

4.0 COMMENTS & RESPONSES

IN THIS SECTION:

- 4.1 Introduction
- 4.2 List of Comments Received
- 4.3 Master Responses
- 4.4 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 4.4; a response to each comment is provided immediately following each letter. Two Master Responses are provided in subsection 4.3 for similar water supply comments that were contained in several comments. 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 (Chapter 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. A response to each comment is provided immediately following each letter in subsection 4.4. 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.

AGENCIES

1. California State Clearinghouse
2. California Native American Heritage Commission
3. LAFCO of Santa Cruz County
4. Monterey Bay Unified Air Pollution Control District
5. City of Santa Cruz Water Department
6. United States Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service
7. California Department of Fish and Game (sent to Water Department with comments regarding Urban Water Management Plan and Water Supply Assessment for General Plan 2030)

ORGANIZATIONS

8. Rick Longinotti, Santa Cruz Desal Alternatives
9. Don Stevens, President, Habitat and Watershed Caretakers

INDIVIDUALS

10. Jean Brocklebank
11. John Golder
12. Rick Longinotti, Personal Comments
13. Andy Schiffrin
14. John Swift

4.3 MASTER RESPONSES

MASTER RESPONSE WS-1: Urban Water Management Plan Update

[5-1, 13-21]

Two comments ask that the Final EIR be updated to contain current information based on the recently adopted 2010 Urban Water Management Plan (UWMP), including the impact analysis. A draft updated 2010 Urban Water Management Plan (UWMP) was released for public review in October 2011 after the release and distribution of the *General Plan 2030* Draft EIR. The 2010 UWMP is a five-year update of the 2005 UWMP as required by state law, and was adopted by the City Council on December 13, 2011. The DEIR text has been revised to account for updates in the 2010 UWMP; see the CHANGES TO DRAFT EIR (Chapter 3.0)

section of this document, and a brief overview is provided below. The adopted 2010 UWMP does not change the conclusions of the DEIR impacts on water supply. A supplemental water source continues to be planned/proposed in the 2010 UWMP.

The updated plan follows the same basic structure and organization as the 2005 plan, while updating each section with more recent information. Key factors that changed as noted in the plan included: effects of a water shortage; reduced surface water diversions due to endangered species regulation and protection, decreased groundwater availability, aging infrastructure; and changing (reduced) water demand.

The updated 2010 UWMP refines water supply and demand estimates based on updated water system modeling, potential water supply reductions due to federal and state requirements for protection of fishery species (see Master Response WS-2 below), and changes in overall demand over the past five to ten years. The 2010 UWMP indicates that total water supply estimated to be available to the City is 4,160 MGY in normal years, 3,930 MGY in single dry years (i.e., 1994), and 2,830 MGY during an extreme two-year drought similar to the 1976-77 event. These forecasts are similar to those identified in the DEIR for a single-dry year (3,800 MGY) and a two-year drought (2,700 MGY), but lower under normal years (4,300 MGY). The 2010 UWMP water supply estimates are based on detailed modeling and are more accurate than the estimates in the former 2005 UWMP. The model used for the 2010 UWMP was updated to account for changes in: water demand; hydrologic stream flow data, including potential bypasses under the City's proposed Conservation Strategy; water supply information; and water transmission losses. A water supply deficit of approximately 1,200 MG is identified for a multiple-year drought in the 2010 UWMP compared to approximately 1,340-1,800 estimated in the Water Supply Assessment prepared for this EIR, which utilized water supply forecasts in the 2005 UWMP.

The water demand projections in the 2010 UWMP include two growth scenarios within the City's water service area, both of which reflect the water demand estimates developed for proposed *General Plan 2030* buildout that are included in the DEIR and accompanying Water Supply Assessment (WSA). Both scenarios discount the most recent downturn in water use beginning in 2009 as a temporary condition caused primarily by water restrictions, which is not considered indicative of normal use. Scenario 1 is based on water demand levels experienced from 1999 through 2004. Scenario 2, which is lower, is based on average water use during the 2007-08 period just prior to water restrictions. The projected water demand for the City's entire water service area is estimated to be 4,537 MGY under Scenario 1 and 4,046 MGY under Scenario 2, which is the same level forecasted in the DEIR. Given state mandates for water conservation and recent trends in reduced water demand, the 2010 UWMP concludes that Scenario 2 reflects the most reasonable scenario for water management planning purposes.

It is also noted that total future demand may be reduced by 136 MGY from what was reported in the DEIR or in the City's recently adopted 2010 UWMP. This is due to LAFCO's potential approval of a sphere of influence amendment and provision of water and sewer service to a portion of the North Campus area of UCSC as explained in Response to Comment 8-2. In essence, the approval as initially conditioned required that the water demand from future UCSC development be offset (on- or off-campus) so that there is no net increase in water demand. Thus, the overall water service area demand in the year 2030 could be reduced by

136 MGY. However, a final decision by LAFCO has not been made, and the next scheduled meeting is set in June 2012, and thus, the outcome remains uncertain.

MASTER RESPONSE WS-2: Potential Reduction of Water Supplies

[6-1, 6-3, 7-2, 8-1, 9-2, 9-3]

A number of comments questioned the City's water supply availability given potential reduction due to potential increases in flow releases to protect endangered fish species. The City's water supply (San Lorenzo River and North Coast streams) historically and currently maintain populations of listed species – coho salmon and steelhead. The National Marine Fisheries Service (NMFS) is concerned that water withdrawals are having an adverse impact on the species, especially during critically dry years, and states that the City has not given assurances it is capable of meeting water demand requirements identified in the DEIR. NMFS and the City are currently in the process of developing a HCP to minimize impacts from the City's water operations, and NMFS indicated in its comment letter that specific flow targets for multiple life stages of coho and steelhead have not been determined, although it is expected that the HCP will require additional flow releases to avoid and/or minimize impacts to these species. Until flow targets are developed, NMFS indicated that the Water Supply Analysis cannot identify potential impacts.

The DEIR and accompanying Water Supply Assessment (WSA) prepared for the EIR estimated future water demand that could result from estimated potential buildout under the draft General Plan. The water supply analysis in the WSA and DEIR recognizes that the protection of the referenced species will be required, which is being developed through the HCP process. The DEIR also acknowledges that overall water supply may be reduced as a result of flow releases ultimately required for listed fishery species. This is discussed on pages 4.5-11 and 4.5-12 of the DEIR. However, at the time the DEIR was prepared there had been no estimates of potential flow releases or overall reduction to water supply. Just prior to the release of the DEIR for public review, the City submitted its proposed Conservation Strategy to NMFS in August 2011. The DEIR summarized provisions of this proposal as was known at the time the DEIR was prepared on Pages 4.5-12 and on pages 4.8-25 to 4.8-26.

Additional water system modeling and analyses are provided in the 2010 UWMP, which was adopted by the City Council in December 2011 (after the close of the public review period for this EIR). The model was recently updated, and the effect of HCP options on water supply reliability were factored into the model for each of the proposed three tiers. The model incorporated the best available information, including net water production over a 73-year period, and future operations beginning in 2015 under a yet to be approved Habitat Conservation Plan (HCP) with "Tier 2" stream flows factored into the model consistent with the City's proposed conservation strategy of the HCP for fish flows. The model was also updated to calculate the amount of new water supply capacity needed to limit peak season shortages to 15% as the curtailment goal set forth in the adopted IWP.

The updated and recently adopted 2010 UWMP indicates that it is now is certain that the City faces losing a portion of its long-established surface water resources due to federal and state regulations to protect endangered species. The actual amount in MGY is not known as negotiations with the agencies are in progress and there are many variables that affect the amount of releases, including different flow requirements for different life stages of the species,

daily and seasonal flow fluctuations and requirements, type of year (i.e., normal, single-dry, multiple-dry), and how different supply sources are utilized. However, based on the results of the modeling, the 2010 UWMP indicates that with proposed Tier 2 flows, water supplies in 2030 are estimated as 4,160 MGY in a normal year, 3,930 MGY in single-dry year, and 2,830 MGY in a multiple-year drought. The 2010 UWMP also identifies the needed capacity of a supplemental water source (desalination is the current preferred source) with implementation of each proposed tier. With Tier 2 flow releases, a 2.25 mgd plant would be required under existing conditions and a 2.75 mgd plant would be needed by 2030, assuming the 2007-08 level of water demand is maintained. If higher demand levels occur, a desalination plant capacity of 3.25 to 4.25 mgd could be required. Modeling of Tier 3 flows indicates that even assuming desalination capacities needed with Tier 2 flows, the City would experience water shortages much more often (statistically every other year) and would require much greater levels of total new water supply capacity (i.e., 7.50-9.75 mgd plant capacity) to maintain target levels of reliability.

Some comments indicated that Tier 3 flows should be utilized. The Tier 3 level proposed in the City's Conservation Strategy represents a flow scenario that is 80% of the optimum condition for the salmonid species present in the streams from which the City withdraws water. However, the 2010 UWMP indicates that without the addition of new water supply, the City would be incapable of virtually ever meeting Tier 3 flows, even in wet years. In dry years, and consecutive dry years, without additional supply, providing such flow would leave the City with only about 25% average water supply. For that reason, the 2010 UWMP does not consider the operation of the water system under a Tier 3 flow scenario unless and until a new supply is developed. However, the 2010 UWMP also acknowledges that should regulatory agencies mandate the City to release more water than is represented under Tier 2 flows, water shortages could be greater than projected in the Plan.

The HCP process has and will be the mechanism that will ultimately determine the appropriate flows for fish species protection and additional flow releases required of the City. Since this is a process that is still underway, what is known at this time is that some level of release will be required, and the City has offered its Conservation Strategy as a means to achieve species protection. The City acknowledges receipt of responses from NOAA and CDFG that the City's current proposal may not be acceptable, and ultimate flows may be different. CEQA does not require agencies to engage in speculation or to suspend all decision-making until independent regulatory processes, such as the HCP, conclude. Rather, the City may proceed, as it has done in this EIR, to make reasonable assumptions based on the best available data, including information in the WSA and most recent UWMP, and information that is available at the time the EIR is prepared.

As indicated in Master Response WS-1 above, changes have been to the DEIR to reflect these new estimates and information in the 2010 UWMP; see CHANGES TO DRAFT EIR (Chapter 3.0) of this document. The proposed General Plan update is evaluated at a programmatic level, and the analysis in the EIR does not examine the effects of site-specific projects that may occur within the overall umbrella of the General Plan update. The DEIR discloses potential reduction in supply due to implementation of the HCP to the extent that such information is available. The City and NMFS are currently working on the flow targets. The General Plan does not commit the City to providing water to a specific use or development. If in the future, water supplies are reduced below the levels currently anticipated in the City's water system modeling and 2010

UWMP, further amendments to adopted water plans may be required, and any specific projects triggering project-level environmental review and water supply assessments under the Water Code will be required to account for potentially changed assumptions and conditions.

It is also noted that interim flow releases began in 2007 and increased in 2008. As indicated in the 2010 UWMP, in accordance with the requirements of its water rights, the City releases a minimum flow of 1.0 cfs (equal to 0.65 mgd or approximately 20 MG per month) from storage in Loch Lomond to support fishery resources. In 2007, the City voluntarily began releasing in-stream flows from the North Coast system. Over the last three years, combined in-stream flow release on the North Coast system have averaged 0.39 mgd or about 11 MG per month (City of Santa Cruz Water Department, December 2011). The 2010 UWMP acknowledges that the City anticipates having to bypass substantially more flow in the future from the North Coast sources and from the San Lorenzo River once an agreement with regulatory agencies has been negotiated (Ibid.).

4.4 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 commentors. (CEQA Guidelines, § 15204, subd. (a).) 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 (Chapter 3.0) section of this document.



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

October 28, 2011

Ken Thomas
City of Santa Cruz, Planning Department
809 Center Street, Rm 107
Santa Cruz, CA 95060

Subject: General Plan 2030
SCH#: 2009032007

Dear Ken Thomas:

1-1 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 October 27, 2011, 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

**Document Details Report
State Clearinghouse Data Base**

LETTER 1

SCH# 2009032007
Project Title General Plan 2030
Lead Agency Santa Cruz, City of

Type EIR Draft EIR

Description The project is an update of the City's General Plan / Local Coastal Program 1990-2005 that includes elements required by State law and a land use map, as well as optional subjects related to community design and economic development. Goals, policies and actions are provided for each element. The General Plan 2030 Land Use Map and land use designations are largely unchanged from the 1990-2005 General Plan, except for three new mixed use land designations along major road corridors and designation changes for three specified sites. Buildout projections were estimated to provide an estimate of the amount of development that could occur by 2030. The Local Coastal Plan will be updated as a separate document.

Lead Agency Contact

Name Ken Thomas
Agency City of Santa Cruz, Planning Department
Phone 831 420 5148 **Fax**
email
Address 809 Center Street, Rm 107
City Santa Cruz **State** CA **Zip** 95060

Project Location

County Santa Cruz
City Santa Cruz
Region
Lat / Long
Cross Streets Citywide
Parcel No.

Township	Range	Section	Base
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Proximity to:

Highways Hwy 1,9,17
Airports
Railways Union Pacific
Waterways Monterey Bay, San Lorenzo River
Schools UCSC
Land Use Various

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects; Other Issues

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

Date Received 09/13/2011 **Start of Review** 09/13/2011 **End of Review** 10/27/2011

**LETTER 1 – CALIFORNIA GOVERNOR’S OFFICE OF PLANNING &
RESEARCH, STATE CLEARINGHOUSE**

- 1-1 The letter acknowledges that the City of Santa Cruz complied with the State Clearinghouse review requirements for review of draft environmental documents. No response is necessary.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-4082
 (916) 657-5390 - Fax



September 26, 2011

Ken Thomas
 City of Santa Cruz Planning Department
 809 Center Street, Room 107
 Santa Cruz, CA 95060

Clear
 10/27/11
 P



RE: SCH# 2009032007 City of Santa Cruz General Plan 2030: Santa Cruz County.

Dear Mr. Thomas:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- 2-1 ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
- If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
- The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- 2-2 ✓ Contact the Native American Heritage Commission for:
- A Sacred Lands File Check. USGS 7.5 minute quadrangle name, township, range and section required.
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. Native American Contacts List attached.
- 2-3 ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez
 Program Analyst
 (916) 653-4040

cc: State Clearinghouse

LETTER 2 – CALIFORNIA NATIVE AMERICAN HERITAGE COMMISSION

- 2-1 Archaeological Records Search. The comment recommends contacting the appropriate regional archaeological Information Center for a records search. This was conducted as part of the cultural resources study that is included in Appendix F-2 of the EIR. A summary of the results of the records search is presented page 4.9-10 of the DEIR.
- 2-2 Native American Heritage Commission Contact. Contact with the Native American Heritage Commission, as recommended in the comment, was made as part of the preparation of the cultural resources report. The results are summarized on page 4.9-10 of the DEIR and are described in Technical Appendix F-2. The NAHC indicated that the sacred lands file did not list cultural resources in the General Plan planning area.
- 2-3 Evaluation of Archaeological Resources. The draft General Plan 2030 does include policies to protect archaeological and cultural resources as summarized on Table 4.9-2 (page 4.9-21) of the DEIR. Existing City regulations (Municipal Code section 24.12.430) outline procedures to be followed in the event that archaeological resources are accidentally discovered during construction, including provisions for discovery of human remains. These provisions are typically applied to development projects as conditions of approval. Mitigation 4.9-1 adds an action to the draft General Plan that specifies the procedure for preparing archaeological investigations. Thus, the provisions for identification, evaluation and mitigation of cultural resources has been addressed in the draft General Plan and DEIR as recommended in the comment.



November 10, 2011

City of Santa Cruz
Attention: Ken Thomas, Principal Planner
Department of Planning and Community Development
809 Center Street, Room 106
Santa Cruz, CA 95060

Subject: City of Santa Cruz Draft General Plan 2030 Environmental Impact Report

Dear Mr. Thomas:

3-1 I am responding to your Notice of Availability of the Draft Environmental Impact Report for the City of Santa Cruz Draft General Plan 2030. LAFCO is a responsible agency for any projects that involve amendments to the City's Sphere of Influence, annexations proposals, or extraterritorial expansion applications of the City's water or sanitary sewer service areas.

With the exception of the UCSC North Campus area, the draft General Plan 2030 proposes to maintain the current City Sphere of Influence, as adopted by LAFCO. The North Campus Sphere of Influence Amendment (LAFCO No. 928) and the application (LAFCO No. 929) to provide extraterritorial water and sewer service to the North Campus will go to LAFCO hearing before the City's general plan update process is complete. The number of LAFCO matters in the General Plan EIR, separate from the North Campus issue, are quite limited.

3-2 Dimeo Lane

The City maintains its landfill and resource recovery facility at 605 Dimeo Lane on the North Coast. This facility is inside the City limits. My understanding is that the City has acquired property near the entrance to the facility that would allow for a future building to be constructed. Land Use Policy 2.2 in the Draft General Plan states that the City will not support expansion of the City Sphere of Influence or annex lands except within the current sphere of influence in the Carbonera area or in the North UCSC Campus. The Draft General Plan does not address Sphere expansion in the Dimeo Lane area. Since there may be operational advantages to annexing the newly acquired property, the City should consider either (1) including the newly acquired property in the General Plan's sphere expansion list, and analyzing it in the EIR; or (2) excluding the building site from the General Plan and EIR in order to purposely defer the environmental analysis until a comprehensive project description and environmental analysis is done after the City identifies the preferred site development details. Either option is satisfactory to LAFCO.

