

4.0 COMMENTS & RESPONSES

IN THIS SECTION:

- 4.1 Introduction
- 4.2 List of Comments Received
- 4.3 Comment Letters & Responses

4.1 INTRODUCTION

This chapter provides responses to individual comments that were submitted by agencies, organizations, and individuals as summarized below in subsection 4.2. Each letter of comment is included in subsection 4.3; a response to each comment is provided immediately following each letter. Appropriate changes that have been made to the Draft EIR text based on these comments and responses are provided in the CHANGES TO DRAFT EIR (3.0) section of this document.

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

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

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

4.2 LIST OF COMMENTS RECEIVED

Agencies, organizations and individuals that submitted written comments on the draft EIR are outlined below.

LOCAL & STATE AGENCIES

1. Monterey Bay Unified Air Pollution Control District
2. California Coastal Commission
3. California Department of Transportation
4. California Public Utilities Commission
5. California State Clearinghouse

FEDERAL AGENCIES

6. U.S. Department of Homeland Security, FEMA Region IX

PRIVATE ENTITIES & INDIVIDUALS

7. Citizens Advocating Rational Development (CARD)
8. Ross Gibson
9. Theo Marcus
10. Bill Malone
11. Don Webber

4.3 COMMENT LETTERS & RESPONSES

Agencies, organizations, and individuals that submitted written comments on the Draft EIR are outlined above in section 4.2. Each letter of comment is included in this section. As indicated above, the State CEQA Guidelines section 15088(a) requires a lead agency to evaluate comments on environmental issues and provide a written response. A response to each comment is provided immediately following each letter. As indicated in subsection 4.1 above, the emphasis of the responses will be on significant environmental issues raised by the commenters. (CEQA Guidelines, § 15204, subd. (a).) Appropriate changes that have been made to the Draft EIR (DEIR) text based on these comments and responses are provided in the CHANGES TO DRAFT EIR (3.0) section of this document.



MBUAPCD

Monterey Bay Unified Air Pollution Control District
Serving Monterey, San Benito, and Santa Cruz Counties

LETTER 1

24580 Silver Cloud Court
Monterey, CA 93940

PHONE: (831) 647-9411 • FAX: (831) 647-8501

February 28, 2014

Ryan Bane, Senior Planner
City of Santa Cruz
Department of Planning and Community Development
809 Center Street, Room 206
Santa Cruz, CA 95060

Email: rbane@cityofsantacruz.com

Re: La Bahia Hotel Draft Environmental Impact Report

Dear Mr. Bane:

Thank you for providing the Monterey Bay Unified Air Pollution Control District (Air District) with the opportunity to comment on the above-referenced document. The Air District has reviewed the document and has the following comments:

- 1-1• The requirements of Air District Rule 439, Building Removals, must be met when demolishing any buildings.
- 1-2• Please identify whether any new stationary sources, such as a boiler or generator, will be part of the proposed project. These types of stationary sources may be required to obtain a permit from the Air District. The Air District's Engineering Division may be contacted at (831) 647-9411 if you have questions about permitting.

Please let me know if you have any questions. I can be reached at (831) 647-9418 ext. 234 or dfrisbey@mbuapcd.org.

Best Regards,

David Frisbey
Air Quality Planner
(831) 647-9418 ext. 234 or dfrisbey@mbuapcd.org

cc: Amy Clymo, Supervising Air Quality Planner

LETTER 1 - Monterey Bay Unified Air Pollution Control District

- 1-1 Air District Rule 439. The comment indicates that the requirements of Air District Rule 439, Building Removals, must be met when demolishing any buildings. The purpose of Rule 439 is to limit particulate emissions from the removal of buildings within the District, and the rule applies to all building removals. The rule specifies that there shall be no visible emissions whatsoever from building removals and includes the following "Work Practice Standards" to be following during building removals:
- As necessary to prevent visible emissions, sufficiently wet the structure prior to removal. Continue wetting as necessary during active removal and the debris reduction process.
 - Demolish structure inward toward building pad. Laydown roof and walls so that they fall inward and not away from the building.
 - Commencement of removal activities are prohibited when the peak wind speed exceeds 15 miles per hour.

The comment is noted, and proof of compliance with all Air District rules is included as a project Condition of Approval.

- 1-2 New Stationary Sources. The comment asks that any new stationary sources, such as a boiler or generator, be identified as part of the project, and that these types of stationary sources may be required to obtain a permit from the Air District. The proposed project does not have a boiler or generator incorporated into the building design. The rooftop heat pump will generate both heat and cooling for the project. However, a Condition of Approval will require that the Applicant obtain any required permits from the Air District. As indicated on page 27 of the Initial Study (Appendix A of the Draft EIR), a Condition of Approval also will be included to require proof of Air District notification and compliance with regards to potential asbestos encountered in the demolition of the existing structure.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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March 6, 2014

Ryan Bane, Senior Planner
City of Santa Cruz
Department of Planning and Community Development
809 Center Street, Room 206
Santa Cruz CA 95060

RE: La Bahia Draft Environmental Impact Report (DEIR)

Dear Mr. Bane:

Thank you for forwarding the La Bahia DEIR to our office for review. The proposed project includes the demolition of the existing 44-unit La Bahia apartment complex (except for a portion of the existing bell tower building) and construction of a 165-room hotel to include meeting and banquet space, a restaurant, retail space, a day spa, a swimming pool, hotel support space, and a parking garage. We have the following comments on the DEIR:

- 2-1 **Aesthetics:** The proposed project includes preservation and rehabilitation of the existing bell tower and a portion of the southeastern building. The remaining existing buildings would be demolished and replaced with new structures. According to the DEIR, while the architecture of the new structures incorporates white stucco walls with red tile roofs (as required under the certified Beach and South of Laurel (BSOL) Plan), the new buildings will be differentiated from the historic portion of the building to "avoid false historicism." However, with respect to architecture, the certified BSOL Design Guidelines require that "Building design shall demonstrate compatibility with the community as a whole, the streetscape or block, and adjacent structures..." The visual simulations in the DEIR show the preserved and rehabilitated bell tower/southeastern building, as well as the proposed new structures. However, the new structures look very modern compared to the historic bell tower/southeastern building, and they do not appear to be visually compatible with the southeastern building. The EIR should evaluate an alternative that modifies the architecture of the new buildings to better blend with the historical simplicity of the existing La Bahia buildings (see also below in "Historical Resources").
- 2-2 **Historical Resources:** The La Bahia is considered an historical resource due to its local listing on the City's Historic Building Survey and its eligibility for listing in the California and national registers. The proposed project will result in demolition of most of the existing La Bahia structures due to the dilapidated condition of the structures and foundations, and the electrical, plumbing, and other utility systems. LCP Section 24.08.1014 provides that historic buildings may be demolished if "there are no reasonable alternatives to the demolition." The proposed demolition is considered a significant unavoidable impact in the DEIR. The DEIR, however, includes mitigation measures to document the historical La Bahia (through photographs, drawings, and the collection of historical background information) and potentially salvage historical materials prior to demolition. Any salvaged historical building features or elements

- that are not used as part of the project or kept by the owner for reuse in other locations would be offered to others for reuse. We strongly suggest that historical elements (such as tile work, grille work, etc.) be reused on site to the maximum extent feasible. In addition, the project should include replications of historical features, such as intimate courtyards, fountains, and plaster ornamentation, to the maximum extent feasible, and the EIR should include an analysis of the feasibility of incorporating such replications. Further, the EIR should evaluate the feasibility of a project that fully replicates the existing La Bahia buildings and courtyards (while using elements and materials that are salvaged from the existing buildings) and includes construction of a new building with a maximum height of 36 feet in the currently unoccupied northern and northwestern portions of the site. Visual simulations of this alternative, and the other alternatives discussed in the DEIR, should be provided to allow for evaluation of the project with respect to aesthetic and historical resources.
- 2-3
- 2-4
- 2-5 **Lower Cost Visitor-Serving Development:** Coastal Act Section 30213 requires the protection of lower cost visitor and recreational facilities along the coast. In addition, LCP Economic Development Policy 5.2.3 encourages the upgrading of hotel facilities, while also ensuring the retention of moderately-priced accommodations. Lodging in the City continues to consist of, for the most part, older budget-class motels and a few newer/remodeled moderately priced hotels. However, even motels and hotels that are considered "budget" often have high room rates during the peak summer months (e.g., the two Super 8 motels in the City charge \$79.00 a night for a room in March, but charge \$249.00 a night for the same type of room in June). The proposed project is an upscale development that will likely provide expensive hotel rooms. The proposed project will need to meet the requirements of Coastal Act Section 30213 and LCP ED Policy 5.2.3 regarding protection of lower/moderate cost visitor-serving facilities. The EIR should evaluate the feasibility of 1) providing a number of lower/moderate-cost accommodations on site; 2) the imposition of an in-lieu fee to benefit lower-cost visitor serving facilities in the City (such a fee could be used to provide new lower-cost overnight units such as camping or hostel rooms); or 3) providing a combination of lower-cost rooms and an in-lieu mitigation payment that together provide for the construction of the number of lower-cost overnight visitor accommodations units/rooms that could be required to be constructed on-site.
- 2-6 **Water Quality:** The proposed project is located just inland of Main Beach and the Pacific Ocean. As such, the project has the potential to significantly affect coastal water quality in relation to these resources and therefore the project must account for the protection of water quality.
- The proposed project should promote infiltration of runoff, including both storm water and other flows, to protect natural hydrologic conditions and water quality. The proposed project should also incorporate Low Impact Design standards including site drainage and landscape designs that minimize increases in peak runoff by promoting infiltration, filtration, and attenuation over landscaped areas or through permeable surfaces. Where possible, infiltration Best Management Practices (BMPs) (e.g., permeable pavements, swales, etc.) should be included.

