1287. The SEIR used a 50% Density Bonus under legislation that is no longer relevant. The SEIR must reflect SB1287 reality and present a SEIR that does. The SEIR fails to acknowledge, let alone analyze, this reality nor address the environmental impacts. These unaddressed impacts are critical to understanding the ramifications of the Downtown Plan Expansion (DPE). The current SEIR only addresses 150' buildings when 250' buildings are very, very likely. This major error omits a lot of what the EIR must address: the ramifications of shadowing, solar insolation and solar access, wind tunneling effects, along with impacts on the river ecology, noise, land subsidence, inevitable sea level rise, effects of floods, and earthquake liquefaction potential (especially with the massive amount of earthen fill proposed) in the SEIR analysis. Taller buildings generate more movement from earthquake ground motion and high winds which will affect anchoring points to the levy. What about the visual and aesthetic impacts of the DPE again due to the EIR's assumption that developers will utilize a 50% density bonus, when AB 1287 legislation allows a 100% density bonus.

Another failure of not including SB1287's 100% Density bonus potential contradicts the DPE project's Objective 23 *"Ensure that new development minimizes the obstruction of important views and viewsheds and complements the overall skyline of the greater downtown area consistent with General Plan Land Use Element Policy 1.6."*

The City's convoluted and feeble attempt to provide incentives to developers to only build up to 12 stories is silly when greed prevails and AB 1287 allows for far these far greater profits.

2) Mayor Keeley publicly promised, and the City Council voted to make sure, the Downtown Plan Expansion buildings would not exceed 12 stories. If this SEIR is approved with a new base height of 85' this not only violates the Mayor's promise but substantially conflicts with Council's past voting actions. If the General Plan was changed to permit 85' buildings this would allow for construction of 15 to 20+ stories (175' to 250') buildings.

3) There is absolutely no need to change the current General Plan height requirements of 35'-48'. Under SB1287 buildings can be built significantly in excess of 12 stories to meet the City's 1600-1800 new residences to fulfill the State's Regional Housing Need Allocation (RHNA) mandate. How can the NO Project Alternative result in adverse impacts?!? This is

GP50-1

GP50-2

preposterous and needs correction in an updated SEIR.

4) Many climate change consequences were not analyzed and are inevitable. Significant impacts on the Climate Action Plan (CAP) were not addressed. How can the CAP be met with the proposed scale of development under SB1287. What mechanism(s) will be used to assure our Climate Action Plan goals are met or exceeded?

GP50-3

5) The cumulative impact on the Santa Cruz water system to supply the estimated 1600 new housing units in the DPE, along with another 2000 units committed under the current RHNA along with commercial developments by 2031 is not adequately addressed. Will water supplies be adequate in a prolonged drought? Will a desalination system be needed to supplement supply? Will additional storage capacity be needed?

GP50-4

6) Where is the report and "Cortese List" of hazardous materials sites in the DPE area? Who did this survey and when was it done? Due to now defunct body and paint shops in the area thorough soil testing must be done in the project area. A more thorough geology and soils component is needed in the SEIR not only to know if possible hazardous wastes remain in the soil, but to identify effects of sea level rise and earthquakes to assess future impacts on any new development in this area.

GP50-5

7) One of the seven project objectives of the Downtown Plan Expansion is “*Create opportunities for public amenities and infrastructure including parks, the Santa Cruz Riverwalk trail, or other spaces for community use*”. Not adequately addressed by the SEIR is where sufficient open space and parks will be located. Efforts to create Community with an attractive environment are also not mentioned.

GP50-6

8) What are the impacts, and cumulative impacts, of the Downtown Plan Extension along with all the other approved and pending developments on traffic, parking, sewer, landfill, city services, and emergency services (eg. a new fire station be needed to respond to the DPE area as no new stations have been built in town since the Westside one in 1954 with a population of around 20K?) Will the dramatically increased new residential housing cost more to provide the new demands on services and infrastructure than the revenue they generate?

GP50-7

The current SEIR is fundamentally flawed at the core and demands reworking prior to the Final EIR. This SEIR is asking for a lawsuit.

GP50-8

Thank you for your time and attention.

Ron Pomerantz
215 Gharkey Street, Santa Cruz

<https://www.cityofsantacruz.com/government/city-departments/planning-and-community-development/long-range-policy-planning/ordinance-policy-updates/downtown-plan-expansion>

<https://www.cityofsantacruz.com/home/showpublisheddocument/102815/638718663653830000>

<https://www.cityofsantacruz.com/home/showpublisheddocument/102807/638718622618700000>

4.4.5 Comment Letter GP50: Ron Pomerantz

Comment GP50-1: 100% Density Bonus

The comment states that the SEIR does not analyze, but must reflect, 100% Density Bonus allowances under SB1287 and ramifications on impacts.

Response: See [Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law \(AB 1287\)](#).

Comment GP50-2: City Council Direction and Building Heights

The comment suggests that building heights could be taller than 12 feet under SB 1287 and asks how the No Project Alternative can result in adverse impacts.

Response: See [Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law \(AB 1287\)](#) and [Master Response MR-9: Downtown Plan Expansion Area Plan Direction by City Council](#).

Regarding impacts associated with the No Project Alternative, the Draft SEIR (page 17-7) determined that the No Project Alternative would not have substantially different impacts than the project because the No Project Alternative allows for substantial redevelopment of the project area over time, including projects that utilize a density bonus. While development of residential units could be somewhat lower under the No Project Alternative, the impacts related to redevelopment of the project area identified in this EIR could occur at some time in the future depending on the redevelopment proposal.

Comment GP50-3: Climate Action Plan Impacts

The comment states that significant impacts on the Climate Action Plan (CAP) were not addressed and asks how the CAP can be met with the “proposed” scale of development under SB1287.

Response: See [Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law \(AB 1287\)](#) regarding potential increased densities with AB 1287, which is not part of the proposed Project, and does not require further analysis. As discussed in the Draft SEIR (pages 6-20 to 6-21), future development projects would be reviewed for consistency with the City’s CAP.

Comment GP50-4: Water Supply

The comment states that the cumulative impacts to the City’s water system should include 2,000 housing units committed under the current RHNA in addition to the Project and asks whether water supplies be adequate in a prolonged drought if a desalination system will be needed and if additional storage capacity will be needed.

Response: See response to [Comment GP3-13](#) regarding accounting for the City’s RHNA. The Draft SEIR evaluates cumulative water demand on pages 16-12 to 16-14. See also [Master](#)

Response MR-2: Likelihood of Future Water Supplies and Responses to **Comments O6-4 and O6-5** regarding the City’s efforts to augment water supplies during drought periods.

Comment GP50-5: Hazardous Materials

The comment asks if a list of hazardous materials (“Cortese List”) for the project area was prepared.

Response: A discussion regarding hazardous materials is addressed in **Section 2.4.2 Hazards and Hazardous Materials** in the Draft SEIR. As discussed on page 2-10 in the Draft SEIR, the project area is not included on a list of hazardous materials compiled pursuant to Government Code section 65962.5 (known as the Cortese List), except for a number of leaking underground storage tank (LUST) sites that have been cleaned and cases closed.¹¹

Comment GP50-6: Parks and Open Space

The comment suggests that an analysis of parks and open space was not adequately addressed in the Draft EIR.

Response: The comment does not indicate the alleged inadequacy of the analysis. However, an analysis of parks and recreation is addressed in **Chapter 13 Public Services** in the Draft SEIR.

Comment GP50-7: Cumulative Impacts

The comment asks if cumulative impacts of the project with respect to traffic, parking, sewer, landfill, city services and emergency services were analyzed.

Response: Cumulative impacts are addressed in **Section 16.4 Cumulative Impacts** of the Draft SEIR.

Comment GP50-8: Final EIR

The comment states that the SEIR is fundamentally flawed and demands reworking prior to the Final EIR.

Response: See responses to the commenter’s previous comments. See also **Master Response MR-10: Draft SEIR Recirculation**.

¹¹ Per California Environmental Protection Agency “Cortese Data List Resources”, 2024, <https://calepa.ca.gov/SiteCleanup/CorteseList/>.

From: [Conner Quinto](#)
To: [Sarah Neuse](#)
Subject: DEIR Comments: Downtown Plan Expansion
Date: Friday, February 07, 2025 6:47:55 AM

Comment Letter GP51

****CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

I believe this plan is not only the best way to bring affordable housing to the area but also could economically rejuvenate downtown Santa Cruz and creating a huge neighborhood that is dense and extremely walkable and bikeable. The south of Laur'el project is great for locals and great for bringing in tourists. Having a bridge between downtown and the wharf/boardwalk/beach is what we need. And it's currently being wasted on a bunch of business that don't need to be in this prime spot for locals and tourists. An event arena would be huge for the town in bringing in revenue all year round and finally creating a venue so locals don't have to drive over to the bay as often for entertainment.

The improvements to the levy area are what we need to create a safer space for everyone to enjoy the San Lorenzo river. Once the downtown plan and the south of laurel plan are finished the amount of people walking and biking should really take a big chunk out of traffic. This is separate from that plan but I'd like to see more biking access that leads downtown like fully connecting the branciforte creek path to the river levy instead of it ending on may street and improving bike infrastructure from the upper westside leading downtown.