3-3 Paradise Park

On Page 4.6-2, the Draft EIR states that the Paradise Park area was annexed to the City's Fire Service Area. That wording misstates the LAFCO terminology. A better way to describe the situation is to say

that the City of Santa Cruz has entered into an automatic aid agreement with the County Fire Department, which is operated by CAL FIRE, to provide first response into Paradise Park because the City fire companies have significantly faster response times into Paradise Park than the County/CAL FIRE companies.

Please contact me if you have any questions about this communication.

Very truly yours,
/original signed/
Patrick M. McCormick
Executive Officer

LETTER 3 – LAFCO, Santa Cruz County

- 3-1 Sphere of Influence Amendments. The comment states that with the exception of the UCSC North Campus area, the draft General Plan 2030 proposes to maintain the current City Sphere of Influence (SOI), and the Sphere of Influence amendment for UCSC will go to LAFCO for a hearing. In addition to UCSC, the draft General Plan also includes a policy to amend the City’s SOI in the Carbonera area and at the City’s Landfill and Resource Recovery Center as summarized on page 4.1-19 of the DEIR. With regards to UCSC, hearings before LAFCO were held in December 2011 and March 2012. A decision has not yet been made, and the next scheduled meeting on the matter is set for June 2012.
- 3-2 SOI Amendment in Dimeo Lane. Policy LU2.2.3 has been drafted by City staff to be added to the General Plan 2030, which calls for amendment of the City’s SOI to include the recently acquired 5.5-acre parcel adjacent to the City’s existing landfill and Resource Recovery Center as summarized on pages 4.1-16 and 4.1-22 of the DEIR. Furthermore, the DEIR specifically acknowledges the 5.5-acre parcel on page 4.1-19: “The draft General Plan policies do not support expansion of the City’s Sphere of Influence (SOI) or annexation except in the Carbonera Area (LU2.2.1), the UCSC north campus area pursuant to the UCSC/City Comprehensive Settlement Agreement (LU2.2.2), and a 5.5-acre addition to the City’s Landfill and Resource Recovery Center (LU2.2.3).”
- 3-3 Paradise Park Fire Service. The comment suggests better wording to describe fire service provision to Paradise Park. The PUBLIC SERVICES & UTILITIES (Chapter 4.6) of the EIR has been revised as requested; see CHANGES TO DRAFT EIR (Chapter 3.0) of this FEIR document.



November 14, 2011

Ken Thomas
Principal Planner
City of Santa Cruz

Department of Planning & Community Development
809 Center Street, Room 106
Santa Cruz, CA 95060

kthomas@cityofsantacruz.com
Original Sent 1st Class Mail

SUBJECT: DEIR for City of Santa Cruz Draft General Plan 2030

Dear Mr. Thomas:

- 4-1 The Monterey Bay Unified Air Pollution Control District (Air District) appreciates the opportunity to comment on the above referenced document. The Air District commends the City for their efforts to adopt policies and actions to reduce both air emissions and greenhouse gas (GHG) emissions.
- 4-2 The Air District is concerned with the air quality analysis due to the method used to estimate vehicle miles traveled (VMT) and the operational emissions analysis. The main concern with the document is how the VMT have been estimated. Typically, a traffic study or traffic analysis is used to develop VMT values for use in estimating air emissions. The air quality analysis used URBEMIS2007 to estimate VMT; however, this model is not intended to be used to project VMT for a general plan-level document. Using this method may have underestimated VMT for the plan. Please review and revise the VMT used to evaluate air quality and greenhouse gas impacts.
- 4-3 Furthermore, the project-level operational emission analysis presented in the air quality chapter of the DEIR needs to include criteria pollutant emissions from area sources.

In addition, the Air District submits the following comments regarding the above document:

4-4 Regulatory Setting, Federal Regulations, on Page 4.11-1.

The acronym for federal Clean Air Act should be "FCAA".

Regulatory Setting, Regional Regulations, on Page 4.11-2.

In the last sentence of the first paragraph, add the term "Central" between "North" and "Coast".

Existing Air Quality Conditions, Ambient Air Quality Standards, on Page 4.11-4.

Delete the sentence, "However, the numerical values for both standards are the same."

Table 4.11.1 National and State Ambient Air Quality Standards on Page 4.11-5.

Update standards for ozone, nitrogen dioxide, sulfur dioxide, and lead to match current standards that can be found here: <http://www.arb.ca.gov/research/aaqs/aaqs2.pdf> .

Table 4.11-2 Attainment Status for the North Central Coast Air Basin – January 2009 on Page 4.11-9.

Delete third footnote in table, EPA designations for PM_{2.5} have been finalized and are effective.

4-5 Relevant Project Elements on Page 4.11-13 and Table 4.11-3, Proposed General Plan Policies & Actions that Reduce Air Emissions & Air Quality Impacts on Page 4.11-18.

Policy HZ2.1 states that the City will “strive to exceed air quality standards”. Please note, in air quality terms, striving to exceed the standards essentially means striving to violate the standards. Please revise policy HZ2.1 to state that the City will “strive to achieve the ambient air quality standards”.

4-6 Impacts and Mitigation Measures Conclusion on Page 4.11-17 and Appendix E, Memorandum Dated April 6, 2011, on Page 2.

The conclusion states, “reduce vehicle miles traveled and thus, air pollutant emissions from vehicle trips...” Recommend to re-word sentence to state that policies and actions would reduce vehicle trips rather than vehicle miles. Appendix E states that a trip length of 2.2 miles was used for emission calculations. It may be difficult to reduce the miles much lower than 2.2 miles per trip and may make more sense to reduce or eliminate vehicle trips to reduce emissions.

Please confirm the assumption of using a 2.2 mile trip length for all trip types since this is substantially lower than the County average. The trip types should include trips that remain contained within the City, pass through trips, trips that originate from the outside but end in the City, and trips that originate within the City but end outside. Explain how implementing the General Plan policies and actions could achieve reducing a 2.2 mile trip length. Using this short distance may limit the ability to reduce emissions by reducing VMT.

4-7 Table 4.11-3 Proposed General Plan Policies & Actions that Reduce Air Emissions & Air Quality Impacts on Page 4.11-18.

The intent of Policy HZ2.1 is to achieve the federal and State air quality standards. However, the actions HZ2.1.1 through HZ2.1.4 address how to reduce GHG emissions. How do actions HZ2.1.1 through HZ2.1.4 help in meeting federal and state air quality standards when standards have not been established for GHGs?

Table 4.11-3, Proposed General Plan Policies & Actions that Reduce Air Emissions & Air Quality Impacts on Page 4.11-18.

The second bulleted policy under Reduce Auto Vehicle Trips and Emissions indicates that the City will work to reduce automobile dependence and vehicle trips. The Air District suggests as a specific measure under these policies that the City encourage the University of California Santa Cruz (UCSC) to create affordable on-campus housing so that students will have an incentive to live on-campus, thus reducing trips and the associated motor vehicle emissions. This measure would also be consistent with the third guiding principle for the general plan presented in Table 3-1, where the City will seek a mutually beneficial relationship with UCSC to mitigate off-campus impacts on the community.

4-8 Future Project-Level Operational Emissions on Page 4.11-20.

The text states, “The estimated General Plan 2030 buildout could result in an increase of 78,236 new average daily trips (ADT).” Please provide a reference for the ADT value. This value does not match the URBEMIS2007 value output contained in Appendix E.

4-9 Future Project-Level Operational Emissions on Page 4.11-20.

The text states, “The methodology involved developing estimates of Vehicle Miles Travelled (VMT) within city limits...” Are the VMT estimates developed consistent with AMBAG projections? For example, were VMT associated with attracting vehicles from Santa Clara County to within City limits included in the estimate? The VMT should account for all vehicles entering and leaving the City.

Future Project-Level Operational Emissions on Page 4.11-20.

The Air District suggests that the City use the same criteria for estimating transportation and area source emissions in both the General Plan and the Climate Action Plan.

4-10 Table 4.11-4 Criteria Pollutant Emissions on Page 4.11-21.

The criteria pollutant emissions reported in Table 4.11-4 were estimated based only on VMT and does not account for area source emissions. The criteria pollutant area source emissions should be added to the table.

4-11 Conclusion and Mitigation Measures on Page 4.11-23.

Revise conclusion to state that construction-related emissions would potentially be significant. Add mitigation measure to require implementation of the following measures during construction of projects associated with buildout of the General Plan.

- Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure.
- Prohibit all grading activities during periods of high wind (over 15 mph).
- Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydro seed area.
- Haul trucks shall maintain at least 2'0" of freeboard.
- Cover all trucks hauling dirt, sand, or loose materials.
- Plant tree windbreaks on the windward perimeter of construction projects if adjacent to open land.
- Plant vegetative ground cover in disturbed areas as soon as possible.
- Cover inactive storage piles.
- Install wheel washers at the entrance to construction sites for all exiting trucks.
- Pave all roads on construction sites.
- Sweep streets if visible soil material is carried out from the construction site.
- Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District should be visible to ensure compliance with Rule 402 (Nuisance).

- Limit the area under construction at any one time.

4-1.2 Recommended Revisions to the Draft General Plan 2030 on Page 4.11-24. last sentence
Revise the sentence by replacing “Stationary sources...” with “Projects...”.

Recommended Revisions to the Draft General Plan 2030 on Page 4.11-24.

Planting certain types of trees can have a beneficial impact on air quality. The Air District recommends adding a new action, HZ2.2.7, that states, “Encourage landscaping that includes vegetation, such as bushes and trees capable of reducing the impact of air emissions from diesel and gasoline-fueled vehicles traveling along roadways.”

4-1.3 Impacts and Mitigation Measures, Impact 4.12-1 on Page 4.12-24

The section should include a qualitative discussion of potential GHG emissions from construction of projects similar to discussion in Section 4.11.

4-1.4 Impacts and Mitigation Measures on Page 4.12-25

Based on the data in Table 4.12-4, the value should be 408,923 metric tons CO₂e for 2030 Community GHG emissions from residential, commercial/industrial, and transportation. The text reports a value of 408,983 metric tons CO₂e.

Impacts and Mitigation Measures, on Page 4.12-25

The paragraph above Table 4.12-4 switches between using the “2005” and “2008” but Tables 4.12-3 and 4.12-4 only report emissions for 2008. Please review and change “2005” to “2008” if this is correct.

Impacts and Mitigation Measures, on Page 4.12-25 and Page 4.12-26.

Based on the values on page 4.12-16, in 1996 the City estimated 427,280 metric tons CO₂e per year. In addition, the City estimated 351,321 metric tons CO₂e per year in 2008. The 2030 General Plan projects 404,493 metric tons CO₂e per year in the year 2030 (page 4.12-25), which includes reductions for transportation, electricity, and natural gas. However, the 2030 emissions represent a six percent decrease from 1996 levels and 13 percent increase from 2008 levels. Please explain how higher emissions in the year 2030 compared to the year 2008 demonstrates meeting the goal of achieving a 30% reduction in GHG emissions by 2020 (compared to 1990 levels) set forth in Policy NRC4.1.1.

Impacts and Mitigation Measures, on Page 4.12-26 footnote

Review the calculation of the total service population reported in the footnote. The total service population value calculated as 108,755 does not match the numbers in Section 4.2 Population and Housing, page 4.2-12, which are 67,022 population and 42,561 employees (109,583 service population).

4-1.5 Appendix E, Santa Cruz GP GHG Emissions, Memorandum Dated April 6, 2011, on Page 1.

This first paragraph indicates that the Bay Area Greenhouse Model (BGM) was used to estimate GHGs out to the year 2030. Please explain how the BGM was adjusted for use in the General Plan since the BGM is specific to the nine counties of the San Francisco Bay Area and not the City of Santa Cruz.

4-1.6 Appendix E, Memorandum Dated August 29, 2011, on Page 2.

This section indicates that URBEMIS2007 was used to calculate annual average daily emissions. Please describe the rationale of using URBEMIS to assess impacts at the General Plan level since URBEMIS is geared toward project level impacts. Also, please note the District’s

significance threshold for criteria pollutants are based on peak daily emissions. Please develop figures using appropriate modeling for peak daily emissions.

4-17 Appendix E, Memorandum Dated August 29, 2011, on Page 2

Based on the URBEMIS2007 output, there would be area source emissions, in addition to the vehicle emissions, associated with the General Plan buildout. The area source emissions need to be added to the vehicle emissions and summarized in Appendix E and Table 4.11-4.

4-18 Appendix E, PM10 Emissions on Page 3.

The last sentence indicates that the 6 lb per day increase in PM10 between 2008 and 2030 represents a significant air quality impact. However, 6 lbs per day is well below the District's significance threshold of 82 lbs per day. Please revise to indicate a less than significance impact if appropriate.

4-19 Appendix E, URBEMIS Output

The land use values used in URBEMIS are inconsistent with the values presented on page 3-12 of General Plan EIR project description. See table below. Please confirm assumptions used to develop URBEMIS2007 emission estimates.

Land Use Type	Value Used in URBEMIS2007	Value in GP EIR, Page 3-12
Residential	446 Single Family	
	1,133 Apartments –low rise	
	1,510 Apartments – mid rise	
	558 Condo/townhouse general	
	3,647 Total Residential Units	3,350 Residential Units
Commercial	1,412,290 square feet Commercial	1,087,983 square feet
Office	1,318,920 square feet General Office Building	1,273,913 square feet
Industrial	783,540 square feet General Light Industry	776,926 square feet
Hotel	None	311 rooms

Thank you for the opportunity to comment on this document.

Best regards,

Robert Nunes
Air Quality Planner

Cc: Richard Stedman, MBUAPCD Air Pollution Control Officer
David Craft, MBUAPCD Air Quality Engineer
Amy Clymo, MBUAPCD Air Quality Planner

LETTER 4 – MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT

- 4-1 City Efforts to Reduce Emissions. The comment states that the Air District commends the City for their efforts to adopt policies and actions to reduce both air emissions and greenhouse gas (GHG) emissions. No response is necessary.
- 4-2 Methodology to Calculate Vehicle Miles Traveled (VMT). The comment questions how VMT was estimated as VMT is used to estimate air emissions. Typically, the URBEMIS program is run to estimate project-level air emissions. For the proposed project, the URBEMIS-2007 model was used for two purposes: to allow an estimation of new greenhouse gases as input to the BGM model, and to do an emissions trend analysis. The URBEMIS-2007 program is not recommended for use on large areas as it would tend to double count trips and is not a traffic model. So it would not be recommended for addressing all emissions from the City of Santa Cruz, for example. It is quite capable, however, of accurately calculating emissions from incremental land use changes, particularly where project-specific vehicle trip rates are available, as they were for the project. The URBEMIS-2007 program was applied only to the incremental growth accommodated by the plan through 2030. The URBEMIS-2007 run on project incremental growth was used by the BGM program to estimate greenhouse gas emissions from new development. It was also used in the emissions trend analysis to provide an estimate of the new vehicle miles travelled within city limits and to estimate area source emissions. The URBEMIS-2007 is fully capable of accurately estimating these parameters.
- 4-3 Area Source Emissions. The emissions trend analysis has been updated to include criteria pollutant emissions from area sources. See the revised technical memo in Appendix C of this document, as well as the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document for revisions to the air quality analysis.
- 4-4 Corrections to Environmental Setting Section. The comment lists several minor corrections and clarifications to the Environmental Setting section, which have been made where appropriate. See CHANGES TO DRAFT EIR (Chapter 3.0) of this FEIR document. The request to delete a sentence on page 4.11-4 is unclear as the sentence is cited in the District's current Air Quality Management Plan.
- 4-5 General Plan Policy HZ2.1. The comment suggests rewording draft General Plan policy HZ2.1 to better reflect air quality terms so that it reads that the City will strive to achieve, not exceed air quality standards". The change will be included with other policy/action word changes presented as part of the General Plan 2030 package submitted to the Planning Commission and City Council.
- 4-6 VMT Trip Length. The trip length of 2.2 miles was specifically chosen so that calculated emissions from the BGM model would reflect greenhouse gas emissions within the City boundaries. This was done because the greenhouse gas inventory for Santa Cruz only reflects emissions within City boundaries. Similarly, the criteria pollutant trends analysis quantified emissions of criteria pollutants within the City boundaries to allow

identification of emission trends. The 2.2 trip length mile was based on AMBAG data that was utilized in the City's "Master Transportation Study" (MTS), which reported approximately 74,000 VMT in the City and 33,000 trips for an average trip length of 2.2 miles. This is conservative (i.e., worst case) as it includes trips from outside the City; the trip length in the City would be slightly lower, the 2.2 trip length was used and is considered accurate.

The MBUAPCD has no quantitative standards or thresholds of significance applicable to a general plan. Regional impacts are primarily addressed through the consistency determination process, so the quantitative analysis of air quality and greenhouse gas emissions focused on determination of trends in emissions. Thus the 2.2 mile trip length does not represent a goal of the General Plan, it is simple a trip length representing the average trip length vehicles drive within City limits.

- 4-7 General Plan Policies and Actions that Reduce Air Emissions and Air Quality Impacts. The comment refers to Table 4-11-3 of the DEIR, which summarizes proposed General Plan policies and actions that reduce air emissions and air quality impacts, and questions how actions HZ2.1-1 through 2.1-4 support achieved air quality standards when they address greenhouse gas (GHG) emissions reductions. These actions are not specifically summarized in the referenced table as they pertain to GHG emission reductions. However, since the majority of GHG emissions are transportation-related, potential transportation-related GHG emissions reductions would also reduce other emissions.