- The proposed project includes a restaurant. The restaurant should incorporate BMPs designed to prevent the runoff of oil and grease, solvents, phosphates, suspended solids, and other pollutants to the storm drain system from areas including equipment/accessory wash areas and trash storage areas. Washout areas should be provided for restaurants and maintenance personnel that are attached to the sanitary sewer system.
- All site runoff should be filtered and treated to remove expected pollutants, prior to its use onsite or discharge offsite.

Thank you for the opportunity to comment on the DEIR. We look forward to reviewing the final EIR and may provide additional comments at that time. If you have any questions or wish to discuss these matters further, please feel free to contact me.

Sincerely,



Susan Craig
Supervising Coastal Planner
Central Coast District

LETTER 2 – California Coastal Commission

- 2-1 Aesthetics. The comment states that the certified Beach and South of Laurel Plan (B/SOL) Design Guidelines require that “Building design shall demonstrate compatibility with the community as a whole, the streetscape or block, and adjacent structures...” The comment further states that the visual simulations in the DEIR show the preserved and rehabilitated bell tower/southeastern building and the proposed new structures, but that the new structures look “very modern compared to the historic bell tower/southeastern building and they do not appear to be visually compatible with the southeastern building.” The comment states that the EIR should evaluate an alternative that modifies the architecture of the new buildings to better blend with the “historical simplicity” of the existing La Bahia buildings.

As indicated on page 5-18 of the DEIR, the purpose of the alternatives section under CEQA is to describe a range of reasonable alternatives to the project or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. The DEIR did not identify significant aesthetics impacts that would warrant evaluation of alternative designs as suggested in the comment. The EIR historical consultant did review the effects of the new building on the historical integrity of the retained portion of the building (see pages 4.2-21 to 4.2-23). The review found that the proposed new construction incorporates several design elements that reference the portion of the building to be retained. The conclusion on page 4.2-22 states that the “combination of decoration and simplicity enables the parapets to reference the Spanish Colonial Revival style while remaining clearly differentiated from the adjacent historic building.” However, the historical review did recommend two design modifications to reduce the effects of massing of the new structure on the historic integrity of the bell tower, which are included in Mitigation Measures 4.2-4a and 4.2-4b as modified. The Coastal Commission staff comment on the project architectural design is noted, but the City believes that the proposed design meets the B/SOL Design Guidelines, while also creating differentiation from the retained historic element.

Furthermore, the alternative suggested by the commenter would potentially increase the project’s impacts to an historical resource because the suggestion directly conflicts with the United States Secretary of the Interior’s Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, and Reconstructing Historic Buildings (the “Secretary’s Standards”). (See generally CEQA Guidelines § 15064.5(3) [noting that in general, a project that follows the Secretary’s Standards “shall be considered as mitigated to a level of less than a significant impact on a historic resource”].) The Secretary’s Standards state that if an exterior addition is proposed to a historic building, the addition “should be designed and constructed to be *clearly differentiated* from the historic building.” (Emphasis added.) The alternative proposed by the commenter would not meet this standard since the commenter suggests that the new buildings should mimic rather than be differentiated from the historic structure.

In terms of the specific B/SOL Plan design guideline cited in the comment that building design demonstrate compatibility the community as a whole, it is noted that the surrounding neighborhood and vicinity is a mix of architectural styles and designs, including the adjacent Casa Blanca Hotel in a Mission Revival style and the Boardwalk's Coconut Grove in a Moderne style as identified in the City's Historic Building Survey (1976). Furthermore, as indicated on page 4.7-9 of the DEIR, City Planning Department staff reviewed all the General Guidelines and Beach Commercial Area Guidelines in the B/SOL Design Guidelines and concluded that the La Bahia project appears to meet all of them. The DEIR incorrectly reported that the project did not meet the minimum 15-foot floor to ceiling height for street commercial spaces as the project proposes 12 feet. Upon re-examination, it is noted that the B/SOL Guidelines do allow for a minimum 12-foot minimum floor-to-ceiling height to encourage retail activity, which has been clarified in the revised DEIR text. See the CHANGES TO DRAFT EIR (3.0) section of this document. However, existing zoning regulations require a minimum 15-foot floor to ceiling height, and a reduction to 12 feet is part of the Planned Development Permit request that will be further reviewed by City staff, although in and of itself, this variation would not have a significant aesthetic impact.

- 2-2 Historical Resources. The comment suggests that historical elements, such as tile work, grille work, etc.) be reused on the site to the maximum extent possible. Salvage and reuse of materials onsite could be further encouraged as long as existing features of the retained building are retained. Mitigation Measure 4.2-1b includes a requirement for salvage of materials and has been revised to clarify that priority should be given to onsite reuse. See the CHANGES TO DRAFT EIR (3.0) section of this document. It is also noted that the comment cites "LCP Section 24.08.1014" related to demolition of historic buildings. This citation would be more accurately referenced as a section in the City's Municipal Code as it is included in Title 24-Zoning regulations, Part 11 (Historic Demolition Permit). This section of the Municipal Code was one of a number of Zoning Ordinance sections/regulations that was certified as part of the City's Local Coastal Program (LCP) Implementation Plan by the California Coastal Commission, but technically it is referenced as part of the Municipal Code and not the LCP. As the City's ultimate decision-maker, the City Council will have to decide whether "there are no reasonable alternatives to the demolition." This will be a function of whether the Council concludes that the EIR Alternatives 1 and 2 are "reasonable," a determination closely related to, and analogous to, whether they are "feasible" within the meaning of CEQA.
- 2-3 Replication of Historical Features and Buildings Alternative. The comment states that the project should include replications of historical features, such as intimate courtyards, fountains, and plaster ornamentation to the maximum extent feasible, and that the EIR should include an analysis of the feasibility of incorporating such replications. The comment further states that the EIR should evaluate the feasibility of a project that fully replicates the existing La Bahia buildings and courtyards (while using salvaged materials from the existing buildings) with construction of a new building in the northern and northwestern portion of the site with a height of 36 feet.

A project that includes replications of the existing La Bahia structures would not be consistent with “The Secretary of the Interior’s Standards for Rehabilitation” of historic properties, for reasons mentioned in Response 2-1. The standards, which are included at the end of Appendix C in the DEIR, specifically call for new additions or new related construction to be differentiated from the preserved historic structure to protect the historic compatibility of the property (Standard 9). The Standards do not call for replication of a historic resource, although reconstruction may be recommended in some situations. According to the National Park Service, reconstruction is defined as “the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.” “Reconstruction” is the fourth treatment standard for historic resources after preservation, rehabilitation, and restoration, and is intended for use in those instances where the historic building or feature is no longer present. Since this is not the case with the La Bahia as existing structures remain, reconstruction would not be an appropriate alternative with regards to mitigation of impacts to historical resources.

Thus, replication would not be a mitigation measure or appropriate alternative for the significant impact of partial demolition of a historic resource. The DEIR evaluates two alternatives for historic preservation, in addition to the No Project Alternative. These are Alternative 1 (Full Preservation) and Alternative 2 (Partial Preservation), both of which include an additional new structure. Both the No Project Alternative and Alternative 1 would have less of an impact on the historical structures than replicating them because these alternatives avoid demolition and would meet the Secretary’s Standards. With regard to a reduced building height of 36 feet for the new portion of the building, Alternative 3 (Reduced Project Size and Height) in the DEIR does include a building height of 36 feet; see discussion on pages 5-35 to 5-36 of the DEIR. Thus the alternatives in the DEIR already address the commenter’s suggested alternatives related to historic resources and limiting new construction to 36 feet.

- 2-4 Visual Simulations. The comment states that visual simulations should be provided for an alternative that replicates the existing building with a new building of 36 feet in height as suggested in Comment 2-3 and should be provided for the other alternatives discussed in the DEIR. See Response to Comment 2-3 regarding an alternative that includes replicating the existing building. Because the alternatives in the DEIR do not include specific architectural designs, it would not be possible to create meaningful photosimulations of them. Nor are they necessary under CEQA. Pursuant to State CEQA Guidelines section 15126.6(d), an EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project. This section of the State CEQA Guidelines also indicates that if an alternative would cause significant impacts in addition to those caused by the project as projected, the significant effects of the alternative shall be addressed, but in less detail than discussed for the project. In the present case, the DEIR did not identify significant impacts related to aesthetics that would warrant preparation of photo simulations for the alternatives. Thus, photosimulations of the alternatives are not warranted.

- 2-5 Lower Cost Visitor-Serving Development. The comment states that the project is an “upscale development that will likely provide expensive hotel rooms” and that the project will need to meet the requirements of Coastal Act 30213 and LCP ED Policy 5.2.3 regarding protection of lower/moderate cost visitor-serving facilities. The comment asks that the EIR evaluate the feasibility of providing a number of lower/moderate cost accommodations on the site, imposing an in-lieu fee or combination of the two. The commenter correctly describes the requirements of section 30213, but the provisions cited by the commenter do not apply to the project and need not be addressed at length in this EIR.