Conner Quinto
City of Santa Cruz resident
Sent from my iPhone

GP51-1

4.4.6 Comment Letter GP 51: Conner Quinto

Comment GP51-1: General Project Support

The comment is supportive of the project with respect to housing, economic development, entertainment, pedestrian circulation, and safety.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

From: [Alison Russell](#)
To: [Sarah Neuse](#)
Subject: Comment on Downtown Plan and EIR
Date: Monday, February 17, 2025 10:16:06 PM

Comment Letter GP52

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

Dear Ms. Neuse,

I feel strongly that the zoning and heights limits in the subject area should be kept as they are now. It seems probable that with density bonus provisions developers will end up raising heights anyway. I do not want them to have the option of going even higher with the proposed zoning changes.

GP52-1

Thank you.

Sincerely,

Alison M. Russell
548 Sumner Street
Santa Cruz, CA 95062

4.4.7 Comment Letter GP52: Alison Russell

Comment GP52-1: Building Heights

The comment asks that the existing building heights not be changed.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

From: [Kevin Samson](#)
To: [Sarah Neuse](#)
Subject: DEIR Comments: Downtown Plan Expansion
Date: Sunday, February 16, 2025 9:20:43 AM

Comment Letter GP53

****CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

Hello Sarah,

As 45-year residents of the city of Santa Cruz, we are saddened and concerned with the sudden explosion of tall buildings in our downtown sector. The proposed construction of more, potentially even taller buildings in the South Of Laurel district is extremely disheartening and unnecessary. Please, let's not create more incentive for developers to go crazy with high-rises that exceed current height limits. We urge the city to hold current height limits and not fall prey to grandiose development.

Beyond the simple aesthetics of such imposing construction in our small beach town, there is absolutely no rational reason for more housing for the select few who can, or will want to, afford to live in these monstrous eye-sores. Going higher is a long-shot bet, a risky proposition that could well backfire, leading to empty tall buildings, ghosts that haunt our town for years to come based on poor decisions today. The primary concern of developers is profit. They will build and leave us with the damage. So many questions are not being addressed. Where is the water going to come from? We are already practicing conservation limits. What commitments do we have from retailers to service the increased population? What about traffic? We are already gridlocked during weekends and holidays. Have EIRs accurately studied the effects of such grand development?

Santa Cruz is a special place. Let's keep it that way by being reasonable in our planning for the future.

Sincerely,

Kevin and Barbara Samson
samson3@cruzio.com

GP53-1

4.4.8 Comment Letter GP53: Kevin Samson

Comment GP53-1: Building Height and Urban Character

The comment asks that the existing building heights not be changed.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

James Sandoval's Comments and Questions on the January 2025 Draft Subsequent Environmental Impact Report (SEIR) for the Santa Cruz Downtown Plan Expansion

Thank you for the opportunity to comment on the Draft Subsequent Environmental Impact Report (SEIR) for the Santa Cruz Downtown Plan Expansion. My comments and questions are as follows.

1 ASSEMBLY BILL 1287

The Introduction of the SEIR (pg. 4) states that it updates the certified Downtown Plan Amendments (DPA) EIR to reflect current conditions that differ from those described in the DPA EIR and analyze the project under existing environmental conditions. However, it fails to include California Assembly Bill 1287 (AB 1287) in the current conditions, despite the Bill now being part of the regulatory environment. The SEIR states in several subject area sections, including Aesthetics, Greenhouse Gas Emissions, and Water Supply, that it accounts for the "worst-case scenario" at buildout. However, the SEIR neither accounts for the potential buildout possible under AB 1287 that went into effect on January 1, 2024, nor does the SEIR make reference to AB 1287.

1.1 Development Plan Overview

AB 1287 amended the State Density Bonus Law by requiring cities and counties to award developers an additional (or second) density bonus, which when combined with the maximum 50% density bonus provided by State law prior to AB 1287, could yield a 100% density bonus (i.e., bonus on bonus). Additionally, under AB 1287 certain eligible projects can now request an additional four or five incentives/concessions. Accordingly, the analysis of all SEIR subject areas should be updated to include the 100% density bonus now available to developers. This would reflect more up to date and realistic conditions for the SEIR's analyses.

The SEIR estimated 1,800 units in the Downtown Plan Extension based on an assumption that developers will pursue a 38% density bonus added to 1,300 base units. These values are more reflective of the pre-AB 1287 allowable density bonus of 50%. The SEIR needs to be revised to reflect the current regulatory density bonus allowance of up to 100%.

It's realistic to assume in the SEIR that developers will pursue a 100% density bonus. Workbench's proposed Clocktower Center building at 2020 N. Pacific Avenue is obviously taking advantage of AB 1287's 100% density bonus since they are proposing a 165' apartment building height on a site zoned for a maximum height of 55'. Accordingly, under the current zoning changes proposed in the SEIR, developers could propose developments in the Downtown Extension area that far exceed the 1,800 units. These developments would further exceed the limits established in the City Council's January 10, 2023, motion that directed staff to include a revised Downtown Plan Extension alternative in the SEIR with a maximum of 1,600 units and 12-stories, *inclusive of any density bonus incentive*.

Hence, the SEIR should be revised to align with the Council's motion, which specifically asks for a 1,600-unit alternative that includes any density bonus incentive, not to mention the 1,800-

GP54-1

unit Preferred Alternatives with the inclusion of density bonus incentives. And the revision should include the latest density bonus incentives allowed by AB 1287.

GP54-1

1.2 Aesthetics

The Figures 5-3 through 5-6 in the SEIR state the visual simulations presented are meant to reflect the “worst case scenario” height that could be included under existing and proposed regulations. Specifically, page 5-10 states the following:

Figure 5-5 Visual Simulation of Project Looking South from Laurel Street Bridge and Figure 5-6 Visual Simulation of Project Looking South from Soquel Avenue Bridge provide diagrams superimposed on photographs that show outlines of potential building mass with additional heights as seen from the Laurel Street and Soquel Avenue bridges, respectively. The diagrams do not represent actual projects or architecture as no project applications have been submitted, but they are intended to conceptually represent the upper limits of structural massing that could occur over time. The building mass depicted may or may not occur.

The purpose of Figures 5-5 and 5-6 is to illustrate a reasonable worst-case scenario at buildout under the project development standards. As can be seen, potential future worst-case development could appear more massive than existing conditions. However, illustrating the worst-case scenario does not typically reflect the actual development pattern over time. Nonetheless, the illustrations show that the additional future buildings could appear more massive than existing development, although this change would be noticeable even with more buildout under the existing 35 to 48 feet maximum height limits.

GP54-2

The worst case scenario under AB 1287 would be building heights of two or three times the 85-foot heights proposed in the SEIR for Blocks A, B, C, and D, and 70-foot heights proposed for Blocks H, I, and J. Conservatively assuming a doubling of heights through the current bonus density allowances, would yield building heights of 170' and 140', respectively. Given the proposed building at the Clocktower Center, the actual worst case scenario could conceivably be 255' and 210', respectively.

Upon close examination of Figures 5-3 through 5-6, the visual simulations for future buildings are nowhere close to the conceivable worst case heights. For example,

- 1) Figure 5-6 depicts simulated buildings slightly higher than the 70'+ apartment buildings currently under construction on Front Street, adjacent to the San Lorenzo River. With adjustments for perspective, the simulated buildings depicted scale to about 80-100' heights (at worst). They certainly do not simulate the worst case height of 255' (3 x 85') or even 170' (2 x 85'). A 255' building is approximately 25 stories and a 170' building is approximately 16 stories.

- 2) Similarly, the building simulations depicted in Figure 5-3 are neither accurate nor anywhere close to scale. The ground level at the apex of Beach Hill is approximately elevation 50'-55' above sea level. And the ground level at Blocks C and D of the project is approximately elevation 20' above sea level. Assuming the average height of buildings along the apex of Beach Hill are 25', the buildings developed in Blocks C and D would begin to become visible from the Wharf at the sixth stories and higher. This can be demonstrated with simple math:
- a) Elevation of an average rooftop at Beach Hill apex = $55' + 25' = 80'$
 - b) Elevation of Blocks C and D = $20'$
 - c) Elevation difference of Beach Hill rooftops & Blocks C/D ground = $80' - 20' = 60'$
 - d) A 60' building is approximately six stories (15' 1st story; 10' subsequent stories)
 - e) Thus,
 - i) the worst case 255' building will be 195' higher than the highest rooftops of Beach Hill. Therefore, from the perspective of Figure 5-3, 195' (i.e., 19 stories) of a 255' building will be visible from the Wharf as Beach Hill's backdrop.
 - ii) if State density bonuses doubled the 85' proposed maximum zoning heights to 170', the buildings will tower 110' (i.e., 11 stories) over the rooftops of Beach Hill.

GP54-2

Based on the above data, math, and logic, Figures 5-3 through 5-6 should be revised to graphically represent the true worst case scenario, which accounts for density bonuses allowed by AB 1287. And please depict horizontal lines for each story so the public could get a realistic estimate of the building scale on the visual simulations.