The comment also suggests that a measure be added to policies that seek to reduce auto vehicle trips in which the City encourages the University of California to create affordable on-campus housing. This suggestion is not necessary as the "Comprehensive Settlement Agreement" that was negotiated as part of the settlement of lawsuits against the University's 2005 Long Range Development Plan EIR include provisions for increased on-campus housing. Specifically, the Agreement indicates that UCSC will provide 7,125 beds for student enrollment up to 15,000 and will provide additional housing to accommodate 67 percent of new-student enrollment above 15,000. This results in provision of a total of 10,125 available beds for an enrollment of 19,500. See pages 5-9 to 5-10 and 5-12 to 5-13 of the DEIR for further discussion. As part of the Settlement Agreement, the City agreed to incorporate the housing elements of this agreement in its 2008-2009 Housing Element update and the City's update to the General Plan. A program addressing student housing needs is included in the Housing Element.

- 4-8 Total Average Daily Trips. The comment asks for a reference for ADT. The DEIR text on page 4.11-20 notes that the estimated General Plan buildout would result in an increase of 78,236 new average daily trips (ADT). The ADT was provided by the traffic consultants based on trip generation rates taken from the Institute of Transportation Engineers' "Trip Generation - An ITE International Report", 8th Edition (2008), and applied to residential units and commercial, office and industrial square footages estimated for buildout. Some adjustments were made for mixed use and development along the major corridors as explained in Appendix C in the DEIR. The ADT calculated by the URBEMIS program for the DEIR analysis resulted in a slightly higher level of trips at approximately 105,344 daily trips. The URBEMIS-2007 program was re-run with

the buildout estimates included in the DEIR. (See the revised air quality memos in Appendix C of this document). The results show a slightly lower ADT of approximately 91,100. Although slightly higher than the ADT provided by the traffic analysis, the results do not indicate potential significant impacts related to air quality.

- 4-9 Vehicle Miles Traveled. The VMT estimates were generated using Caltrans's Highway Performance Model System (HPMS) data for baseline data combined with estimated VMT for General Plan 2030 growth through 2030 specifically for the City of Santa Cruz. It is not the product of a transportation model, so it cannot be said whether it is consistent or inconsistent with AMBAG projections. See also Response to Comments 4-2 and 4.8 regarding VMT and daily trips. The comment also suggests that the City use the same criteria for estimating transportation and area source emissions in both the General Plan and Climate Action Plan. The Climate Action Plan focuses on greenhouse gas emissions, while the air quality analysis for the General Plan takes a broader view of transportation-related emissions to include criteria pollutants.
- 4-10 Area Source Emissions. See Response to Comment 4-3.
- 4-11 Future Construction Impacts. The comment suggests that future construction impacts would be significant. At a program-level analysis, the DEIR concluded that future project-level construction emissions would not be significant because proposed General Plan policies require project-level development review, which would include utilizing Air District significance thresholds and recommended mitigation measures so as to avoid significant construction-related emissions impacts as discussed on DEIR page 4.11-23. This conclusion is also consistent with comments received from the Air District on the EIR's Notice of Preparation. Additionally, the District's recommended mitigation measures for identified significant project construction impacts as outlined on page 8-3 of its "CEQA Guidelines" (February 2008) are the same as those outlined in the comment. Recommended language changes to Action HZ2.2.1 are suggested on pages 4.11-23 to 4.11-24 in the DEIR to make this intent clearer.
- 4-12 Recommended Revisions to Draft General Plan Policies. The comment suggests replacing the word "stationary sources" with "projects" in the discussion of Toxic Air Contaminants (TACs) on page 4.11-24. However, TACs typically result from stationary sources, and the suggested wording is unnecessary as any project with the potential to emit TACs would potentially be subject to Air District regulations. The comment also suggests adding an action that encourages landscaping along roadways to reduce air quality impacts. This is included in Action M3.3.4 that states: "Mitigate safety, noise, and air quality impacts from roadways on adjacent land uses through setbacks, landscaping, and other measures." This action has been added to the summary in Table 4.11-3; see the CHANGES TO DRAFT EIR (Chapter 3.0) of this document.
- 4-13 GHG Emissions from Future Construction. The proposed project as a general plan update is evaluated at a program level in the EIR. There is no specific development or projects proposed at this time under which construction impacts would occur in which construction-related GHG emissions would occur. Nonetheless, a qualitative discussion has been added as requested by the commenter, on page 4.12-26; see the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.

- 4-14 GHG Emissions Analysis. The comment raises several questions regarding facts included in the GHG emissions analysis. The commenter is correct that the AMBAG forecast of GHG emissions for residential, commercial/industrial and transportation sections is 408,923 and not 408,983 MT CO₂e as reported in the DEIR. This typographical error has been corrected as has the reference to the year 2005, which should be 2008; see the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.

The comment also questions how the General Plan emissions in 2030 achieve a 30% reduction in GHG emissions as set forth in Policy NRC4.1.1. The overall reduction policy is applicable to the entire City and all types of uses and sectors, not just the emissions generated from potential buildout under the draft General Plan. The preparation and implementation of a Climate Action Plan as proposed in draft General Plan Action NCR4.1.2 will look at all the combined measures to achieve this goal. For the purpose of CEQA, the significance criteria used for the General Plan impact analysis is per capita increase as described on page 4.12-22 of the DEIR, which is consistent with criteria being evaluated by the Monterey Bay Unified Air Pollution Control District.

Regarding the population numbers in footnote 9 on page 4.12-26, the commenter is correct that the existing population is in error. This has been corrected as shown in the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document. With the corrected population, the per capita GHG emissions are similar, but slightly less than reported in the DEIR.

- 4-15 Appendix E – GHG Emissions Methods. The BGM program was developed by the Bay Area Air Quality Management District but is flexible enough to be applied to areas outside the BAAQMD. Transportation and area source emissions used by BGM are taken from URBEMIS-2007, which was run using Santa Cruz County inputs. Solid waste disposal and Water/Wastewater emissions are calculated using statewide protocols that are applicable in Santa Cruz County and based on PG&E emission rates, which are applicable both the Bay Area and Santa Cruz County.

Electrical usage and natural gas consumption are two sources of GHG that are partially determined by Climate Zone and thus vary from region to region. It is possible to change electrical and natural gas usage rates in BGM, however, this is not necessary since a portion of the BAAQMD shares the same Climate Zone with Santa Cruz. By specifying Climate Zone 5, BGM utilized electrical/natural gas parameters appropriate for Santa Cruz.

- 4-16 Appendix E – Air Emissions Methods. See Response to Comments 4-2 and 4-6. It is noted that the MBUAPCD's CEQA significance thresholds are applicable to daily emissions from individual projects.
- 4-17 Appendix E – Area Source Emissions. The analysis of air pollutant trends in Santa Cruz has been expanded to include area sources. See Response to Comment 4-3.
- 4-18 Appendix E – PM₁₀ Emissions. The analysis of air pollutant trends in Santa Cruz has been revised to document area source emissions and accurate land use assumptions as

described in Response to Comments 4-3 and 4.8. The revised technical memoranda are included in Appendix C of this document. The revised analysis shows that PM₁₀ emissions would slightly increase by 2030 to approximately 38.4 pounds per day, which would be below the District's significance threshold of 82 pounds per day as noted in the comment. Thus, the significance of project PM₁₀ impacts has been changed to less than significant.

- 4-19 Appendix E – Land Use Values Used in URBEMIS. The DEIR analysis of GHG and criteria pollutant emission trends have been updated to reflect the land uses shown on page 3-12 of the DEIR. (See revised memos in Appendix C of this document.) Although the updated emissions estimations vary slightly with those in the DEIR, conclusions regarding the significance of the emissions are unchanged, except that project PM₁₀ impacts are now considered less than significant, consistent with MBUAPCD comment 4-18.



WATER DEPARTMENT

212 Locust Street, Suite C, Santa Cruz, CA 95060 • (831) 420-5200 • Fax (831) 420-5201

November 9, 2011

City of Santa Cruz
Department of Planning & Community Development
Attn: Ken Thomas
809 Center Street, Room 106
Santa Cruz, CA 95060

Re: Water Commission Comments in the General Plan 2030 Draft EIR

Dear Mr. Thomas:

5-1 At its November 7, 2011 meeting, the Water Commission discussed the General Plan 2030 Draft EIR. On behalf of the Water Commission, here is the comment they wished to provide:

The Final EIR should be updated to contain current information based on the 2010 Urban Water Management Plan.

Sincerely,

A handwritten signature in blue ink that reads "Lydia Tolles". The signature is written in a cursive, flowing style.

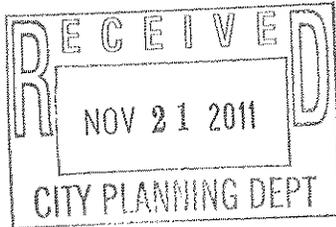
Lydia Tolles
Management Analyst

LETTER 5 – CITY OF SANTA CRUZ WATER DEPARTMENT

- 5-1 Updated Urban Water Management Plan (UWMP). The comment asks that the Final EIR be updated to contain current information based on the 2010 Urban Water Management Plan (UWMP). The UWMP was adopted by the City Council on December 13, 2010. The EIR text has been revised to include updated information presented in the Plan; see the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document. See also Master Response WS-1 above.



LETTER 6
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
777 Sonoma Ave., Room 325
Santa Rosa, CA 95404-4731



November 16, 2011

In response refer to:
151422SWR2011SR00549

Juliana Rebagliati, Director
Santa Cruz Planning Department
809 Center Street, Room 107
Santa Cruz, California 95060

Dear Ms. Rebagliati:

Thank you for this opportunity to comment on the City of Santa Cruz's (City) 2011 General Management Plan (GMP) Draft Environmental Impact Report (DEIR). The purpose of the DEIR is to identify the potential environment impacts of the proposed City of Santa Cruz GMP to the year 2030, pursuant to California Environmental Quality Act Guidelines.

- 6-1 NOAA's National Marine Fisheries Service's (NMFS) review of the DEIR focused on the Water Supply Analysis Section 4.5, which evaluates the City's water supply system and the ability to meet current and projected demand. The City's water supply system is composed of four main water sources from surface water diversions: North Coast Sources, San Lorenzo River Diversions, Loch Lomond Reservoir, and Live Oak Wells. The San Lorenzo River and North Coast streams historically and currently maintain populations of Central California Coast (CCC) Evolutionary Significant Unit (ESU) coho salmon (*Oncorhynchus kisutch*) and CCC steelhead (*O. mykiss*) Distinct Population Segment (DPS).

Central California Coast steelhead were listed as a threatened species on August 18, 1997 (62 FR 43937), pursuant to the Federal Endangered Species Act (ESA) of 1973, as amended. Central California Coast coho salmon were listed as a threatened species on October 31, 1996 (61 FR 56138). The listing status of CCC coho salmon was upgraded to endangered effective August 29, 2005 (70 FR 37160). Coho salmon in Santa Cruz represent the southern extent of the species' North American range. Since the last formal review (Good *et al.* 2005) all evidence indicates conditions have worsened for coho salmon populations in the ESU (Spence and Williams 2011). NMFS is concerned that this species is close to extirpation in Santa Cruz County watersheds and significant conservation actions will be necessary to halt and reverse their decline.



Under the ESA, it is unlawful for any person subject to the jurisdiction of the United States to “take” any species of fish or wildlife listed as threatened or endangered (16 U.S.C. § 1538(a)(1)(B)). The term “take” is defined by the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such activity (16 U.S.C. § 1532(19)). “Harm” has been further defined by NMFS to mean:

... an act which actually kills or injures fish or wildlife. Such an act may include significant habitat modification or degradation which actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, migrating, feeding or sheltering (50 C.F.R. § 222.102).

The protective regulations for CCC coho salmon and CCC steelhead describe certain activities that are most likely to cause “harm” resulting in a violation of the ESA. These activities, which may pertain to the diversion of water from the San Lorenzo River and North Coast streams, include, in part:

“Removing water or otherwise altering streamflow when it significantly impairs spawning, migration, feeding, or other essential behavioral patterns . . .”

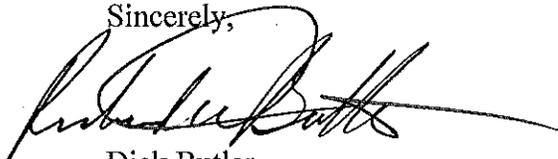
6-2 The City has not given assurances it is capable of meeting current and total annual water requirements as stated in the Water Supply Analysis (Section 4.5) of the DEIR and maintain suitable habitat conditions for federally protected fish species. During critically dry years, the impacts to listed species are even more significant to adult and juvenile salmonids by limiting passage opportunities and reducing water quality. NMFS continues to support the City’s goal of augmenting water supply to the City’s customers through water conservation, customer curtailment, and a new water supply project to meet current and projected water needs. A new water supply will offer opportunities to decrease the City’s reliance on summer surface water diversions leading to improvements in in-stream water quantity and quality, groundwater recharge, and improved water distribution.

6-3 NMFS and the City are currently in the process of developing a Habitat Conservation Plan (HCP) to provide conservation for CCC coho and CCC steelhead and minimize impacts from the City’s water operations. The specific flow targets for multiple life stages of CCC coho and CCC steelhead have not been determined, though it is expected the HCP will require additional flow releases to avoid and/or minimize impacts to populations of federally protected species above current levels.

The DEIR cannot accurately address impacts to multiple life stages of CCC coho or CCC steelhead without first determining the required flows needed to maintain CCC coho and CCC steelhead habitat. In order to do this, the HCP will need to be fully developed and finalized. It is likely the City will need to provide additional surface water flows to provide fish habitat and additional water needs should be analyzed in the DEIR Water Supply Analysis. Until the flow targets in the HCP for CCC coho and CCC steelhead and their designated critical habit are developed, the DEIR Water Supply Analysis is not identifying the potential environmental impacts of the GMP.

NMFS appreciates the opportunity to comment on the City's DEIR. If you have questions or concerns regarding this letter, please contact Mr. Devin Best (707) 578-8553 or via email at Devin.Best@noaa.gov.

Sincerely,



Dick Butler
North Central Coast Office Supervisor
Protected Resources Division

cc: Toby Goddard, Water Department, City of Santa Cruz
Pat McCormick, Executive Officer, LAFCO, Santa Cruz County
Chad Mitcham, USFWS, Ventura
Suzanne Deleon, CDFG, Yountville
Phil Hammer, CCRWQCB, San Luis Obispo
Don Stevens, Santa Cruz
Copy to file: 151422SWR2011SR00549

Literature Cited

- Good, T.P., R.S. Waples, and P. Adams, editors. 2005. Updated status of Federally listed ESUs of West Coast salmon and steelhead. U.S. Department of Commerce, NOAA Technical Memorandum NMFS-NWFSC-66. Santa Cruz, California.
- National Marine Fisheries Service. 2010. Public Draft Recovery Plan for Central California Coast Coho salmon (*Oncorhynchus kisutch*) Evolutionary Significant Unit. National Marine Fisheries Service, Southwest Region, Santa Rosa, California.
- Spence, B., and T. Williams. 2011. Status Review Update for Pacific Salmon and Steelhead Listed Under the Endangered Species Act: Central California Coast Coho Salmon ESU. National Marine Fisheries Service, Fishery Ecology Division, Southwest Science Center.

LETTER 6 – U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

- 6-1 Water Supply and Impacts to Listed Species. The letter indicates that the City's water supply (San Lorenzo River and North Coast streams) historically and currently maintains populations of listed species – coho salmon and steelhead. The National Marine Fisheries Service (NMFS) is concerned that water withdrawals are having an adverse impact on the species, especially during critically dry years, and states that the City has not given assurances it is capable of meeting water demand requirements identified in the DEIR. As indicated in Master Response WS-2, the recently updated and adopted 2010 UWMP indicates that it is now certain that the City faces losing a portion of its long-established surface water resources due to federal and state regulations to protect endangered species, but the actual amount of reduction in MGY is not known at this time, as negotiations with the agencies are in-progress and there are many variables that affect the amount of releases, including different flow requirements for different life stages of the species, daily and seasonal flow fluctuations and requirements, type of year (i.e., normal, single-dry, multiple-dry), and how different supply sources are utilized. The HCP process has been and will be the mechanism that will ultimately determine the appropriate flows for fish species protection and additional flow releases required of the City. Since this is a process that is still being determined, what is known at this time is that some level of additional release will be required, and the City has offered its Conservation Strategy as a means to achieve species protection. The City acknowledges receipt of responses from NOAA and CDFG indicating that the City's current proposal may not be acceptable, and ultimate flows may be different than those assumed in the City's proposal. This EIR, however, has made reasonable assumptions about possible reductions based on the best available data, including information in the WSA and most recent UWMP, and information that was available at the time the EIR was prepared.
- 6-2 Support of City Goals. The comment supports the City's goal of augmenting water supply through water conservation, customer curtailment and a new water supply source. The comment is noted; no response is necessary.
- 6-3 HCP-Required Flow Releases and Effects on Water Supply. The comment states that the NMFS and the City are currently in the process of developing a HCP to minimize impacts from the City's water operations, and that specific flow targets for multiple life stages of coho and steelhead have not been determined, although it is expected that the HCP will required additional flow releases to avoid and/or minimize impacts to these species. Until flow targets are developed, the Water Supply Analysis cannot identify potential impacts. See Master Response WS-2, which further responds to potential water supply reductions due to potential future flow releases to protect fish species.