As indicated in the INTRODUCTION (1.0) section of the DEIR, economic and social impacts are not required to be analyzed in the DEIR, and thus, the pricing of rooms and affordability are not issues that need to be addressed in an EIR. Coastal Act section 30213 referenced in the comment states that “Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided.” However, it is noted that the policy refers to “facilities” and not specifically lodging. Furthermore, the project does not require an LCP amendment, so the standard of review for the City’s decision-makers is not the Coastal Act, but the City’s certified LCP.

The City’s certified LCP ED Policy 5.2.3 cited in the comment is a directive to the City to “assess the impacts of an over-supply of inferior hotel/motel rooms and develop incentives to encourage owners to upgrade existing hotel/motel facilities while also ensuring the retention of moderately-priced accommodations.” As indicated on page 4.7-2 of the DEIR, the City’s LCP policies also encourage attracting quality hotel and conference facilities (ED 5.2 and ED 5.2.1). Additionally, in 2002, the Coastal Commission approved an amendment to the City’s LCP with regards to the Beach/South of Laurel Comprehensive Area Plan (B/SOL Area Plan). The amendment included policies replacing the former Beach Area Plan policies. The Coastal Commission staff analysis for the amendment indicated that approximately 80% of the lodging facilities are budget class or below.¹ The staff report also noted that many hotels would benefit from a “thorough renovation.” In finding consistency with the Coastal Act visitor-serving use policies, the amendment was approved with a modification (#3) that a policy be added (Land Use 2.16) that “the La Bahia shall be redeveloped as a visitor accommodation use available to the general public.” This added policy also included a limited stay if the site was developed with visitor-serving condominiums, which is also noted on page 4.7-3 of the DEIR. The proposed project is a visitor-serving use and is consistent with City LCP, General Plan and the B/SOL Area Plan policies and recommendations for development of a major visitor-serving destination on the site.

Lastly, it is noted that the existing La Bahia structures are currently being utilized for rental housing, and the site has been utilized as apartments and residential use throughout most of its history. It is not being used as a visitor serving or recreational

¹ California Coastal Commission. May 23, 2002. Staff Report – “City of Santa Cruz: Local Coastal Program Major Amendment No. 1-01 (Part B),” page 15.

facility. As such, the proposed project would not eliminate or result in a loss or displacement of visitor serving or recreational uses. Nor is there any evidence to show that the proposed project would cause existing lower cost accommodations in the City to become more expensive. Further, there is no evidence of any decrease in lower cost visitor serving accommodations or recreational facilities since the Coastal Commission approved an amendment to the Beach Area coastal policies as a result of the Beach/South of Laurel Comprehensive Plan, which called for the development of a higher end hotel at this site. Nor is there any evidence that since the refurbishment of the nearby Santa Cruz Dream Inn in 2009, there has been a reduction of lower-cost visitor serving uses. Santa Cruz continues to have more low-cost hotel stock than comparable communities across the state. For these reasons, there would be no nexus to impose an in-lieu fee to help provide for low-cost accommodations like campgrounds or hostels or require that the owner provide low-cost hotel rooms on site. Moreover, as explained on pages 49-50 of the Initial Study (Appendix A of the DEIR), in anticipation of the need to address City requirements for replacement housing, the La Bahia property owner utilized the Advance Replacement Housing Proposal pursuant to Municipal Code section 24.08.1362 and jointly constructed a 72-unit rental residential project at 401 Pacific Avenue in 2003. City staff has acknowledged that this project was and still is intended to satisfy replacement housing requirement that may arise from redevelopment of the La Bahia apartments.

- 2-6 Water Quality – Site Runoff. The comment states that the project has the potential to significantly affect coastal water quality, and that the proposed project should promote infiltration of runoff, include “Low Impact Designs”, and wherever possible include Best Management Practices (BMPs) such as permeable pavements and swales. The comment also indicates that the proposed restaurant should incorporate BMPs (best management measures) to prevent runoff of oil, grease, solvents or other pollutants from entering the storm drain system, and that all runoff should be treated to removed expected pollutants.

Project drainage and water quality issues are addressed in the on pages 38-40 of the Initial Study that is included in Appendix A of the DEIR. The project site is currently developed, and the proposed development would increase impervious surfaces by approximately 13,000 square feet as discussed on page 37 of Initial Study. As indicated in the Initial Study, the project will be subject to compliance with City stormwater regulations (Municipal Code section 16.19.140) regarding implementation of stormwater best management practices. A Condition of Approval will require measures to ensure compliance. Furthermore, the project incorporates low impact designs and practices, including porous pavement in the parking lots, and biofiltration planters to pre-treat runoff and would not result in a substantial degradation to water quality. None of these measures or requirements is currently in place with the existing apartment complex that was originally constructed in 1926. The project also includes an erosion control plan that specifies measures to be implemented during construction, as discussed in the Initial Study in Appendix A (see page 33) and will be required to implement the required Stormwater Pollution Prevent Plan (SWPPP) and erosion control plan during construction.

According to a stormwater management plan prepared for the project, stormwater treatment will be provided via a detention system in conjunction with “low impact development” (LID) features (Bowman & Williams, April 2013). Bio-planters will be utilized at the downstream end of the project site to provide water quality treatment to roof and site runoff prior to entering the detention system. Pervious pavement is proposed on driveway and courtyard areas as secondary and overflow treatment measures. The detention system is proposed under the pervious pavement with a control structure to regulate post development flow to predevelopment level and provide 48 hours of extended detention. The proposed development retains the existing drainage patterns and incorporation of the LID measures will capture, treat, slow and store runoff and minimize water quality degradation in detained stormwater leaving the site.

Additionally, the proposed parking garage will be enclosed and will be connected to the City’s sanitary sewer system instead of the storm drain system, which will also prevent automotive-related oils and greases from entering storm drains. The project would also be subject to mandatory BMPs, including those for restaurants that require restaurant wash areas to be self-contained, equipped with grease trap or interceptor, and properly connected to the sanitary sewer, which will be included as a Condition of Approval. (see page 40 of the Initial Study in Appendix A). Because the project includes a covered parking garage and with implementation of proposed water treatment measures, in conjunction with required erosion control measures during construction, the project will not result in significant water quality impacts during construction or operation.

DEPARTMENT OF TRANSPORTATION

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February 20, 2014

SCH# 2006042051
05-SCR-1-18.24

Mr. Ryan Bane
City of Santa Cruz, Planning and Community Development
809 Center Street, Room 206
Santa Cruz, CA 95060

Dear Mr. Bane:

**COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR LA
BAHIA HOTEL**

The California Department of Transportation (Caltrans), District 5, Development Review, has reviewed the above referenced project and offers the following comments.

- 3-1 1. Caltrans supports local development that is consistent with state planning priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety. We accomplish this by working with local jurisdictions to achieve a shared vision of how the transportation system should and can accommodate interregional and local travel and development.
- 3-2 2. Caltrans is responsible for the safety, operations, and maintenance of the State transportation system. We endeavor to maintain a target Level of Service (LOS) at the transition between LOS C and LOS D on all State transportation facilities. In cases where a State facility is already operating at an unacceptable LOS, any additional trips added should be considered a significant traffic impact and should propose mitigation.
- 3-3 3. As provided in previous correspondence sent to your agency on May 2, 2006, June 15, 2007, and May 28, 2008 in addition to the target intersection studied in the DEIR, we noted that the intersection between Bay Street and State Route (SR) 9 were not analyzed. Caltrans requests additional analysis be completed on SR 1/ Mission Street at the intersection of Laurel Street and Walnut Avenue. Mitigation for the project should be focused on addressing the deficiencies along SR 1/Mission Street.
- 3-4 4. The draft EIR states, "The traffic study utilized the LOS standards contained in the "Transportation Concept Reports" prepared by Caltrans" (Page 4.3-4). The 2006 Caltrans Transportation Concept Report (TCR) for SR 1 and the 2006 TCR for SR 17 is a long range planning document and is not a detailed, project-specific engineering study. A target LOS is the concept of how Caltrans expects a particular facility will operate when the planning horizon year is reached. It is an anticipated planning projection, not a CEQA LOS threshold standard and should not be cited as such.

Ryan Bane
Feb 20, 2014
Page 2

We look forward to receiving a response to our comments on the DEIR. If you have any questions, please call me at (805) 549-3589 or e-mail jimmy.ochoa@dot.ca.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Jimmy Ochoa". The signature is fluid and cursive, with the first name "Jimmy" and last name "Ochoa" clearly distinguishable.

Jimmy Ochoa
Transportation Planner
District 5 Development Review Coordinator

cc: Jennifer Calate (D5)

Attachments

DEPARTMENT OF TRANSPORTATION

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May 28, 2008

SCr 1-18.24
SCH# 2006042051

Mr. Don Lauritson
City of Santa Cruz
809 Center Street
Room 206
Santa Cruz, CA 95060

Dear Mr. Lauritson:

**COMMENTS ON THE RECIRCULATED DRAFT ENVIRONMENTAL IMPACT
REPORT (RDEIR) FOR THE LA BAHIA BEACH RESORT**

The California Department of Transportation (Department), District 5, Development Review, has reviewed the above referenced project and offers the following comments.