1.3 South of Laurel Street District Development Standards/Building Heights

The last paragraph of page 3-12 of the SEIR states, *Building heights adjacent to Beach Hill hillside shall be limited to no more than 70 feet to provide a transition in height adjacent to the Beach Hill neighborhood.* Figure 3-15 Maximum Building Heights, depicts this 70' pink-shaded zone along the southern edges of Blocks C and D, between the 85' buildings proposed for Blocks C and D and the northern edge of the Beach Hill neighborhood.

With the proposed 70' zone, the SEIR has good intentions to soften the towering-effect of the 85-255' buildings proposed for Blocks C and D. However, these pink-shaded sliver areas slated for this purpose will largely be needed to develop the roundabout proposed at Pacific and Front and the realigned Laurel Street Extension right-of-way proposed along the southern edge of Block D. Unfortunately, there will be insufficient space in this zone to construct a 70' building. Accordingly, to meet this mission of protecting the historic Beach Hill neighborhood, the 70' zone in Figure 3-15 needs to be expanded northward to capture the buildings closest to Beach Hill in Blocks C and D. To help clarify this mission, the building outlines used in the shadow analysis in Figures 7-1a-c should be superimposed into Blocks C and D of Figure 3-15.

GP54-3

Lastly, State density bonus laws and the City's proposed Downtown Density Bonus will likely make this mission a moot point since they empower developers to significantly raise the 70' building height zone meant to protect the historic Beach Hill. To make the City's good intentions

a realistic migration, I request that you amend the SEIR and page 97 of the proposed updated Development Standards and Design Guidelines to somehow preserve the 70' height limits in Blocks C and D for housing developments adjacent to Beach Hill and protect it from all density bonus scenarios that could make it higher. This may mean preserving the existing zoning in the Beach Hill protection zone.

GP54-3

To protect the arena from design limitations, the City could create a horizontally larger 70' transition zone in whichever block the arena will be developed in. To support this recommendation, please remove or amend the following sentence on pages 5, 2-1, and 3-12 of the SEIR: *Additional height is permitted through application of a State Density Bonus, the City's proposed Downtown Density Bonus, or other local density bonus provision.*

1.4 Biological Resources

Using the same logic as 1.1 Aesthetics above, the impacts to biological resources (e.g., bird strikes, building shadows) should be reanalyzed to account for 170-255' buildings.

GP54-4

1.5 Water Supply and Demand

Supply

The City's October 2024 *Water Supply Evaluation for the Downtown Plan Expansion Project* does not break out how each of the various existing sources and augmentation sources meet the 2,900 MG demand projection. A

- 1) Does the 2,900 MG of planned production include desalination?
- 2) If so, what's the plan to meet demand if desalination is voted down through the Measure P mechanism?
- 3) How much desalination production is assumed to meet the 2,900 MG goal?

GP54-5

Please clearly state the answers and include the names and locations of reference documents, including page numbers.

Demand

The demand forecast assumes a net 1,734 units in the Downtown Expansion, but does not account for the maximum buildout dwelling unit increases that could be achieved by developers through current State bonus densities.

Page 17-4 of the SEIR states,

Under current market conditions in the Downtown Plan area, the 50% density bonus is the upper limit of the most common bonus pursued by market rate developers in the downtown area, so City staff has been using a 50% bonus as a standard for calculation.

Even though developers have chosen the 50% density bonus in the past, there is no guarantee that they will stick to that percentage in the future now that AB 1287 was passed to incentivize developers with up to a 100% density bonus. Relying on past regulatory and market conditions is extremely short sighted for a project of the magnitude of the Downtown Plan Extension and an existing City water system with *"a potential lack of adequate supplies during near-term multiple consecutive dry years."* (SEIR, page 15-14)

GP54-5

The SEIR needs to revise its water demand estimate for a Downtown Plan Extension project that maximizes the number of units possible through the AB 1287 Density Bonus law. It is irresponsible to assume anything less than a 100% density bonus given the time and expense needed to develop water supply infrastructure to meet the demand of the project.

1.6 Other Impacts

Using the same logic as 1.1 Aesthetics above, the shadow analysis should be revised to account for the impacts 170-255' buildings will have on shadowing over existing adjacent neighborhoods.

GP54-6

2 AESTHETICS/SCENIC VIEWS

The following blurb, along with a beautiful photo, was published in the Santa Cruz Sentinel on February 17, 2025. It summarizes the significance of the Beach Hill home at 924 3rd Street, aka Golden Gate Villa, which prominently overlooks South of Laurel, Downtown Santa Cruz, and elevated neighborhoods around Santa Cruz:

...Golden Gate Villa, a Queen Anne home built atop Beach Hill in Santa Cruz in 1891. The house was designed by San Francisco architect Thomas J. Welsh for Major Frank McLaughlin, a mining engineer and California politician. Visitors in the early days of Golden Gate Villa included Theodore Roosevelt and Thomas Edison. In the 1940s the house served as the Palais Monte Carlo restaurant, and after numerous owners, it was purchased in 1963 by seafood mogul William W. Durney and his wife, the iconic screenwriter Dorothy Kingsley. The Golden Gate Villa was inducted into the United States National Register of Historic Places in 1975.

-Shmuel Thaler

GP54-7

The following paragraph on pages 5-7 and 5-8 of the SEIR states,

As shown in Figure 5-2 Local Coastal Plan Map CD-3 Scenic Views, the historic structure located 924 Third Street is identified as a "Visually Distinctive Structure." Depending on proposed building heights, future development on Block C could partially impede views of

this structure from distant northly views. However, taken in whole as a panoramic view, this impact is not considered to be significant.

The historic structure at 924 Third Street is currently visible from Figure 5-2's Viewpoints and Panoramas locations on the Laurel/Broadway Street Bridge and the Upper Westside, along with numerous public and private viewpoints around Santa Cruz. If the structures in the Downtown Expansion area are built higher than 5-stories in the Downtown Expansion area, 924 Third Street will not be visible from most of these viewpoints. This is significant. The SEIR utilizes a small, undetailed 33 year old map (Figure 5-2) to conclude the visual shrouding of this historic and visually disncve structure is "not considered to be significant". At a minimum, Golden Gate Villa and the prominent surroundings of the historic Beach Hill neighborhood, and its lush vegetated north-facing slope, deserve much more visual/photographic analysis than a virtually illegible, 8.5"x11" 33 year old map.

GP54-7

3 AESTHETICS/GLARE

Although Impact AES-4 (DPA EIR Impact 4.1-3) states the introduction of light and glare from the project is a less-than-significant impact, there are no stated measures to prevent glare caused by sun reflecting off windows or broad expanses of light-colored building surfaces in the SEIR or the updated *Development Standards and Design Guidelines* in the SEIR appendices. The latter document only addresses the operational prohibition of glare, but it does not offer any design guidelines to prevent or minimize glare reflecting of buildings.

GP54-8

Daytime glare has been a nuisance issue reflecting sunlight off expanses of white surfaces on the current KP Arena and the Anton Pacific Building (to a lesser extent) towards Beach Hill proper as certain mes of the day and months of the year.

4 NOISE

The noise analysis established ambient or background noise at the survey locations between the hours of 11:12 AM and 2:39 PM at seven locations (see Figure 11-1 for these locations), five of which were located on busy streets and adjacent to construction of the Anton Pacific Apartments construction project, the Mike Fox Skate Park, and a soccer game at Depot Park. Given that noise from most of the key events at the proposed arena (i.e., popular music & symphony events, and Warriors basketball games) will largely occur in the evening between 7-10 PM, the operational ambient hours should be measured during this period.

GP54-9

It's a fact that human reaction to sound is more sensitive between the hours of 7-10 PM, as if the sound were actually 5 dBA higher than if it occurred from 7 AM to 7 PM.¹ It's common practice and crucial to measure ambient noise at the same time of day that the project's operating noise will occur, as background noise levels fluctuate significantly throughout the day due to changing traffic patterns, activities, and atmospheric conditions. Accordingly, capturing the relevant background noise level at the project's operational hours is essential for accurate impact assessment, particularly within residential locations 2 and 6 in Figure 11-1.

Page 11-11 of the SEIR states,

The predicted Leq values in Table 11-2 are compliant with Section 24.14.260 of the Santa Cruz Municipal Code in that they do not exceed measured samples of the pre-existing outdoor ambient sound environment by more than 5 dB at residential receptors or 6 dB at commercial receptors.

SCMC 24.14.260 NOISE states,

*No person shall produce, suffer or allow to be produced by any machine, animal or device, or any combination of the same, on residential property, a **noise** level more than five dBA above the local ambient. The local ambient shall establish the maximum **noise** limit.*

GP54-9

Given that ambient noise was measured during louder daytime hours, the operational assessment provides an apples to oranges comparison that makes it impossible to check if the evening arena noise is greater than 5 dB above the local ambient noise, as stated in the above two paragraphs.

Please retest and update the operational ambient noise measurements during the most common time period for the loudest arena events—i.e., concerts and Warriors games between 7-10 PM. These measurements should be scheduled on an evening when no events or basketball practices are scheduled at the KP Arena.