November 1, 2011

Mr. Toby Goddard
Water Conservation Manager
City of Santa Cruz
809 Center Street, Room 107
Santa Cruz, California 95060
tgoddard@cityofsantacruz.com

Dear Mr. Goddard:

Subject: City of Santa Cruz's Urban Water Management Plan and Water Supply Assessment for General Plan 2030

- 7-1 The Department of Fish and Game (DFG) has reviewed the Urban Water Management Plan (UWMP) and the Water Supply Assessment in addition to other supporting documents as they pertain to water availability for the Sphere of Influence Amendment and Habitat Conservation Plan for the City of Santa Cruz's (City) diversions. DFG, as a Trustee Agency, is responsible for the conservation, protection and management of the State's biological resources. DFG is providing these comments to assist the City in its long-term planning efforts and to better coordinate our efforts to analyze and minimize impacts from increased demands on the City's water supply system on sensitive biological resources.

As stated in Section 5.1.2 of the UWMP, DFG, National Marine Fisheries Service (NMFS) and the City are currently in the process of developing a Habitat Conservation Plan (HCP) and California Endangered Species Act Incidental Take Permit in order for the City to comply with state and federal Endangered Species Acts for coho salmon and Central California Coast Distinct Population Segment steelhead. As such, the City, in consultation with NMFS and DFG, is evaluating the effect of the diversions on steelhead and coho salmon, with the expectation that the City shall obtain from DFG an Incidental Take Permit and a Streambed Alteration Agreement for diversion of water.

- 7-2 DFG is concerned that the Water Supply Analysis does not accurately consider the amount of flow needed to maintain fisheries resources below the points of diversion. It is likely that the City will need to release additional water to maintain fisheries habitat in good condition and the amount of water needed for those releases should be considered in the Water Supply Analysis. The City has recently drafted a Conservation Strategy to support the HCP that relies on a three-tiered system for instream flows. Current operations (similar to Tier 1) at the City's existing facilities are not favorable for most life history stages of salmonids at the current demand level and do not provide adequate stream flow conditions for fish.

Mr. Toby Goddard
November 1, 2011
Page 2

Minimum bypass flows proposed under Tier II will not provide sufficient flow for several life history stages of salmonids in many years. However, Tier III flows, as proposed, will provide at least 80% of the instream habitat value that would exist in the absence of the City's diversions. As such, any Water Supply Analysis should consider the amount of water needed to maintain Tier III releases with the understanding that further consultation will provide more specific flow recommendations.

- 7-3 DFG is recommending that the UWMP be delayed until after the City, NMFS and DFG complete their evaluation of the City's diversion operations on fisheries resources. The Water Supply Analysis should be revised to include release of sufficient flow needed to maintain instream resources which should be available upon completion of the HCP and issuance of DFG's Streambed Alteration Agreements and ITP. If the UWMP cannot be delayed, then the UWMP should be revised to include a scenario for release of Tier III flows in order to provide a more accurate estimate of the amount of water that may be required to maintain fisheries resources.

If you have any questions, please contact Ms. Corinne Gray, Staff Environmental Scientist, at (707) 944-5526 or cgray@dfg.ca.gov; or Mr. Scott Wilson, Environmental Program Manager, at (707) 944-5584.

Sincerely,



Carl Wilcox
Regional Manager
Bay Delta Region

cc: Devin Best, National Marine Fisheries Service
devin.best@noaa.gov

Patrick McCormick, Santa Cruz Local Agency Formation Commission
pat@santacruzlafco.org

LETTER 7 – CALIFORNIA DEPARTMENT OF FISH AND GAME (CDFG)

- 7-1 Comments on UWMP and WSA. The comment indicates that CDFG has reviewed and is providing comments on the City’s Urban Water Management Plan (UWMP) and Water Supply Assessment (WSA) prepared for the draft *General Plan 2030*. The comment further indicates that CDFG, NMFS, and the City are currently in the process of developing a Habitat Conservation Plan and California Endangered Species Act Incidental Take Permit for coho salmon and steelhead trout. Comments addressing the WSA are addressed below.
- 7-2 Water Supply and Impacts to Listed Species. The comment expresses concern that the WSA does not accurately consider the amount of flow needed to maintain fisheries and that it is likely that the City will need to release additional water to maintain fisheries habitat. The HCP process has and will be the mechanism that will ultimately determine the appropriate flows and additional flow releases required of the City. Since this is a process that is still underway, what is known at this time is that some level of release will be required, and the City has offered its Conservation Strategy as a means to achieve species protection. The comment further indicates that the WSA should consider the amount of water needed to maintain Tier III releases. The commenter’s recommendation is noted. See Master Response WS-2 for further discussion.
- 7-3 UWMP Comment. This comment addresses the draft UWMP and not the draft General Plan 2030 Draft EIR, and no response is required.

From: Rick Longinotti [mailto:longinotti@baymoon.com]
Sent: Sunday, November 13, 2011 11:10 AM
To: Ken Thomas
Subject: Comments on Gen Plan EIR

Dear Ken,

Attached are comments from Santa Cruz Desal Alternatives on the water section of the EIR draft.
Also attached are my personal comments on revising the General Plan to reflect the information in the Vulnerability Study.

Best,
Rick

Rick Longinotti, MFT
<http://www.findingharmony.org>
831 515-8072

Santa Cruz Desal Alternatives

Comments on the Draft EIR's section 4.5: Water Supply

8-1

1. Supply projections

“There would be sufficient water supplies until the year 2030 under the Estimate 2 growth scenario in which average water use would continue along the same trend as experienced in the last few years (Ibid.). This does not take into account potential reductions in water supply that could reduce the City’s estimated normal year capacity of approximately 4,300 MGY due to potential changes in North Coast or San Lorenzo River diversions resulting from federal and state agency decisions.” P31

There is now sufficient information for the EIR to take into account the potential reductions in the City’s water supply due to fish habitat. The final EIR should estimate the reduction in water supply based on figures in the City’s *Draft Conservation Strategy*, submitted to National Marine Fisheries Service (NMFS) in August, 2011.

The Tier 2 levels proposed in the *Conservation Strategy* for normal rainfall years should be used as *the low estimate* for how much the City’s water supply will diminish in those years. The reduction will certainly not be any less than what the City has proposed in this document, and is likely to be significantly higher if the City’s proposal is not accepted.

My conversations with fisheries agency staff indicate that they consider Tier 2 flows in normal years inadequate for native salmonid recovery. This suggests that the EIR should make a higher estimate for diminished water supplies. I suggest that the basis for this higher estimate would be Tier 3 water flows in normal rainfall years, and Tier 2 flows in critically dry years. Tier 3 flows are defined as “flow targets that more closely approximate regulatory agency goals” (April 5, 2011 HCP Update)

Tier 3 flows would reduce normal year water supply to 3740 million gallons/year according to the following chart supplied by the Water Department.

Water Production in Normal Years with Tier 3 Flows

	Million gals/year
North Coast streams	630
San Lorenzo River	1900
Live Oak Wells	170
Loch Lomond	1040
Total Supply	3740

The EIR should indicate that the 3740 million gallons/year normal water supply with Tier 3 flows assumes that the maximum water rights allocation of Loch Lomond Reservoir water would be used up in a normal year. This assumption is counter to the actual practice of the Water Department, which is to keep a prudent reserve in the reservoir at the end of the dry season in normal years, according to Toby Goddard, City Conservation Manager (Nov 1 Council Study Session). If in actual practice the City were to use its maximum water rights limit of reservoir water in normal years, the resulting drop in

Santa Cruz Desal Alternatives

reservoir levels would create a severe shortfall in the event of a subsequent two-year drought (source: *Draft Urban Water Management Plan*). This is an unacceptable scenario. Hence the EIR should assume a lower use of reservoir water in normal years in order to maintain a prudent reserve as shown below:

Water Production in Normal Years with Tier 3 Flows with Prudent Reservoir Use

	Million gals/year
North Coast streams	630
San Lorenzo River	1900
Live Oak Wells	170
Loch Lomond	590 (provides 80% capacity on Oct 1)
Total Supply	3290

Thus the total City water supply with Tier 3 flows and a prudent reservoir reserve would be 3290 million gallons.

A similar adjustment of Loch Lomond allocation should be made in figuring the high estimate for normal year water supply (using Tier 2 flows). The resulting high estimate for City normal year water supply assuming Tier 2 flows is 3560 million gallons.

Using this range of 3290 to 3560 million gallons as the City's normal year water supply requires a revision in the draft EIR's conclusion that existing water supplies are adequate to serve the development anticipated by the General Plan until at least 2020.

8-2 2. Demand projections

Water demand projections for the City's water service area were reviewed and updated as part of the preparation of the Water Supply Assessment and project impact analysis conducted for this EIR. Total water demand in the City's water service area is now estimated as approximately 4,050 to 4,550 MGY in the year 2030. page-10

These high and low demand projections are based on an assumption that the demand from UCSC campus expansion will adhere to figures estimated in the Comprehensive Settlement Agreement. The February, 2011, decision by LAFCO to require water service extensions to be water-negative needs to be factored into these demand projections.

Also, the demand projections cited above do not account for conservation savings. The projections are inadequate without an estimate for future net water demand (after accounting for conservation).

3. History of water supply strategies

Santa Cruz Desal Alternatives

- 8-3 *Artificial groundwater recharge was considered as a means to improve reliability/sustainability during a drought, but was not found to be a viable alternative as there are no surplus water sources available for recharge. Page 19*

This conclusion needs to be updated in light of the study commissioned by John Ricker, County Water Resources Director, that show excess water available in the San Lorenzo River during winter months. Likewise the discussion of water transfers with neighboring districts needs to be updated to include the information in Ricker's report.

- 8-4 ***Improvements to Existing Facilities***
Improvements to maximize use of existing water sources and storage were identified that collectively could provide approximately 600 MGY during a two-year drought. The upgrades could include additional treatment for turbidity on the North Coast supply; capacity upgrades of the North Coast pipeline; treatment and/or facility upgrades for turbidity at the Tait Street intake; capacity upgrades at the Coast pump station; and/or upgrading the hydraulic capacity of the Felton/Loch Lomond supply system. The upgrades would provide additional supply during drought and non-drought years and would also improve operational reliability and flexibility, but shortfalls during multiple dry year scenarios would continue to occur (Carollo Engineers, November 2000).

The EIR needs to explain the why this strategy, which “could provide approximately 600 million gallons a year during a two-year drought” is not being pursued, while a desalination facility, expected to produce 455 million gallons/yr during a drought, is the preferred strategy. The EIR should also note that the Carollo Engineers study concluded that this strategy has “no permitting fatal flaws”, and that “None of the potential [environmental] impacts are thought to be significant.”

- *Rick Longinotti*

LETTER 8 – RICK LONGINOTTI, SANTA CRUZ DESAL ALTERNATIVES

- 8-1 Water Supply Reductions with HCP. The comment states that “there is now sufficient information for the EIR to account for potential reductions in the City’s water supply due to fish habitat.” As indicated in Master Response WS-1, the EIR text has been revised to account for the City’s recently updated and adopted UWMP, which accounts for the City’s proposed Conservation Strategy. The comment also suggests that Tier 3 flows in normal rainfall years and Tier 2 flows in critically dry years should be used to determine water supply reductions. The commenter provides estimates of available water supply in normal years with the proposed Tier 3 conservation strategy as 3,290 to 3,560 million gallons per year (MGY). It is not clear how the commenter’s estimates were developed. As discussed in Master Response WS-2, however, the City does not consider Tier 3 releases to be feasible without an expanded supplemental water supply. Furthermore, the City’s recently updated 2010 UWMP includes updated water system modeling that identifies available water supplies with Tier 2 flow releases. See Master Response WS-2 for further discussion. The DEIR text has been revised to reflect updated information and analyses contained in the adopted 2010 UWMP; see the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.

The commenter also suggests a lower use of Loch Lomond reservoir supplies during normal years in order to maintain a reserve. According to Water Department staff, Loch Lomond was originally intended to meet dry-year demands during peak summer months when other water supply sources are insufficient to meet peak demands, i.e., North Coast streams. The recently updated and adopted 2010 UWMP indicates that the City’s Live Oak wells and Loch Lomond are used in the summer and fall; withdrawals from the reservoir vary between 2 and 4 mgd depending on weather and customer demands. Withdrawals are also made from Loch Lomond during the winter season when the North Coast and San Lorenzo River sources become untreatable due to excessive turbidity from storm runoff. As indicated in the UWMP, between 1986 and 2010, Loch Lomond provided on average about 18% of the City’s annual water production. The reservoir has never been intended to be reserved for use only as drought protection, but rather for but rather for meeting peak summer demands when streams from which the City draws its supplies were insufficient to meet water demand. If it were used less during normal years to satisfy daily peak demands as suggested by the commenter, the City would be in the position of having to enforce water restrictions virtually every summer when daily peak demands exceed the flowing sources, as overall supply would not meet peak summer demand.

- 8-2 UCSC Water Demand Projections. The comment indicates that the high and low water demand projections in the DEIR are based on an assumption that the demand from the UCSC campus will “adhere to figures estimated in the Comprehensive Settlement Agreement.” The cited high and low demand projections are based on two different water use trends identified in the 2005 UWMP for the entire water service area as explained in the DEIR on page 4.5-10. The water demand projections within the City’s water service area were updated in the recently adopted 2010 UWMP as summarized in Master Response WS-1 and in the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.

The UCSC water demand projection was based on information developed by the University as part of its 2005 Long Range Development Plan as updated in the Water Supply Assessment prepared for the EIR on the proposed City of Santa Cruz Sphere of Influence Amendment and provision of extraterritorial water and sewer service to UCSC as described on page 5-30 of the DEIR. In December 2011 (after the close of the public review period for the General Plan DEIR), LAFCO tentatively approved amendment of the City's Sphere of Influence and provision of extraterritorial water and sewer service to a portion of the North Campus area of UCSC with a condition that future development of UCSC not result in a net increase in water demand. In essence, the LAFCO approval as conditioned requires that the water demand from future UCSC development be offset (on- or off-campus) so that there is no net increase in water demand. Subsequently a water conservation program was drafted and approved by the Santa Cruz City Council in February 2012. Thus, the overall water service area demand in the year 2030 may be reduced by 136 MGY, the estimated UCSC water demand to the year 2030. The 2030 total water service area demand would be reduced to between 3,910 and 4,401 MGY. LAFCO has not yet taken final action regarding the provision of water and sewer services to UCSC, and its next meeting to consider the matter is scheduled for June 2012. The outcome of this meeting and decision is unknown at this time. The DEIR text has been revised; see the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.

The comment also indicates that the demand projections cited in the DEIR do not account for conservation savings. However, as indicated above, the projections in the DEIR were based on the two scenarios that reflected different levels of water demand based on use trends. The 2010 UWMP further refined these projections based on water demand trends in the 2000s, and used the lower demand projections that reflects lower water use trends in the late 2000s. Thus, water conservation savings is implicit in the City's overall projections as the UWMP assumes that the lower water demand (and water conservation) will continue. Furthermore, as indicated in the 2010 UWMP, there has been a larger reduction in water use from water conservation programs than there has been an increase in water use by new connections over the last ten years with a net decrease of almost 80 MGY over the past 10 years.

- 8-3 Artificial Groundwater Recharge. The comment indicates that the DEIR's conclusion that artificial groundwater recharge was not considered viable should be updated in light of recent County studies regarding water transfers. The cited conclusion on page 4.5-19 dealt with potential groundwater recharge on the North Coast. As further explained in the referenced DEIR paragraph, even if flows were available, there would be a need for a water rights change that could effectively preclude conjunctive uses with surface and groundwater. Additionally, any petition to change water rights would be a lengthy process.

The current studies by the County of Santa Cruz cited in the comment address conjunctive water use, which involves utilization of multiple water sources, usually both surface and groundwater sources, in a way that maximizes water storage and availability under different climatic conditions. According to a staff report on the subject, efforts have been undertaken to identify the best approaches for conjunctive

use and increased groundwater storage in the Lower San Lorenzo Watershed and Scotts Valley County of Santa Cruz Health Services Agency, May 2011. The first phase evaluates a variety of water sources and methods for increasing groundwater storage, including: restoration of stormwater infiltration in urbanized areas of Scotts Valley, water transfers of surplus winter streamflow from Santa Cruz to reduce Scotts Valley area groundwater pumping, and use of winter streamflow for direct groundwater recharge. Under these scenarios, the excess winter flows from the City's San Lorenzo River Tait Street source would be diverted, treated and delivered to Scotts Valley or Soquel for direct use as potable water instead of pumped groundwater (in-lieu recharge) or for infiltration to the basin (managed recharge).

The County report also notes that other conjunctive use projects are also being evaluated to address the overall water supply shortage issues, including: 1) a project being considered by Scotts Valley Water District and the City of Santa Cruz that would result in the delivery of recycled water from Scotts Valley to the Pasatiempo Golf Course for summer irrigation, with the savings in potable water being delivered from Santa Cruz to Scotts Valley; and 2) the regional seawater desalination project being evaluated by the City of Santa Cruz and Soquel Creek Water District. .

As indicated in the County's status report (as well as in the City's 2010 UWMP), the proposed water transfer schemes for Scotts Valley and Soquel do not provide any immediate water to the City of Santa Cruz. Although some water could possibly come back to Santa Cruz from Soquel or Scotts Valley in the future, once the groundwater basins recover, it cannot be predicted when this would be available and how much would be available. This water transfer scheme would not eliminate the need for the proposed desalination plant or some other significant source of supplemental water in combination with continued conservation efforts.

