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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

809 Center Street • Room 206 • Santa Cruz, CA 95060 • www.cityofsantacruz.com

Alex Khoury, Acting Director

February 15, 2017

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

RE: Downtown Recovery Plan, General Plan and Local Coastal Plan Amendments

To Interested Agencies and Persons:

The City of Santa Cruz, as the lead agency, is preparing an Environmental Impact Report on the project described herein. Please respond with written comments regarding the scope and the content of the EIR as it may relate to your agency's area of statutory responsibility or your areas of concern or expertise. Your agency may need to use the EIR prepared by our agency when considering your permit or other approval for the project, if any is required. **Responses are due within 30 days of the receipt of this Notice, as provided by State law.** The contact person's name and address are listed below. Please include the name and phone number of a contact person at your agency in your response.

- 1. Project Location.** The project area consists of an approximate 12-acre portion of the downtown area of the city of Santa Cruz in the area generally bounded by Laurel Street on the south, the San Lorenzo River on the east, Cathcart Street and Soquel Avenue on the north, and Cedar Street on the west. See the attached Location Map and Figure 1 in the attached Initial Study for project area boundaries.
- 2. Project Description.** The proposed project consists of a series of amendments to the City's Downtown Recovery Plan (DRP), General Plan 2030 (GP), and Local Coastal Plan (LCP). The DRP amendments include revisions to Plan text and modifications to development guidelines and standards. The focus of the DRP amendment is to expand the location in which the "Additional Height Zones" are applied and revisions to the Chapter 4 Development Standards of the DRP. The primary proposed modification under consideration is an increase in allowable building heights in the lower Pacific Avenue area to Laurel Street and along the San Lorenzo Riverfront. The proposed General Plan amendment would the floor area ratio (FAR) for the Regional Visitor Commercial land use designation in areas where expanded height would permitted as the building height increases would also result in an increased FAR. The proposed LCP amendments include changes to policies for the San Lorenzo Urban River Plan (SLURP) component of the LCP.

The proposed amendments and potential increased building heights could result in additional development. City staff estimates that the proposed amendment to height zones could result in a net increase of approximately 711 residential units and approximately 2,200 square feet of office space with a net decrease of approximately 14,700 square feet of commercial building space over existing conditions within the study area. In comparison to potential redevelopment that could occur under the adopted *General Plan 2030*, City staff estimates that potential additional development resulting from the proposed DRP amendments could result in an increase of approximately 274 residential units and approximately 16,600 square feet of commercial and office space over what could be developed under the General Plan without the proposed DRP amendments.

3. Project Applicant. The City of Santa Cruz is the project proponent.

4. Probable Environmental Effects of the Project. After completing a preliminary review of the project, as described in Section 15060 of the CEQA Guidelines, and preparing an Initial Study for the project, which is attached or is available for review on the City's website at: <http://www.cityofsantacruz.com/departments/planning-and-community-development/environmental-documents>, the City has determined that an EIR should be prepared to assess the potentially significant environmental impacts of this project. The City has identified the following possible effects of the project as topics for analysis in the EIR. The City will consider the written comments received in response to this Notice of Preparation in determining whether any additional topics should be studied in the Draft EIR.

- *Aesthetics* – Potential aesthetic impacts related to increased building heights will be reviewed based in part on results of a building massing study prepared for the City's Planning and Community Development Department.
- *Air Quality and Greenhouse Gas Emissions (GHG)* – Potential impacts resulting from emissions related to potential future development will be reviewed.
- *Biological Resources* – Potential impacts to San Lorenzo River habitat and species due to potential development resulting from increased building heights will be reviewed.
- *Cultural Resources* – Potential impacts to historical resources with redevelopment under the proposed plan amendments will be reviewed.
- *Hydrology and Water Quality* – Exposure to flood hazards.
- *Public Services and Utilities* – Fire and police protection services, schools, parks and recreation, wastewater treatment, municipal water service and solid waste disposal will be reviewed based on potential future development that could occur as a result of the proposed amendments.
- *Traffic and Transportation* – Findings of a traffic impact analysis, which is being prepared for the City's Planning and Community Development Department, will be provided and supplemented as needed in the EIR. Updated traffic counts and level of service analyses

will be provided at area intersections. The review will address other modes of transportation in the area, including transit, pedestrian and bicycle circulation.

- *Land Use* - Review of potential project conflicts with plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect will be provided in the EIR.

4. Contact Person Name and Phone Number:

Ron Powers, Principal Planner
City of Santa Cruz Planning and Community Development Department
809 Center Street, Rm. 206
Santa Cruz, CA 95060
Phone: 831 420-5216
Email: RPowers@cityofsantacruz.com

Responses to this Notice of Preparation are due by **March 17, 2017**.

Sincerely,



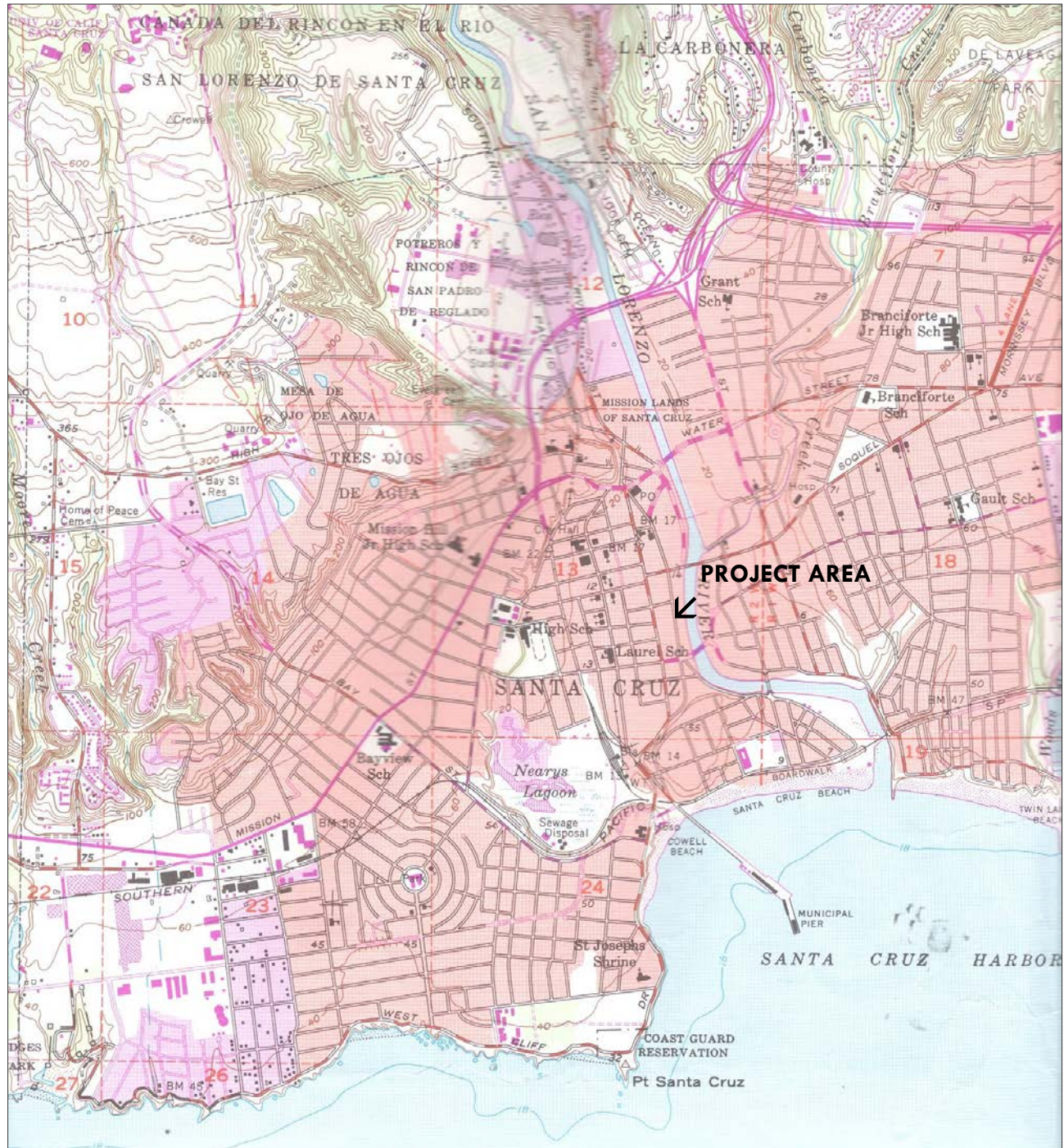
Ron Powers
Principal Planner

Attachments:

Location Map

Initial Study (Online at: <http://www.cityofsantacruz.com/departments/planning-and-community-development/environmental-documents>)

LOCATION MAP



City of Santa Cruz
INITIAL STUDY / ENVIRONMENTAL CHECKLIST

I. BACKGROUND & PROJECT DESCRIPTION

- 1. Application No:** Not Applicable
- 2. Project Title:** Downtown Recovery Plan Amendments
- 3. Lead Agency Name and Address:**
City of Santa Cruz
809 Center Street, Room 107
Santa Cruz, CA 95060
- 4. Contact Person and Phone Number:** Ron Powers, (831) 420-5216
RPowers@cityofsantacruz.com
- 5. Project Location:** A portion of the downtown area of the city of Santa Cruz in the area generally bounded by Laurel Street on the south; the San Lorenzo River on the east; Cathcart Street and Soquel Avenue on the north; and Cedar Street on the west. Figure 1 shows the boundary of the project area.
- 6. Project Applicant's/Sponsor's Name and Address:**
City of Santa Cruz
- 7. General Plan Designation:** Regional Visitor Commercial, except for the Metro Station property that is designated Community Facilities.
- 8. Zoning:** CBD-Central Business District, except for the Metro Station property that is zoned PF-Public Facilities. The southern portion of the study area is zoned CZ-O Coastal Zone Overlay Boundary,
- 9. Project Description:**

Background. The Downtown Recovery Plan (DRP) was adopted in 1991 to guide post-Loma Prieta earthquake reconstruction as the earthquake destroyed significant portions of downtown Santa Cruz. The intent was to establish policies, 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, and implementation also included amendments to the Zoning Ordinance. Specifically, DRP Chapter 4, the Development Standards and Design Guidelines, are incorporated by reference in Part 24 of the Zoning Ordinance, the Central Business District (CBD). The DRP has been modified several times over the past 25 years with the most recent change in 2016 to relocate the downtown sign regulations from the DRP to Chapter 24 of the Zoning Code.