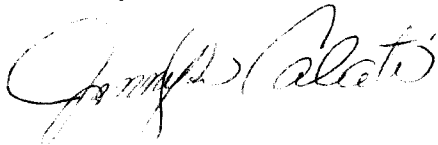
1. We disagree with the statement, "The proposed project-generated trips would not result in substantial increased traffic on Highways 1 and 17" as provided in the *Summary of Environmental Impacts* on page 2-9 (See Impact 4.7-2). Because the Department is responsible for the safety, operations, and maintenance of the State transportation system, our Level of Service (LOS) standards should be used to determine the significance of the project's impact. We endeavor to maintain a target LOS at the transition between LOS C and LOS D on all State transportation facilities. In cases where a State facility is already operating at an unacceptable LOS, any additional trips added should be considered a significant cumulative traffic impact, and proposed mitigation should be provided as part of the RDEIR.
2. Improvements described in the traffic impact analysis appear problematic. For example, proposed mitigation includes payment towards the City Traffic Impact Fee program which includes the Highway (Hwy) 1/Hwy 9 intersection. However, it unclear if the proposed improvements for this intersection will be constructed and in place to act as mitigation for this project.

Don Lauritson
May 28, 2008
Page 2

3. In addition, there does not appear to be enough space to allow for a triple left turning movement onto Hwy 1 from Hwy 9, which currently has three southbound receiving lanes but almost immediately merges into two lanes.
4. Please analyze left turn lead-lag phasing movements from southbound Mission Street (Hwy 1) to Highway 9 and forward the electronic Synchro files for our review.
5. Please analyze truck turn radius from southbound and northbound Mission Street (Hwy 1) to Bay Street.

We look forward to receiving a response to our comments on the RDEIR and reviewing the requested Synchro files. If you have any questions, please call me at (805) 549-3099 or e-mail jennifer.calate@dot.ca.gov.

Sincerely,



JENNIFER CALAT 
Associate Transportation Planner
District 5 Development Review Coordinator

- c: D. Murray, District 5, Planning
P. McClintic, District 5, Traffic Operations
SCCRTC
File

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3101
FAX (805) 549-3329
TDD (805) 549-3259
<http://www.dot.ca.gov/dist05/>



*Flex your power!
Be energy efficient!*

June 15, 2007

SCr 1-18.24
SCH# 2006042051

Mr. Don Lauritson
City of Santa Cruz
809 Center Street
Room 206
Santa Cruz, CA 95060

Dear Mr. Lauritson:

**COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR
THE LA BAHIA BEACH RESORT**

The California Department of Transportation (Department), District 5, Development Review, has reviewed the above referenced project and offers the following comments in response to your summary of impacts on transportation facilities.

1. In our earliest correspondence regarding this project, we requested that the traffic study analyze the project traffic impacts to State Route (SR) 1, SR 9, and SR 17 mainline as well as the identified study intersections. However, the study only analyzed the intersections at Beach Street and Main Street, Beach Street and Westbrook Street, and Beach Street and Cliff Street.
2. Although page 7 of the traffic study indicates that 30% of the trip distribution for the project come from Front Street to SR 1, and 50% from Soquel to SR 1, and 10% from Davenport to SR 1 (totaling 90%), the study does not analyze the peak hour Level of Service (LOS) for these intersections. Therefore, the traffic study is incomplete and does not disclose the impact to the State highway system.
3. The traffic study needs to be revised to include the following traffic analysis scenarios for these intersections: project only traffic conditions, existing plus project traffic conditions, cumulative traffic conditions, and cumulative plus project conditions, including project-phasing.

Don Lauritson
June 15, 2007
Page 2

4. Because the Department is responsible for the safety, operations, and maintenance of the State transportation system, our LOS standards should be used to determine the significance of the project's impact. We endeavor to maintain a target LOS at the transition between LOS C and LOS D on all State transportation facilities. In cases where a State facility is already operating at an unacceptable LOS, any additional trips added should be considered a significant cumulative traffic impact, and proposed mitigation should be provided as part of the draft EIR.

We look forward to receiving a response to our comments on the Draft EIR. If you have any questions, please call me at (805) 549-3099 or e-mail jennifer.calate@dot.ca.gov.

Sincerely,

JENNIFER CALATÉ
Associate Transportation Planner
District 5 Development Review Coordinator

c: D. Murray, District 5, Planning
P. McClintic, District 5, Traffic Operations
SCCRTC
File

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
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FAX (805) 549-3329
TDD (805) 549-3259
<http://www.dot.ca.gov/dist05/>



*Flex your power!
Be energy efficient!*

May 2, 2006

SCR 1-18.24
SCH# 2003042040

Mr. Don Lauritson
City of Santa Cruz
809 Center Street
Room 206
Santa Cruz, CA 95060

Dear Mr. Lauritson:

**COMMENTS ON THE NOTICE OF PREPARATION (NOP) FOR THE LA BAHIA BEACH
RESORT DRAFT ENVIRONMENTAL IMPACT REPORT (EIR)**

The California Department of Transportation (Department), District 5, Development Review, has reviewed the NOP for the La Bahia Beach Resort Draft EIR and has the following comments.

1. The Department supports local development that is consistent with State planning priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety. We accomplish this by working with local jurisdictions to achieve a shared vision of how the transportation system should and can accommodate interregional and local travel and development.
2. A traffic impact study needs to be prepared that includes the following traffic analysis scenario: project only traffic conditions, existing plus project traffic conditions, cumulative traffic conditions, and cumulative plus project conditions, including project-phasing. To ensure that the traffic impacts of the La Bahia Beach Resort are properly evaluated, it is recommended that an updated traffic impact study (TIS) be prepared in accordance with the Department's "Guide for the Preparation of Traffic Impact Studies." Please visit the Department's Internet site for a copy of these guidelines at:
<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>. An alternative methodology that produces technically comparable results can also be used.
3. The TIS should analyze project traffic impacts to State Route (SR) 1, SR 9, and SR 17 mainline as well as the identified study intersections. The TIS should be based on recent traffic volumes less than two years old. Counts older than two years should not be used.
4. According to Section 15064 of the California Environmental Quality Act (CEQA) Guidelines, "the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future project." Section 15355 of the CEQA Guidelines further defines "cumulative impacts" as "two or more individual effects, when considered together, are considerable or

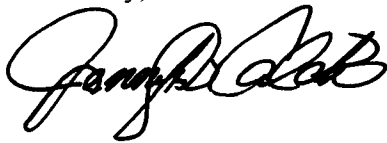
Don Lauritson
May 2, 2006
Page 2

which compound or increase other environmental impacts.” A cumulative traffic analysis in the EIR needs to be consistent with these sections of the CEQA Guidelines, and it needs to evaluate the cumulative traffic increase caused by this project.

5. In accordance with Section 21002 of CEQA and Section 15021 of the CEQA Guidelines, a public agency should not approve a project if there are feasible mitigation measures available. Payment of a “fair share” funding contribution towards these cumulative traffic improvements is consistent with Section 15064 and Section 15130 of the CEQA guidelines. Specifically, Section 15130 states “A project’s contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact.” Failure to approve this proposed mitigation may be challenged by our Department or other parties on the ground of noncompliance with CEQA and the CEQA Guidelines. The Department recommends using the Association of Monterey Bay Area Governments (AMBAG’s) model to account for cumulative impacts.
6. The specific amount and method used to calculate the “fair share” funding contributions should be disclosed in the EIR document. Since the “fair share” funding contributions involve funding for State highway improvements, the calculation method should be made in consultation with District 5 and City of Santa Cruz staffs. Furthermore, proof of payment of these “fair share” funding contributions should be provided to the District 5 Development Review Branch as part of the project’s mitigation monitoring program.

Thank you for consideration and action upon these issues. We look forward to receiving a response to our comments and the Draft EIR , and providing comments from a more thorough analysis. If you have any questions, or need further clarification on the items discussed above, please do not hesitate to call me at (805) 549-3099 or e-mail jennifer.calate@dot.ca.gov.

Sincerely,



JENNIFER CALATÉ
Associate Transportation Planner
District 5 Development Review Coordinator

bc: D. Murray, District 5, Planning
J. McKrell, District 5, Traffic Operations
SCCRTC
File

LETTER 3 – California Department of Transportation

- 3-1 Background on Caltrans. The comment indicates that Caltrans supports local development that is consistent with state planning priorities intended to promote equity, strengthen the economy, protect the environment and promote public health and safety. The comment is noted, but does not address analyses in the DEIR, and no further response is needed.
- 3-2 State Level of Service Targets. The comment indicates that Caltrans endeavors to maintain a target Level of Service (LOS) at the transition between LOS C and LOS D on all State transportation facilities, and that, in cases where a State facility is already operating at an unacceptable LOS, any additional trips added should be considered a significant traffic impact and should propose mitigation. Caltrans' target LOS standard is discussed on page 4.3-4 of the DEIR. Concept planning reports and planned improvements for state facilities are described on pages 4.3-4 to 4.3-5 and 4.3-10 to 4.3-11. Additionally, the criteria for determining impact significance for LOS on state highways utilizes the definition from Caltrans' guidelines as indicated on page 4.3-13 of the DEIR.