The DEIR text has been updated to identify water transfer programs under consideration; see the CHANGES TO DEIR (Chapter 3.0) section of this document.

- 8-4 Improvements to Existing Facilities. The referenced upgrades were part of recommended alternatives to be further considered in 2000 as part of the Integrated Water Plan (IWP) planning process, and as indicated in the DEIR text, included additional treatment for turbidity on the North Coast supply; capacity upgrades of the North Coast pipeline; treatment and/or facility upgrades for turbidity at the Tait Street intake; capacity upgrades at the Coast pump station; and/or upgrading the hydraulic capacity of the Felton/Loch Lomond supply system. At that time, the upgrades were identified to provide additional supply during drought and non-drought years and to improve operational reliability and flexibility. However, shortfalls during multiple dry year scenarios would continue to occur, and the alternative was not further evaluated in the IWP. Since 2000, the upgrades have been completed such as SLR pump station improvements, are in progress (i.e., the North Coast water pipeline upgrade) or were found to result in only small water yields compared to the expense involved (e.g. pre-treating turbid coast and river water). Any water savings achieved as a result of the upgrades implemented since this 2000 recommendation have been factored into the City's water system model, and the former estimate of 600 MGY as a

potential separate alternative is no longer accurate. The DEIR text has been clarified; see CHANGES TO DEIR (Chapter 3.0) section of this document.

From: Don Stevens [mailto:don@bind.com]
Sent: Sunday, November 13, 2011 8:43 PM
To: Ken Thomas
Cc: Suzanne Deleon; Devin Best
Subject: Comments for the Draft EIR For the Draft General Plan 2030

Dear Mr. Thomas,

Please find my comment letter attached and pasted below concerning the Draft EIR For the Draft General Plan 2030.

Also attached is a comment letter from the California Department of Fish & Game that was originally submitted for the Draft 2010 Urban Water Management Plan and included here for your reference regarding Water Supply for the DEIR.

Thank you.

Sincerely,
Don Stevens

Ken Thomas
 Principal Planner
 City of Santa Cruz Department of Planning & Community Development
 809 Center Street, Room 106
 Santa Cruz, CA 95060
kthomas@cityofsantacruz.com

Re: Draft EIR For the Draft General Plan 2030

Thank you for the opportunity to comment on the Draft EIR for the Draft General Plan 2030.

- 9-1 I urge you to extend the public comment period for this Draft EIR (DEIR) until after a Final 2010 UWMP has been adopted by the City of Santa Cruz. The findings of the 2010 UWMP will be important for the accuracy and conclusions of the DEIR Section 4.5 Water Supply.
- 9-2 If however, the City does not choose to extend the deadline for public comment, I would request that Section 4.5 Water Supply should be revised to include additional analysis about water supply projections and the implications for the General Plan if Tier 2 or Tier 3 flows as described by the Draft Conservation Strategy in Section 4.5-12 were to be required by NMFS and the CDFG during all years with the adoption of an HCP. The DEIR should also include analysis about water supply projections if the proposed desalination plant is not built, since it is very uncertain if it will be built.

The California Department of Fish & Game (CDFG) submitted a comment letter dated Nov. 1, 2011 on the Draft 2010 UWMP to the City of Santa Cruz and LAFCO citing deficiencies in Draft 2010 UWMP and is attached here for the record and your consideration for this DEIR. The Water Supply Assessment (WSA) in the Draft 2010 UWMP apparently is the same one as was used in this Draft EIR. In CDFG's opinion, the Water Supply Analysis did not accurately consider the amount of flow needed to maintain fisheries resources. The proposed Tier 1 and Tier 2 flows will not be adequate to support endangered salmonids in many years. CDFG stated that the draft UWMP should be revised to include analysis and a scenario for release of Tier 3 flows in order to provide a more accurate estimate of the amount of water that may be required to maintain fisheries resources. The draft UWMP was deficient because it limited its analysis to Tier 2 flows as would be the DEIR if it likewise limited its analysis.

- 9-3 Question #1: Is the WSA used in this DEIR the same or essentially the same as the WSA used in the Draft UWMP?

Question #2: If so, why didn't the WSA include analysis for Tier 3 flows that was similar in extent to the analysis of Tier 2 flows?

- 9-4 Question #3: Has the City had any reaction to date other than the above cited CDFG comments, either in written or verbal form, from either NMFS or CDFG about the

adequacy of the volume of proposed stream flows in the City's proposed Conservation Strategy to support the HCP?

Question #4: Does the City believe that NMFS may share CDFG's stated opinion that the proposed Conservation Strategy would not allow for adequate flows for anadromous salmonids?

Question #5: Since the limitations of the existing water supply system does not allow consistent achievement of optimal flows for salmonids as stated in 4.5-11, would the public be correct to assume that the watersheds supplying the City are over-allocated?

Question #6: Does the City believe that the CDFG comment letter cited above is accurate? If not, why not?

Question #7: If the answer to #6 is that the City cannot allow greater flows for salmonids because it wouldn't have enough for its existing customers, shouldn't the City consider a no-growth scenario in its DEIR?

- 9-5 The City should include analysis that assumes that any growth in water demand will have adverse impacts on salmonids and include analysis of these adverse impacts.
- 9-6 Also of concern is the City's petition with the SWRCB to extend the time allowed for putting to beneficial use the full 980 mgd at the Felton Diversion. Since the City thus far has only obtained permanent rights to slightly over half of this 980 mgd, the DEIR lacked analysis and failed to show how water supply would be impacted should the City's petition be rejected. The City was granted an extension in the mid-1980's and then again in the mid-1990's, but in the 1990's it was only granted after a Memorandum of Agreement with the California DFG amid their concern for fish habitat. What is different now is the further degradation of habitat in the San Lorenzo watersheds, the now endangered status of coho salmon and steelhead trout, and the identification of the San Lorenzo as a priority in the draft CCC coho salmon recovery plan. With current inadequate stream flows for sustainable fish habitat, it is doubtful whether the SWRCB will grant another extension. Therefore, the DEIR should be revised to reflect this uncertainty and include water supply projections that do not include the almost 500 mgd that the City includes as supply, but does not actually have a right to at this point.
- 9-7 The DEIR also fails to link the cumulative impacts, direct and indirect, of growth inducement on the status of coho and steelhead and the habitat conditions necessary to support these listed species.

Thank you very much for your attention.

Sincerely,
Don Stevens
President
Habitat And Watershed Caretakers

320 Cave Gulch
Santa Cruz, CA 95060



State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
www.dfg.ca.gov

EDMUND G. BROWN JR., Governor
LETTER 9 – Attachment
CHARLTON H. BONHAM, Director



November 1, 2011

Mr. Toby Goddard
Water Conservation Manager
City of Santa Cruz
809 Center Street, Room 107
Santa Cruz, California 95060
tgoddard@cityofsantacruz.com

Dear Mr. Goddard:

Subject: City of Santa Cruz's Urban Water Management Plan and Water Supply Assessment for General Plan 2030

The Department of Fish and Game (DFG) has reviewed the Urban Water Management Plan (UWMP) and the Water Supply Assessment in addition to other supporting documents as they pertain to water availability for the Sphere of Influence Amendment and Habitat Conservation Plan for the City of Santa Cruz's (City) diversions. DFG, as a Trustee Agency, is responsible for the conservation, protection and management of the State's biological resources. DFG is providing these comments to assist the City in its long-term planning efforts and to better coordinate our efforts to analyze and minimize impacts from increased demands on the City's water supply system on sensitive biological resources.

As stated in Section 5.1.2 of the UWMP, DFG, National Marine Fisheries Service (NMFS) and the City are currently in the process of developing a Habitat Conservation Plan (HCP) and California Endangered Species Act Incidental Take Permit in order for the City to comply with state and federal Endangered Species Acts for coho salmon and Central California Coast Distinct Population Segment steelhead. As such, the City, in consultation with NMFS and DFG, is evaluating the effect of the diversions on steelhead and coho salmon, with the expectation that the City shall obtain from DFG an Incidental Take Permit and a Streambed Alteration Agreement for diversion of water.

DFG is concerned that the Water Supply Analysis does not accurately consider the amount of flow needed to maintain fisheries resources below the points of diversion. It is likely that the City will need to release additional water to maintain fisheries habitat in good condition and the amount of water needed for those releases should be considered in the Water Supply Analysis. The City has recently drafted a Conservation Strategy to support the HCP that relies on a three-tiered system for instream flows. Current operations (similar to Tier 1) at the City's existing facilities are not favorable for most life history stages of salmonids at the current demand level and do not provide adequate stream flow conditions for fish.

Conserving California's Wildlife Since 1870

Mr. Toby Goddard
November 1, 2011
Page 2

Minimum bypass flows proposed under Tier II will not provide sufficient flow for several life history stages of salmonids in many years. However, Tier III flows, as proposed, will provide at least 80% of the instream habitat value that would exist in the absence of the City's diversions. As such, any Water Supply Analysis should consider the amount of water needed to maintain Tier III releases with the understanding that further consultation will provide more specific flow recommendations.

DFG is recommending that the UWMP be delayed until after the City, NMFS and DFG complete their evaluation of the City's diversion operations on fisheries resources. The Water Supply Analysis should be revised to include release of sufficient flow needed to maintain instream resources which should be available upon completion of the HCP and issuance of DFG's Streambed Alteration Agreements and ITP. If the UWMP cannot be delayed, then the UWMP should be revised to include a scenario for release of Tier III flows in order to provide a more accurate estimate of the amount of water that may be required to maintain fisheries resources.

If you have any questions, please contact Ms. Corinne Gray, Staff Environmental Scientist, at (707) 944-5526 or cgray@dfg.ca.gov; or Mr. Scott Wilson, Environmental Program Manager, at (707) 944-5584.

Sincerely,



Carl Wilcox
Regional Manager
Bay Delta Region

cc: Devin Best, National Marine Fisheries Service
devin.best@noaa.gov

Patrick McCormick, Santa Cruz Local Agency Formation Commission
pat@santacruzlafco.org

LETTER 9 – DON STEVENS, President, Habitat and Watershed Caretakers

- 9-1 Request to Extend Public Review Period. The comment requests that the General Plan EIR public review period be extended until the 2010 UWMP has been adopted. The UWMP was adopted in December 2011, but the City did not determine a need to extend the General Plan EIR public review period. The DEIR text has been revised to account for updated information in the 2010 UWMP; see the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document. For a brief overview of the updates in the 2010 UWMP, see Master Response WS-1. As stated in Master Response WS-1, the information in the adopted 2010 UWMP does not change the conclusions of the DEIR regarding impacts on water supply. Furthermore, see Response Comment 9-2 below.
- 9-2 Water Supply Projections with Tier 2 and Tier 3 Releases. The comment requests additional analysis of impacts to water supplies if Tier 2 or Tier 3 flows (as described in the City's draft Conservation Strategy) are required by NMFS and CDFG. The water system model that was updated and utilized for the recently adopted 2010 UWMP does consider Tier 2 flow releases, but not Tier 3 releases until a supplemental water supply is developed. See Master Response WS-2 for further discussion. For clarification, the 2010 UWMP updated water supply estimates with incorporation of Tier 2 flows, but did not use the Water Supply Assessment prepared for the draft General Plan, except for water demand projections within the service area. See Response to Comment 9-3 below. The comment also attaches a letter from the CDFG to the City, which is included in this document as Letter 7 for which responses to comments are provided.
- 9-3 Water Supply Assessment. The Water Supply Assessment (WSA) prepared for the draft General Plan 2030 was used as a basis for estimated water demand for the 2010 UWMP. The estimated water demand remains unchanged except for a potential reduction in future estimated UCSC demand as explained in Response to Comment 8-2. The City's proposed Conservation Strategy was released in August 2011 after the WSA was prepared and as the General Plan 2030 Draft EIR was in final production for public release. However, the updated 2010 UWMP does provide an update on water availability and includes modeling to reflect the City's proposed flow releases under the tiers outlined in the Conservation Strategy. See Master Response WS-2 for further discussion.
- 9-4 Proposed Conservation Strategy. The comment questions (#3) whether the City has had comments from NMFS or CDFG about the adequacy of the volume of stream flows proposed in the City's proposed Conservation Strategy for the HCP. The comment does not raise comments on analyses in the General Plan EIR. However, it is noted and acknowledged that the commenter forwarded a letter from CDFG to the City Water Department, dated December 5, 2011, that indicates CDFG's recommendation that the Conservation Strategy be revised to require implementation of Tier 3 flows in the near-term with assurances that the habitat would not be further impaired in the long-term. The comment also asks whether the City believes NMFS shares CDFG's opinion (#4), whether it can be assumed that the watersheds supplying the City are "over-allocated" (#5), and whether the City believes the referenced CDFG letter is accurate (#6). Again, the questions do not address analyses in the DEIR, and no response is necessary.

However, the City acknowledges receipt of comments from NMFS and CDFG indicating that those agencies may not approve the City's proposed Conservation Strategy, and therefore, ultimate flows may be different. (See response to comment 6-1, above.) However, the HCP process, including the Conservation Strategy, is being developed independently of the General Plan. Pages 4.5-11 to 4.5-12 of the DEIR describe this process. This text has been updated based on currently known water supply scenarios, taking the proposed Water Conservation Strategy into consideration as set forth in the recently adopted 2010 UWMP. See Master Response WS-2 and the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.

The comment also suggests that the City consider a non-growth scenario in the DEIR if the City cannot allow greater flows for salmonids because it doesn't have enough for its existing customers. This question is tiered off of an earlier question that is not directed at the adequacy of the DEIR specifically. Nonetheless, the City directs the commenter to Master Response WS-2 regarding water availability and the HCP process. The proposed *General Plan 2030* is not a growth document, but rather a state-law-required land use document that guides location and intensity of land use. The document cannot prohibit or limit population growth to zero as suggested by the commenter, because population growth is driven by factors other than just land use designations. The DEIR does include two alternatives that assume a lower amount of development. Alternative 1, "No Project," assumes continuation of the existing 2005 General Plan without the addition of mixed-use designations along the City's major transportation corridors. Under this scenario, the City would build out at a lower level overall than proposed in the *General Plan 2030*. Alternative 2, "Reduced Growth", assumes a slightly lower level of development than evaluated in the DEIR based on AMBAG's growth projections. Alternative 3, "Reduced Density," looks at lower density and/or intensity for specified areas. All three alternatives would result in a slightly lower water demand as summarized on Table 5-3.

A "no growth" scenario is not considered a potentially feasible scenario because (a) the City cannot legally impose an extended moratorium on all new growth, and (b) the City's growth is affected in part by the growth in student enrollment at UCSC. While UCSC has agreed to implement a number of measures aimed at mitigating the effects of its student and faculty growth under its Long Range Development Plan and the Comprehensive Settlement Agreement, the City has no regulatory authority to extend any kind of growth moratorium to the University. Moreover, the City has an obligation under state law to accommodate its fair share of regional housing needs, and adopting a "no growth" alternative would be inconsistent with that obligation.

The EIR analyzed a reasonable range of alternatives that were appropriate for the General Plan 2030 in light of the project objectives. (*California Oak Foundation v. The Regents of the University of California* (2010) 188 Cal.App.4th 227, 277 ["CEQA clearly recognizes the agency will look to the proposed project's particular objectives when developing its range of project alternatives"].) "CEQA establishes no categorical legal imperative" for the scope of alternatives, with exception of the no project alternative. (CEQA Guidelines, § 15126.6.) Thus, the City was not required to analyze a "no growth" scenario in the DEIR.

- 9-5 Water Demand Impacts on Salmonids. The comment indicates that the EIR analysis should assume that any growth (including cumulative as expressed in Comment 9-7) will have adverse effects on salmonids, which should be analyzed. The DEIR (page 4.8-26), the proposed HCP Conservation Strategy, and the recently updated and adopted 2010 UWMP all indicate potential impacts from City water diversions and acknowledge that increased flow releases will be necessary in the future. As indicated in the DEIR and Master Response WS-2 above, the City and regulatory agencies are in the process of determining what will be required regarding flow releases. The project does not propose or indirectly result in increased diversions, and thus, potential direct and indirect impacts would not worsen with adoption and implementation of the proposed *General Plan 2030*. There is no substantial evidence to support a presumption that growth accommodated by the proposed General Plan will result in indirect cumulative significant impacts to fish species. Furthermore, water use in the City's service area remained constant in the early 2000s and has decreased within the last few years, so the potential demand resulting from estimated buildout under the draft General Plan would not exceed historical levels. Additionally, the HCP process is the mechanism being utilized to develop the target flow releases and measures to ensure adequate protection of the species. The situation is complicated by different flow requirements for different life stages of species in different areas and other water supply sources/augmentation implemented by the City. It is also noted that the City began voluntary in-stream flow releases on North Coast streams in 2007.
- 9-6 City Petition For Extension of Rights at Felton Diversion. The comment questions how the City's water supply will be impacted if the petition is denied. The comment also expresses doubt as to whether the SWRCB will grant another extension of time for the City to put to beneficial use its full water rights associated with the Felton Diversion. As indicated on page 4.5-5 of the DEIR, the City may divert flows at the Felton Diversion during specified times of the year with specified flows and only with diversion to Loch Lomond. As the commenter notes, the City has been granted two extensions of time in the past – in the mid-1980s and again in the mid-1990s after negotiations with CDFG and execution of a Memorandum of Agreement that modified the manner in which the City operated the facility. Thus, it would be premature and speculative to conclude that the City is unlikely to retain this water right. In the future, the City will rely more on the Felton Diversion to help replace the water drawn from the Newell Creek Reservoir for environmental demands. However, the City's supply modeling shows that in most years that Felton Diversion would be available for diversion, the current maximum water use (1,700+ acre-feet or about 565 MG) is sufficient, which is the amount factored into City studies and used in the DEIR. The difference between the 3,000 acre-feet and the 1,700 acre-feet do represent greater flexibility in the system, which is the reason it is important to the City to receive an extension of time. The City's application for an extension of time, which was submitted to the State in December 2006, has not been acted on by the State. The original application was in 1971.
- 9-7 Cumulative Impacts on Fisheries. See Response to Comment 9-5.