The City Planning and Community Development Department and the Planning Commission began working on development standards for the Pacific Avenue Retail District and the Front Street/Riverfront Corridor at the request of the City Council in October 2014. The Planning Commission established two subcommittees to review and develop recommendations. The recommended amendments were forwarded to the City Council and in October 2016, the City Council directed staff to initiate environmental review on the proposed amendments.

Project Overview. The proposed project consists of a series of amendments to the City’s DRP, the GP 2030, and the LCP. The DRP amendments include revisions to Plan text and modifications to development guidelines and standards. The focus of the proposed DRP amendment is to expand the location in which the “Additional Height Zones” are applied and revisions to the Chapter 4 Development Standards of the DRP. The primary proposed modification would increase allowable building heights in the lower Pacific Avenue and lower Front Street areas and along the San Lorenzo River, between Cathcart and Laurel Streets. According to the City, these changes were initiated to provide more opportunities for housing in the core of the downtown. Increasing densities in the downtown is consistent with the overarching objectives of the City to maintain a compact downtown with a dense urban core in exchange for retaining a strong greenbelt. This amendment includes modifications to the format of the original DRP with the creation of a more formal Use Chart for ground level and upper level uses, as well as consolidating language relating to design guidelines and development standards. This amendment also includes the renaming of the plan to eliminate the “Recovery” from the title that was formerly associated with the post-earthquake reconstruction that is now mostly complete.

The proposed General Plan amendment would increase the upper limit of the floor area ratio (FAR) for the Regional Visitor Commercial land use designation in areas where expanded height would be permitted. As the building height increases would also result in an increased FAR. The proposed LCP amendments include changes to policies for the San Lorenzo Urban River Plan (SLURP) component of the LCP as further described below.

Summary of Proposed DRP Changes. The proposed amendments include minor revisions to text, reorganization of text, elimination of outdated text, and addition of new text and exhibits, including modifications to development standards regarding building height. Key proposed changes are summarized below and in Table 1.

- ☐ Remove references to the High Density Overlay (HDO) District, which was repealed in 2016 due to redundancy with the adopted *General Plan 2030* and Housing Element.
- ☐ Reorganize and combine Guideline language with Development Standard language into the same section with new standards for public passageways along Cathcart, Elm and Maple Streets.
- ☐ Introduce a percentage footprint with varying height limits for the Pacific Avenue Retail District and west of Front Street for projects taller than 55 feet. This volumetric approach is intended to ensure both vertical and horizontal variation to avoid monolithic structures.

- ❑ Increases allowable maximum building heights in three locations as shown on Figure 2 and summarized below:
 - Additional Height to 75 Feet: Extends the existing zone for additional height to the area along the west side of Pacific Avenue between Cathcart Street and Laurel Street under specified conditions. Current allowable heights are 50 to 60 feet.
 - Additional Height to 85 Feet: Extends the existing zone for additional height to 75 feet between Pacific Avenue and Front Street (between Cathcart and Laurel) under certain conditions and up to 85 feet for a smaller portion of large sites. Current allowable heights are primarily feet except for parcels south of Cathcart that are within 60 to 75 height zones.
 - Additional Height to 70 Feet: Creates a new zone that would change the maximum height from 50 feet to 70 feet under specific conditions along the east side of Front Street between Soquel Avenue and Laurel Street.

The Draft Plan requires the top floor of Front Street properties to not exceed 60% of the floor below and 60% of the building length, thereby ensuring that the skyline views will avoid a linear wall of building mass.
- ❑ Change the upper level stepback 42 degree or 52 degree standard to a numeric stepback approach above a specific height. A stepback is generally an upper floor building setback.
- ❑ The Draft Plan includes language to require the sloped side of the river levee between the levee and the private property to be filled with earth to achieve a similar elevation between the Riverwalk and the adjacent private development for the purposes of encouraging more connections to the Riverwalk. The original DRP did encourage filling along the levee, but the proposed language makes this public objective a mandatory design feature for new development.
- ❑ Include a Use Chart in a table format for both ground level and upper level uses for each of the four CBD subdistricts. This modification allows for easier reference with notes to details about particular uses. Very few changes are proposed to the allowable uses, but the proposed revisions include prohibition of cannabis dispensary facilities as a result of the passage of state Proposition 64, the ballot measure to allow personal recreational use of marijuana.

Neither the existing DRP nor the proposed amendments provide an exhaustive list of all potential and foreseen uses for the CBD subdistricts. The proposed DP does include more uses not mentioned in the original DRP, including required Community Care, Family Day Care and Supportive and Transitional Housing uses that are required by State Law. The proposed DP also includes a provision that allows the Zoning Administrator to determine whether a proposed unlisted use would be considered similar in nature to other listed uses that support the objectives of the DP and the CBD.

Potential Downtown Plan Area Buildout with Amendments. The proposed amendments will allow increased building heights in specified locations and under specified conditions. City Planning Department staff developed an estimate of potential buildout without and with the

proposed amendments for the purpose of evaluating potential environmental impacts as part of the CEQA review. It is estimated that the proposed amendment to expand the Additional Height Zones” could result in a net increase of approximately 711 residential units and approximately 2,200 square feet of office space with a net decrease of approximately 14,700 square feet of commercial building space over existing conditions within the study area. In comparison to potential redevelopment under the adopted *General Plan 2030*, City staff estimates that potential additional development resulting from the proposed DRP amendments could result in an increase of approximately 274 residential units and approximately 16,600 square feet of commercial and office space over what could be developed under the existing General Plan without the proposed DRP amendments.

Summary of Proposed LCP Amendment. A portion of the downtown lies within the coastal zone. Chapter 4 of the Downtown Recovery Plan is incorporated by reference in the CBD zone district, and the district is part of the implementation section of the LCP. Thus, revisions to the DRP Chapter 4 require review and approval by the California Coastal Commission.

In addition to the development standards of Chapter 4, there are also several LCP land use policies that are proposed to be modified. Since the original certification of the City’s LCP in 1985, additional plans have been prepared and policies incorporated into the LCP as amendments. The City adopted the San Lorenzo Urban River Plan (SLURP) in 2003 as a resource management protection plan for the river. Subsequent to the City Council approval, several resource-related and land use policies were included in the LCP by the Coastal Commission as an amendment to the City’s LCP. There are 11 SLURP policies that pertain to Front Street development, several of which are directed to areas outside of the coastal zone. The proposed amendment would remove these policies, nine of which are certified LCP policies, and add two new LCP policies.

10. Public Agencies Whose Approval or Review Is Required:

- California Coastal Commission: Approval of LCP amendment

II. ENVIRONMENTAL SETTING

The city of Santa Cruz is located at the northern edge of Monterey Bay. The project area encompasses approximately 12 acres in the lower downtown area of the City of Santa Cruz within the boundaries of the existing adopted DRP. Boundaries of the DRP plan area are: Laurel Street on the south, Cedar and Center Streets on the west, River and Water Streets on the north, and the top of the west levee of the San Lorenzo River on the east. The project area is the portion of the DRP area that is generally bounded by Laurel Street on the south; the San Lorenzo River on the east; Cathcart Street and Soquel Avenue on the north; and Cedar Street on the west. The project area is developed primarily with a mix of commercial uses with some upper floor office and residential uses. The area also includes the approximately 2-acre Metro Station, owned and operated by the Santa Cruz Metropolitan Transit District that serves as the bus plaza for the downtown area.

Table 1: Summary of Key Proposed DRP Amendments

Chapter	Existing	Proposed
Introduction, Executive Summary, Chapters 1, 2 and 3	Downtown Recovery Plan	All references to the updated plan refer to the plan as Downtown Plan (DP), except where specifically referring to the original document.
	The existing DRP uses the 1989 Loma Prieta earthquake as a baseline for describing character of the CBD zone. Language indicating historic character or historic fabric of the CBD meant pre-1989 earthquake character.	Some language has been modified to note that the City has had 25 years of post-earthquake development and recognizes that the CBD character has changed.
	Summary of the Plan Recommendations	Text clarifies that language represents recommendations in 1991.
	References to flood improvements.	Updated to reflect improvements to the San Lorenzo River levee made since the Loma Prieta earthquake.
	Descriptions and boundaries of the four CBD subdistricts - Pacific Avenue Retail, Front Street / Riverfront Corridor, Cedar Street Village Corridor, and North Pacific.	The general descriptions of the purposes and character of these four areas remain the same. The height map is moved to Chapter 4 with the other Development Standards.
	Reference and description of the High Density Overlay (HDO) District.	Text eliminated as the HDO was repealed in 2016.
Chapter 4 Prohibited Uses	The DRP was formatted to describe allowable uses by each of the four CBD subdistricts and further defined by ground floor and upper floor uses. The allowable uses were written in paragraph form and repeated for each subdistrict.	Reorganizes the allowable uses for all the CBD districts into a table format, similar to the Citywide code update format that will be more consistent with all zoning districts in the future. Adds two tables: one for ground level uses and one for upper floor uses.
	Prohibited uses are listed within Chapter 4 of the Plan. The Plan also includes a list of amortized uses that are to be phased out by October 2020.	Adds Medical and Recreational cannabis service providers to the list of prohibited uses within the Central Business District. No change is proposed for the types of uses that are listed to be phased out of the CBD by October 2020.
	Existing "Additional Height Zones" are located generally north of Cathcart and west of Front Street.	Expands zones of additional height to areas along lower Pacific Avenue and lower Front Street.
Chapters 5, 6 and 7	Circulation and Parking Plan, Streetscape and Open Space Plan, and Implementation and Management Strategy chapters remain intact.	The language of Chapters 5, 6 and 7 were not re-addressed with this update.
Appendices	<p>Appendix 3 – Sign Regulations</p> <p>5 – Floor Area Ratio (ordinance)</p> <p>6 – Additional Height Zone C (specific to upper Pacific Avenue)</p> <p>7 – Live Entertainment (ordinance)</p>	<p>Appendix 3 – Downtown Sign regulations previously were moved to the Zoning Ordinance, Chapter 24.12.</p> <p>Appendix 5 – Floor Area Ratio ordinance appendix deleted as being obsolete in the CBD.</p> <p>Appendix 6 – The Additional Height Zone C and the High Density Overlay Zone have been eliminated. Height Zone C is integrated with Additional Height Zone A; HDO Zone was repealed in 2016.</p> <p>Appendix 7 – Live Entertainment ordinance are in the Zoning Code Chapter 24.</p>
Exhibits	Downtown Landscape Program	No change.
List of Maps and Diagrams	<p>Land Use Concept</p> <p>Height</p> <p>Housing</p> <p>Zone A – Additional Height Standards</p> <p>Zone B – Additional Height Standards</p> <p>Many other diagrams listed.</p>	<p>Land Use Concept remains the same</p> <p>Height Map relocated to Chapter 4.</p> <p>Housing Map deleted as it represented the High Density Overlay Zone, which is now obsolete with the General Plan 2030.</p> <p>Additional Height Zones A and B are in Chapter 4.</p>