Additionally,

- Figures 11-2B, 11-2C, and 11-2D (arena in Block C1) demonstrate some amount of noise >60 dB leaking outside the arena building envelope during popular music, Warriors, and symphony events, which triggers the state requirement to submit a report with the building plans describing the noise control measures that will be incorporated into the design of the arena project to eliminate exterior noise >60 dB and meet the noise limit. The requirement for submission of this report with the building plans should be incorporated into the SEIR as a mitigation measure.

¹ https://files.ceganet.opr.ca.gov/41383-4/a#achment/V9NTnYm_e0Oxkx71AjOUfLjw6VrXscUcNGQU-2BvWOS4-TaRlk2Y5LpBc16V4KEQc8J8ToE0zaUNN2gk0#:~:text=Noise%20Definitions&text=CNEL%20is%20a%20noise%20measurement,expressed%20in%20units%20of%20dBA.

- Please provide an explanation of why Figures 11-2G, 11-2H, and 11-2I (arena in Block D) exhibit a faint amount to no noise >60 dB leaking outside the arena building envelope, while the scenarios with the arena located in Block C1 do.
- The noise modeling data contains no explanation of the analysis parameters and results on pages 531-536 in the SEIR Appendices. Please include an explanation of how, when and where the data was measured for the events listed in these data sheets.
- Please explain why the sound pressure contours on Figures 11-2A through 11-2E (the scenarios with the arena in Block C1) are much higher on the river and Beach Hill side of the Block D building, while being much less intense on the west and north sides of the arena.
- Vibrations from arena events need to be addressed in the operational noise study. Low frequency vibrations emanate into 3rd Street homes on Beach Hill during concerts and when low frequency recorded music with deep bass (e.g., hip-hop) is played through the sound system at higher volumes in the arena. Thankfully, the Warriors have been very cooperative in recent years and work with residential neighbors to keep volumes low and minimize low frequencies. A permanent arena, with many more concerts than the existing arena, should be designed to contain higher volumes, the entire spectrum of audible frequencies, and vibrations. A

GP54-9

5 TRANSPORTATION

I have the following comments and questions related to transportation. A

- 1) It's not clear that the SEIR addressed the Scoping Issue listed on page 14-1: *Analyze summer and weekend conditions as part of the cumulative analysis.*
 - a) Please clarify where and how that is addressed.
 - b) Were summer and weekend traffic conditions included in the VMT and LOS analysis? If so, where? If not, why?
- 2) Pg 14-1 includes the following bullet as one of the addressed Scoping Issues: *Develop a plan to divert beach-visitor vehicular traffic away from Beach Hill so the redevelopment can thrive.*
 - a) This was one of the issues I included in my October 14, 2022, Scoping Comments letter for the SEIR. However, my scoping comment did not say "Beach Hill", it said "this area"—meaning the Downtown Plan Expansion area.
 - b) Please clarify where and how this Scoping Issue was addressed?
- 3) VMT Analysis
 - a) The last paragraph of SEIR page 14-11, under Impact, states, *CEQA Guidelines section 15064.3(b) indicates that development projects that exceed an applicable VMT threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less than significant transportation impact.*

GP54-10

Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less-than-significant transportation impact.

Additionally, the City's VMT screening policy includes: *Projects near high quality transit: within a ½ mile of a major transit stop or a high-quality transit corridor with a combined service interval frequency of 15 minutes or less during the AM and PM peak hours.*

- b) As stated in the SEIR, the Project is within one-half mile of the Santa Cruz Metro Center. This enables many of the residents and workers that will populate the Project's developments to easily take public transit every 15 minutes and avoid the use of a personal vehicle, which meets the goal of the VMT program. However, the Metro Center does not offer high quality transit for Project residents commuting out of the County to the San Francisco Bay Area or Monterey County. The only public transit to the Bay Area is the 17 Express, which offers service to Downtown San Jose every 25 to 90 minutes. Although this service is a nice alternative for residents that work in Downtown San Jose, it hardly meets the transit demand for the vast number of Santa Cruz residents commuting to other parts of the sprawling Silicon Valley and Bay Area. And even if the 17 Express increased service to every 15 minutes, it will not encourage transit ridership to the Bay Area owing to the additional time and expense required to catch connecting buses, light rail, rideshares, and/or trains to workplaces located all over Silicon Valley and beyond.

My understanding is there are no or very limited public transit options to Monterey County.

According to the SCCRTC 2014 REGIONAL TRANSPORTATION PLAN, about 17% of Santa Cruz County's population commutes to the San Francisco Bay Area and about 5% to Monterey County (I could not find a newer version of this plan). Per SEIR page 12-3, there are 1.83 people per household in Downtown Santa Cruz. This translates to 3,294 (= 1,800 units x 1.83 people/unit) or 6,588 people (= 2 x 3,294) in the worst case density bonus scenario. Using this data, one could approximate that 1,120 people (= 17% x 6,588) will commute from the Project area to the SF Bay Area.

- i) Since there is no quality transit for Project residents commuting to the Bay Area and other destinations outside Santa Cruz County, shouldn't this segment of commuters undergo full VMT analysis? If not, why?
 - ii) What are the GHG impacts for this segment of commuters? Where and how is it addressed in the Air Quality and Greenhouse Gas Emissions analysis in Chapter 6 of the SEIR?
- 4) Although the SEIR states the proposed arena is exempt from VMT analysis, an analysis was completed to provide context for VMT impacts. This analysis yielded a net new daily VMT of 1,178 for the arena, which requires a net new daily reduction of 177. However, the following adjustments to the analysis are recommended to yield more realistic net daily VMT and reduction values:

GP54-10

- a) The analysis assumes 130 events. However, SEIR page 3-17 estimates 175 events and the SEIR Scoping Plan listed approximately 200 events. Which amount is the most realistic? A
- b) To yield a more accurate VMT calculation, the number of event days should be used instead of 365 calendar days.
- c) The Existing Total Annual Arrivals of 80,998 should not be deducted from the calculation because the KP Arena was never underwent a traffic analysis because in 2012 the City determined it was Categorically Exempt from CEQA because it was a "5-year, Temporary Facility". Accordingly, under the SEIR analysis, all 211,201 Future Estimated Total Annual Arrivals should be included in the calculation. A
- d) If you run the VMT calculations with the above updates, assuming 130 events, the net new daily VMT for the arena would be 5,361, and the required net new daily reduction would be 804. What level of significance would this value yield in context to the regional transportation network?

GP54-10

6 OTHER SEIR SUBJECT AREAS

There was insufficient material for me to review and comment on all subject areas in the SEIR. Where applicable, every subject area should be analyzed to account for all available state density bonus laws, including AB 1287. Any and all subject matter areas that were not should be revised with that analysis.

GP54-11

4.4.9 Comment Letter GP54: James Sandoval

Comment GP54-1: 100% Density Bonus

The comment states that the SEIR analyses should be updated to include the 100% density bonus now available to developers.

Response: See [Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law \(AB 1287\)](#).

Comment GP54-2: Visual Simulations

The comment suggests that the visual simulations in Figures 5-3 through 5-6 are not representative of taller buildings that would be constructed for a project using a density bonus.

Response: See [Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law \(AB 1287\)](#).

Comment GP54-3: Building Heights Adjacent to Beach Hill

The comment suggests that the proposed 70 foot building height zone adjacent to the Beach Hill neighborhood (as shown in Figure 3-15 Maximum Building Heights of the Draft SEIR) be expanded northward.

Response: The comment is acknowledged y. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

Comment GP54-4: Bird Strikes and Building Shadows

The comment suggests that bird strikes and building shadows should be reanalyzed to account for 170-255 feet high buildings.

Response: See [Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law \(AB 1287\)](#). See also response to [Comment GP7-2: Shadow and Wind Analysis](#).

Comment GP54-5: Water Supply and Demand

The comment states that the Project Water Supply Evaluation does not break out how existing and augmented water sources meet the demand projection and asks that this be provided, whether the planned production includes desalination, and if so what is the plan for desalination given that it was voted down. The comment also states that water demand needs to be revised to account for the maximum number of units that could be developed pursuant to AB 1287.

Response: Water supply forecasting is provided through City water models that account for various existing and planned augmented water sources as explained on page 27-28 of the WSE and summarized starting on page 15-15 in the Draft SEIR.

See [Master Response MR-2: Likelihood of Future Water Supplies](#) and responses to [Comments O6-4, O6-5, and GP3-13](#) regarding future water supplies, demand/supply assumptions, and the potential for the City to pursue desalination.

See [Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law \(AB 1287\)](#) for an explanation of why an analysis of full buildout with all available State Density Bonuses is not required, and thus, does not warrant an updated water demand and water supply analysis.

Comment GP54-6: Building Shadows

The comment suggests that building shadows should be reanalyzed to account for 170-255 feet high buildings.

Response: See [Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law \(AB 1287\)](#). See also response to [Comment GP7-2: Shadow and Wind Analysis](#).

Comment GP54-7: Aesthetics / Scenic Views

The comment indicates that the Draft EIR utilizes a small, undetailed 33 year old map (Figure 5-2) to conclude the visual shrouding of this historic and visually distinctive structure is “not considered to be significant” and that the Golden Gate Villa and surroundings of the historic Beach Hill neighborhood should be reanalyzed.