From: Jean Brocklebank [mailto:jeanbean@baymoon.com]
Sent: Monday, September 26, 2011 8:36 PM
To: Ken Thomas
Subject: Draft General Plan

Hello Ken ~

10-1 In reviewing the color maps of the draft General Plan (<http://www.cityofsantacruz.com/index.aspx?page=1692>), I notice that there are two classifications for vegetation types of natural areas and open space: "coastal prairie" and "grassland, potential coastal prairie." On two of these maps, the Arana Gulch greenbelt, containing coastal terrace prairie, is identified only as "grassland, potential coastal prairie."

In the February 2006 Arana Gulch Draft Master Plan, Arana Gulch is identified, correctly, as "coastal prairie." Since AG has coastal prairie soils and coastal prairie flora (Holocarpha, Madia and Hemizoznia), excluding its riparian zones, it certainly is coastal prairie.

Can you tell me why a change was made to its identification for the General Plan?

Best regards,
Jean Brocklebank

LETTER 10 – JEAN BROCKLEBANK

- 10-1 Coastal Prairie Mapping for Arana Gulch. The comment indicates that Arana Gulch is mapped as “Grassland, Potential Coastal Prairie,” whereas the Arana Gulch Master Plan designates the site as “coastal prairie.” The Arana Gulch Master Plan maps the habitat at Arana as “Grassland (Coastal Prairie and Annual Grassland)”, and the Plan text indicates that non-native annual grasses dominate the grassland habitat at Arana Gulch, although some native coastal prairie species occur to a limited extent. The Plan goes on to state that remnants of coastal prairie are scattered throughout the coastal terrace. The General Plan DEIR text describes two subsets of grassland habitat as coastal prairie and annual grassland/coastal prairie on pages 4.8-12. The second designation accounts for areas that are largely dominated by annual, non-native grasses, but native perennial grasses may also occur, whereas the designation of coastal prairie is applied to areas that are characterized by dominance of native perennial grasses. The legend for the DEIR Figure 4.8-1 has been revised to delete the word “potential” in the designation and to rename it as “Annual Grassland/Coastal Prairie & Annual Grassland”. This would be consistent with the context in which the term is used in both the General Plan study and in the Arana Gulch Master. See the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.

Sept. 15, 2011
DEIR

J. Golder to K. Thomas

Objections to GP 2030 Draft

TO: **Ken Thomas** , Principal Planner
Department of Planning and Community Development
City of Santa Cruz, CA
809 Center St., Room 206 (107= Future Planning)
Future Planning Division

FROM: **John Golder**, Developer Consultant, RedLog Properties
Executive Director, **Active Recreation Coalition of Santa Cruz**
A 501c4 Calif. non-profit corporation *“A team of teams speaking for sports”*
PO Box 46, Felton CA 95018 (831) 706 – 8716

RE: Draft EIR for the 2030 General Plan; serious errors, omissions & inconsistencies
and CPRA request for source data

Dear Mr. Thomas:

11A-1 This is formal notice that the recently released Draft EIR for the the City of Santa Cruz 2030 General Plan contains, much to my shock and disappointment, many serious errors of material fact in the section describing the City’s developed parkland inventory, particularly regarding community parks. A number of these errors in acreage are more than 100% in magnitude.

Additionally the Draft EIR has taken liberty to arbitrarily reclassify city parkland including DelaVeaga Golf Course, Mike Fox Park and Depot Park as community parks, none of which have ever been represented or so previously described as such. The labeling of 46 acres of city schools campus as “school fields” is particularly misleading & blatantly inaccurate.

11A-2 I have been in close communication with you, your department (Planning), your division (Future Planning), City administration and particularly Parks and Recreation Director Dannettee Shoemaker and Parks & Recreation Commission Chairperson David Baskin. I have diligently and freely shared more than twenty years of detailed city parks and parkland research to bring to your attention the urgent need for community parks and the active recreation facilities by which they are defined by every previous City general plan and as typically defined in community planning and parks master plan terminology (footnote 2).

I have requested since last November to be informed of just what “parklands” or “active recreation parks” you were going to inventory and what definitions would apply (footnote 3) . I have given you, by email and phone conversation, detailed analysis of the 1993 and the 1983 parkland inventories and the significant errors within. I have emailed you dozens of aerial photo (Google Earth) images measured and Footnotes 1).

2) Ref. Emails: 10-25-10, 10-27-10, 10-31-10 JG to KT,MK,cc to JR, DS

11-1-10 JG to KT,P&RComm, DS reply KT to JG: 11-4-10, my reply JG to KT 11-5-10

3) KT to JG 11-17-10 first mention of “parks deficiency analysis (PkDA)” to be included in GP 2030

My request for PkDA info JG to KT 12-1-10 my extensive ltr re PkDA JG to JR cc: MB City Mgr, DS 12-9-10
Acknowledgement of my ltr & info JR to JG cc; KT 12-13-10

CPRA for “parks” def, Quimby Act Basics, Open space v.parks definition analysis & my PkDA w/ added graphics
JG to JR, DS cc: MB City Mgr, DB (David Baskin) 12-14-10

Six questions re parks, pks zoning, natl areas & comm. Facilities JG to Current Plnng 12-16-10

This document is one of a series produced through independent planning research and public records requests by J. Golder.
Comment and support or criticism is welcome. Jhond@comcast.net 831.706.8716 PO Box 46 Felton CA 95018

Sept. 15, 2011
DEIR

J. Golder to K. Thomas

Objections to GP 2030 Draft

analyzed using GE and other map tools to calculate park acreage, particularly active recreation facilities, & ball fields as well as the detailed results of the 1993 Sportsfield Needs and Site Assessment Study (SFNASS) initiated by me in 1993 after the City Council's Pogonip decision rejected sportsfields.

You have responded minimally and steadfastly refused to describe or identify the parks facilities inventory criteria or methodology you undertook.

Now that the dismal results are public, I find it necessary to make the following CPRA request for records:

Please provide for my review any and all documents and records including maps, diagrams, surveys, legal descriptions, parcel maps, aerial photos, ground survey notes, park worker or supervisor reports or notes, facility inventories, park plans, park master plans, construction or maintenance documents, assessor's records, ground or oblique imagery, maintenance or construction contracts, defining or limiting descriptions, metes & bounds descriptions, fence or boundary descriptions, or any other record used to assemble, evaluate, define, describe or inventory the community or neighborhood parkland described and counted in the DEIR.

Please include any and all worksheets, calculations, formulas or algorithms, map software, estimating tools, calculator (printout)tape or any other evidence that documents how the sums of acreage were calculated and verified.

Please include any and all records documenting the person or persons who did any of the following during the inventory process: map or image procurement or analysis, ground survey, image measurement, labeling or defining any involved boundary or limit, calculations of any measured or estimated distances, areas, angles or irregular shapes, additions or sums.

11A-3 Please provide the following definitions used in your inventory:

- A) Community park
- B) Neighborhood Park
- C) Regional Park
- D) Greenbelt
- E) Resource conservation area park
- F) Natural area

Footnotes 1).

2) Ref. Emails: 10-25-10, 10-27-10, 10-31-10 JG to KT,MK,cc to JR, DS

11-1-10 JG to KT,P&RComm, DS reply KT to JG: 11-4-10, my reply JG to KT 11-5-10

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Sept. 15, 2011
DEIR

J. Golder to K. Thomas

Objections to GP 2030 Draft

G) Parks

H) Facilities or community Facilities

I) Community services

11A-4 Please provide documentation as to which acreage measurements included service roads or parking lots or maintenance yards.

Please provide any document or record that will identify every lot or parcel (legal description of.) included in this inventory.

All records are to be assembled for my review. I will arrange or designate which records I need copied.

11A-5 As a further matter of great concern, as it is unlawful under the Calif. Government Code provisions for analyzing a general plan, is that you have stated directly in your DEIR that you have excluded EIR analysis of the (projected) population and housing in this DEIR.

Mr. Thomas, please kindly explain how the City or anyone can do a rational and feasible analysis of the environmental effects of this project unless the population (added) is included

Will you come to the same irrational conclusion that the (City's) 2002-2007 and the 2007 to 2014 Housing Elements did, i.e.: that additional population will have no significant effect on the City's recreational facilities or community and neighborhood parks or that existing facilities are adequate and do not need expansion or renovation and that expansion or renovation will have less than significant effect environmental effects?

11A-6 Please refer to my many emails to you or confer with Director of Parks and Recreation Dannettee Shoemaker about the many environmental battles and litigation over every single attempt to improve or develop any city parkland in the last 30 years.

11A-7 Finally, I find it insulting to the intelligence of this community that your draft EIR attempts to declare that the City of Santa Cruz has a surplus of community parks.

In reality, Mr. Thomas, this city has a community park deficit of more than a hundred acres!

I have thoroughly documented the following facts which your draft EIR completely ignores or misstates:

Footnotes 1).

2) Ref. Emails: 10-25-10, 10-27-10, 10-31-10 JG to KT,MK,cc to JR, DS

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Sept. 15, 2011
DEIR

J. Golder to K. Thomas

Objections to GP 2030 Draft

-The City has not built a community park since Lower DeLaVeaga and San Lorenzo Park in the mid-1960s!

Depot Park minus parking lot is 4.74 acres, not 8.5.

The useable developed portion of Harvey West Park is about 28 ½ acres, not 55.

The useable developed portion of Lower DeLaVeaga (including Washington Grove) is about 20 acres, not 35.

City school grounds have lost some 6 acres of playgrounds to buildings & improvements since 1993.

11A-8 The City can find no record of any land given to the City through the city's Parkland Dedication Ordinance (1980) nor any record of developed parkland that has been acquired using the Special Reserve Funds (General Ledger #s 240-249) from either the Parks Facilities Tax (1973) or the Quimby Funds (1982).

11A-9 The City does not have and has not had a Parks Master Plan since 1983. That one expired in 1989.

11A-10 The City has had a **net loss of developed parkland** over a time period of more than seventy years.

The City's largest park DeLaVeaga has had its Park Master Plan sitting on the shelf unfinished since 1960

Millions of dollars in unique community facilities have been destroyed (Charles Derby Small Bore Range and access road) or are designated for destruction (19,000 sq. ft. Naval Building formerly used for more than 35 yrs as the Cabrillo Stroke Center), both adjacent to sensitive Monarch butterfly habitat in southeast DeLaVeaga Park, without a significant public hearing or a disclosure of the effects of their demolition or needed replacement on the environment

11A-11 The city's sports leagues, (almost 15% of the population in 1993) especially soccer, have been forced to travel outside the City limits to private fields or other communities because the City has had no net gain in sports fields in more than 40 years. This increases travel noise, exhaust pollution and steals citizens' time.

The City's neighborhood parks inventory is 50% school grounds, its ball fields are 66% school fields (90% of which are multi-use), yet the City has never shared significant Quimby or PFT funds with the schools.

Footnotes 1).

2) Ref. Emails: 10-25-10, 10-27-10, 10-31-10 JG to KT, MK, cc to JR, DS

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Sept. 15, 2011
DEIR

J. Golder to K. Thomas

Objections to GP 2030 Draft

11A-12 There are numerous other undeclared environmental, managerial and administrative problems with the City's parks and recreation facilities, including drug dealer invasions and closures, criminal activities such as stolen bike and property caches, non-native plant invasions, no permanent maintenance funding, excessive landscape maintenance costs, limited public access, poor facility distribution citywide, litter and camper damage, creekside erosion, poor drainage, lack of facilities, especially lighting, restrooms and trash bins, lack of multi-use trails, no camping facilities, commercial uses prohibited under deed restrictions, easement litigation, wildfire hazards, emergency communication difficulties, insufficient patrolling, lack of security measures, trespass, unrecognized landfills, poor signage, especially addressing, confusing and contradictory classifications, unfair and discriminatory field & parking fee & security deposit policies, arbitrary user group subsidies, marijuana cultivation, misappropriation of special reserved funds for repair & maintenance, lack of inventory or facility records, unmeasured public use, indiscriminate and all-inclusive use zoning classification ("Parks") resulting in ineffective planning process and the waste of public resources in needless debate and litigation..

I will expand on these at the first public opportunity.

Resolutely,

J. Golder, concerned citizen.

Footnotes 1).

2) Ref. Emails: 10-25-10, 10-27-10, 10-31-10 JG to KT,MK,cc to JR, DS

11-1-10 JG to KT,P&RComm, DS reply KT to JG: 11-4-10, my reply JG to KT 11-5-10

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Six questions re parks, pks zoning, natl areas & comm. Facilities JG to Current Plnng 12-16-10

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Comment and support or criticism is welcome. Jhond@comcast.net 831.706.8716 PO Box 46 Felton CA 95018

Sept. 15 2011

J. Golden to K. Thomas →

objections to
6P2030 Draft EIR

TO: Ken Thomas, Principal Planner
Dept. of Planning & Community Development
City of Santa Cruz, CA
804 Center St., Room 206 (107 physical
Future Planning Division

FROM: John Golden, Developa Consultant, Redwood Prep, Inc.
Executive Director Active Recreation Coalition of Santa Cruz
a 501 c4 CA Non Profit - A team of teams speaking together.
PO Box 46 Felton CA 95018 831 706-8716

RE: ~~DRAFT~~ EIR for the General Plan 2030
— Serious errors, omissions & inconsistencies
Dear Mr. Thomas, & CRRR for source data

11B-T

This is formal notice that the recently released Draft EIR for City of Santa Cruz General Plan 2030 contains much to my shock and disappointment many serious errors of material fact in the section describing the City's developed parkland inventory particularly regarding community parks. A number of these errors in acreage are more than 100% in magnitude. ①

Additionally the Draft EIR has taken liberty to arbitrarily label or reclassify parkland including Dela Vega golf course, Mit Fox park, Depot Park as community parkland which it has never been represented or so previously described as such.

I have been in close communication with you, your dept. (Planning) your division (Future Planning) City Administration and particularly Parks & Rec. including Dir. Donnette Shremaker & Parks & Rec. Commission Chairperson David Dastin. I have

① The labeling of 46 acres of city school campus as "school fields" is particularly misleading and blatantly inaccurate.

8/15/11 Golden → Thomas
Draft 2030 EM

diligently & freely shared more than twenty years of detailed City Parks & Parkland research to bring to your attention the urgent need for community parks and the active recreation facilities by which they are defined in every previous City General Plan and as typically defined in community planning & parks master plan terminology.

I have requested since last November to be informed of just what "parklands" or "active recreation parks" you were going to inventory. I have given you (by email) and phone conversation detailed analysis of the 1993 and 1983 parkland inventories and the significant errors within. I have emailed you dozens of aerial photo (Google Earth images) measured & analyzed using GIS and other map tools to calculate park acreage, particularly active recreation facilities, Ball Field, as well as the detailed results of the 1993 ~~SASA~~ Sports field use assessment and siting study.

You have responded minimally and steadfastly refused to describe or identify the Parks/Facilities inventory, criteria or methodology you undertook.

Now that the dismal results are public I find it necessary to make the following CPRA request for records:

9/15/11

Bidder → Thomas
re: Draft EIR 2030 GP (p. 301)
CRA pp. 3 & 4

LETTER 17B

Per CA Govt Code 6250 et seq.

for my review
Please provide any and all documents and records that including maps, diagrams, surveys, legal descriptions, parcel maps, aerial photos, ground survey notes, party worker or supervisor reports or notes, facility inventories, party plans, party masterplans, construction or maintenance documents, assessor's records, ground or oblique imagery, maintenance or construction contracts, defining or limiting descriptions, metes & bounds descriptions, fence or boundary descriptions, or any other records used to assemble, evaluate, define, describe, or inventory the community & neighbor hood parcels described and counted in the EIR.

Please include any and all worksheets, area calculations, formulae, algorithms, map software, estimating tools, calculator tape or any other evidence that documents how the sums of acreage were computed and verified.

Please include any and all records documenting the person or persons who did the ~~computing or analyzing~~ any of the following during the inventory process: map or image procurement or analysis, or ground survey, image measurement, labeling or defining any involved boundary or limit calculations of measured or estimated distances, areas, angles or irregular shapes, additions or sums.

Please provide the following

9/15/11

Solder → Thomas

P. LETTER MB

re: 2030 GP Draft EIR, CPRT pp. 3 & 4

definitions used in your inventory

- A) Community Parks
- B) Neighborhood Parks
- C) Regional Parks
- D) Greenbelt
- E) Resource conservation area
- F) Natural Area
- G) Parks
- H) Facilities or Community Facilities
- I) Community Services

Please provide documentation as to which acreage measurements included service roads or parking lots, or maintenance yards.

Please provide ~~the~~^{any} document or record that will identify every lot or parcel (legally) included in this inventory.

All records are to be assembled for my review. I will arrange or designate which ~~api~~ records I need copied.

As a further matter of great concern

9/15/11

Golda → Thomas
re: Draft EIR 2030 GP?

(LETTER 11B)

as it is unlawful under the Govt. Code provisions for analyzing a general plan, is that you have stated directly in your EIR that you have excluded EIR analysis of the population and housing in this EIR.