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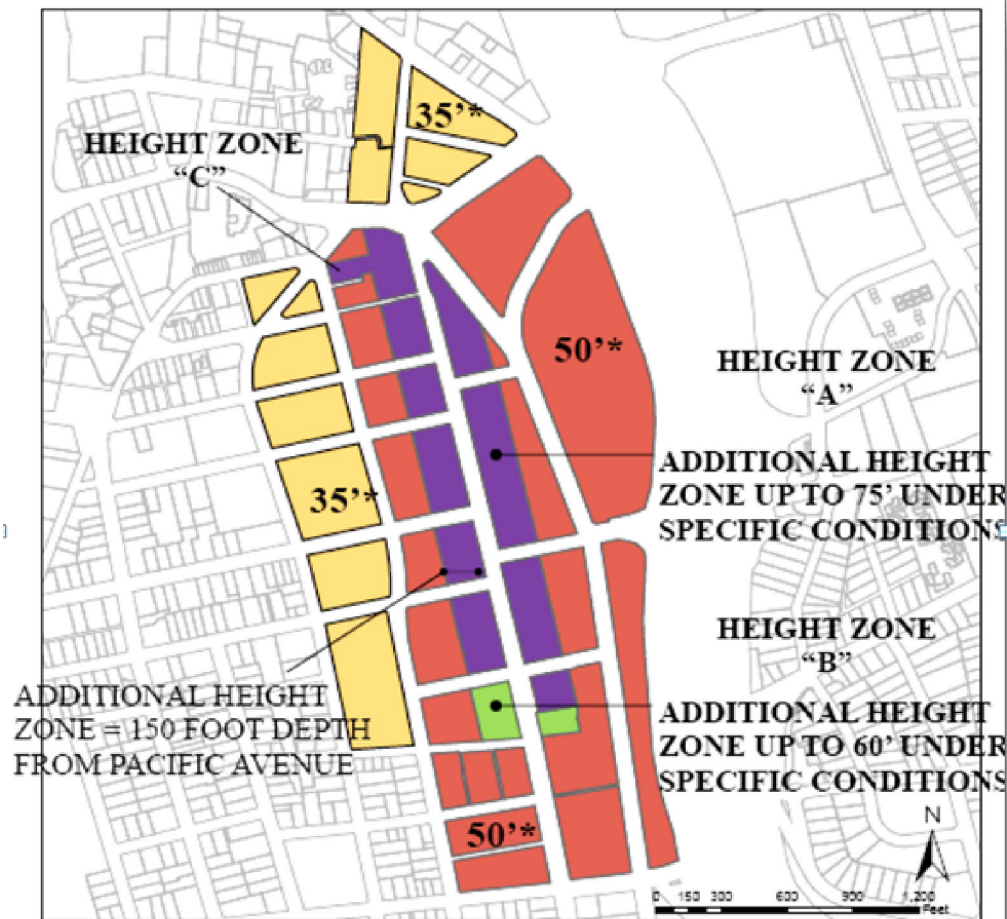
SOURCE: Bing (accessed 2017), County of Santa Cruz 2015

DUDEK

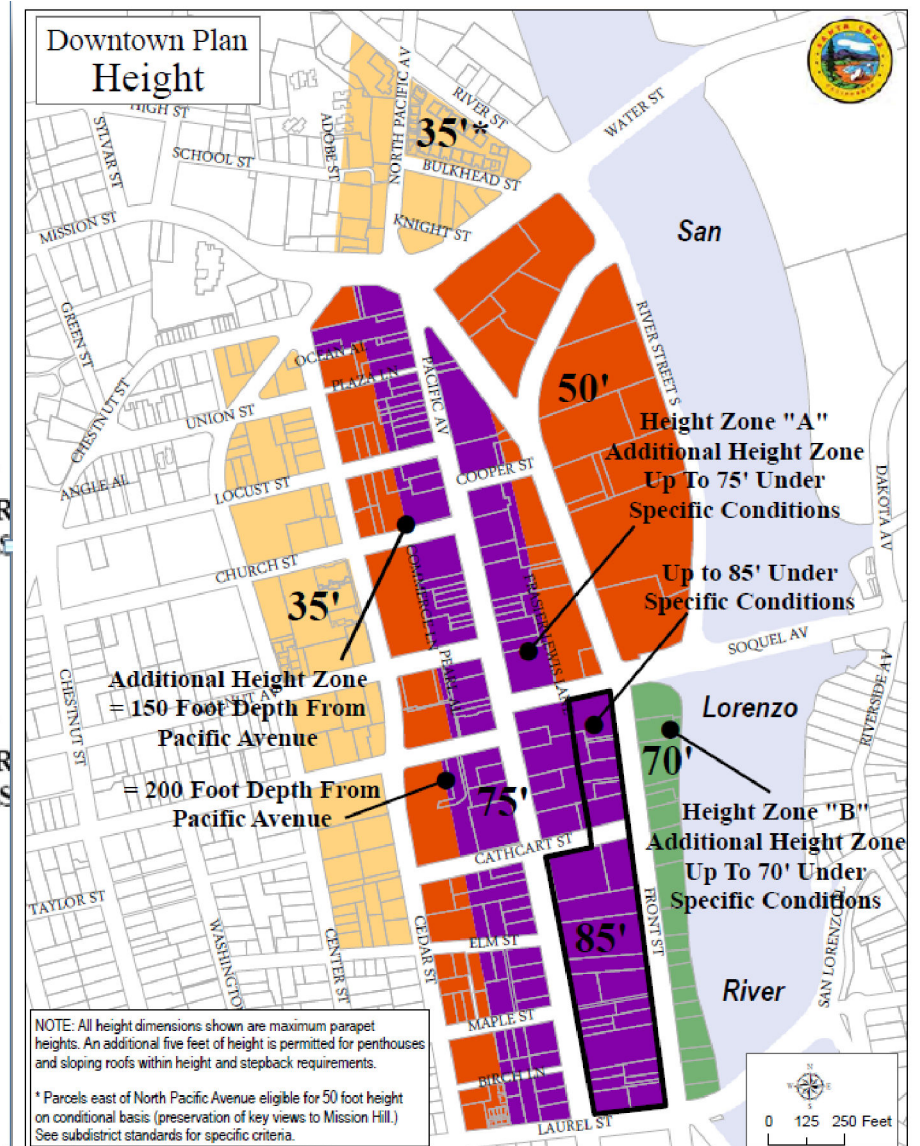
FIGURE 1

Plan Area Location Map

Existing Additional Height Zones



Proposed Additional Height Zones



SOURCE: City of Santa Cruz Planning and Community Development Department

DUDEK

FIGURE 2
Existing and Proposed Additional Height Zones

III. ENVIRONMENTAL CHECKLIST

Environmental Factors Potentially Affected by the Project: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

✓	Aesthetics		Agricultural & Forest Resources	✓	Air Quality
✓	Biological Resources	✓	Cultural Resources & Tribal Cultural Resources	✓	Geology / Soils
✓	Greenhouse Gas Emissions		Hazards & Hazardous Materials	✓	Hydrology / Water Quality
✓	Land Use / Planning		Mineral Resources	✓	Noise
✓	Population / Housing	✓	Public Services	✓	Recreation
✓	Transportation / Traffic	✓	Utilities/Service Systems	✓	Mandatory Findings of Significance

Instructions to Environmental Checklist

1. A brief explanation is required (see VI. "Explanation of Environmental Checklist Responses") for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question (see V. Source List, attached). A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that any effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.

5. Earlier Analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following on attached sheets:
 - a) *Earlier Analysis used.* Identify earlier analyses and state where they are available for review.
 - b) *Impacts adequately addressed.* Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) *Mitigation measures.* For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluation each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?			✓	
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?			✓	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	✓			
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			✓	
2. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement Methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (V.1b-Figure 4.15-1 in DEIR)				✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✓
d) Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	✓			
b) Violate any air quality standard or contribute to an existing or projected air quality violation?			✓	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			✓	
d) Expose sensitive receptors to substantial pollutant concentrations?			✓	
e) Create objectionable odors affecting a substantial number of people?				✓
4. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			✓	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			✓	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		✓		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓
5. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	✓			
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?			✓	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			✓	
d) Disturb any human remains, including those interred outside of formal cemeteries?			✓	
e) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074?				✓
6. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: <ul style="list-style-type: none"> i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. (V.1a) ii. Strong seismic ground shaking? iii. Seismic-related ground failure, including liquefaction? iv. Landslides? (V.1b-DEIR Figure 4.10-3) 			✓ ✓ ✓	✓ ✓
b) Result in substantial soil erosion or the loss of topsoil?			✓	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✓	

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (V.8b)				✓
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				✓
7. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				✓
8. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				✓
b) 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?				✓
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ miles of an existing or proposed school?				✓
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				✓
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				✓
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires,				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				
9. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?				✓
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (for example, the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				✓
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				✓
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				✓
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			✓	
f) Otherwise substantially degrade water quality?			✓	
g) Place housing within a 100-year flood-hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (V.1b-Figure 4.7-1 in DEIR)	✓			
h) Place within a 100-year flood-hazard area structures which would impede or redirect flood flows? (V.1b-Figure 4.7-1 in DEIR)	✓			
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				✓
j) Inundation by seiche, tsunami, or mudflow? (V.1b-Figure 4.7-2 in DEIR)	✓			

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
10. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				✓
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				✓
c) Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?				✓
11. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (V.1a)				✓
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				✓
12. NOISE: Would the project:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?		✓		
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?				✓
c) Substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
13. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	✓			
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓
14. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or need for new or physical altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
a) Fire protection?			✓	
b) Police protection?			✓	
c) Schools?			✓	
d) Parks?			✓	
e) Other public facilities?				✓
15. RECREATION. Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			✓	
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓
16. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	✓			
b) Conflict with an applicable congestion management program, including, but not limited to level of				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				✓
d) Substantially increase hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?				✓
e) Result in inadequate emergency access?				✓
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				✓
17. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				✓
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			✓	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	✓			
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			✓	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			✓	
g) Comply with federal, state, and local statutes and regulations related to solid waste?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
18. MANDATORY FINDINGS OF SIGNIFICANCE. Would the project:				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				✓
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.)		✓		
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				✓

DISCUSSION OF ENVIRONMENTAL CHECKLIST

See Section **VI--ENVIRONMENTAL EVALUATION** for discussion.