Response: [Figure 5-2 Local Coastal Plan Map CD-3 Scenic Views](#) from the City’s General Plan provides a general reference to the location of various scenic values throughout the City including; Viewpoint and Panoramas, Visually Distinctive Structures, Scenic Views, Urban Skyline, and Ridge Skyline.

As described in [Section 5.3.4 Scenic Views](#) of the Draft SEIR, [Figure 5-2](#), views along the San Lorenzo Riverwalk from the Water Street bridge and Riverside Garden Park (southeast of the Laurel Street bridge) are designated as “Viewpoints and Panoramas.” A southerly portion of Beach Hill is part of an “Urban Skyline” and within this area, a Victorian building located at 924 3rd Street (Golden Gate Villa) is designated as a “Visually Distinctive Structure”. North of Laurel Street a multi-block area between Pacific Avenue and the Santa Cruz Riverwalk is also designated an “Urban Skyline.” (City of Santa Cruz Local Coastal Plan, 1994, Map CD-3).

As described in [Impact AES-1 \(DPA EIR Impact 4.1-1\): Scenic Views](#) of the Draft SEIR, future development on Block C could partially impede views of this structure from distant northly views. However, taken in whole as a panoramic view (e.g. from the Santa Cruz and the top of Cliff Street), this impact is not considered to be significant. The impact analysis concluded that:

Although it is not known how future projects will be developed, it is conservatively concluded that the project could lead to taller and more massive development, particularly on Blocks B and D, however, the project would not have a substantial adverse effect on a mapped or observed scenic view because scenic ocean views would not be affected, and scenic views of distant mountains would only be potentially

partially blocked in some locations that also have visible urban development within existing views. Thus, the project would not result in significant impacts to scenic views. As such, impacts are considered *less-than-significant* (Draft ERI page 5-8).

Furthermore, **Impact AES-3 (DPA EIR Impact 4.1-3): Visual Character of the Surrounding Area** of the Draft SEIR concluded that:

There is no required presumption under CEQA that taller buildings are necessarily a substantial adverse change in the existing visual environment. Such determinations are made on a case-by-case basis at a lead agency's discretion and in consideration of the relevant environmental setting or context, which here, is a nearly fully developed urban area. Future proposed buildings with additional height would not be considered to be substantially out of scale with other existing buildings in the downtown area as there are a substantial number existing, approved, and under construction buildings in downtown that exceed the existing 36 to 48 feet maximum height in the project area.

Comment GP54-8: Building Glare

The comment indicates that there are no measures to prevent glare caused by sun reflecting off windows or broad expanses of light-colored building surfaces.

Response: As described in **Impact BIO-2 (DPA EIR Impact 4.3-2): Indirect Impacts to Birds** of the Draft SEIR, the Downtown Plan Amendments EIR included Mitigation 4.3.2 which required inclusion of seven standards in the Downtown Plan, and these were subsequently adopted:

- Minimize the overall amount of glass on building exteriors facing the San Lorenzo River.
- Avoid mirrors and large areas of reflective glass.
- Avoid transparent glass skyways, walkways, or entryways, free-standing glass walls, and transparent building corners.
- Utilize glass/window treatments that create a visual signal or barrier to help alert birds to presence of glass. Avoid funneling open space to a building façade.
- Strategically place landscaping to reduce reflection and views of foliage inside or through glass.
- Avoid or minimize up-lighting and spotlights and turn non-emergency lighting off (such as by automatic shutoff), or shield it, at night to minimize light from buildings that is visible to birds, especially during bird migration season (February - May and August - November).

Additionally, and as noted in the Draft SEIR (page 7-10), in 2018, the City adopted "Bird-Safe Building Design Standards" that that would apply to any buildings that require design review and are located within 300 feet of specified General Plan land use designations, including

waterways mapped in the City-wide Creeks and Wetlands Management. These standards specify window and lighting treatments for buildings located near specified habitat areas to ensure that new buildings provide a safe design to prevent bird collisions in areas near natural features.

Finally, all future development in the project area will be required to comply with a series of Development Standards identified in the Downtown Plan (as amended). These Standards including a review of building materials to minimize building glare.

See also response to [Comment GP21-2: Light and Glare](#).

Comment GP54-9: Noise

The comment asks that operational ambient noise measurements during the period of loudest arena events, i.e., 7-10 PM, should be retested. The comment also states that requirements to submit noise control report/measures with building plans should be incorporated into the SEIR as a mitigation. The comment asks for an explanation about Figures included in the SEIR. The comment also states that the noise modeling data contains no explanation of the analysis parameters and results and asks than explanation of how, when and where data was measured be provided. The comment further states that a permanent arena should be designed to contain higher volumes, audible frequencies and vibrations.

Response: The commenter suggests that the SEIR must re-measure existing outdoor ambient sound levels during evening hours, the period during which “key events” are likely to occur at the proposed area, and when human sensitivity to sound is “as if the sound were actually 5 dBA higher than if it occurred from 7 AM to 7 PM.” Because guidance from the Federal Transit Administration (FTA) indicates that evening (7 PM to 10 PM) sound levels may be estimated as being 5 dB less than those during the daytime, per Table 4-17 from its Transit Noise and Vibration Impact Assessment Manual (FTA 2018), the SEIR’s usage of measured daytime sound level samples as representations of the outdoor ambient environment during evening hours for purposes of arena noise assessment account for this 5 dB additional sensitivity. Thus, additional ambient sound level measurements are not needed.

The comment mentions a “state requirement to submit a report” with respect to proposed arena noise “>60 dB leaking outside”. It is unclear what state requirement this refers to, since the Draft SEIR mentions (page 11-2) that the state noise insulation performance standard is with respect to exterior-to-interior sound intrusion for inhabited dwellings (other than detached single family), not interior-to-exterior “leaking”. Furthermore, the noise contours presented in Figures 11-2B, 11-2C, and 11-2D show hourly L_{eq} values consistent with the descriptor in Table 11-2 and only during an actual event of the indicated type. Day-night sound levels or CNEL values derived from such event-only periods (i.e., when such louder noise emission that includes the event sources, such as music) would be diluted over a 24-hour period and thus reduced in magnitude.

The comment requests an explanation regarding claimed differences in “noise >60 dB leaking outside the arena” as shown by SEIR figures of predicted noise contours for the Block C1 and Block D development options of potential proposed arena location. Figures 11-2B, 11-2C, and 11-2D that depict symphony, popular music, and Warriors basketball event noise emission near Block C1 appear comparable to those of Figures 11-2G, 11-2H, and 11-2I for the same types of events from the Block D location, with some orange-colored (i.e., 55-60 dBA hourly Leq) around the perimeter of the modeled building block of the proposed arena location option.

The “Area Sources” and “Vert. Area Sources” listed on page 531 of the Draft SEIR Appendix D for “New Arena at Block C1” and page 534 for Block D are the sound sources rendered in the DataKustik CadnaA prediction model for the corresponding studied event scenarios and include both arena-related (block C1 or D) and non-arena development building blocks (i.e., Buildings A, B, C2, E, F, G, H, I, J). As shown under the “Value” column headings of these pages, the magnitudes of these sound sources are referenced from, or are logarithmic sums of (as denoted by double-plus [“++”] operators) selected “Sound Levels (local)” identified by “Name” and corresponding “ID” tags. These reference sound level magnitudes, shown in octave-band center-frequency (OBCF, Hz) detail, are derived from calculations that consider input parameters depending on type. Examples include as follows:

- For proposed occupied development buildings with estimated gross square footage, outdoor-exposed air handling units (AHU) consider needed minimum outside air fan flow and static pressure; and outdoor-exposed air-cooled condensers (AC) consider cooling loads (refrigeration tons);
- Noise-emitting surfaces (roof and walls) from the proposed arena consider multiple sources from within: crowd noise (based on speech sound spectra, duration and intensity of vocal effort, and event attendance) and the sport or music sound level.

Relationships between HVAC equipment airflow capacities and/or cooling loads are grounded with online-available samples of manufacturer data. Speech and sporting event sound level data, which support assumed or calculated sound levels used in the Draft SEIR assessment are also available online, such as “Prediction of Crowd Noise” by M. J. Hayne et al (Proceedings of ACOUSTICS 2006¹²).

Building block D, due to its expected size (i.e., gross square footage for expected residential and commercial uses) and corresponding need for greater HVAC (i.e., relative to other development building blocks that are smaller), and thus higher rooftop noise emission from such, assumed outdoor-exposed sound-generating equipment, contributes to the patterns on Figures 11-2A through 11-2E.

¹² Available online at: chrome-extension://efaidnbmnnnibpcjgclclefindmkaj/https://www.acoustics.asn.au/conference_proceedings/AASNZ2006/papers/p46

Some arena events may feature “deep bass” played through a sound system, but this would be low-frequency airborne sound impinging on the arena structure interior, then re-transmitted (albeit attenuated by the building envelope) to the outdoors. The CEQA Appendix G significance threshold NOI-b as shown in Section 11.4.1 of the Draft SEIR is with respect to groundborne vibration or groundborne noise, such as what may be generated by construction activities that include heavy equipment and may include energetic impacts on or into the ground surface and underlying soil/strata, which then propagates with distance as groundborne vibration and impinges upon a receiving structure’s foundation. Hence, while good arena design would likely consider events with deep bass airborne sound, it is not a CEQA assessment need.