The traffic analysis does conclude that impacts to two intersections along State Route 1 (Highway 1) would be significant based on Caltrans' LOS standards. (See impact discussion on pages 4.3-14 to 4.3-19 of the DEIR.) As indicated on page 4.3-19, improvements have been identified for both intersections (Highway 1/Highway 9-River Street and Bay Street/Mission Street), which are required under existing conditions. The improvements are planned to be constructed in part through the City's Traffic Impact Fee (TIF) Program. The proposed project will be required to pay the City's TIF, which will go toward funding the identified projects, and thus will mitigate the project's contribution to existing impacted intersections. However, until the improvements are implemented, both intersections will continue to operate at an unacceptable level of service, and the DEIR concluded that impacts would be significant at both intersections. As indicated on page 4.3-19 of the DEIR, operations at the Bay/Mission intersection would be at an unacceptable in the near-term, but will operate at an acceptable level when the planned improvement is completed. However, even with improvements, the Highway 1/Highway 9-River Street intersection will continue to operate at an unacceptable LOS in the long-term. Thus, the DEIR concluded that the impact is significant and unavoidable.

- 3-3 Mission Street Traffic Analyses. The comment states that previous Caltrans correspondence (dated May 2, 2006, June 15, 2007, and May 28, 2008) noted that the intersections between Bay Street and State Route (SR) 9 were not analyzed. Caltrans requests additional analyses be completed at the Mission Street (SR 1) intersections at Laurel Street and Walnut Avenue and that project mitigation should address the deficiencies along SR 1/Mission Street. The Caltrans correspondence cited in the comment was for a previously proposed project and not the currently proposed project, which differs substantially from the earlier project; and it is noted that Caltrans did not respond to the EIR Notice of Preparation (NOP) for the currently

proposed project (see Appendix B of the DEIR). Furthermore, the former comments do not clearly indicate that other intersections along Mission Street should be analyzed.

As indicated on page 4.3-5 of the DEIR, the study intersections were determined to be those where the majority of the traffic generated by development at the La Bahia site will be focused, and where potential traffic impacts are most likely to occur. The City Traffic Impact Study guidelines require “critical” intersections be included in the analysis that will experience a project traffic increase of 25 or more peak hour trips to be analyzed. The addition of 25 or more PM peak hour trips at critical intersections may change the LOS by one level or more and cause a potential impact. “Critical” intersections are included in the General Plan and in the City’s Traffic Impact Fee Program.

The proposed project’s trip distribution is identified on page 4.3-16 of the DEIR and in Appendix D of the DEIR. Due to the location of the project site in the beach area of Santa Cruz, the distribution shows that project trips would be diverted from Highway 1 in both eastbound and westbound directions without traveling along Mission Street-SR1. The project is not anticipated to distribute project trips to the Mission Street-SR-1 intersections at Laurel Street and Walnut Avenue. If any trips are indeed distributed to these intersections, it would be limited to one or two peak hour trips, which does not warrant analysis of these intersections to evaluate the potential impacts of the project. Additionally, these intersections are currently operating well within acceptable standards (LOS B) as identified in the City’s General Plan traffic analysis (City of Santa, April 2012, September 2011). Thus, the project would not result in significant impacts to the Mission Street intersections at Laurel Street and Walnut Avenue.

- 3-4 Target LOS. The comment cites page 4.3-4 of the DEIR that indicates that the traffic study utilized the LOS standards contained in the “Transportation Concept Reports” prepared by Caltrans for State Routes 1 and 17, but that these are planning documents and should not be used as a CEQA LOS threshold. The commenter’s reference to the DEIR is correctly cited. However, the significance criteria used for the impact analyses did utilize Caltrans’ LOS criteria set forth in its “Guide for the Preparation of Traffic Impact Studies” as indicated on page 4.3-13 of the DEIR. The DEIR discussion on page 4.3-4 was intended to summarize the provisions of the Route Concept Plans, which do reference a LOS concept for highway segments. Therefore, the DEIR text has been clarified to provide a better description of the concept reports separate from Caltrans’ LOS standards as set forth in their Traffic Impact Study Guide. See the CHANGES TO DRAFT EIR (3.0) section of this document.

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVE
SAN FRANCISCO, CA 94102

January 24, 2014

Ryan Bane
City of Santa Cruz
rbane@cityofsantacruz.com
809 Center Street, Room 206
Santa Cruz, 95060

Re: SCH 2006042051 La Bahia Hotel Project DEIR

Dear Mr. Bane:

- 4-1 The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings. The Commission's Rail Crossings Engineering Section (RCES) is in receipt of the *Draft Environmental Impact Report (DEIR)* for the proposed La Bahia Hotel project. The City of Santa Cruz (City) is the lead agency.
- 4-2 According to the DEIR, the City proposes to replace the existing La Bahia apartment complex with a new 165 room hotel. The Santa Cruz & Monterey Bay Railway (SCX) track travels along Beach Street adjacent to the project site. Beach Street is the main thoroughfare providing access to the Santa Cruz Beach Boardwalk. During the peak summer period, pedestrian and vehicular traffic are extremely high at the project location, with vehicular traffic routinely backing up on Beach Street to the Beach Street and Pacific Avenue intersection. In addition, the Santa Cruz Big Trees and Pacific Railway (SCBG) operates their tourist passenger train at the project site. The SCX tracks becomes street running for a portion of Beach Street.
- 4-3 RCES staff sent comment letters to the Notice of Preparation and Notice of Completion on May 4, 2006 and July 3, 2007 respectively. Neither comment letter was included in DEIR Appendix B. Our previous comment letters are attached to this letter.
- 4-4 Any development adjacent to or near the railroad right-of-way (ROW) should be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at any adjacent at-grade rail crossing. This includes considering pedestrians circulation patterns/destinations with respect to railroad right-of-way and compliance with the Americans with Disabilities Act (ADA).

RCES recommends the hotel entrance driveway on Beach Street be relocated to Main Street, 1st Street, or Westbrook Street. Beach Street can be incredibly congested. Any additional congestion increases the likelihood that vehicles will queue back onto the track when it becomes street running on Beach Street. In addition, language should be in place so that the traffic impact study should also address rail crossing safety analysis, if any, and associated proposed mitigation measures. Safety analysis should include pedestrian movements and sightlines.

Ryan Bane
January 24, 2014
Page 2 of 4

- 4-5 Modification of an existing public crossing requires authorization from the Commission, through the General Order (GO) 88-B request processes. Prior to submission of a GO 88-B request, the City should arrange a diagnostic meeting with SCX and RCES to discuss relevant safety issues and requirements for the Commission's authorization. RCES representatives are available for consultation on crossing safety matters. See the link for more information:
<http://www.cpuc.ca.gov/PUC/safety/Rail/Crossings/index.htm>.

If you have any questions, please contact Felix Ko at 415-703-3722, email at felix.ko@cpuc.ca.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Felix Ko', with a stylized flourish at the end.

Felix Ko, P.E.
Utilities Engineer
Rail Crossings Engineering Section
Safety & Enforcement Division

CC: State Clearinghouse

Ryan Bane
January 24, 2014
Page 3 of 4

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



May 4, 2006

Don Lauritzen
City of Santa Cruz
809 Center Street, Rm. 206
Santa Cruz, CA 95060

Dear Mr. Lauritzen:

Re: SCH# 2006042051; La Bahia Hotel Development

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the County be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way.

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way.

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the County.

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Kevin Boles".

Kevin Boles
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Pat Kerr, UP
Carol Harris, UP

Ryan Bane
January 24, 2014
Page 4 of 4

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



July 3, 2007

Don Lauritson
City of Santa Cruz
809 Center Street, Room 206
Santa Cruz, CA 95060

RE: La Bahia Hotel, SCH# 2006042051

Dear Mr. Lauritson:

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the City be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings.

Safety factors to consider include, but are not limited to, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way.

Of specific concern is the close proximity of the Valet drop off/pick up center proposed on Beach Street to the existing railroad corridor. This corridor already experiences gridlock traffic during the summer peak seasons, and it is incredible that the document states that there will be no impact from the increased traffic on Beach Street. In fact, the document ignores and does not assess the potential impact of the project on rail safety

Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the City.

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin Boles".

Kevin Boles
Environmental Specialist
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Terrel Anderson, Union Pacific Railroad
Gary Guttebo, Big Trees Railroad

LETTER 4 – California Public Utilities Commission

- 4-1 Background. The comment indicates that the California Public Utilities Commission has jurisdiction over the safety of highway-rail crossings and requires Commission approval for the construction or alteration of crossings. The comment also notes receipt of the DEIR and that the City is the lead agency. The comment is acknowledged, but no response is necessary.
- 4-2 Rail Tracks Along Beach Street. The comment notes that operators use the rail track along Beach Street that is adjacent to the project site, and also notes that during the peak summer period, pedestrian and vehicular traffic is high at the project location. The comment is acknowledged. Existing rail service is described on page 4.3-8 of the DEIR.
- 4-3 Previous PUC Comments. The comment states that the Commission sent letters to the Notice of Preparation and Notice of Completion on May 4, 2006 and July 2007, respectively, which were not included in the DEIR Appendix. The correspondence cited in the comment was for a previously proposed project and not the currently proposed project, which differs substantially from the earlier project. It is noted that Commission did not respond to the EIR Notice of Preparation (NOP) for the currently proposed project (see Appendix B of the DEIR).
- 4-4 Hotel Entrance and Safety Issues. The comment states that any development adjacent to or near the railroad right-of-way (ROW) should be planned with the safety of the rail corridor in mind, including considering pedestrians and compliance with the Americans with Disabilities Act (ADA), and that new development may increase traffic at at-grade rail crossing. The comment further recommends that the hotel entrance driveway on Beach Street be relocated to Main Street, First Street or Westbrook Street and that the traffic study address rail crossing safety and associate measures.