IV. DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	
I find that the proposed project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.	✓*
I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	



Ron Powers, Principal Planner

2/14/2017

Date

* Topics to be addressed in EIR as identified and discussed in this Initial Study include:

- Aesthetics
- Air Quality and Greenhouse Gas Emissions
- Biological Resources – Riparian Habitat
- Cultural Resources – Historic Resources
- Hydrology – Exposure to Flood Hazards
- Public Services and Utilities
- Transportation and Traffic
- Land Use Review of Project Conflicts with Adopted Plans and Regulations

V. REFERENCES AND DATA SOURCE LIST

1. City of Santa Cruz General Plan and EIR
 - a) Adopted June 26, 2012. *General Plan 2030*. Available online at: <http://www.cityofsantacruz.com/departments/planning-and-community-development/general-plan-2030>
 - b) April 2012. "City of Santa Cruz *General Plan 2030* Final EIR." [SCH#2009032007] Certified June 26, 2012. Includes Draft EIR document, dated September 2011. Available online at: <http://www.cityofsantacruz.com/departments/planning-and-community-development/general-plan-2030>
2. City of Santa Cruz Adopted Plans.
 - a) Adopted August 2016. *2015 Urban Water Management Plan*. Prepared by City of Santa Cruz Water Department.
 - b) Adopted 2013. *City of Santa Cruz Local Hazard Mitigation Plan 2012-2017*.
 - c) Adopted by City Council on February 28, 2006 and certified by the California Coastal Commission on May 9, 2008. *City-wide Creeks and Wetlands Management Plan*.
3. City of Santa Cruz Redevelopment Agency. July 1991. *Final Environmental Impact Report for the City of Santa Cruz Downtown Recovery Plan*. Includes Draft Environmental Impact Report, dated May 1991, prepared by EIP Associates.
4. Monterey Bay Unified Air Pollution Control District.
 - a) April 17, 2013, Adopted. "Triennial Plan Revision 2009 – 2011." Final.
 - b) August 2008. *2008 Air Quality Management Plan for the Monterey Bay Region*.
 - c) February 2008. "CEQA Air Quality Guidelines."
 - d) Adopted April 1996-Revised February 2016. *Guidelines for Implementing the California Environmental Quality Act*.

Initial Study Preparation: Dudek (Stephanie Strelow and Anais Schenk) in association with the City of Santa Cruz Planning and Community Development Department

VI. EXPLANATION OF ENVIRONMENTAL CHECKLIST RESPONSES

Introduction

As defined in the State CEQA Guidelines (section 15382 [pursuant to Public Resources Code sections 21083 and 21068]), 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.

Section 15064(d) of the State CEQA Guidelines indicates that an evaluation of significant effects “shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.” This section further specifies that 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.

The proposed project consists of amendments to the adopted DRP, GP and LCP. Adoption of the plan amendments would not directly result in development, and the proposed amendments do not include site-specific development. However, the proposed amendments would expand the geographical areas in which increased building heights may be allowed under specified conditions, which could result in additional building floors as part of future redevelopment in the area. Therefore, the amendments could lead to reasonably foreseeable indirect physical changes in the environment as discussed below. For the purposes of the CEQA analysis, City staff has estimated a potential net increase in future development of approximately 711 residential units and approximately 2,200 square feet of office space with a net decrease of approximately 14,700 square feet of commercial building space within the study area.

1. Aesthetics.

In accordance with the California Environmental Quality Act (CEQA), State CEQA Guidelines, City of Santa Cruz plans and policies, and agency and professional standards, a project impact would be considered significant if the project would:

- *Have a substantial adverse effect on a scenic vista;*
- *Substantially damage scenic resources, including visually prominent trees, rock outcrops, or historic buildings along a state scenic highway;*
- *Substantially degrade the existing visual character or quality of the site and surroundings, i.e., be incompatible with the scale or visual character of the surrounding area; or*
- *Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.*

The project area is located along lower Pacific Avenue and lower Front Street, extending to the San Lorenzo River on the east and almost to Cedar Street on the west. According to maps developed for the City’s *General Plan 2030* and included in the General Plan EIR, the project site is not within a mapped panoramic view. Urban views, including those of the project site, are identified along the San Lorenzo levee (SOURCE V.1c-Figure 4.3-1).

The existing DRP allows for building height increases to up to 75 feet in specified situations along Pacific Avenue north of Cathcart Street and for an already developed parcel on the southeast

corner of Cathcart and Pacific. The proposed amendments would permit Increases in allowable heights in three locations as shown on Figure 2. The EIR for the DRP concluded that the additional height areas would not significantly impact the visual character of the area with implementation of the development standards and design guidelines included in the DRP, including upper floor setbacks.

Although, the proposed project does not include site-specific development proposal, the proposed amendments would expand the geographical areas in which increased building heights may be allowed under specified conditions. The Plan also includes design guidelines and development standards that would remain largely unchanged and would serve to guide structural siting and design. However, analysis of potential increases in building height and effects of future development on the visual character of the project area and surroundings require further review in an EIR. The analysis will review potential future building mass and scale based on a building mass study being prepared for the City Planning and Community Development Department. The EIR analysis will address impacts to scenic views, scenic resources, and light and glare, although no significant impacts are anticipated.

2. Agriculture and Forest Resources.

In accordance with the California Environmental Quality Act (CEQA), State CEQA Guidelines, City of Santa Cruz plans and policies, and agency and professional standards, a project impact would be considered significant if the project would:

- *Convert prime farmland, unique farmland or farmland of state importance to non-agricultural uses;*
- *Conflict with existing zoning for agricultural use or a Williamson Act contract;*
- *Conflict with existing zoning for, or cause rezoning of, forest land;*
- *Result in the loss of forest land or conversion of forest land to non-forest use; or*
- *Involve other changes to the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use.*

The project area does not contain prime or other agricultural lands as mapped on the State Farmland Mapping and Monitoring Program, but is designated as “Urban and Built-up Land” (SOURCE V.1b-DEIR Figure 4.3-1). The area is not designated for agricultural uses in the City’s General Plan and is not located adjacent to lands that are in agricultural production. Therefore, the project would not interfere or conflict with agricultural operations. There are planted street trees within the project area, but these trees are not considered timber resources. The project area is not zoned Timberland Preserve. Thus, the proposed project would not result in or lead to the conversion of agricultural or forest lands to other uses.

3. Air Quality.

In accordance with the California Environmental Quality Act (CEQA), State CEQA Guidelines, City of Santa Cruz plans and policies, and agency and professional standards, a project impact would be considered significant if the project would:

- *Conflict with or obstruct implementation of the applicable air quality plan;*

- *Violate any air quality standards or contribute substantially to an existing or projected air quality violation, i.e. result in generation of emissions of or in excess of 137 pounds per day for VOC or No_x, 550 pounds per day of carbon monoxide, 150 pounds per day of sulfur oxides (SO_x), and/or 82 pounds per day of PM₁₀ (due to construction with minimal earthmoving on 8.1 or more acres per day or grading/excavation site on 2.2 or more acres per day for PM₁₀) pursuant to impact criteria for significance developed by the MBUAPCD (MBUAPCD, "CEQA Air Quality Guidelines," February 2008);*
- *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors);*
- *Expose sensitive receptors to substantial pollution concentrations; or*
- *Create objectionable odors affecting a substantial number of people.*

(a) Conflict with Air Quality Management Plan. In 1991, the Monterey Bay Unified Air Pollution Control District (MBUAPCD), now named to the Monterey Bay Air Resources District (MBARD), adopted the *Air Quality Management Plan* (AQMP) for the Monterey Bay region in response to the California Clean Air Act of 1988, which established specific planning requirements to meet the ozone standards. The MBUAPCD has updated the AQMP five times. The most recent update, the Triennial Plan Revision 2009-2011, adopted in 2013, builds on and updates information developed in past AQMPs. The primary elements from the 2008 AQMP that were updated in the 2012 revision include the air quality trends analysis, emission inventory, and mobile source programs (SOURCE V.4a). The proposed project could indirectly lead to increased development intensity as properties in the project area redevelop due to proposed expansion of "Additional Height Zones" and potential increased building heights. Potential conflicts with the AQMP will be reviewed in the EIR based on MBARD methodologies.

(b-c) Project Emissions. To protect public health, both the U.S. Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established ambient air quality standards (AAQS) that are the maximum levels of ambient (background) air pollutants considered safe, with an adequate margin of safety to protect public health and welfare. The national standards address six criteria pollutants, including ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, fine particulate matter (both PM₁₀ and PM_{2.5}, which refer to particles less than 10 microns and 2.5 microns, respectively), and lead. The state standards, which are generally more stringent than the federal standards, apply to the same pollutants as the federal standards do, but also include sulfate, hydrogen sulfide, and vinyl chloride.