Mr. Thomas, please kindly explain how the City or anyone can do a rational & feasible analysis of the environmental effects ~~of~~ of this project unless the population (added) is included?

Will you come to the same in an and irrational conclusion that the 2002-2005 and the 2007-2014 Housing Elements did? i.e.

- that additional population will have no significant effect on the City's recreational facilities or community & neighborhood parks or that existing facilities are adequate and do not expansion or renovation and that expansion or renovation will have no or less than significant environmental effects?

Please refer to my many emails to you or to confer w/ Dir of Parks & Rec. Danielle Shoemaker about the many environmental battles and litigation over every single attempt to improve or develop any city parkland in the last 30 yrs.

9/15/11 Giddler → Thomas
re: 2030 GP Draft EIR

LETTER 11B
p. 6 of 7

Finally I find it insulting to the intelligence of this community that your draft EIR attempts to declare that the City of Santa Cruz has a surplus of "community parks".

In reality, Mr. Thomas, this City has a community park deficit of more than a hundred acres!

I have thoroughly documented the following facts, which your Draft EIR completely ignores or misstates:

The City has not built a community park since Lower De La Veaga in the mid 1960s and San Lorenzo Park (ensure of date).

Dogpoot Park minus parking lot is 4.74 ac.
not 8.5

No land has ever been given to the city through the Partland Dedication Ordinance - (since 1980)

No developed partland has ever been purchased with the special reserved funds from the Parks Facilities Tax or Quimby Funds

The City does not have and has not had a Parks Master Plan since 1983. That one expired in 1989.

The City has had a net loss in developed

9/15/11 Golden → Thomas

LETTER #18

re: 2030 GP Draft EIR

public land for more than 70 years

The City's largest park De La Veage has had its master plan sitting on the shelf, unfinished since 1960

Millions of dollars in unique community facilities have been destroyed (Charles Deke Small Base Range & access road) or one designated for destruction (19,000 sq ft Naval Building in the center of a Monarch Butterfly sensitive habitat) without a single public hearing or any significant discussion or disclosure of the effects on community facilities or the environment, especially soccer.

The City's sports leagues have largely migrated their games to private fields outside the city (at significant cost to driving pollution & noise) because the City has had no net gain in sports fields for more than 40 years.

The City's neighborhood parks inventory is 50% school grounds, its ball fields are 66% school fields (90% of which are multi-use) yet the city has never shared any significant funding or PFT funds with the schools.

I'll appear on this at the first public opportunity.
Respectfully,
J. Golden

From: John Golder [mailto:jhond@comcast.net]
Sent: Tuesday, September 20, 2011 11:26 AM
To: Ken Thomas; jrebagliato@cityofsantacruz.com; Dannettee Shoemaker; Bren Lehr
Cc: 'Jhond Golder'
Subject: FW: GP 2030 Draft EIR objection and CPRA for parks inventory source material

To other recipients:

If these issues are a concern to you, I encourage you to read the DEIR and comment yourselves. Any of my research is available for the asking.

Sept. 20, 2011

To: Ken Thomas , Principal Planner
Department of Planning and Community Development
Future Planning Division
809 Center St. Santa Cruz CA
From: John Golder, concerned citizen, RedLog Properties Developer Consulting
Executive Dir. Of Active Recreation Coalition of Santa Cruz
-a 501c4 Calif. non-profit corporation "A team of teams speaking for sports"

RE: Additional response and comment on the recent Draft Environmental Impact Report (DEIR)
For the City of Santa Cruz General Plan 2030.

Mr. Thomas,

Thank you for your prompt reply and the helpful comments on DEIR process.

- 11C-1 The attached docs are previous relevant research sent you, recently updated w/minor revisions. They are intended for other viewers who will be copied this email re: recent Draft Environmental Impact Report (DEIR) for the City of Santa Cruz General Plan 2030.
- 11C-2 My inclusive CPRA request **within** my Sept. 15, 2011 written comments on this DEIR is intended specifically for verification of the acreages you have stated in the City's "parks" inventory.
All the records requests are intended for that purpose, i.e. How did you calculate the acreages given?

As you are absolutely aware of, I have been in frequent and regular contact with you, P & R Director Dannettee Shoemaker, the City Clerk's office, the City manager's office, (the two offices being now combined) and all the staff therein regarding the hundreds of preliminary questions (per GC §62453.1) and defined records requests (per GC §62450 et.seq.) since October of last year. Most of my requests are directly or indirectly related to an accurate City parklands inventory which is an absolute requirement for the City's Quimby Actparkland dedication ordinance and the in-lieu developers park fees requirements..

A number of my key records requests Involving City owned real estate parcels and lots have never been answered. Some of them are over 9 months old.

Additionally, I have been in substantial, though not regular, contact with dozens of other departmental administrators, managers and staff regarding my parks & recreation facilities research for the 2030 General Plan.

Since any property/real estate/legal boundary inventory MUST at some point reference a legal description of the involved parcels, and/or an accurate survey of same, it mystifies me how your division could accurately accomplish an inventory when NO ONE in the combined City Clerk/City Manager's office has been able to locate the City's real estate files.

The following depts. have been unable to locate the requisite records:

City Clerk's office: Bren Lehr, Tom Graves, Nydia Patiño, Tina Shull and presumably, all their available staff.

Despite numerous attempts to speak directly to Ms. Patino, whose has the primary responsibility for the

location, filing, and retrieval of City records, she has never returned a single phone call nor given any indication

whatsoever in her email responses that the City knew where its real estate records are.

City Manager's office: Neither Suzanne Haberman nor Asst Dir. Tina Shull claim any knowledge of these records.

City Risk Manager: interim manager Barbara Choi and her staff know nothing of these records and referred me to

the City Clerk's office at a time when there was no City Clerk. Interim City Clerk Tom Graves has been obstructive

and non-communicative the entire 6 months I tried to work with him. Ms. Lehr's appointment has solved that obstruction.

City Attorney's office: no response from anyone in management at that office

Public Works Dept.: Dir. Mark Dettle, Deputy Dir Chris Schneider and all staff I have had communication with

deny any knowledge of those records. City engineering plans do not include APNs or deed references.

With a few rare exceptions, undeveloped city owned lands do not have street addresses.

Property Manager: This position has been vacant for several years, at least. A CPRA request has been made

to Human Resources division to determine the protocol for transferring and the likely disposition of those records.

HR Dir. Ms. Sullivan is aware of this very recent request

Parks and Recreation: Dir. Dannettee Shoemaker has no idea where those records are. Some of their historical

parks files contain misc. parcel info and acquisition information. There is nothing comprehensive re: parks facilities,

though the 1983 Parks Plan mentions several programs to track & evaluate facilities & parklands.

Planning and Community Development: I have discussed this a number of times with you and Dir. Juliana Rebagliati.

I am rather surprised that you don't have these files as a reference, since everything your department does references

some parcel or parcels of land.

IT: I have had a number of conversations and a personal meeting with Rich Westfall about the City's GIS system and how

to research the data layers. Unfortunately, any City owned property input into the City's GIS is not updated as to use, and

11C-3 there are many city parcels whose use is split between, parks, natural areas, housing, commercial, public facilities and easements.

Here are typical examples associated with Depot Park & Neary Lagoon: APNs 4-321-06, 4-321-16, 4-311-25.

To measure such uses with legal knowledge of boundaries, required buffers, easements and deed/use restrictions is a complicated task *and requires the unavailable City real estate records* or a complicated accumulation of civil escrow records and a comprehensive record all subsequent pre & post purchase legal actions affecting the parcels.

But without the City's real estate records, the "park" parcels themselves are hard to identify for legal research.

Furthermore, there is no CAD redrafting of a city owned parcel serving multiple uses.

Scribe system records scanning subcontractor. I have had several conversations with this subcontractor. The records scanning project is now

about 2 yrs old. He does not know about these records.

Economic Development and Redevelopment: I have talked with Joe Hall, Norm Daly & Peter Kota. None of these

Individuals know the whereabouts of these records. I have not reached Dir. Lipscombe.

11C-4 Regarding your reference to population and its effects on the elements of the proposed GP 2030, it is specifically the *separation* of the added population analysis from the other elements (that discuss community services and facilities, land use planning, resource conservation, community design and recreation facilities needs) that I am formally objecting to.

Your DEIR is attempting to separate these analyses legally (by separate analysis & approval), documentary (by excluding them from this document), context (by not analyzing them as a whole), cause & effect (by assuming added population has no significant effect on recreational facilities) and public notice (by completely separating the housing element process in time and public comment/response from the main DEIR).

This, of course is all in direct contradiction to substantial CEQA case law which requires that a general plans and its constituent elements and analyses *must be consistent and considered as a whole*. In other words, regardless of the recent Housing Element state "final approval", it must consider the 40 year deficit condition of the city's active recreational facilities, a condition substantially described in the P&R Element and the Civic Community Element of the current General Plan. Please note, that the unsupportable false statements made in your 2002-2007 & your 2007-2014 Housing Elements, viz. that added population will have no significant effect on the City's recreational facilities and that current facilities are adequate to for current and projected population would essentially place the City in a position of not justifying any developer park fees (PFT and Quimby fees). **Please let me know when you suspend that requirement for residential projects!**

11C-5 The principal involved is CONCURRENCY for which the City has been charging park developer fees for more than 39 yrs (PFT) and 31 yrs (Quimby Funds), in sum some tens of millions of dollars with NO NET GAIN in developed parkland. Not only no net gain, but a **verified surveyable NET LOSS in developed usable parkland** with active recreation facilities. Unmentioned by your draft DEIR are the unique and expensive recreational facilities destroyed without meaningful public comment, without any reference to an individual Park Master Plan or a comprehensive City Parks Master Plan (last done in 1983).

The unique facilities destroyed or about to be destroyed in DelaVeaga Park, the 2 acre Charles Derby Small Bore Range and access road (valued at several hundred thousand dollars) and the 19K sf Naval Building (former Stroke Center –valued at over \$3 million) are essentially irreplaceable because the significant effect that their replacement recreational facilities would have on the environment would probably cost millions in mitigation measures (both are in sensitive Monarch Butterfly habitat). All of this has been done without any reference to the DeLaVeaga Park Master Plan which has been left deliberately unfinished for more than 50 yrs.

11C-6 This DEIR , by presenting a completely false and inflated parks inventory that includes hundreds of acres of raw undeveloped and undevelopable steep forested inaccessible hillside under the misnomer of “community park” is a deliberate and knowing attempt to misrepresent the current and longstanding active recreational facility deficit that the City has suffered under “progressive” political leadership since the mid 1970’s. Changing park definitions of long accepted and currently classified City parklands is inadequate procedurally, administratively, professionally, or ethically. It is also highly unrealistic. It smacks of George Orwell’s novel 1984 in terms of premeditated public deception. Please be advised that my many emails and communication to your Planning Department re: park definitions are all part of the public record. It will be impossible for you to testify that park definitions are not fundamental to an accurate park inventory, or that you were not cognizant of the many issues I raised on definition discrepancies and ambiguities.

11C-7 It is apparent that part of the intent of this DEIR’s highly inflated parklands inventory would be an attempt to actually meet the LOS standards that the Quimby Act GC §6477 requires. Unfortunately, the City of Santa Cruz has never met *any* of the 12 + Quimby Act requirements and has been requiring park developer fees and exactions under unverified inventory and subdivision density data since the inception of Ordinance 80-42 in 1980 and Ordinance 73-10 in 1973.

The DEIR fails to mention that the City’s subdivision dedication ordinance has failed to produce a single square foot of net gain in developed parkland despite 31 years of implementation. My records request to your department to produce a single example of developed park acreage or parcel purchased with Quimby Funds or Parks Facilities Tax (38 yrs!) has yet to be answered. The following excerpt from my CPRA request was sent to the City Manager on Mar. 21, 2011. It restates the unanswered Dec. 8, 2010 CPRA request to Julianna Rebagliati and Dannettee Shoemaker:

The still unanswered records request for such a parkland parcel was first made in a letter sent to both Planning Dir. Julia [redacted] 2010 on page 8 and copied below.

Important questions:

1) What IS the City standard for natural area/conservation resource/undeveloped open space?

(A standard must be determined to complete a PkDA and to qualify for Quimby funds.)

(This is still unanswered)

2) How will we ever solve an urban parks deficit if all the available open space is permanently preserved?

(Available parcels must be identified for urban park use or further park expansion planning is fruitless)

(This is still unanswered)

3) Have any new parklands ever been acquired through 30 years of Quimby Ordinance Fees (since 1980) and 38 yrs of CPRA records request.

(This might be partially answered through this request))

Please explain what portion of the records used to define and measure your DEIR parklands inventory will take more than ten days to assemble.

I am more than willing to review whatever you have as soon as its available., regardless how incomplete.

Does any of your inventory source material include any of the missing City real estate files?

11C-8 You have refused since last January to disclose how and by what sources or definitions this inventory was being done until the inventory itself was complete and available for public review.

11C-9 Are you now willing to reveal who actually did this inventory and by what methodology and source material?

I believe the public deserves an answer for this inexcusably inaccurate and misleading document.

CC1 An involved and informed citizenry and responsive and effective government

Resolutely,

J. Golder

A. Basics Quimby, AB 1600 & City Park Funding	pp.1-2
B. Quimby articles, legal opinion & URL links (selected excerpts, notes, edits)	pp. 3-7
Generally in order from simple to complex and technically specific	
C. Quimby Act	pp. 8-10

This is part of a range of research and comment on the City of Santa Cruz 2030 draft General Plan related to community parks planning. Please contact J. Golder jhond@comcast.net 831-706-8716 at RedLog Properties with comment or inquiries or to obtain a list of available research.

A. Basics: City of Santa Cruz park funding ordinances and CA Quimby Act.

Calif. statute §6477 GC "Quimby Act" was passed in 1965 and substantially amended in 1982. In 2002 AB 2936 revised it to allow limited use of funds for park master plans. Its primary intent is to enable cities and counties to acquire and develop new parkland and recreational facilities to serve new subdivisions through parkland dedication standards¹ or in-lieu fees based on development residential density². The primary intent is stated in subdivision (3): "The land, fees or combination thereof are to be used only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreational facilities to serve the subdivision."

There are a number of restrictions on the calculation, collection, accounting, and expenditure of Quimby funds. Assembly bill AB 1600, Mitigation Fee Act³, in 1987 has had some legal effects on Quimby Act interpretation.

The City enacted a Parks & Recreation Facilities (excise privilege) Tax (PFT) in 1973. The intent and the handling of PFT funds was virtually identical to the city's later "Quimby" ordinance. The PFT is currently codified as Chapter 5.72 MC. The PFT applies at \$3/sq.ft. to any new habitable residential space, including apartments and remodels. The tax :

5.72.110.: "shall be placed into a special fund... known as the "parks and recreation facilities tax fund..." shall be used and expended solely for the acquisition, improvement and expansion of public park, playground and recreational facilities in the city." (Ord. 94-08 § 7, 1994: Ord. 73-10 § 1 (part), 1973).

The City's first "Quimby" fee parkland dedication (QFPD) ordinance was Ord. 80-42 eff.12/25/80, revised (Ord.82-19) & (Ord. 94-07) eff. 3/24/94 and now codified in Chapter **23.28** MC. The primary intent of the QFPD is stated within **23.28.20.1**: "The land, fees, or combinations thereof, are to be used only for the purpose of providing park or recreational facilities to serve the subdivision."

The QFPD applies as an in-lieu fee at the same rate as the PFT, but only when a new lot is created⁴. The 1994 revision changed the in-lieu fee rate from \$80 per new bedroom to \$3 per sq.ft. of floor space and raised the "per lot " fee (when plans do not specify sq.ft) from \$240 to \$4780. The QFPD land dedication schedule exacts (requires dedication of) 4.5 ac./1000 added residents. This acres/1000 residents is called a "parks standard"¹ or simply "standard".

These two park funds are Special Revenue Funds accumulated under GL account numbers 241-249⁵.

Significant issues re: city's QFPD ordinance and funds use follow:

-Construction (wording) omits most of the restrictive requirements and clauses found in the state statute. Nevertheless, the city's collections, land exactions and Quimby fund appropriations are bound by the Quimby subdivision provisions.

-Actual land dedication is unknown and may have never occurred.

-No calculated source of the in-lieu fee rate has been located. The relationship of a dwelling sq. ft.

rate to population density has no source data and cannot be validated²

- The City's dedication standard of park acreage cannot be verified per adopted 1990 General Plan records referenced in the ordinance⁶. The parkland inventory is over 18 years old and inaccurate.

Related planning issues

Accurate parkland inventories are the basis and the rationale behind exacting a park land dedication or in-lieu fee. Review of city park acreage indicates a substantial "acres per population" developed park land deficiency. Restated, the city's last park land inventory has questionable data. The city may need some 50 to 150% more developed park land to meet the 4.5 ac/1000 standard claimed under its QFPD ordinance .

Issues of parks categories and definitions could more than triple this deficit. School yard claimed as neighborhood park, inaccessible raw land claimed as community park, and community facilities reclassified as regional parks are the main issues. Having no "acres/population" standard for open space makes those parklands technically ineligible to receive Quimby funds⁷. Even with a standard, open space lands may not meet the intent of the Quimby Act without recreation facilities.