The proposed project is not expected to adversely impact the railroad right-of-way, train operations, or vehicular, pedestrian or bicycle circulation at the railroad tracks. Intersection level of service (LOS) calculations for the weekday PM peak hour at the nearby Pacific Avenue/Beach Street intersection indicate that the intersection would operate at LOS C during the weekday PM peak hour, which is within the acceptable City standards. Historically railroad operations (two trains per day) are very slow and supported by on-street railroad personnel, particularly during periods of congestion. There is little evidence of safety issues related to this practice over the many years it has been in operation. Beach Street is a mixed-flow facility, and the railroad shares the ROW with cars, transit and bicycles, which also occurs within major cities throughout the world, such as in San Francisco, that experience much higher train/railroad car frequencies. The addition of project peak hour traffic on Beach Street resulting from the proposed project is less than the daily and seasonal traffic fluctuations. Thus, the additional vehicles using the Beach Street access during this period would not affect safety.

The hotel entrance on Beach Street allows for convenient access for guests when they initially arrive at the hotel. However, other trips would then be made via an entrance/exit on Westbrook Street. An exit-only access will be provided on Main Street. The project entrance on Beach Street is not expected to impact the traffic periods analyzed for vehicles, pedestrians, or bicycles. The parking garage entrance on Westbrook Street and exit onto Main Street will be the utilized by the majority of the project traffic. It is also noted that an alternative entrance as suggested by the comment would also involve crossing the existing rail tracks.

- 4-5 Modification to Rail Crossing. The comment indicates that modification of an existing public cross requires authorization from the Commission and provides information regarding meeting with the Commission prior to submissions of such a request. The comment is acknowledged. No modifications to existing rail crossings are proposed as part of the project. So the consultation process described in the comment will not be necessary for the project.



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

February 28, 2014



Ryan Bane
City of Santa Cruz
809 Center Street, Rm 206
Santa Cruz, CA 95060

Subject: La Bahia Hotel
SCH#: 2006042051

Dear Ryan Bane:

- 5-1 The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on February 27, 2014, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report
State Clearinghouse Data Base**

LETTER 5

SCH# 2006042051
Project Title La Bahia Hotel
Lead Agency Santa Cruz, City of

Type EIR Draft EIR

Description The project consists of demolition of the existing 44-unit La Bahia apartment complex and construction of a 165-room hotel. The southeastern portion of the existing building that has the ball tower will be retained and restored or rehabilitated. Hotel amenities include approximately 4,350 sf of meeting and banquet space, a 2,500 sf restaurant, 2,500 sf of retail space, a day spa, and a swimming pool. The facility also space for business administration and support space. A number of local permits will be required including coastal permit, historic demolition and alteration permits, and administrates use and planned development permits.

Lead Agency Contact

Name	Ryan Bane	
Agency	City of Santa Cruz	
Phone	831 420 5141	Fax
email		
Address	809 Center Street, Rm 206	
City	Santa Cruz	State CA Zip 95060

Project Location

County	Santa Cruz		
City	Santa Cruz		
Region			
Lat / Long			
Cross Streets	215 Beach Street at Main Street		
Parcel No.	005-213-02, 03		
Township		Range	Section
			Base

Proximity to:

Highways	Hwy 1, 9, 17
Airports	
Railways	Santa Cruz Branch Rail
Waterways	Monterey Bay, San Lorenzo River
Schools	Gateway, Bay ES
Land Use	Rental Apartments (Present Use) / Regional Visitor Commercial (General Plan-LCP) / RTC-Beach Commercial, CZO-Coastal Zone Overlay, SPO-Shoreline Protection Overlay (Zoning)

Project Issues Air Quality; Archaeologic-Historic; Coastal Zone; Geologic/Seismic; Traffic/Circulation; Water Supply; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Fish and Wildlife, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services, California; California Highway Patrol; Caltrans, District 5; Department of Housing and Community Development; Air Resources Board; Regional Water Quality Control Board, Region 3; Native American Heritage Commission; Public Utilities Commission

Date Received 01/14/2014 **Start of Review** 01/14/2014 **End of Review** 02/27/2014

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVE

SAN FRANCISCO, CA 94102



January 24, 2014

 C162R
 2/27/14
 5

RECEIVED

JAN 24 2014

STATE CLEARING HOUSE

Ryan Bane
 City of Santa Cruz
rbane@cityofsantacruz.com
 809 Center Street, Room 206
 Santa Cruz, 95060

Re: SCH 2006042051 La Bahia Hotel Project DEIR

Dear Mr. Bane:

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings. The Commission's Rail Crossings Engineering Section (RCES) is in receipt of the *Draft Environmental Impact Report (DEIR)* for the proposed La Bahia Hotel project. The City of Santa Cruz (City) is the lead agency.

According to the DEIR, the City proposes to replace the existing La Bahia apartment complex with a new 165 room hotel. The Santa Cruz & Monterey Bay Railway (SCX) track travels along Beach Street adjacent to the project site. Beach Street is the main thoroughfare providing access to the Santa Cruz Beach Boardwalk. During the peak summer period, pedestrian and vehicular traffic are extremely high at the project location, with vehicular traffic routinely backing up on Beach Street to the Beach Street and Pacific Avenue intersection. In addition, the Santa Cruz Big Trees and Pacific Railway (SCBG) operates their tourist passenger train at the project site. The SCX tracks becomes street running for a portion of Beach Street.

RCES staff sent comment letters to the Notice of Preparation and Notice of Completion on May 4, 2006 and July 3, 2007 respectively. Neither comment letter was included in DEIR Appendix B. Our previous comment letters are attached to this letter.

Any development adjacent to or near the railroad right-of-way (ROW) should be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at any adjacent at-grade rail crossing. This includes considering pedestrians circulation patterns/destinations with respect to railroad right-of-way and compliance with the Americans with Disabilities Act (ADA).

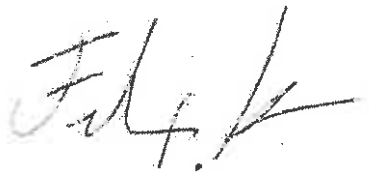
RCES recommends the hotel entrance driveway on Beach Street be relocated to Main Street, 1st Street, or Westbrook Street. Beach Street can be incredibly congested. Any additional congestion increases the likelihood that vehicles will queue back onto the track when it becomes street running on Beach Street. In addition, language should be in place so that the traffic impact study should also address rail crossing safety analysis, if any, and associated proposed mitigation measures. Safety analysis should include pedestrian movements and sightlines.

Ryan Bane
January 24, 2014
Page 2 of 4

Modification of an existing public crossing requires authorization from the Commission, through the General Order (GO) 88-B request processes. Prior to submission of a GO 88-B request, the City should arrange a diagnostic meeting with SCX and RCES to discuss relevant safety issues and requirements for the Commission's authorization. RCES representatives are available for consultation on crossing safety matters. See the link for more information:
<http://www.cpuc.ca.gov/PUC/safety/Rail/Crossings/index.htm>.

If you have any questions, please contact Felix Ko at 415-703-3722, email at felix.ko@cpuc.ca.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Felix Ko', with a stylized flourish at the end.

Felix Ko, P.E.
Utilities Engineer
Rail Crossings Engineering Section
Safety & Enforcement Division

CC: State Clearinghouse

Ryan Bane
January 24, 2014
Page 3 of 4

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER Governor

PUBLIC UTILITIES COMMISSION

JOSEPH A. BOLES
SUPERINTENDENT OF WATER



May 4, 2006

Don Lauritzen
City of Santa Cruz
809 Center Street, Rm. 205
Santa Cruz, CA 95061

Dear Mr. Lauritzen:

Re: SCH# 2006042051; La Bahia Hotel Development

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the County be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way.

Safety factors to consider include, but are not limited to: the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way.

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the County.

If you have any questions in this matter, please call me at (415) 763-2795.

Very truly yours,

Kevin Boles
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Pat Kerr, UP
Carol Harris, UP

Ryan Bane
January 24, 2014
Page 4 of 4

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

PUBLIC UTILITIES COMMISSION

800 TANKERS AVENUE
SAN FRANCISCO, CA 94102-0239



July 3, 2007

Don Lauritson
City of Santa Cruz
809 Center Street, Room 206
Santa Cruz, CA 95060

RE: La Bahia Hotel, SCH# 2006042051

Dear Mr. Lauritson:

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the City be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings.

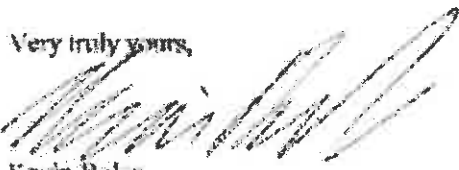
Safety factors to consider include, but are not limited to, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way.