The North Central Coast Air Basin (NCCAB), in which the project site is located, is under the jurisdiction of the MBARD and includes Santa Cruz, Monterey and San Benito Counties. The NCCAB is currently in attainment for the federal PM₁₀, ozone, nitrogen dioxide, sulfur dioxide, and carbon monoxide standards and is unclassified or attainment for the federal PM₂₅ and lead standards. The basin is designated non-attainment for the state ozone and PM₁₀ standards, and is in attainment for all other state standards, except for carbon monoxide for which it is unclassified. The MBARD's 2013 AQMP identifies a continued trend of declining ozone emissions in the Air Basin primarily related to lower vehicle miles traveled (SOURCE V.4a).

The project could indirectly result in generation of air emissions through new regional vehicle trips associated with potential future development accommodated by the proposed plan amendments. The timing, rate and amount of future development are not known. Future development projects are required to conduct air emissions calculations for projects whose size exceeds significant screening sizes presented in the AQMP to determine whether emissions exceed MBARD's adopted significance thresholds or potentially violate air quality standards. However, potential indirect impacts related to air emissions resulting from future development will be evaluated in an EIR. The MBARD's "CEQA Air Quality Guidelines," indicate that 8.1 acres could be graded per day with minimal earthmoving or 2.2 acres per day with grading and excavation without exceeding the PM₁₀ threshold of 82 lbs/day. The project area is approximately 12 acres in size, comprised of multiple properties. It is unlikely that any single future development project would exceed these guidelines.

(d) Sensitive Receptors. The project area is located within the developed downtown area of the city of Santa Cruz. Some existing buildings support upper level residential uses, and the DRP supports additional upper floor residential uses. Given the City's existing General Plan designations and zone districts, future development would consist of a mix of commercial and residential uses, but would not be expected to result in industrial development or uses that typically could expose sensitive receptors to substantial pollutant concentrations from a stationary emissions source. For CEQA purposes, a sensitive receptor is defined as any residence, including private homes, condominiums, apartments, and living quarters; education resources such as preschools and kindergarten through grade twelve (k-12) schools; daycare centers; and health care facilities such as hospitals or retirement and nursing homes (SOURCE V.4c).

Diesel particulate matter was identified as a toxic air contaminant (TAC) by the State of California in 1998. Following the identification of diesel as a TAC, the California Air Resources Board (CARB) developed a comprehensive strategy to control diesel PM emissions. The "Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles"—a document approved by ARB in September 2000—set goals to reduce diesel PM emissions in California by 75% by 2010 and 85% by 2020. This objective would be achieved by a combination of approaches (including emission regulations for new diesel engines and low sulfur fuel program). An important part of the Diesel Risk Reduction Plan is a series of measures for various categories of in-use on- and off-road diesel engines, which are generally based on the following types of controls:

- Retrofitting engines with emission control systems, such as diesel particulate filters or oxidation catalysts,
- Replacement of existing engines with new technology diesel engines or natural gas engines, and
- Restrictions placed on the operation of existing equipment.

Once the Diesel Risk Reduction Plan was adopted, the CARB started developing emission regulations for a number of categories of in-use diesel vehicles and equipment. In July 2007, the CARB adopted regulations for in-use, off-road diesel vehicles that will significantly reduce

particulate matter emissions by requiring fleet owners to accelerate turnover to cleaner engines and install exhaust retrofits.

Future development in the project area as a result of the proposed amendments would result in construction that may involve use of trucks and equipment that will emit diesel exhaust, including diesel particulate matter, a designated toxic air contaminant. There are some existing sensitive receptors (residential uses) within the project area that could be exposed to diesel exhaust emissions associated with future construction in the area. It is noted that future redevelopment of the study area could occur without the proposed plan amendments, but the proposed DRP amendment could result in additional building height and floors. Construction-related diesel emissions would be of limited duration (i.e., primarily during grading) and temporary. Furthermore, the State is implementing emission standards for different classes of on- and off-road diesel vehicles and equipment. Additionally, Title 13 of the California Code of Regulations (section 2485(c)(1)) prohibits idling of a diesel engine for more than five minutes in any location. Thus, it is not expected that the proposed project would indirectly expose sensitive receptors to diesel emissions and associated risks, but this will be further reviewed in the EIR.

(e) Odors. The proposed DRP, GP and LCP amendments would not result in changes to the type of permitted commercial and residential uses for the area. These existing permitted uses within the City's developed downtown setting typically would not be the type to create objectionable odors.

4. Biological Resources.

In accordance with the California Environmental Quality Act (CEQA), State CEQA Guidelines, City of Santa Cruz plans and policies, and agency and professional standards, a project impact would be considered significant if the project would:

- *Have a substantial adverse effect, either directly or through habitat modifications on; or substantially reduce the number or restrict the range of any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;*
- *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service;*
- *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;*
- *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;*
- *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance;*
- *Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan;*
- *Substantially reduce the habitat of a fish or wildlife species;*

- Cause a fish or wildlife population to drop below self-sustaining levels; or
- Threaten to eliminate a plant or animal community.

(a-c) Special Status Species and Sensitive Habitat Areas. The project area is currently developed and does not support special status species. According to maps developed for the City's *General Plan 2030* and included in the General Plan EIR, the project area is not within a mapped sensitive habitat area (SOURCE V.1c-Figure 4.8-3). However, the San Lorenzo River is located along the eastern edge of the study area. The City's *City-wide Creeks and Wetlands Management Plan* establishes requirements for structural setbacks and development standards and guidelines that would be applicable to future development. The proposed plan amendments would expand areas where additional building heights may be permitted. Although, taller buildings would not be expected to adversely affect the adjacent river habitat, potential effects on aquatic habitat and species due to potential increased building heights and increased shadows and/or lighting will be further assessed in an EIR.

(d) Wildlife Movement/Nesting. Wildlife corridors are segments of land that provide a link between these different habitats while also providing cover. Wildlife dispersal corridors, also called dispersal movement corridors, wildlife corridors or landscape linkages, are features whose primary wildlife function is to connect at least two significant or core habitat areas and which facilitate movement of animals and plants between two or more otherwise disjunct habitats (SOURCE V.1b-DEIR). Three main corridors have been identified within the City that could provide connectivity between core habitats within or adjacent to the city: western corridor (Moore Creek), central corridor (San Lorenzo River and major tributaries), and eastern corridor (Arana Gulch) (Ibid.).

The project area is within an existing developed area, and future redevelopment would not affect wildlife movement along the river corridor as future development would be within the existing development footprint in the downtown area. Furthermore, future development with or without the proposed plan amendments would be required to comply the City's *City-wide Creeks and Wetlands Management Plan*, which establishes requirements for structural setbacks that would protect wildlife movement in the corridor. Therefore, adoption and implementation of the proposed plan amendments would not directly or indirectly substantially interfere with wildlife movement or with established wildlife corridors.

There are areas along the San Lorenzo River of known bird nesting sites. Further review of adjacent habitat and resources will be provided in an EIR. While the project will not directly result in new construction that would affect nesting birds, future development accommodated by the proposed amendments could result in impacts to nesting birds at the time of construction. However, measures in the *City-wide Creeks and Wetlands Management Plan* include pre-construction surveys where construction may affect nesting birds in order to prevent disturbance if nesting is occurring when construction is initiated. Tree removal during the breeding season (generally March 1 to August 1) also could result in direct mortality to nesting avian species protected under the Migratory Bird Treaty Act due to destruction if active nest sites are present. Construction activity for a prolonged period could affect nesting adults and result in nest

abandonment or failure. This is considered a *potentially significant impact*. Implementation of the pre-construction nesting surveys as set forth in the adopted Creeks Plan would reduce impacts to a less-than-significant level.

(e) Conflicts with Local Ordinances - Tree Removal. There are planted street trees throughout the downtown area. Future development under the DRP could result in tree removal, which could also occur under existing conditions without the proposed plan amendments.

Chapter 9.56 of the City Municipal Code defines heritage trees, establishes permit requirements for the removal of a heritage tree, and sets forth mitigation requirements as adopted by resolution by the City Council. Resolution NS-23,710 adopted by the City Council in April 1998 establishes the criteria for permitting removal of a heritage tree and indicates that one or more of the following findings must be made by the Director of Parks and Recreation:

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

City regulations require tree replacement for approved to include replanting three 15-gallon or one 24-inch size specimen or the current retail value which shall be determined by the Director of Parks and Recreation. Removal would be permitted if found in accordance with the above criteria and requirements. Approval of a tree removal permit automatically requires replacement trees as set forth above. Removal of a heritage tree that is consistent with the criteria, provisions, and requirements set forth in City ordinances is not considered a significant impact. Since future development would be subject to City regulations, any future removal of trees would be required to comply with City requirements, and therefore, any removed heritage trees would be replaced in the ratio required by the City and no significant impacts related to conflicts with local ordinances would occur.

(f) Habitat Conservation Plans. There are no adopted Habitat Conservation or Natural Community Conservation Plans in the project vicinity.

5. Cultural Resources.

In accordance with the California Environmental Quality Act (CEQA), State CEQA Guidelines, City of Santa Cruz plans and policies, and agency and professional standards, a project impact would be considered significant if the project would:

- *Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the State CEQA Guidelines*;*
- *Cause a substantial adverse change in the significance of an archaeological resource;*
- *Disturb any human remains, including those interred outside of formal cemeteries;*

- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074.

**Pursuant to CEQA Guidelines, "historical resources include a resource listed in, or determined to be eligible for listing in the California Register of Historical Resources; a resource included in a local register of historical resources; and any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.*

A "substantial adverse change in the significance of an historical resource" means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. The significance of an historical resource is materially impaired when a project demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources or local register of historical places.

(a) Historical Resources. According to maps developed for the City's *General Plan 2030* and included in the General Plan EIR, the southwestern corner of the project area may be within a designated national historic district (SOURCE V.1c-DEIR Figure 4.9-4). Additionally, there are some structures within the study area that included in the City's Historic Building Survey. The proposed DRP, GP and LCP amendments do not change the area of future development, and the overall potential building footprints would remain unchanged. The proposed DRP amendments would allow for increased height in specific locations and under specified conditions, but would not change the area in which development and/or redevelopment could occur under existing adopted plans. However, potential indirect impacts to historical resources as a result of the project's proposed increased heights will be assessed in an EIR.