Comment GP54-10: Transportation Level of Service and VMT Analysis

The comment suggests that the Draft SEIR analyze impacts associated with transportation congestion, particularly as it relates to diverting traffic from the Beach Hill neighborhood. The comment also questions the assumptions used in the VMT analysis.

Response: Regarding Transportation – Level of Service, see [Master Response MR6: Transportation – Level of Service](#). Regarding Transportation – VMT Analysis, see [Master Response MR-8: Transportation – Vehicle Miles Traveled \(VMT\)](#).

Regarding diverting traffic from the Beach Hill neighborhood, the Santa Cruz Downtown Expansion Plan Draft Local Transportation Analysis (Kimley-Horn, January 2025) includes an analysis of Laurel Street Extension Access Control (starting on page 62). The analysis concluded that access control through Laurel Street Extension is a tool currently used to manage peak summer traffic in the area. The results of the analysis show that there is sufficient queuing capacity and a small potential for intersection operation improvements with the implementation of southbound access control on Laurel Street Extension. The queuing analysis showed that providing northbound access on the roadway is not feasible with the available storage on 3rd Street. Implementation of such access control is not currently proposed but may be considered by the City as part of plan implementation.

Comment GP54-11: Other SEIR Subject Areas

The comment suggests that every subject area should be analyzed to account for all available state density bonus laws, including AB 1287.

Response: See [Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law \(AB 1287\)](#).

From: [Claire Schneeberger](#)
To: [Sarah Neuse](#)
Subject: DEIR Comments: Downtown Plan Expansion
Date: Sunday, February 16, 2025 4:12:33 PM

Comment Letter GP55

****CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

Sarah,

This draft EIR has many flaws, but probably the worst one is that it does not analyze (or even acknowledge) the impact new 100% state “stackable” density bonus provisions in AB 1287 will have in combination with the proposed upzoning. Given this reality, we should not be changing our height limits on building AT ALL. Please reconsider your current plan!!

GP55-1

-Claire Schneeberger
Santa Cruz city resident

4.4.10 Comment Letter GP55: Claire Schneeberger

Comment GP55-1: 100% State “stackable” Density Bonus Provisions in AB 1287

The Draft EIR does not analyze the impact of the new 100% density bonuses provisions of AB 1287.

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287).

From: ejane@cruzio.com
To: [Sarah Neuse](#)
Subject: SOLA DEIR
Date: Friday, February 21, 2025 12:08:29 PM

Comment Letter GP56

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Thank you for accepting comments on the referenced project.

I believe the DEIR fails to analyze fully the 100% density bonus imposed by State law, which could drastically increase the newly allowed building heights and thereby add to all environmental impacts of the proposed plan.

GP56-1

As a related matter, in my view no increase at all to the currently permissible building heights should be approved by the City, as they already exceed a reasonable and healthy skyline for this area.

GP56-2

-- Jane Scott

4.4.11 Comment Letter GP56: Jane Scott**Comment GP56-1: 100% Density Bonus Imposed by State Law**

The Draft SEIR fails to analyze fully the 100% density bonus imposed by state law.

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287).

Comment GP56-2: Building Height

The comment suggests that City, as they already exceed a reasonable and healthy skyline for this area.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

From: [Mandy Slayton](#)
To: [Sarah Neuse](#)
Subject: Downtown expansion plan
Date: Thursday, February 13, 2025 8:46:19 AM

Comment Letter GP57

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

Hi there

I am writing to urge you not to increase the high limit limits on the south of Laurel area in the new downtown expansion plan.

Over and over the city says “there’s nothing we can do. It’s the legislature.” But this is a time when there is something you can do. Do not increase height limits. We will wind up with a 16 story building with density bonus as towering above beach Hill.

Until the legislature has changed the laws allowing cities to govern their own design, parking, and height do not increase zoning height, anywhere in town. There needs to be a freeze until we have control restored to the localities. And you should be communicating with the government that that’s what you are doing in an effort to encourage them to amend their decisions and restore local control.

The people do not want a 16 story building there and if you change the zoning, it is a reasonable chance that that’s what we are going to wind up with.

Please, The people of Santa Cruz beg of you do not do this right now in this climate. The changes you make now will affect us for hundreds of years. This is a really big deal. Do not do this. Wait until we have local control restored again and pressure the state legislature to do just that. Please have patience and just wait this out.

Thank you,
Amanda

GP57-1

4.4.12 Comment Letter GP57: Mandy Slayton

Comment GP57-1: Density Bonus and State Law

The comment suggests that building heights should not be increased in light of State Density Bonus law.

See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287).

From: [Becky Steinbruner](#)
To: [Sarah Neuse](#)
Cc: [Becky Steinbruner](#)
Subject: Public Comment on SOLA Santa Cruz City Downtown Expansion Plan DEIR
Date: Friday, February 21, 2025 4:53:20 PM

Comment Letter GP58

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

Dear Ms. Neuse:

Here are my comments on the DEIR for the SOLA and Downtown Expansion Plan:

1) The DEIR should provide documentation of the high groundwater table in the proposed Plan area, including higher water levels anticipated with sea level rise and Climate Change models for increased flooding.

GP58-1

2) The DEIR should provide noise studies and impacts on sensitive receptors for pile driving that will be necessary for construction in a high-groundwater area.

GP58-2

3) The DEIR should provide expert analysis of liquefaction risk in all areas of the project boundary.

GP58-3

4) The DEIR should provide impacts of large-scale eviction of multiple households in the project area, especially the disadvantaged area.

GP58-4

5) The DEIR should analyze alternatives to demolition of historic structures in the project area.

GP58-5

6) The DEIR should analyze water use and compare with City Water availability in a period of extreme drought.

GP58-6

7) The City should not destroy the character of the area that draws tourists from dens urban areas.

GP58-7

Becky Steinbruner

4.4.13 Comment Letter GP58: Becky Steinbruner

Comment GP58-1: Groundwater, Climate Change and Flooding

The comment suggests that the Draft SEIR should address high groundwater levels associated with sea level rise and climate change models for increased flooding.

See [Master Response MR-3: Potential Hydrologic Impacts Including Floodplain, Sea Level Rise, Stormwater, Water Quality, and Tsunamis](#).

Comment 58-2: Noise Studies on Sensitive Receptors from Pile Driving

The comment the Draft SEIR should provide noise studies and impacts on sensitive receptors for pile driving that will be necessary.

Response: As page 11-16 of the Draft SEIR noise and vibration section states:

“Development projects are reviewed on a case-by-case basis, and typical conditions of approval include limiting the day and times of day during which construction and/or heavy construction can be conducted, provision of notification to neighbors regarding construction schedules, and implementation of a process to receive and respond to noise complaints. These are some of the types of measures that would be implemented by the City to manage and minimize construction noise impacts per General Plan Actions HZ3.1.3 and HZ3.1.5. Future development in the project area would be reviewed to determine whether conditions of approval would be added to an individual project.”

Should a development project implemented under the Downtown Plan Expansion program be expected to involve pile-driving, an appropriate level of predictive analysis and impact assessment would be conducted at that time.

Comment 58-3: Liquefaction Risk

The comment suggests that the Draft SEIR should address the potential for liquefaction risks.

Response: See response to [Comment GP3-19: Geologic and Hydrologic Hazards](#).

Comment 58-4: Displacement of Residential Land Uses

The comment suggests that the Draft SEIR should address the potential for eviction of existing residential uses.

Response: See [Master Response MR-4: Displacement of Existing Land Uses](#).

Comment 58-5: Demolition of Historic Structures

The comment suggests that the Draft EIR should analyze alternatives to demolition of historic structures in the project area.

Response: The Project would not directly result in new development, but future development occurring as a result of the Project could result in demolition of historic structures as evaluated in the Draft SEIR (pages 8-6 to 8-8). Future development proposals would be required to conduct historical resource projects if any alteration or demolition of a building over 50 years in age is proposed, and appropriate mitigation measures or alternatives would be considered at that time.

Since it is not known what historic buildings may be altered and in what manner, it is not possible to define a specific alternative. However, the City's General Plan 2030 seeks to protect, encourage, and develop guidelines for restoring and rehabilitating historic or architecturally-significant buildings, sites, and landmarks (Policy HA1.8) that would be taken into consideration during review of future development projects that may involve alteration to a historical building.

Comment 58-6: Water Use During Extreme Drought

The comment states that the Draft SEIR should analyze water use and compare it with available water supply in a period of extreme drought.

Response: The Draft SEIR provides an analysis of water use/demand and impacts on pages 15-14 to 15-21 and 15-27 to 15-30. See also [Master Response MR-2: Likelihood of Future Water Supplies](#) and response to [Comment GP3-13](#).