Of specific concern is the close proximity of the Valet drop off/pick up center proposed on Beach Street to the existing railroad corridor. This corridor already experiences gridlock traffic during the summer peak seasons, and it is incredible that the document states that there will be no impact from the increased traffic on Beach Street. In fact, the document ignores and does not assess the potential impact of the project on rail safety.

Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the City.

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,



Kevin Boles
Environmental Specialist
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Terrel Anderson, Union Pacific Railroad
Gary Guttuso, Big Trees Railroad

**LETTER 5 – California Governor’s Office of Planning & Research
State Clearinghouse**

- 5-1 Compliance with State Clearinghouse Review. The letter acknowledges that the City of Santa Cruz complied with the State Clearinghouse review requirements for review of draft environmental documents pursuant to the California Environmental Quality Act. The comment is acknowledged; and no response is necessary. The letter also forwarded a comment letter from the California Public Utilities Commission. Responses to Public Utilities Commission comments are provided in the preceding Letter 4.



U.S. Department of Homeland Security
 FEMA Region IX
 1111 Broadway, Suite 1200
 Oakland, CA. 94607-4052



FEMA

January 28, 2014

Ryan Bane, Senior Planner
 City of Santa Cruz
 Department of Planning and Community Development
 809 Center Street, Room 206
 Santa Cruz, California 95060

Dear Mr. Bane:

This is in response to your request for comments on the La Bahia Hotel project in the City of Santa Cruz, Santa Cruz County, California.

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of Santa Cruz (Community Number 060353) and City of Santa Cruz (Community Number 060355), Maps revised May 16, 2012. Please note that the City of Santa Cruz, Santa Cruz County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

6-1A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any **development** must not increase base flood elevation levels. **The term development means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

Ryan Bane, Senior Planner

Page 2

January 28, 2014

- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The City of San Cruz floodplain manager can be reached by calling Joe Hall, Management Professional, at (831) 420-5196. The Santa Cruz County floodplain manager can be reached by calling Antonella Gentile, Planner, at (831) 454-3164.

If you have any questions or concerns, please do not hesitate to call Michael Hornick of the Mitigation staff at (510) 627-7260.

Sincerely,



Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:

Joe Hall, Management Professional, City of Santa Cruz

Antonella Gentile, Planner, Santa Cruz County

Ed Perez/Amanda Peisch, State of California, Department of Water Resources, San Joaquin District

Michael Hornick, NFIP Planner, DHS/FEMA Region IX

Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

**LETTER 6 – U.S. Department of Homeland Security
FEMA Region IX**

- 6-1 Floodplain. The comment indicates that all buildings constructed within a floodplain must be elevated at or above the base flood elevation level in accordance with FEMA's Flood Insurance Rate Map, and if construction occurs within a regulatory floodway, development must not increase base flood elevation levels. The comment is noted. However, as discussed on page 41 of the Initial Study, which is included as Appendix A in the DEIR, the project site is not located within the 100-year or 500-year floodplain as shown on the most current Flood Insurance Rate Maps. Nor is the project site located within a coastal hazard area.



Ryan Bane
 City of Santa Cruz
 831 420 5141
 809 Center Street, Rm 206
 Santa Cruz, CA 95060

Re: **La Bahia Hotel**

SCH # - 2006042051

Dear Mr. Bane,

The undersigned represents Citizens Advocating Rational Development ("CARD"), a non-profit corporation dedicated to issues in development and growth.

This letter contains comments on the Draft Environmental Impact Report on the La Bahia Hotel Project, in accordance with CEQA and the Notice of Completion and Availability. Please ensure that these comments are made a part of the public record.

ENERGY

- 7-1 The DEIR does not discuss any requirements that the Project adopt energy saving techniques and fixtures, nor is there any discussion of potential solar energy facilities which could be located on the roofs of the Project. Under current building standards and codes which all jurisdictions have been advised to adopt, discussions of these energy uses are critical; the demolition of the existing 44-unit La Bahia apartment complex and construction of a 165-room hotel, including approximately 4,350 sf of meeting and banquet space, a 2,500 sf restaurant, 2,500 sf of retail space, a day spa, and a swimming pool, will devour copious quantities of electrical energy, as well as other forms of energy.

WATER SUPPLY

The EIR (or DEIR – the terms are used interchangeably herein) does not adequately address the issue of water supply, which in California, is a historical environmental problem of major proportions.

What the DEIR fails to do is:

- 7-2 1. Document wholesale water supplies;
- 7-3 2. Document Project demand;
- 7-4 3. Determine reasonably foreseeable development scenarios, both near-term and long-term;
- 4. Determine the water demands necessary to serve both near-term and long-term development and project build-out.
- 5. Identify likely near-term and long-term water supply sources and, if necessary, alternative sources;
- 7. Identify the likely yields of future water from the identified sources;
- 7-5 8. Determine cumulative demands on the water supply system;
- 9. Compare both near-term and long-term demand to near-term and long-term supply options, to determine water supply sufficiency;
- 7-6 10. Identify the environmental impacts of developing future sources of water; and
- 11. Identify mitigation measures for any significant environmental impacts of developing future water supplies.
- 7-7 12. Discuss the effect of global warming on water supplies.

- 7-8 There is virtually no information in the DEIR which permits the reader to draw reasonable conclusions regarding the impact of the Project on water supply, either existing or in the future.

For the foregoing reasons, this EIR is fatally flawed.

AIR QUALITY/GREENHOUSE EMISSIONS/CLIMATE CHANGE

- 7-9 The EIR lacks sufficient data to either establish the extent of the problem which local emissions contribute to deteriorating air quality, greenhouse emissions or the closely related problem of global warming and climate change, despite the fact that these issues are at the forefront of scientific review due to the catastrophic effects they will have on human life, agriculture, industry, sea level risings, and the many other serious consequences of global warming.

This portion of the EIR fails for the following reasons:

- 7-10 1. The DEIR does not provide any support or evidence that the Guidelines utilized in the analysis are in fact supported by substantial evidence. References to the work of others is inadequate unless the document explains in sufficient detail the manner and methodology utilized by others.
- 7-11 2. Climate change is known to affect rainfall and snow pack, which in turn can have substantial effects on river flows and ground water recharge. The impact thereof on the project's projected source of water is not discussed in an acceptable manner. Instead of giving greenhouse emissions and global warming issues the short shrift that it does, the EIR needs to include a comprehensive discussion of possible impacts of the emissions from this project.
3. Climate change is known to affect the frequency and or severity of air quality problems, which is not discussed adequately.
- 7-12 4. The cumulative effect of this project taken with other projects in the same geographical area on water supply, air quality and climate change is virtually missing from the document and the EIR is totally deficient in this regard.

- 7-13 For the foregoing reasons, the EIR is fatally flawed.

ALTERNATIVE ANALYSIS

7-14 The alternative analysis fails in that the entire alternatives-to-the-project section provides no discussion of the effects of the project, or the absence of the project, on surrounding land uses, and the likely increase in development that will accompany the completion of the project, nor does it discuss the deleterious effects of failing to update the project upon those same surrounding properties and the land uses which may or have occurred thereon.

Thank you for the opportunity to address these factors as they pertain to the referenced DEIR.

Very truly yours,

CITIZENS ADVOCATING RATIONAL DEVELOPMENT

NICK R. Green

President

LETTER 7 – Citizens Advocating Rational Development (CARD)

- 7-1 Energy. The comment states that the DEIR does not discuss any requirements that the project adopt energy saving “techniques” or fixtures, and that the project will consume “copious” quantities of electrical energy and other forms of energy. Section 15126.4(a)(1) of the State CEQA Guidelines requires that an EIR describe feasible measures which could minimize significant adverse impacts, including “where relevant, inefficient and unnecessary consumption of energy.” The proposed La Bahia Hotel will be subject to local and state building code regulations that require energy efficient designs and building materials. The City’s General Plan 2030 EIR (City of Santa Cruz, April 2012) evaluated increased energy use (electrical and natural gas) as a result of buildout accommodated by the General Plan, and concluded that overall, the future consumption of electrical and natural gas resources would not represent unnecessary, inefficient, or wasteful use of resources given the implementation of proposed policies that address lighting and energy conservation measures. Furthermore, as reported in the General Plan EIR, overall per capita electrical and natural gas consumption is predicted by the State Energy Commission to slightly decline in PG&E’s service area due to continued savings from energy efficiency programs (City of Santa Cruz, September 2011).

The proposed project will be constructed in accordance with specifications contained in Title 24 of the California Code of Regulations and the City’s Green Building Regulations, which both require incorporation of energy efficient building designs and measures. The City’s adopted “Climate Action Plan” reports that the City’s Green Building Program home is twice as efficient as the current building stock. Generally, new buildings constructed pursuant to state and locally mandated green building and energy efficiency requirements results about 50% more energy efficient structures than older existing structures (City of Santa Cruz, “Climate Action Plan,” adopted October 2012).

Thus, there was no reason to expect that the project would result in “unnecessary consumption of energy.” Energy use was factored into the greenhouse gas emissions calculations for the project as discussed on pages 4.5-14 to 4.5-15 of the DEIR, and no significant impacts were identified. Furthermore, the project also includes energy-efficient design features. For example, as indicated on page 4.5-15 of the DEIR, the project incorporates solar panels for pool and spa heating, and some hot water will be recovered via the building’s heating system that will provide a reduction of the annual domestic hot water load. The project also proposes implementation of an “Alternative Transportation Program” as described on page 4.3-12 of the DEIR, which will reduce project vehicle trips. The DEIR text has been expanded regarding energy use and efficiency; see the “Growth Inducement and Energy Efficiency” subsection in the CHANGES TO DRAFT EIR (3.0) section of this Final EIR document.