(b, d) Archaeological Resources. According to maps developed for the City's *General Plan 2030* and included in the General Plan EIR, the project site is within a mapped "sensitive" archaeological area (SOURCE V.1b-DEIR Figure 4.9-1) and within a "sensitive" historical archaeological area (SOURCE V.1b-DEIR Figure 4.9-3). The DRP EIR reported that archaeological sensitive areas are within several blocks of the downtown area, and excavations for large buildings and other construction could uncover buried unknown resources, although deep subsurface prehistoric sites were not expected (SOURCE V.3).

The City's General Plan (Action HA1.2.2) requires preparation of archaeological investigations on sites proposed for development within designated sensitive archaeological and/or historical archaeological areas, except for exempt uses within "sensitive" areas as described below.

HA1.2.2. Require preparation of archaeological investigations on sites proposed for development within areas identified as "Highly Sensitive" or "Sensitive" on the "Areas of Historical Archaeological Sensitivity" map, except for exempt uses within "Sensitive" areas as described below, prior to approval of development

permits. The investigation shall include archival research, site surveys and necessary supplemental testing as may be required, conducted by a qualified archaeologist. The significance of identified resources shall be ascertained in accordance with CEQA definitions, and impacts and mitigation measures outlined if significant impacts are identified, including, but not limited to recovery options and onsite monitoring by an archaeologist during excavation activities. A written report describing the archeological findings of the research or survey shall be provided to the City. Minor projects with little excavation may be exempt from this requirement. Minor projects generally involve spot excavation to a depth of 12 inches or less below existing grade, or uses that have virtually no potential of resulting in significant impacts to archaeological deposits. Exempt projects may include: building additions, outdoor decks, or excavation in soil that can be documented as previously disturbed.

The General Plan EIR included Mitigation Measure 4.9-1 that requires archaeological investigations for any designated site within areas of archaeological sensitivity as well as sensitive historical archaeological areas. Therefore, future site-specific development projects in designated sensitive areas would be required to comply with this provision and conduct archaeological investigations and incorporate measures if needed to mitigation impacts to archaeological resources. Additionally, all development is subject to provisions of the City's Municipal Code section 24.12.430 that requires construction to stop if archaeological resources or human remains are accidentally discovered during construction and sets forth a procedure for notification, evaluation and mitigation, if the find is determined to be a significant resource. The DRP EIR includes Mitigation 4.3-1 that requires stopping of construction if cultural resources are identified, which is similar to the provisions of the City's Municipal Code described above.

The proposed DRP, GP and LCP amendments do not change the area of future development, and the overall potential building footprints would remain unchanged. The proposed DRP amendments would allow for increased height in specific locations and under specified conditions, but would not change the area in which development and/or redevelopment is currently permitted. Therefore, with implementation of required archaeological investigations required by the General Plan, future development indirectly accommodated under the existing DRP or with the proposed DRP and LCP amendments would not result in a significant impact.

(c) Paleontological Resources. According to maps developed for the City's *General Plan 2030* and included in the General Plan EIR, the project area is located within an area mapped as Holocene Alluvium formation (SOURCE V.1b-DEIR Figure 4.9-5). Four geologic units within the City are known to contain fossils: Late Pleistocene alluvium; the Purisima Formation; the Santa Cruz Mudstone; and the Santa Margarita Sandstone (SOURCE V.1b-DEIR). Although Holocene alluvium is generally considered too young to contain paleontological resources, this geologic unit is moderately sensitive for paleontological resources because it is underlain by sedimentary geologic units that have a high paleontological sensitivity (Ibid.). General Plan Action HA1.2.3 requires the City to notify applicants within paleontologically sensitive areas of the potential for encountering such resources during construction and condition approvals that work would be halted and resources

examined in the event of encountering paleontological resources during construction. If the find is significant, the City would require treatment of the find in accordance with the recommendations of the evaluating paleontologist. Treatment may include, but is not limited to, specimen recovery and curation or thorough documentation.

The proposed DRP, GP and LCP amendments do not change the area of future development, and overall building footprints would remain unchanged. Future construction within the project area could result in discovery of unknown paleontological resources with or without the proposed project. With application of the notification process required by the General Plan, future development would not result in significant impacts in the event that paleontological resources are discovered during construction.

(e) Tribal Cultural Resources. State Assembly Bill 52, effective July 1, 2015, recognizes that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities. The law establishes a new category of resources in the California Environmental Quality Act called “tribal cultural resources” that considers the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation. Public Resources Code section 21074 defines a “tribal cultural resource” as either:

- (1) Sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe that is either listed, or determined to be eligible for listing, on the national, state, or local register of historic resources, or
- (2) A resource determined by the lead agency chooses, in its discretion and supported by substantial evidence, to treat as a tribal cultural resource.

The California Public Resources Code section 21084.2 now establishes that “[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” The Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. No Native American tribe has contacted the City of Santa Cruz and requested consultation.

6. Geology and Soils.

In accordance with the California Environmental Quality Act (CEQA), State CEQA Guidelines, City of Santa Cruz plans and policies, and agency and professional standards, a project impact would be considered significant if the project would:

- *Expose people or structures to potential substantial adverse effects resulting from the rupture of a known earthquake fault, seismic ground shaking, landslides, or seismic-related ground-failure, including liquefaction, and that cannot be mitigated through the use of standard engineering design techniques;*

- *Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in an onsite or offsite landslide or slope failure;*
- *Result in substantial soil erosion or the loss of topsoil and subsequent sedimentation into local drainage facilities and water bodies;*
- *Be located on an expansive soil, as defined by the Uniform Building Code (1997) or subject or other soil constraints that might result in deformation of foundations or damage to structures, creating substantial risks to life or property; or*
- *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available.*

(a-ii-iv,c) Seismic and Geologic Hazards. The project site is located in a seismically active region of California and the region is considered to be subject to very intense shaking during a seismic event. The City of Santa Cruz is situated between two major active faults: the San Andreas, approximately 11.5 miles to the northeast and the San Gregorio, approximately nine miles to the southwest. There are no active fault zones or risk of fault rupture within the City (SOURCE V.1b-DEIR).

According to maps developed as part of the City's recently adopted *General Plan 2030* and included in the General Plan and General Plan EIR, the project area is located in an area identified as being subject to liquefaction hazards (SOURCE V.1a and V.1b-DEIR Figure 4.10-4). According to maps developed as part of the City's recently adopted *General Plan 2030* and included in the General Plan EIR, the project site is not located in a mapped landslide area (SOURCE V.1b-DEIR Figure 4.10-3).

The proposed DRP, GP and LCP amendments do not change the area of future development, and overall building footprints would remain unchanged. The DRP EIR reported that the age and construction of buildings was a determining factor related to damages sustained during the 1989 Loma Prieta earthquake rather than the property location, especially unreinforced masonry buildings. However, all new construction must conform to the requirements of the California Building Code (CBC). Adherence to existing regulations and standards, including the CBC would minimize harm to people and structures from adverse geologic events and conditions. Buildings will be required to be designed in accordance with the latest edition of the California Building Code, which sets forth structural design parameters for buildings to withstand seismic shaking without substantial structural damage. Conformance to the CBC as required by state law and the City would ensure the maximum practicable protection available for structures and their associated trenches, excavations and foundations. Project designs are required to include the application of CBC Seismic Zone 4 standards (SOURCE V.1b-DEIR volume). The continuation of design review and code enforcement to meet current seismic standards is the primary mitigation strategy to avoid or reduce damage from an earthquake, and seismic safety standards are a requirement for all building permits (SOURCE V.2b). It is also noted that since the 1989 Loma Prieta Earthquake, all commercial and public buildings have been seismically retrofitted, and as infrastructure is repaired or replaced, updated seismic safety standards are incorporated (Ibid.).

Typically, standard geotechnical engineering procedures, soil testing, and proper design can identify and mitigate liquefiable soils. By using the most up-to-date standards, potential damage

related to liquefaction, including subsidence and settlement, can be reduced to levels that are generally considered acceptable (SOURCE V.1b-DEIR volume). Section 24.14.070 of the City's Municipal Code requires preparation of a site-specific geotechnical investigation for all development, except less than four units, in areas identified in the General Plan as having a high liquefaction potential to assess the degree of potential liquefaction and recommend appropriate design/mitigation measures.

Therefore, future development in the project area with or without the proposed plan amendments would be required to be designed in accordance with CBC requirements and recommendations of project-level geotechnical reports, which would avoid potentially significant impacts due to exposure to seismic hazards, including liquefaction.

(b, d) Soils and Erosion. The project area is currently developed. According to the City's General Plan EIR, the project site is not located within an area subject to high erosion (SOURCE V.1b-DEIR volume). The proposed DRP and LCP amendments do not change the area of future development, and overall building footprints would remain unchanged. Therefore, no impacts would directly or indirectly occur with adoption and implementation of the proposed plan amendments.

(e) Use of Septic Systems. The project will be connected to City sanitary sewers, and would not use septic systems.

7. Greenhouse Gas Emissions.

In accordance with the California Environmental Quality Act (CEQA), State CEQA Guidelines, City of Santa Cruz plans and policies, and agency and professional standards, a project impact would be considered significant if the project would:

- *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or*
- *Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.*

(a-b) Greenhouse Gas Emissions. Climate change refers to any significant change in measures of climate, such as average temperature, precipitation, or wind patterns over a period of time. Climate change may result from natural factors, natural processes, and human activities that change the composition of the atmosphere and alter the surface and features of the land. Significant changes in global climate patterns have recently been associated with global warming, an average increase in the temperature of the atmosphere near the Earth's surface, attributed to accumulation of greenhouse house gas (GHG) emissions in the atmosphere. Greenhouse gases trap heat in the atmosphere, which in turn heats the surface of the Earth. Some GHGs occur naturally and are emitted to the atmosphere through natural processes, while others are created and emitted solely through human activities (SOURCE V.1b-DEIR volume). Climate change models predict changes in temperature, precipitation patterns, water availability, and rising sea levels, and these altered conditions can have impacts on natural and human systems in California that

can affect California's public health, habitats, ocean and coastal resources, water supplies, agriculture, forestry, and energy use (Ibid.).