Comment 58-7: Urban Character

The comment suggests that the City should not destroy the character of the area that draws tourists from dense urban areas.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

From: [Ellen](#)
To: [Sarah Neuse](#)
Subject: DEIR Comments: Downtown Plan Expansion
Date: Wednesday, February 12, 2025 1:25:29 PM

Comment Letter GP59

****CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

Dear Sarah,

I am writing to express my desire to NOT raise the height limits for the redevelopment of the South of Laurel - 29 acres in Santa Cruz.

I'm hoping Santa Cruz is able to have a new arena while developing a low impact, tastefully integrated plan to connect downtown to the beach area.

Do not sell out to developers who want top floor "ocean view" towers.

With the current planned multi level buildings in the works, our infrastructure is not keeping up with surge of new units. Water is an issue. Hospital emergency room capacity is an issue. Available doctors is an issue.

Please do NOT increase building heights for any redevelopment.

Sincerely,
Ellen Symons Fox
Santa Cruz City or County resident since 1970.

Sent from my iPhone

GP59-1

4.4.14 Comment 59: Ellen Symons Fox

Comment GP59-1: Building Heights

The comment asks that building heights not be increased.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

From: [Tad](#)
To: [Sarah Neuse](#)
Subject: SOLA Plan
Date: Wednesday, February 19, 2025 9:07:16 AM

Comment Letter GP60

****CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

To the city planning commission:

I am deeply concerned about the SOLA plan to raise the building height levels we maintain for the city of Santa Cruz. From what I understand increasing the height levels opens up a whole can of worms that is unnecessary to meet state housing requirements.

The new state laws (AB1287 w/it density bonus provisions) will then allow developers to go even higher if towns like ours give developers permission to push that limit. As it is what has been built or is currently under construction thus far will continue to strain the limits of what our city can handle in terms of water supply, traffic, medical needs, and emergency services. And we all know that these new and very expensive condos will do little to nothing to address our homeless crisis that will not go away, especially with funds that will surely dry up with the new administration.

What is driving the council to want to build higher and higher? Can our city administrators please, for the love of our town and region think this through! Once a measure like this goes through there will be no turning back!

Sincerely,

Thomas (Tad) Veltrop
337 Majors St
Santa Cruz, CA 95060

GP60-1

4.4.15 Comment GP60: Thomas (Tad) Veltrop

Comment GP60-1: Building Heights and State Law AB 1287

The comment indicates their concern regarding the potential impacts of increased building heights in light of State Density Bonus law (e.g., AB 1287).

Response: See Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287).

From: [Judy Weaver](#)
To: [Sarah Neuse](#)
Cc: [Fred Keeley](#); [Scott Newsome](#)
Subject: DEIR Comments: Downtown Plan Expansion
Date: Friday, February 21, 2025 4:31:59 PM

Comment Letter GP61

****CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.****

To Sarah Neuse, Senior Planner:

Please do not rezone the South of Laurel Area/SOLA! Leave the General Plan with the current building heights in place. Those heights are enough for the project goals of 1,600 new housing limits and the new Warriors arena. In addition, the Downtown Plan EIR report fails to analyze the actual impact that the 100% density bonus will have with the proposed up zoning! The analysis must include water use impacts, using actual drought data.

Thank you for your consideration,
Judy Weaver
Santa Cruz, CA 95060

GP61-1

4.4.16 Comment Letter GP61: Judy Weaver**Comment GP61-1: Building Heights and State Law AB 1287**

The comment indicates their concern regarding the potential impacts of increased building heights in light of State Density Bonus law and that the analysis must include water use impacts, using actual drought data.

Response: See **Master Response MR-1: CEQA Analysis in Context to State Density Bonus Law (AB 1287)** for an explanation of why an analysis of full buildout with all available State Density Bonuses is not required, and thus, does not warrant an updated water demand and water supply analysis. The Draft SEIR does provide the analysis of water use/demand and impacts on pages 15-14 to 15-21 and 15-27 to 15-30 that includes drought periods based on historical data.

See also response to **Comment GP3-13** regarding historical drought periods.

From: [Russell Weisz](#)
To: [Sarah Neuse](#)
Subject: SOLA Draft EIR concerns
Date: Thursday, February 13, 2025 6:50:06 PM

Comment Letter GP62

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

I am very concerned about the proposed SOLA development plan both from what is indicated by the Draft EIR and from the recently completed and in-progress buildings downtown. The problem is that all of the above buildings are too big, too ugly, too boxy, too rushed, not in tune with the environment and not aesthetically pleasing.

I am very concerned that with developer's current clout and city leaders' short sightedness, the overly large planned SOLA buildings will be built even taller. The people-plazas as indicated appear excessively concreted, sterile and cold.

The traffic study and plan seems to be a recipe for gridlock on the Westside from the traffic spillover from SOLA and from continued worsening of current inadequate levels of service due to the increased vehicle trips.

The impact on environmentally sensitive adjacent areas like the San Lorenzo River and Neary Lagoon is not sufficiently examined or addressed in the EIR. Neither are increased water usage or potential flooding scenarios sufficiently examined and addressed.

I'd like to see the City spend more time and effort to get SOLA development plans right so that whatever is built there really improves the City, looks good, draws pedestrians, bikes, skaters and wildlife in a lasting way.

thanks,

Russell Weisz and Judith Carey

319 Laguna St.

Santa Cruz 95060

GP62-1

GP62-2

GP62-3

GP62-4

4.4.17 Comment Letter GP62: Russell Weisz and Judith Carey

Comment GP62-1: Urban Character

The comment suggests that the City should not destroy the character of the area with large, unappealing buildings.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

Comment GP62-2: Transportation – Level of Service

The comment suggests that the traffic study analyze traffic impacts on the Westside due to the project.

Response: See **Master Response MR-6: Transportation – Level of Service**.

Comment GP62-3: Sensitive Biological Resources, Water Use, and Potential Flooding

The comment states that the impacts on environmentally sensitive adjacent areas like the San Lorenzo River and Neary Lagoon, as well as increased water use and potential flooding, are not sufficiently examined or addressed in the EIR.

Response: Comment is acknowledged but does not describe any alleged insufficiency. Impacts to special status species and sensitive habitat are evaluated in **Chapter 7, Biological Resources**, of the Draft SEIR, which assessed potential impacts to San Lorenzo River special status species and sensitive habitats. None of the Project area is located in proximity to Neary Lagoon and would not result in direct or indirect impacts.

Regarding impacts related to water use and hydrology, the comment does not provide specific comments. However, impacts to the City's water supply is evaluated on pages 15-14 to 15-21 and 15-27 to 15030 in the Draft SEIR in **Chapter 15, Utilities, Service Systems, and Energy Conservation**.

The potential for flooding is assessed in the Draft SEIR in **Chapter 9, Hydrology and Water Quality**. See also **Master Response MR-3: Potential Hydrologic Impacts Including Floodplain, Sea Level Rise, Stormwater, Water Quality, and Tsunamis**.

Comment GP62-4: SOLA Development Plan

The comment suggests that they would like to see the City spend more time and effort to get SOLA development plans right so that whatever is built there really improves the City, looks good, draws pedestrians, bikes, skaters and wildlife in a lasting way.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

From: [Pablo Yale](#)
To: [Sarah Neuse](#)
Subject: DEIR Comments: Downtown Plan Expansion
Date: Friday, February 21, 2025 8:07:48 AM

Comment Letter GP63

******CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ****

Hello,

My name is P. Yale and I've been a resident at the Neptune Apts for nearly 20 years now. I'm commenting AGAIN on the south of Laurel plan and although I cannot share my entire story with you, lol address the Environmental concerns I have.

The properties along Pacific Ave between Depot park and the San Lorenzo River are necessary for migration birds to use. Ducks use the shoals at Neary Lagoon to hatch their eggs, and walk their ducklings to the SL River. On several occasions, cars, people and also seagulls, pigeons and the influx of Ravens, the latter need to be controlled because of overpopulation, have been predators of these ducklings.

I'm including a photo taken in 2015 of a mother duck and her last survivor, a duckling, from a swarm of Ravens.

I've also seen ravens target other native birds sa red tail hawks while in the air.

The absurd over-urbanization of the south of Laurel project with 13 story buildings will increase the population of Ravens and pigeons in the area. It's been proven in other major cities the more flat, level areas birds can roost and nest, the greater the population of Ravens and pigeons .