- 7-2 Wholesale Water Supplies. The comment requests that “wholesale water supplies” be documented. Water supply, project water demand, and project impacts on water supply are reviewed and analyzed in section 4.4 of the DEIR. As indicated on page 4.4-3, the City of Santa Cruz Water Department (SCWD) provides water service to

the project area. The City's water supply sources are described on pages 4.4-3 and 4.4-4 of the DEIR. The City Water Department does not receive any of its water supplies from wholesale suppliers, but obtains its own supply and then delivers it on a retail basis.

- 7-3 Project Water Demand. The comment requests that the project water demand be documented. Project water demand is identified on pages 4.4-20 to 4.4-21 of the DEIR, and project impacts to water supply are addressed on pages 4.4-20 to 4.4-23.
- 7-4 Near-Term and Long-Term Development and Water Demand. The comment requests that near-term and long-term reasonably foreseeable development scenarios be determined, along with water demand necessary to serve this development and near-term and long-term water supply sources and yields. In accordance with CEQA and State CEQA Guidelines section 15125, the EIR must address the impacts of the project on existing conditions as they exist at the time the EIR Notice of Preparation is published, which the DEIR does in the WATER SUPPLY (4.4) chapter of the DEIR. Cumulative impacts are addressed in section 5-3 of the DEIR. In accordance with State CEQA Guidelines section 15130(b) and as discussed on page 5-4 of the DEIR, the cumulative analysis can be based on either a list of projects or growth projections, but there is no requirement to identify and analyze both near-term and long-term scenarios as requested in the comment, as the project is not relying on separate short- and long-term supplies. As indicated on page 4.4-1 of the DEIR, the EIR analyses draw from the City's General Plan EIR, which provides a full description of City water supply sources, supply planning, including Urban Water Management Plans, and alternative water supply sources. The DEIR also provides an updated discussion on water supply issues and cumulative impacts on pages 5-10 to 5-18.
- 7-5 Cumulative Water Demand. The comment asks that cumulative water demand be determined and compared to near- and long-term supplies. Cumulative water demand and impacts are identified and addressed page 5-12 of the DEIR. As discussed in Response to Comment 7-4 above, there is no requirement under CEQA or the State CEQA Guidelines that near-term and long-term demands and supplies be analyzed, except where a proposed project relies on separate short-term and long-term supplies, as occurred in *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412. It is noted however, that the City's adopted "Urban Water Management Plan" provides water demand and water supply estimates in five-year increments; see page 4.4 of the DEIR for further information and a link to the document on the City's website.
- 7-6 Future Water Sources. The comment asks that impacts of developing future water sources be identified, as well as mitigation measures for any significant impacts of developing future water supplies. Reasonably foreseeable supplemental water sources for the City are discussed on pages 5-13 to 5-17, including potential impacts associated with development of a supplemental water source. As reported, potentially significant impacts related to construction of a desalination facility can be mitigated to a less-than-significant impact, except for one impact. The impact analyses and mitigation measures are included in the "City of Santa Cruz and Soquel

Creek Water District Proposed scwd2 Regional Seawater Desalination Project Draft Environmental Impact Report" (May 2013 -SCH# 2010112038), prepared by URS Corporation for the City of Santa Cruz and the Soquel Creek Water District. The document is available for review at the City of Santa Cruz Water Department during business hours and online at: http://www.scwd2desal.org/Page-EIR_Docs.php.

- 7-7 Global Warming Effects on Water Supply. The comment asks that the effect of global warming on water supplies be discussed. The issue of global climate change and potential issues and implications for the City's water supply sources is addressed on pages 4.4-11 and 4.4-12 of the DEIR.
- 7-8 DEIR Information on Water Supply. The comment alleges that there is "virtually no information" in the DEIR to permit a reader to draw reasonable conclusions regarding the impact of the project on existing or future water supplies, and that the EIR is flawed. This assertion is incorrect. As discussed in the above Responses to Comments 7-3, 7-4, 7-5, and 7-6, the DEIR evaluates project water impacts in detail in section 4.4 of the DEIR, and cumulative impacts are addressed on pages 5-13 to 5-17 of the EIR. A complete description of water supply sources, issues, plans for conservation and supplemental sources are described, as well as the effects of project and cumulative water demand upon City water supplies. Additionally, the introduction to the WATER SUPPLY (4.4) section of the DEIR indicates that the section draws from the City's General Plan 2030 EIR with regards to the City's water service area, water supplies, historic water production and demand and water management planning efforts over the past 20 years.
- 7-9 Local Greenhouse Gas Emissions. The comment states that the EIR lacks sufficient data on extent of greenhouse gas emissions and global warming and climate change. Climate change is addressed on page 4.5-8 of the DEIR, and effects of project greenhouse gas emissions are analyzed on pages 4.5-14 to 4.5-16 and in Appendix E of the DEIR. As indicated on pages 4.5-1 and 4.5-8 of the DEIR, the EIR "incorporates by reference" the City's General Plan 2030 EIR's discussion on climate change, which provides a full discussion of climate change and overall global and state issues. The incorporation by reference is accomplished in accordance with State CEQA Guidelines section 15150.
- 7-10 DEIR Analysis and Substantial Evidence. The comment states that the EIR does not provide any support or evidence that "Guidelines" utilized in the analysis are supported by substantial references. The comment does not indicate a reference to the cited "Guidelines". Nonetheless, the DEIR analysis included quantification of project greenhouse gas emissions, which are summarized on pages 4.5-14 to 4.5-16 of the DEIR. The technical analysis provides the substantial evidence to support the DEIR conclusions, and is included in Appendix E of the DEIR. The methodology and analysis is consistent with the requirements set forth in State CEQA Guidelines section 15183.5.

- 7-11 Climate Change and Project Greenhouse Gas Emissions. The comment states that the issues of climate change are not adequately in the DEIR. As indicated in Response to Comment 7-9, the EIR “incorporates by reference” the City’s General Plan 2030 EIR’s discussion on climate change, which provides a full discussion of climate change and overall global and state issues (see DEIR page 4.5-1 and 4.5-8). The incorporation by reference is accomplished in accordance with State CEQA Guidelines section 15150, which allows an EIR to incorporate by reference all or portions of another document which is a matter of public record, including descriptions of environmental setting, air quality and effects of greenhouse gas emissions on the environment (section 15150(e)).
- 7-12 Cumulative Impacts. The comment states that the cumulative effect of the project on water supply, air quality and climate change is virtually missing from the document, and the EIR is deficient in this regard. Cumulative impacts are addressed in section 5.3 of the DEIR, beginning on page 5-3. The cumulative analyses utilize the City’s recent General Plan 2030 EIR pursuant to the State CEQA Guidelines as explained on page 5-5 of the DEIR. The General Plan EIR provides an analysis of cumulative growth and buildout, and specifically addresses cumulative air quality and greenhouse gas emissions, including quantification of estimated emissions associated with buildout accommodated by the General Plan (see DEIR pages 5-4 to 5-7). The General Plan EIR concluded that the resulting cumulative impacts to air quality and greenhouse gas emissions would not be significant. The La Bahia Hotel DEIR updated cumulative traffic and water supply impacts. Cumulative impacts on water supply are addressed on pages 5-10 to 5-18 of the DEIR.
- 7-13 Flawed Greenhouse Gas Emissions Analysis. The comment states that for the “foregoing reasons, the EIR is fatally flawed” with respect to air quality, greenhouse gas emissions and climate change. This assertion is entirely invalid. As discussed in the above Responses to Comments 7-9, 7-10, 7-11, and 7-12, the DEIR adequately addresses impacts related to air quality, greenhouse gas emissions and climate change.
- 7-14 Alternatives Analysis. The comment states that the EIR fails to provide a discussion of project effects on surrounding land uses in the alternatives section. As indicated on page 5-18 of the DEIR, according to State CEQA Guidelines (section 15126.6), an EIR shall describe a range of reasonable alternatives to the project or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. Because the significant impacts identified in the DEIR for the proposed project are associated with historical resources, traffic, geology and noise, these issues were appropriately the focus of the analyses of the impacts of project alternatives. The analyses did not identify new significant impacts associated with any of the alternatives evaluated in the DEIR, and concluded that the alternatives would result in impacts similar to or less than those of the project, as explained in the expanded text in the CHANGES TO DRAFT EIR (3.0) section of this document. The DEIR and its accompanying Initial Study (Appendix A of the DEIR) do address topics that could potentially affect the surrounding area including: aesthetics (DEIR Section 4.1), noise and vibration (DEIR, pages 4.2-24 to 4.2-28 and Initial Study, pages 46-48), traffic (DEIR Section 4.3), and air quality (dust during

construction, DEIR pages 4.5-11 to 4.5-12). As discussed in the DEIR LAND USE (4.7) section, the proposed project would not result in conflicts with policies or regulations adopted for the purpose of avoiding or mitigating an environmental impact (see DEIR pages 4.7-8 to 4.7-13). The same is true for the alternatives discussed in the EIR.