The most common GHG that results from human activity is carbon dioxide, followed by methane and nitrous oxide (SOURCE V.1b-DEIR volume). The primary contributors to GHG emissions in California are transportation, electric power production, industry, agriculture and forestry, and other sources, including commercial and residential uses. Approximately 81% of California's emissions are carbon dioxide produced from fossil fuel combustion (Ibid.).

The State of California passed the Global Warming Solutions Act of 2006 (AB 32), which requires reductions of GHG emissions generated within California. The Governor's Executive Order S-3-05 and AB 32 (Health & Safety Code, § 38501 et seq.) both seek to achieve 1990 emissions levels by the year 2020. Executive Order S-3-05 further requires that California's GHG emissions be 80 percent below 1990 levels by the year 2050. AB 32 defines GHGs to include carbon dioxide, methane, nitrous oxide, hydrocarbons, perfluorocarbons and sulfur hexafluoride.

The CARB is the lead agency for implementing AB32. In accordance with provisions of AB 32, CARB has completed a statewide Greenhouse Gas Inventory that provides estimates of the amount of GHGs emitted to, and removed from, the atmosphere by human activities within California. In accordance with requirements of AB32, a Scoping Plan was adopted by CARB in December 2008 and updated in 2014. The Scoping Plan and 2014 Update identify emissions reduction measures and actions related to energy, transportation, agriculture, water conservation and management, waste management, natural resources, green building, and cap-and-trade actions.

The City's *General Plan 2030* includes goals, policies and actions on climate change, including reducing community-wide greenhouse gas emissions 30 percent by 2020, reducing 80 percent by 2050 (compared to 1990 levels), and for all new buildings to be emissions neutral by 2030. In October 2012, the City also adopted a "Climate Action Plan" that outlines the actions the City will take over the next ten years to reduce greenhouse gasses by 30%. The CAP addresses citywide greenhouse emissions and reduction strategies. The CAP outlines the actions the City and its partners may take pertaining to reduction of greenhouse gas emissions to meet the goals and implement the policies and actions identified in the *General Plan 2030*. The CAP provides City emissions inventories, identifies an emissions reduction target for the year 2020, and includes measures to reduce energy use, reduce vehicle trips, implement water conservation programs, reduce emissions from waste collection, increase solar systems, and develop public partnerships to aide sustainable practices. Measures are outlined for the following sectors: municipal, residential, commercial, and community programs.

The project could indirectly result in generation of air emissions through new regional vehicle trips associated with potential future development accommodated by the proposed plan amendments. The timing, rate and amount of future development are not known. Future development projects are required to conduct air emissions calculations for projects whose size exceeds significant screening sizes presented in the AQMP to determine whether emissions exceed MBARD's adopted significance thresholds or potentially violate air quality standards, and emissions

calculations include GHG emissions. However, indirect GHG emissions resulting from future development accommodated by the proposed project will be evaluated in the EIR as part of the air quality analysis. Potential project conflicts with the City's adopted CAP will be addressed in the EIR.

8. Hazards.

In accordance with the California Environmental Quality Act (CEQA), State CEQA Guidelines, City of Santa Cruz plans and policies, and agency and professional standards, a project impact would be considered significant if the project would:

- *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;*
- *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;*
- *Emit hazardous emissions or handle hazardous materials or waste within ¼ miles of an existing or proposed school;*
- *Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment;*
- *Impair the implementation of or physically interfere with an adopted emergency response or evacuation plan; or*
- *Expose people or structures to a significant risk of loss, injury or death involving wildland fires.*

(a-d) Hazardous Materials. The project consists of adoption of amendments to the adopted DRP, GP and LCP. The proposed DRP and LCP amendments do not change the area of future development or uses permitted in the area. The range of commercial and residential uses allowed in the downtown area typically would not result in creation of risks associated with hazardous material transport, use, or disposal and would not result in exposure to health hazards or creation of a health hazard. 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).

(e-f) Location Near Airports. The site is not located near an airport or airstrip. The site is not included in a state hazardous materials site list.

(g) Emergency Response. The City of Santa Cruz has an Emergency Operations Plan (EOP) that details the City's concept of operations in response to disasters. The EOP outlines how information and resources are coordinated for disasters or threat of disasters. The City of Santa Cruz Emergency Operations Center Manager endeavors to conduct annual trainings, tabletop exercises and other drills that support the preparedness and response capabilities of city staff and the readiness of the Emergency Operations Center. Information updates and tabletop discussions are conducted to clarify staff roles and responsibilities in the EOC, in the Department Operations Centers (DOCs) and in the field to help protect people and property (SOURCE V.2b). The proposed plan amendments and potential future development accommodated by the DRP proposed

expansion of additional height zones would not impair or physically interfere with the implementation of this emergency operations plan.

(h) Wildland Fire Hazard. According to maps developed as part of the City's recently adopted *General Plan 2030* and included in the General Plan EIR and General Plan, the project area is not located within a high fire hazard area (SOURCE V.1b-DEIR Figure 4.6-1). The project area is within the developed downtown of the city of Santa Cruz.

9. Hydrology.

In accordance with the California Environmental Quality Act (CEQA), State CEQA Guidelines, City of Santa Cruz plans and policies, and agency and professional standards, a project impact would be considered significant if the project would:

- *Violate any water quality standards or waste discharge requirements;*
- *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge;*
- *Substantially alter the existing drainage pattern of the site or area or alteration of a stream in a manner that would result in substantial offsite erosion or siltation or flooding;*
- *Substantially increase the rate or amount of surface runoff which would exceed capacity of existing or planned storm drain facilities, cause downstream or offsite drainage problems, or increase the risk or severity of flooding in downstream areas;*
- *Substantially degrade surface water quality;*
- *Result in construction of habitable structures within a 100-year floodplain as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, which would expose people or structures to a significant risk of loss, injury or death due to flooding;*
- *Locate structures within a 100-year flood hazard area that would impede or redirect flood flows;*
- *Expose people or structures to a significant risk of loss, injury, or death involving flooding as a result of the failure of a levee or dam; or*
- *Expose people or structures to a significant risk of loss, injury or death as a result in inundation by seiche, tsunami, or mudflow.*

(a) Violation of Water Quality Standards. The proposed project does not include discharges that would result in violation of water quality standards.

(b) Groundwater. The project site is located within a developed area and would not affect groundwater supplies.

(c-e, f) Drainage and Water Quality. The project area is served by a public storm drainage system. The area is developed with nearly, if not all of the area, covered with impervious surfaces. Future redevelopment would not substantially increase impervious surfaces and would not alter existing drainage patterns. Future development would be subject to the City's stormwater management requirements in which both volume and quality of stormwater runoff would be assessed.

Construction activity on projects that disturb one or more acres of soil must obtain coverage under the State's General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ). Construction activity subject to this permit includes clearing, grading, and disturbances to the ground such as stockpiling or excavation. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must list best management practices (BMPs) that the discharger would use to protect storm water runoff and the placement of those BMPs.

The proposed DRP, GP and LCP amendments do not change the area of future development, and the overall potential building footprints would remain unchanged. The proposed DRP amendments would allow for increased height in specific locations and under specified conditions, but would not change the area in which development and/or redevelopment is currently permitted. Therefore, with implementation of required stormwater management plans, future development indirectly accommodated under the existing DRP or with the proposed DRP and LCP amendments would not result in a significant impact related to drainage. The City's regulatory requirements and BMPs, as detailed in the "Stormwater Best Management Practices Manual" published by the City's Public Works Department, must be implemented, and projects over one acre in size would be required to prepare a SWPPP to protect water quality during construction.

(g-i) Flood Hazards. According to maps developed as part of the City's recently adopted *General Plan 2030* and included in the General Plan and General Plan EIR, the project area, as is all of the Downtown area, is located in an area identified as being subject to flood hazards along the San Lorenzo River (SOURCE V1.a and V.1b-DEIR Figure 4.7-1). According to maps developed as part of the City's recently adopted *General Plan 2030* and included in the General Plan and General Plan EIR, the project site is located in a mapped tsunami inundation zone (SOURCE V1.a and V.1b-DEIR Figure 4.10-3). As indicated above, the proposed DRP, GP and LCP amendments do not change the area of future development, and the overall potential building footprints would remain unchanged. The proposed DRP amendments would allow for increased height in specific locations and under specified conditions, but would not change the area in which development and/or redevelopment is currently permitted. However, review of hazards due to potential San Lorenzo River flooding, tsunami inundation and sea level rise in the project area will be examined in the EIR.

10. Land Use and Planning.

In accordance with the California Environmental Quality Act (CEQA), State CEQA Guidelines, City of Santa Cruz plans and policies, and agency and professional standards, a project impact would be considered significant if the project would:

- *Physically divide an established community;*
- *Conflict with any applicable City land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect; or*
- *Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan.*

The project site is located at the edge of a developed area of the City. Construction of the project would not physically divide an established community.

(b-c) Consistency with Local Policies/ Plans. Review of potential project conflicts with plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect will be assessed in the EIR. The project site is not subject to any Habitat Conservation or Natural Community Conservation Plans.

12. Noise.

In accordance with the California Environmental Quality Act (CEQA), State CEQA Guidelines, City of Santa Cruz plans and policies, and agency and professional standards, a project impact would be considered significant if the project would:

- Expose persons to or generate noise levels in excess of standards established in the County's "Land Use Compatibility for Community Noise" chart;*
- Expose persons to or generate excessive groundborne vibration or groundborne noise levels;*
- Result in a substantial permanent increase in ambient noise levels above existing levels if it will expose outdoor activity areas of noise-sensitive land uses to a 5 dB increase in noise where existing noise levels are below 60 dBA L_{dn} , a 3 dB increase in noise where existing noise levels are between 60 and 65 dBA L_{dn} , or a 1.2 dB increase in noise where existing noise levels are above 65 dBA L_{dn} . An outdoor noise standard of 65 dBA (CNEL) at the property line shall be used in the assessment of operational noise impacts; or*
- Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing levels.*

The project site is not located near an airport or private airstrip.

