

CHAPTER 1 INTRODUCTION

1.1 PURPOSE OF THE EIR

This EIR has been prepared for the City of Santa Cruz (City), which is the lead agency for the project. This EIR has been prepared in accordance with the California Environmental Quality Act (CEQA), which is found in the California Public Resources Code, Division 13, and with the State CEQA Guidelines, which are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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

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

Pursuant to State CEQA Guidelines section 15121, an EIR is an informational document 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 offered 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 subsection 1.4.

1.2 PROJECT OVERVIEW

This Environmental Impact Report (EIR) addresses the potential environmental effects of a series of proposed amendments to the following adopted plans and regulations; a full description of all project components is provided in the Chapter 3.0, Project Description, of this EIR.

- ☐ Downtown Recovery Plan: Amendment to extend Additional Height Zone A, modify Additional Height Zone B, and modify development standards
- ☐ General Plan 2030: Amendment to modify Floor Area Ratio for the Regional Visitor Commercial land use designation in the downtown area
- ☐ Local Coastal Plan (LCP): Amendment to Land Use Plan text to modify San Lorenzo Urban River Plan land use development policies

- ☐ Zoning Code sections: Amendment to Municipal Code Section 24.10, Part 24, Central Business District (CBD), of the Zoning Code to modify extension area regulations and add Parklet standards.

1.3 SCOPE OF THE EIR

An Initial Study and Notice of Preparation were prepared for the project and are included in Appendix A. The Initial Study identifies potentially significant impacts and discusses issues that were found to result in no impacts or less-than-significant impacts. The discussions in the Initial Study of impacts that are not being addressed in detail in the text of the Draft EIR are intended to satisfy the requirement of CEQA Guidelines section 15128 that an EIR “shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and therefore were not discussed in detail in the EIR.”

Based on the analyses in the Initial Study and responses to the Notice of Preparation (as discussed below), this EIR 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 Resources and Tribal Cultural Resources
- ☐ Hydrology and Water Quality
- ☐ Public Services (Fire and Police Protection Services, Parks and Recreation, Schools, Solid Waste)
- ☐ Transportation and Traffic
- ☐ Water and Wastewater Utilities
- ☐ Land Use – Plan and Policy Review

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 ENVIRONMENTAL REVIEW AND APPROVAL PROCESS

1.4.1 Scoping

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

A Notice of Preparation (NOP) for this EIR was circulated for a 30-day comment period on February 14, 2017. The NOP, with an Initial Study as an attachment, 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 proposal project or any project. Additionally, the NOP was circulated to owners of property contiguous to the project site in accordance with the City's CEQA Guidelines. The Initial Study and NOP are included in Appendix A. A public scoping meeting also was held at a Planning Commission meeting on June 15, 2017.

Written comments were received from three public agencies (California Coastal Commission, Caltrans and FEMA), two organizations (Friends of San Lorenzo River Wildlife and Sierra Club), and five individuals (Candace Brown, Gillian Greensite, Debbie Hencke, Jane Mio, and Jack

Nelson). These letters are included, in Appendix B. Both the written comments and oral comments received at the scoping meeting have been taken into consideration in the preparation of this EIR for comments that address environmental issues. 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;
- ☐ 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;
- ☐ Traffic and parking impacts; and
- ☐ Provision of public access and recreation along the river.

1.4.2 Public Review of Draft EIR

The Draft EIR will be published and circulated for review and comment by the public and other interested parties, agencies, and organizations for a public review period from July 26, 2017 through September 8, 2017. Written comments on the Draft EIR may be submitted to the City of Santa Cruz at the address below or may be submitted by email to Ron Powers at rpowers@cityofsantacruz.com, by 5:00 pm on September 8, 2017.

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

The Draft EIR will be available for public review during the comment period at the following locations:

- ☐ City of Santa Cruz Planning and Community Development Department, located at 809 Center Street, Room 107.
- ☐ Reference Desk of the Downtown Public Library, located at 224 Church Street.
- ☐ Online at: <http://www.cityofsantacruz.com/departments/planning-and-community-development/environmental-documents>.