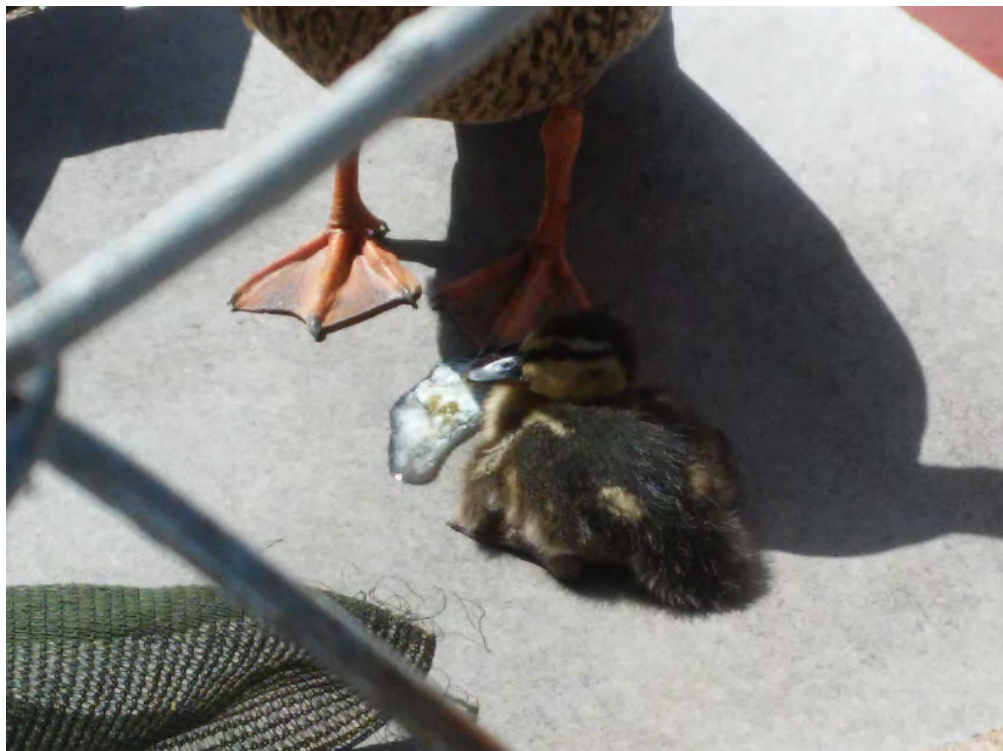
These proposed buildings are too high, too many in a flood plain built on sandstone near an active fault area. You may not have been here when 1989 happened, but we were. Downtown was devastated by the earthquakes that year, and took decades to rebuild. 13 story buildings have never been tested in our areas. Why are we gambling with people's lives? For the greed of outside development?

Another factor to consider, is under the ground. I don't think in your environment report you have taken into account the tunnel build under Pacific Ave during prohibition.

GP63-1

GP63-2

GP63-3



4.4.18 Comment GP63: Pablo Yale**Comment GP63-1: Potential Bird Impacts**

The comment expresses concern about birds and influx of ravens in the area and questions 13-story buildings in the area.

Response: The comment is acknowledged. However, the comment does not address analyses in the Draft SEIR and does not raise substantial new environmental issues pursuant to CEQA, and therefore no response is required.

Comment GP63-2: Geologic Hazards -- Earthquakes

The comment questions 13-story buildings in the area.

Response: See response to **Comment GP3-19: Geologic and Hydrologic Hazards**.

Comment GP63-3: Tunnel Under Pacific Avenue

The comment suggests that the Draft EIR needs to take into account a tunnel built under Pacific Avenue during prohibition.

Response: See response to **Comment GP3-19: Geologic and Hydrologic Hazards**.

Appendix A

Mitigation Monitoring and Reporting Program

APPENDIX A
DOWNTOWN PLAN EXPANSION
MITIGATION MONITORING AND REPORTING PROGRAM

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

Mitigation Measure	Implementation Actions	Monitoring / Reporting Responsibility	Timing Requirements	Reporting Requirements	Verification of Compliance
Air Quality and Greenhouse Gases					
Mitigation Measure AQ/GHG-3.1: Construction Equipment Exhaust Control All diesel-fueled off-road construction equipment greater than 75 horsepower shall be zero-emissions or equipped with California Air Resources Board (CARB) Tier 4 compliant engines. Alternatively, CARB Tier 2 or Tier 3 compliant engines can be used if CARB Level 3 Verified Diesel Emissions Control Strategy (VDECS) filters are added to each piece of off-road diesel-fueled equipment. An exemption from these requirements may be granted by the City of Santa Cruz when equipment with the required tier is not reasonably available and when corresponding reductions in diesel particulate matter are achieved from other construction equipment on the project. An exemption may only be granted if total estimated project generated construction emissions will not exceed applicable Monterey Bay Air Resources District (MBARD) risk thresholds as verified using industry-standard emission estimation methodologies.	- Include measure as a Project Condition of Approval for all future development projects in the South of Laurel District of the Downtown Plan. - Implementation actions are specified in measure.	City Planning and Community Development Department staff is responsible for including measure as Condition of Approval as part of future development applications, consistent with the most current CARB regulations.	As part of future environmental and project review for submitted development applications.	Future Applicants to submit evidence of compliance to Planning and Community Development Department.	
Biological Resources					
Mitigation Measure 4.3-3: Preconstruction Nesting Survey Require that a pre-construction nesting survey be conducted by a qualified wildlife biologist if construction, including tree removal, adjacent to the San Lorenzo River is scheduled to begin between March and late July to determine if nesting birds are in the vicinity of the construction sites. If nesting raptors or other nesting species protected under the Migratory Bird	Include measure as a Project Condition of Approval for all future development projects in the South of Laurel	- Future Applicants are responsible for hiring a qualified wildlife biologist to conduct the pre-construction nesting survey and submitting to City. - City Planning and Community	As part of future environmental and project review for submitted development applications.	Future Applicants to submit evidence of compliance to Planning and Community Development Department.	

Mitigation Measure	Implementation Actions	Monitoring / Reporting Responsibility	Timing Requirements	Reporting Requirements	Verification of Compliance
Treaty Act are found, construction may need to be delayed until late-August or after the wildlife biologist has determined the nest is no longer in use or unless a suitable construction buffer zone can be identified by the biologist. (Citywide Creeks and Wetlands Management Plan Standard 12).	District of the Downtown Plan. Implementation actions are specified in measure.	Development Department staff are responsible for including measure as Condition of Approval and reviewing survey results.			
Cultural and Tribal Cultural Resources					
Mitigation Measure CUL 1.1: Historic Resources Assessment and Project-Level Mitigation Require preparation of an historic resources evaluation for any development proposal containing a structure or structures 50 years old or older and that are not identified as historic resources in the Santa Cruz Historic Building Survey. If the structure(s) may potentially meet the criteria for listing as an historic resource, and proposed development would have the potential to impact the historic significance of the structure(s), the development applicant shall provide an historic assessment of the structure(s) prepared by a qualified historic consultant. If it is determined by the City Planning and Community Development Department based upon the historic assessment that a development would impact a structure that is eligible as an historic resource under CEQA definitions, the City shall consider measures that would enable the project to avoid direct or indirect impacts to the building or structure, including designs consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties. If the building or structure can be preserved, but remodeling, renovation or other alterations are required, this work shall be conducted in compliance with the Secretary of	Implementation actions are specified in measure.	- Future Applicants are responsible for hiring a qualified architectural historian to conduct an historic resources evaluation for any building or structure 50 years in age or older that are not identified as historic resources in the Santa Cruz Historic Building Survey. - City Planning and Community Development Department staff are responsible for reviewing evaluation.	As part of future environmental and project review for submitted development applications.	Future Applicants to submit evidence of compliance to Planning and Community Development Department.	

Mitigation Measure	Implementation Actions	Monitoring / Reporting Responsibility	Timing Requirements	Reporting Requirements	Verification of Compliance
the Interior's Standards for the Treatment of Historic Properties.					
Mitigation Measure CUL 1.2: Resource Documentation If a significant historic building or structure is proposed for major alteration or renovation, or to be moved and/or demolished, the City shall ensure that a qualified architectural historian thoroughly documents the building and associated landscape and setting. Documentation shall include still and video photography and a written documentary record/history of the building to the standards of the Historic American Building Survey or Historic American Engineering Record, including accurate scaled mapping, architectural descriptions, and scaled architectural plans, if available. The record shall be prepared in consultation with the State Historic Preservation Officer and filed with the Office of Historic Preservation. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site specific and comparative archival research, and oral history collection as appropriate.	- Include measure as a Project Condition of Approval for future development projects in the South of Laurel District of the Downtown Plan where a significant impact to a historical resource has been identified. - Implementation actions are specified in measure.	- Future Applicants are responsible for hiring a qualified architectural historian to document the historic structure and associated landscape setting. - City Planning and Community Development Department staff are responsible for including measure as Condition of Approval.	As part of future environmental and project review for submitted development applications.	Future Applicants to submit evidence of compliance to Planning and Community Development Department.	
Mitigation Measure CUL-3.1: Cultural Sensitivity Training and Tribal Monitoring Require Native American construction monitoring of future development projects within the project area to include cultural sensitivity training for construction workers and tribal monitoring during ground disturbing construction.	Include measure as a Project Condition of Approval for all future development projects in the South of Laurel District of the Downtown Plan.	- Future Applicants are responsible for: - Hiring a qualified cultural resource specialist to provide training and monitoring during ground disturbing construction.	Prior to excavation for training, and during ground disturbance activities for monitoring.	Future Applicants to submit evidence of training and monitoring compliance to Planning and Community Development Department.	

Mitigation Measure	Implementation Actions	Monitoring / Reporting Responsibility	Timing Requirements	Reporting Requirements	Verification of Compliance
	■ Implementation actions are specified in measure.	- Hiring a qualified archaeologist for monitoring during excavation. - Including monitoring requirements in construction specifications in building plans. ■ City Planning and Community Development Department staff are responsible for including measure as Condition of Approval.			