(a-b) Exposure to Noise. The project area is located in the downtown area of the city of Santa Cruz. Ambient noise levels are characterized by vehicular traffic, activities along Pacific and adjoining streets, and in limited cases music venues. Existing and future noise contours for selected roadways were updated as part of the City's *General Plan 2030*. An existing sound level of 65-66 decibels (dBA), measured in L_{dn} (Day/Night Average Sound Level), was identified within approximately 70 to 90 feet of the centerline of Front Street south of Soquel Avenue with an estimated future sound level of 66-67 dBA with General Plan buildout. An existing sound level of 60 dBA was identified within approximately 80 feet of the centerline of Pacific Avenue between Mission Street and Laurel Street with an estimated future sound level of 62 dBA (SOURCE V.1b-DEIR volume).

For commercial uses, normally acceptable exterior noise levels are 70 decibels and conditionally acceptable levels are identified as 60-70 dBA (SOURCE V.1b-DEIR volume). For multi-family residential uses, normally acceptable exterior noise levels are 65 decibels and conditionally acceptable levels are identified as 60-70 decibels (Ibid.). An interior CNEL of 45 dBA is mandated by the State of California Noise Insulation Standards (California Code of Regulations, Title 24, Part 6, Section T25 28) for multiple-family dwellings and hotel and motel rooms. Since normal noise attenuation

within residential structures with closed windows is about 20 dBA, an exterior noise exposure of 65 dBA Ldn allows the interior standard to be met without any specialized structural attenuation (e.g., dual paned windows) (Ibid.). For typical residential construction (i.e., light frame construction with ordinary sash windows), the minimum amount of exterior to interior noise reduction is at least 20 dBA with exterior doors and windows closed and approximately 15 dBA with windows partially open for ventilation. Buildings constructed of stucco or masonry with dual-glazed windows and solid core exterior doors can be expected to achieve an exterior to interior noise reduction of approximately 25-30 dBA (Ibid.).

Impact Analysis. Future development in the project area would be exposed to exterior and / or interior noise levels that exceed local and state requirements. However, the project area is not within locations that would expose people to noise in excess of established standards. This is considered a *less-than-significant impact*.

The proposed DRP, GP and LCP amendments do not change the area of future development, and overall building footprints would remain unchanged. However, proposed amendments to expand areas of increased height could result in additional residential development in upper floors of future buildings, which could expose additional residents to noise from traffic and activities in the downtown area. City staff has estimated a potential increase of approximately 711 residential units, which represents approximately 274 more units than potentially could be potentially developed under the existing General Plan. However, existing and future ambient noise levels would be within acceptable or conditionally acceptable ranges. Furthermore, Mitigation Measures 4.6-2(a) and 4.6-2(b) in the DRP EIR call for preparation and implementation of noise studies for projects that could be exposed to noise levels in excess of those defined as “normally acceptable” (SOURCE V.3), and as indicated above, window, insulation and other building material selection can reduce interior sound levels.

Implementation of the following mitigation would reduce the impact to a less-than-significant level.

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

(c) Permanent Noise Increases. The proposed DRP, GP and LCP amendments do not change the type of future uses that could occur in the area. Future redevelopment of ground floor commercial uses and upper floor residential or office uses would not be types of land uses that would result in new substantial sources of noise and no impact is anticipated.

(d) Temporary Noise. There would be a temporary increase in existing noise levels during construction of development projects accommodated by the existing DRP and with proposed amendments. The proposed project would not directly result in temporary increases in noise due to construction as no development projects are proposed as part of the proposed project. Noise impacts resulting from construction depend on the noise generated by various pieces of

construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive receptors, as well as existing ambient noise levels. Noise generated during construction would vary throughout the construction period and on any given day, depending on the construction phase and the type and amount of equipment used at the construction site. The highest noise levels would be generated during grading of the site, with lower noise levels occurring during building construction and finishing. Overall, construction noise levels would be temporary, short-term and fluctuate throughout the construction period. Because construction noise impacts would be temporary, the impact of construction noise would be less than significant.

The General Plan EIR concluded that future development would result in construction of varying sound level and duration, which could be an annoyance to adjacent residents. However, with implementation of the General Plan policies to minimize exposure to construction noise levels, the increase in temporary noise levels from construction-related activities would be considered a less-than-significant impact. The General Plan seeks to ensure that construction activities are managed to minimize overall noise impacts on surrounding land uses (HZ3.1.3). 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. Therefore, temporary increased noise levels during construction of future development projects is considered a *less-than-significant* impact.

13. Population and Housing.

In accordance with the California Environmental Quality Act (CEQA), State CEQA Guidelines, City of Santa Cruz plans and policies, and agency and professional standards, a project impact would be considered significant if the project would:

- *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure;*
- *Displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere; or*
- *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.*

(a) Population Growth. The proposed project could lead to increased development intensity as properties in the project area redevelop due to proposed expansion of “Additional Height Zones” and future development of additional upper floor residential units. Population growth would be dependent on the type and size of residential units, which is not known. As previously indicated, City staff has estimated a potential increase of approximately 711 residential units as a result of the proposed DRP amendments, which represents approximately 274 more units than potentially could be potentially developed under the existing General Plan. It is expected that this potential

residential development and associated population would be within regional population and housing projections over the next 20 years. However, population growth resulting from the project will be addressed in the Growth Inducement section of the EIR.

(b) Housing. Future redevelopment in the project area will be on sites that do not currently support residential units, and thus, the proposed project is not expected to indirectly result in displacement of existing housing or people.

14. Public Services.

In accordance with the California Environmental Quality Act (CEQA), State CEQA Guidelines, City of Santa Cruz plans and policies, and agency and professional standards, a project impact would be considered significant if the project would:

- *Result in substantial adverse physical impacts associated with provision of new or physically altered facilities, the construction of which could cause significant impacts, in order to maintain acceptable service for fire protection, police protection, schools and parks.*

The proposed project could lead to increased development intensity as properties in the project area redevelop due to proposed expansion of “Additional Height Zones”. Future development would be served by existing public services. Potential impacts on fire protection, police protection, parks and recreational services and schools will be evaluated in an EIR.

15. Recreation.

In accordance with the California Environmental Quality Act (CEQA), State CEQA Guidelines, City of Santa Cruz plans and policies, and agency and professional standards, a project impact would be considered significant if the project would:

- *Increase the use of existing parks or recreational facilities such that substantial physical deterioration would occur or be accelerated; or*
- *Include recreational facilities or require construction or expansion of recreational facilities which might have an adverse physical effect on the environment.*

Santa Cruz offers residents and visitors a wide range of parks, open space, beaches, trails, and recreational opportunities. The City has responsibility for management, maintenance and operation of over 1,700 acres of parks and open space lands, and various community/recreational facilities, and oversees development of new parks and improvements within City-owned parks, open space, and community facilities. In the project area, the San Lorenzo River Walk provides pedestrian and bicycle access to the multi-use path on the river levee.

The proposed project could lead to increased development intensity as properties in the project area redevelop due to proposed expansion of “Additional Height Zones”. Future development would be served by existing public services. Potential impacts on parks will be evaluated in an EIR.

16. Transportation/Traffic.

In accordance with the California Environmental Quality Act (CEQA), State CEQA Guidelines, City of Santa Cruz plans and policies, and agency and professional standards, a project impact would be considered significant if the project would:

- *Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit;*
- *Change the level of service of a State Highway roadway segment from acceptable operation (LOS A, B, or C) to deficient operation (LOS D, E or F);*
- *Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways;*
- *Substantially increase hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment);*
- *Result in inadequate emergency access; or*
- *Conflict with adopted policies, plans, programs that support supporting alternative transportation (for example, bus turnouts, bicycle racks).*

There are no adopted congestion management programs (CMP) within the City or region nor is the project area located near an airport. Therefore, there are no impacts related to conflicts with an applicable CMP or air traffic patterns.

a, d-f) Traffic and Transportation System Performance. The project area is located in the lower downtown area along Pacific Avenue and Front Street. The proposed project could lead to increased development intensity as properties in the project area redevelop due to proposed expansion of “Additional Height Zones” and future development of additional upper floor residential units. Thus, the project could indirectly result in a net increase of residential units and office space with a net decrease in commercial space, which would result in a change in trip generation and traffic in the area. Impacts on the transportation system will be evaluated in the EIR based on a traffic analysis prepared for the City Planning Department. The analysis will include signalized intersections where 25 or more net new trips are added per the City’s Traffic Impact Study Guidelines (City of Santa Cruz, *Traffic Impact Study Guidelines* 2009). Changes to level of service on the State Highway system will also be analyzed.

The project area also supports the Santa Cruz Metropolitan Transit District’s downtown bus station, and transit, pedestrian and bicycle trips are prevalent in the area. The DRP includes standards and guidelines to design for and promote pedestrian circulation in the downtown area. Alternate travel modes will be considered in the traffic impact evaluation. Review of other potential impacts including design hazards, emergency access, and conflicts with alternative transportation plans will also be provided in the EIR.

17. Utilities and Service Systems.

In accordance with the California Environmental Quality Act (CEQA), State CEQA Guidelines, City of Santa Cruz plans and policies, and agency and professional standards, a project impact would be considered significant if the project would:

- *Exceed wastewater treatment requirements of the Regional Water Quality Control Board;*
- *Result in a water demand that exceeds water supplies available from existing entitlements and resources, and new or expanded supplies or entitlements may be needed;*
- *Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;*
- *Require or result in construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;*
- *Result in wastewater flows exceed treatment plant capacity; or*
- *Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste demands.*

The proposed project could lead to increased development intensity as properties in the project area redevelop due to proposed expansion of "Additional Height Zones". Future development would be served by existing public utilities, including wastewater/collection and treatment, municipal water service and solid waste disposal. Potential impacts on these utilities will be evaluated in an EIR. See subsection 9(c-d) above regarding storm drainage.

18. Mandatory Findings of Significance.

In accordance with the California Environmental Quality Act (CEQA), State CEQA Guidelines, City of Santa Cruz plans and policies, and agency and professional standards, a project impact would be considered significant if the project would:

- *Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory;*
- *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.); or*
- *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.*

(a) Quality of the Environment. The proposed project could result in indirect impacts to biological and cultural (historical) resources as discussed above in sections 4a-d and 5a, respectively, which will be further evaluated in an EIR.

(b) Cumulative Impacts. Cumulative impacts will be reviewed in the EIR.

(c) Substantial Adverse Effects on Human Beings. No environmental effects have been identified that would have direct or indirect adverse effects on human beings.