The City of Santa Cruz encourages public agencies, organizations, community groups, and all other interested persons to provide written comments on the Draft EIR prior to the end of the 45-day public review period. Section 15204(a) provides guidance on the focus of review of EIRs, indicating that in reviewing draft EIRs, persons and public agencies “should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated,” and that comments are most helpful when they suggest additional specific

alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. This section further states that: “CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

1.4.3 Final EIR / Project Approval

Following the close of the public and agency comment period on this Draft EIR, responses will be prepared for all comments received during the public review period that raise CEQA-related environmental issues regarding the project. The responses will be published in the Final EIR. The Final EIR will include written responses to any significant environmental issues raised in comments received during the public review period in accordance with State CEQA Guidelines section 15088. The Final EIR also will include Draft EIR text changes and additions that become necessary after consideration of public comments.

The Final EIR document, which includes the Draft EIR document, will be presented to the City Planning Commission for consideration of the proposed actions and recommendation to the City Council. The City Council will make the final decision on the proposed General Plan amendment, rezoning and permit applications. The Planning Commission and the City Council must ultimately certify that it has reviewed and considered the information in the EIR, that the EIR has been completed in conformity with the requirements of CEQA, and that the document reflects the City’s independent judgment.

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

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

social, technological, or other benefits of the project outweigh the significant effects on the environment.

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

1.4.4 Adoption of Mitigation Monitoring & Reporting Program

CEQA requires that a program to monitor and report on mitigation measures be adopted by a lead agency as part of the project approval process. CEQA requires that such a program be adopted at the time the agency approves a project or determines to carry out a project for which an EIR has been prepared to ensure that mitigation measures identified in the EIR are implemented. The Mitigation Monitoring and Reporting Program will be included in the Final EIR, although it is not required to be included in the EIR.

1.5 ORGANIZATION OF EIR

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

- ❑ **Chapter 1, Introduction**, explains the CEQA process; describes the scope and purpose of this Draft EIR; provides information on the review and approval process; and outlines the organization of this Draft EIR.
- ❑ **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, Project Description**, provides information about the location, setting, and background for the project; identifies project-specific objectives; provides a detailed description of the project elements and components; and lists the likely approvals for the project.
- ❑ **Chapter 4, Environmental Setting, Impacts, and Mitigation Measures**, explains the approach to the environmental analysis for this EIR, and provides environmental setting, impacts, and mitigation measures for the topics identified for inclusion in the EIR. Each topical section in this EIR presents information in three parts. The "Environmental Setting" section provides an overview of the existing conditions on and adjacent to the

project site. Local, State and federal regulations also are identified and discussed, when relevant.

The “Impacts and Mitigation Measures” section provides an outline of the criteria used to evaluate whether an impact is considered significant based on standards identified in the California Environmental Quality Act (CEQA) and State CEQA Guidelines. Agency policies or regulations and/or professional judgment also are used to further define what actions may cause significant effects. Any project feature or element that may cause impacts, as well as project features that may serve to eliminate or reduce impacts, will be identified and addressed for both direct and reasonably foreseeable indirect impacts. Mitigation measures that would reduce significant impacts are identified. The significance of the impact after mitigation also is identified. For impacts found to be less-than-significant, mitigation measures are not required, but where relevant, the EIR recommends project modifications or appropriate conditions of approval.

- ❑ **Chapter 5, Other CEQA Considerations**, This section evaluates the topics required to be included in an EIR, including significant unavoidable impacts, irreversible impacts growth inducement, cumulative impacts, and project alternatives.
- ❑ **Chapter 6, References and EIR Preparation**, identifies all agencies contacted during the preparation of the EIR, all references that were cited or utilized in preparation of the EIR and individuals who were involved in preparing this Draft EIR and the individuals who provided information.
- ❑ **Appendices** contain additional information used in preparing this Draft EIR. Appendix A contains the Notice of Preparation and Initial Study, and Appendix B includes comment letters that were submitted in response to the NOP. Appendix C includes the revised plan text amendments. Appendix D includes the development buildout assumptions developed by City Planning and Community Development Department staff. Appendix E includes calculations of air emissions prepared for this EIR, and Appendix F includes the traffic calculations prepared for the City.