Finally, CIP (Capital Improvement Project) and Parks & Rec budget reports indicate that much of QFPD fees have been used, and are currently appropriated, for maintenance and repair. This is not an allowed use under Quimby (ref. articles on pp.4, 5 & 7). Additionally many of the funded projects have a questionable "nexus" beneficial relationship to the development generating the fees. (ref. articles on pp.3, 6, & 7) As yet, no city parkland has been identified as having been purchased with QFPD funds even though that was the primary intent of the Quimby Act.

Footnotes:

1) Quimby Act land dedication basic formula = park acres/1000 residents. This is commonly referred to in planning and law as a "parks standard" Park acres herein refers to "developed neighborhood and community parks". Residents is per most recent census. Ref. §6477 GC (a)(2)(A)

2) In-lieu fee determinations should be based on (new additional parkland) land value per acre (\$LV/ac) X parkland standard (acres/1000 residents or ac/1000) X ARpD (added residents per development). ARpD must use an average value for household size that can be validated by statistics and the (latest) federal census. Census data is available for occupants per household & sometimes occupants per room (excluding kitchen, bath, halls, etc) or occupants per bedroom. No census or City data is known for occupants per sq.ft. (Ref. Scotts Valley [16.35.040](#) - Standards and formula for dedication of land)

3) §§ 66000-66011 Govt. Code

4) If subdivision is not involved the Quimby Act does not apply; i.e. remodels, apartments, hotels, dorms.

5) From its start (1980) QFPD funds have been separated into different city area quadrants as follows: 241-NW, 242-SW, 243-NE, 244-SE. From the PFT beginning (1973) its funds were likewise separated: PFT:, 245-NW, 246-SW, 247-NE, 248-SE. In 2008 the PFT funds were combined into a single fund, 249.

6) Parks and Recreation Element of the General Plan, adopted by the city on October 27, 1992 and the Local Coastal Plan for the city of Santa Cruz, certified by the California Coastal Commission on May 7, 1985.

7) Ref. §6477 GC (a (2)(A))

B. Quimby articles, excerpts, links and legal references

05.28.02 Quimby Act 101: An Abbreviated Overview
 Laura Westrup, Planning Division
 California Department of Parks and Recreation

This brief article is meant to assist park and recreation staff members in refamiliarizing themselves with the Quimby Act and with its intended function. A sample resolution and policy are provided for the reader, but are intended as examples only. [\[omitted herein\]](#)

Local governments in California provide a critical role in the effort to set aside parkland and open space for recreational purposes. Cities and counties have been authorized since the passage of the 1975 [\[sic 1965 is correct \]](#) Quimby Act (California Government Code §66477) to pass ordinances requiring that developers set aside land, donate conservation easements, or pay fees for park improvements. [Revenues generated through the Quimby Act cannot be used for the operation and maintenance of park facilities.](#)

[The goal of the Quimby Act was to require developers to help mitigate the impacts of property improvements.](#) The Act gives authority for passage of land dedication ordinances only to cities and counties. Special districts must work with..(NA, [rem.omitted](#)). The fees must be paid and land conveyed directly to the local public agencies that provide park and recreation services community wide. When California voters approved the local property tax relief initiative, Proposition 13 in 1978, property taxes were essentially frozen thus frustrating local governments' financing options further. In addition, Federal and state mandates without reimbursements also put pressure on already stretched recreation and park agency budgets.[\(added: i.e.. required safety standards for playground equipment\)](#)

Local agencies needed to become more resourceful in locating funding options, and turned to Quimby, Mello-Roos, development impact fees, developer agreements (informal agreements requiring additional exactions) fee concession operations, facility leases, non-profits, commercialization, and competitive grants to sustain their budgets.

Local agencies have found that the Quimby Act provides a consistent means of providing parks for many California communities and helps to supplement strained agency budgets. While the Quimby Act is not an end-all in being able to provide sufficient dollars for land acquisition and park development, many agencies agree that it's a good start.

[Originally, the Act was designed to ensure "adequate" open space acreage in jurisdictions adopting Quimby Act standards](#) (i.e., 3-5 acres per 1,000 residents). In some California communities the acreage fee can get very high where the property values are high, and many

local governments do not differentiate on their Quimby fees between infill projects and green belt developments.

Amendments to Quimby: In 1982, the Act was substantially amended. The amendments further defined acceptable uses of or restrictions on Quimby funds, provided acreage/population standards and formulas for determining the exaction, and indicated that the exactions must be closely tied (nexus) to a project's impacts as identified through traffic studies required by the California Environmental Quality Act (CEQA).

Exaction abuses coupled with economic recession and political changes – stronger “private property” rights advocacy – brought about a builders' backlash of perceived loopholes prompting California legislation AB 1600 (California Government Code §§66000-66025).

Exaction is the process of shifting forward to new development the cost of infrastructure for which is generated the need is generated by the new residents. Parkland and or development of recreation facilities can be exacted from the developer as land, cash-in-lieu of land and/or impact fee as a condition of subdivision map approval.

The 1982 amendment to Quimby was designed to hold local governments accountable for imposing park development fees; hence the 1982 amendment to Quimby. AB 1600 requires agencies to clearly show a reasonable relationship between the public need for the recreation facility or park land and the type of development project upon which the fee is imposed. Cities and counties were required to be more accountable and to show again, a strong direct relationship or nexus between the park fee exactions and the proposed project. Local ordinances must now include definite standards for determining the proportion of the subdivision to be dedicated and the amount of the fee to be paid.

Pressure to further revise the Quimby Act has come from a variety of sources, including governmental officials, the building industry, homeowners, and environmental groups. In recent months, AB 2936 has been introduced authorizing Quimby funds to be used for the planning of new parks and for community master planning purposes.

The subject of park fees and the possibility of an ordinance revision can quickly polarize local policy makers and community leaders. Community involvement is crucial to any suggestion of Quimby revision. Reliable data on costs of acquisition, development and values of competing communities is essential to keep the debate as objective as possible. Formal public hearings conducted by the decision making body must be held before approval of the ordinance with staff members keeping everyone apprised of developments throughout the process.

How Quimby Works: Typically, the City/County Planning staff develops Quimby Act ordinances with the assistance from the City/County Attorney. Implementation of a Quimby ordinance begins once a developer files an application for a development project with a tentative subdivision parcel map. The tentative map goes to a review committee that makes recommendations on the proposed map. Comments are sent to the planning department that will provide information for a public hearing that result in a recommendation action for the city council or county board of supervisors. If denied, the tentative map would be sent back to the developer for revision

The final map would be reviewed by all the appropriate agencies for conformance with conditions before going to a final public hearing and approval, or disapproval, by the city council/county board of supervisors at which time fees are paid. If approved, the final map is filed with the county recorder. Whether you use the Quimby Act and/or other authorizations, the development of the ordinance must be done with the help of legal counsel. (Please note that the sample resolution below is for illustration only). Each community should refine the model ordinance by taking into account its own unique circumstances and conditions.

(sample resolution omitted)

Fr. http://www.cacities.org/resource_files/23040.Peter%20Brown%20Paper%20on%20Fees.pdf

Article on impact fees by Peter N. Brown atty Calif. League of Calif. Cities Feb.2003•

Some non-AB 1600 exactions interrelate with AB 1600 fees. For example, **Quimby Fees can be collected from residential subdivisions for park or recreational purposes.** However, Quimby fees cannot be collected from commercial developments, apartment projects, or subdivisions of fewer than five (5) parcels. To ensure that such development mitigates its parks impacts, an equivalent AB 1600 fee could be collected. Also, **there is authority for the proposition that Quimby fees can only be based on the value of unimproved land.** (*Norsco Enterprises v. City of Fremont* (1976) 54 Cal.App.3d 488.)³ Cities will often adopt an AB 1600 impact fee to “fill in the gap” left by Quimby. **Also, Quimby fees cannot be used to maintain parks or recreation facilities, only for the initial development.** Therefore, under this approach, cities could have three separate fees that relate to park and recreation facilities:

- (1) a Quimby fee applicable to residential subdivisions for the purchase of park or recreation acreage,
- (2) (2) an AB 1600 fee applicable to commercial, condominium and residential developments of fewer than five parcels for the same purpose, and
- (3) An AB 1600 fee applicable to all new development for the construction of park improvements.

The authors have been informed that some jurisdictions in California have not adopted a Quimby Fee and instead impose AB 1600 fees on residential subdivisions

City of Scotts Valley. Well written parkland dedication Quimby ordinance:

[Chapter 16.35 - DEDICATION OF LAND FOR PARK AND RECREATIONAL PURPOSES](#)

http://library.municode.com/HTML/13736/level3/SCOTT%20VALLEY%20MUNICIPAL%20CODE%20TIT16SU_CH16.35DELAPAREPU.html#SCOTT%20VALLEY%20MUNICIPAL%20CODE%20TIT16SU_CH16.35DELAPAREPU_16.35.010DE

City of Livermore An extremely well crafted Parks Facility Fee Code section with excellent and comprehensive definitions for what the fees will cover and how they are computed. Crafted under the Mitigation Fee Act requirements: [Chapter 12.60 PARKS FACILITIES FEE](#)

Fr. Monterey Co. Enviro. Impact report:

http://www.co.monterey.ca.us/planning/gpu/2007_GPU_DEIR_Sept_2008/Text/Sec_04.12_Park_Recreation_Open_Spaces.pdf

AB 1600 amended the Quimby Act in 1982 to hold local governments more accountable for imposing park development fees. The AB 1600 amendment requires agencies to clearly show a reasonable relationship between the public need for the recreation facility or park land and the type of development project upon which the fee is imposed. Cities and counties are required to show a strong direct relationship, or nexus, between the park fee exactions and the proposed project. Local ordinances must include definite standards for determining the proportion of the subdivision to be dedicated and the amount of the fee to be paid by the developer. AB 2936 was adopted as an amendment to the Quimby Act in 2002, and allows counties and cities to spend up to 10% of their Quimby Act fees to prepare master plans for park and recreation facilities every three years.

fr. Public INTEREST LAW JOURNAL [Vol. 16 2006] TAXING DEVELOPMENT p.11

The California Supreme Court clearly distinguished between ad hoc and legislatively imposed exactions.¹¹² Exaction abuses and private property advocacy by builders' groups eventually led to "nexus legislation"¹¹³ under Assembly Bill 1600.¹¹⁴ California established this legislation in 1987, effective as of January 1, 1989, which added sections 66000-66011 to the California Government Code.¹¹⁵ In 1996, in light of *Ehrlich*, the Legislature relabeled sections 66000-66025 the "Mitigation Fee Act" ("Act").¹¹⁶ In the Act, the Legislature amended the definition of a fee to include both legislatively imposed and ad hoc fees.¹¹⁷ Currently, a government entity imposing an impact fee on development projects must: establish the purpose of the fee, establish the use of the fee including public facilities to be financed, show a reasonable nexus between the purpose of the fee and the type of development, show a reasonable relationship between the public facility which the fee will finance and the type of development on which it imposes the fee, show a reasonable relationship between the specific amount of the fee and the cost of public facilities attributable to the project, and account for and spend collected fees only for the purposes intended with provision for the return of unexpended funds.¹¹⁸ The final condition includes provisions requiring the government entity to deposit, invest, account for, and expend the fees, as well as account for unexpended or uncommitted funds once each fiscal year.¹¹⁹ The entity must identify a schedule of improvements and adopt a capital improvement plan within 180 days of determining that sufficient funds were collected.¹²⁰ Within 180 days of the closing of the fiscal year, there must be a full accounting of the funds and a review of the accounting by the local government council at its next regularly scheduled meeting,

¹¹⁰ *San Remo Hotel*, 545 U.S. at 335.

¹¹¹ *Id.* (quoting *San Remo Hotel v. City and County of S.F.*, 364 F.3d 1088, 1098 (9th Cir. 2004)); Michael Berger, *San Remo Hotel: When Ship Comes In—But Only Passes By*, L.A. DAILY J., July 11, 2005, at 2-3.

¹¹² *Ehrlich v. City of Culver City*, 911 P.2d 429, 447 (Cal. 1996).

¹¹³ CURTIN & TALBERT, *supra* note 33, at 329.

¹¹⁴ Laura Westrup, Cal. Dep't of Parks & Recreation, *Quimby Act 101: An Abbreviated Overview*, CAL. PARKS & RECREATION, Summer 2002, at 8, available at http://www.cprs.org/membersonly/Sum02_Quimby.htm.

¹¹⁵ CAL. GOV'T CODE §§ 66000-66011 (West 1989); CURTIN & TALBERT, *supra* note 33,

at 329.

¹¹⁶ CAL. GOV'T CODE §§ 66000-66025 (West 1996); CURTIN & TALBERT, *supra* note 33, at 329.

¹¹⁷ CURTIN & TALBERT, *supra* note 33, at 329.

¹¹⁸ *See id.* (citing §§ 66001(a), 66001(b), and 66006); Ross & Thorpe, *supra* note 14, at 108.

¹¹⁹ § 66006(a); CURTIN & TALBERT, *supra* note 33, at 329.

¹²⁰ CURTIN & TALBERT, *supra* note 33, at 329 (citing § 66001(e) and § 66002).

BRANCIFORTE HEIGHTS, LLC, Plaintiff and Respondent, v. CITY OF SANTA CRUZ et al.,
Defendants and Appellants.

H028864 [*1] Superior Court of Santa Cruz County, No. CV149269, Robert B. Yonts.

The central substantive question in this case is whether [subdivision \(e\) of section 66477](#) imposed a duty on the City to provide a private open space credit against the park and recreation fees assessed against Branciforte. The City maintains that it retains discretion under [subdivision \(e\) of section 66477](#) to decide whether to include a private open space credit in its park fee ordinance and the City may "eschew private open space credits in favor of a policy and ordinance intended to advance public parkland development." The City additionally claims that the open space amenity was provided "in consideration for the project's PUD permit," which authorized a development plan not permitted under conventional zoning and, therefore, the provision of open space was not an aspect of subdivision permit approval against which [*3] such a credit could be applied.

City of Costa mesa study on raising park fees

http://www.ci.costa-mesa.ca.us/docs/User_fees_07-08.pdf

City of Colton CA -Quimby Dedication Requirement and In-Lieu Fee Study & Park Impact
Fee Nexus Study done by SCI, Inc. in 2008

http://www.ci.colton.ca.us/a/MG44479/AS44488/AS44489/AI44511/DO44512/DO_44512.PDF

Very interesting legal comment on nexus study re: Pasadena 2004 540% park impact fee
increase

Six separate documents from attorneys and developers cover virtually all issues of a proper v.
improper nexus study.

http://ww2.cityofpasadena.net/councilagendas/2004%20agendas/Nov_08_04/7A1.pdf

<http://www.ci.antioch.ca.us/CityGov/CommDev/PlanningDivision/docs/ebart-Hillcrest-Station-DEIR-Plan/DEIR/DEIR%20Chapters/3.12%20Public%20Services.pdf>

fr. City of Antioch planning EIR draft State Regulations

State law allows a city or county to impose fees as a condition of approving any development project if it can demonstrate a relationship between the fee and the purpose for which it is being earmarked. The jurisdiction must conduct studies to demonstrate a reasonable relationship between the need for the public facility and the type of development project. It must also be able to show there is a reasonable relationship between the amount of the fee and the cost of the public facility attributable to the development (California Government Code section 66000 et. seq.).

Parks

The 1975 [sic1965] Quimby Act (California Government Code §66477) authorized cities and counties to pass ordinances requiring that developers set aside land, donate conservation easements, or pay fees for park improvements. The Act states that the dedication requirement of parkland can be a minimum of 3 acres per thousand residents or more, up to 5 acres per thousand residents if the existing ratio is greater than the minimum standard. Revenues generated through in lieu fees collected and the Quimby Act cannot be used for the operation and maintenance of park facilities. In 1982, the act was substantially amended. The amendments further defined

Hillcrest Station Area Specific Plan Draft EIR
3.12-8

acceptable uses of or restrictions on Quimby funds, provided acreage/population standards and formulas for determining the exaction, and indicated that the exactions must be closely tied (nexus) to a project's impacts as identified through studies required by the California Environmental Quality Act (CEQA).

C. Quimby Act

-Ca. Govt. Code 1965

66477. (a) The legislative body of a city or county may, by ordinance, require the dedication of land or impose a requirement of the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a tentative map or parcel map, if all of the following requirements are met:

(1) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of the subdivision or parcel map.

(2) The ordinance includes definite standards for determining the proportion of a subdivision to be dedicated and the amount of any fee to be paid in lieu thereof. The amount of land dedicated or fees paid shall be based upon the residential density, which shall be determined on the basis of the approved or conditionally approved tentative map or parcel map and the average number of persons per household. There shall be a rebuttable presumption that the average number of persons per household by units in a structure is the same as that disclosed by the most recent available federal census or a census taken pursuant to Chapter 17 (commencing with Section 40200) of Part 2 of Division 3 of Title 4. However, the dedication of land, or the payment of fees, or both, shall not exceed the proportionate amount necessary to provide three acres of park area per 1,000 persons residing within a subdivision subject to this section, unless the amount of existing neighborhood and community park area, as calculated pursuant to this subdivision, exceeds that limit, in which case the legislative body may adopt the calculated amount as a higher standard not to exceed five acres per 1,000 persons residing within a subdivision subject to this section.

(A) The park area per 1,000 members of the population of the city, county, or local public agency shall be derived from the ratio that the amount of neighborhood and community park acreage bears to the total population of the city, county, or local public agency as shown in the most recent available federal census. The amount of

neighborhood and community park acreage shall be the actual acreage of existing neighborhood and community parks of the city, county, or local public agency as shown on its records, plans, recreational element, maps, or reports as of the date of the most recent available federal census.

(B) For cities incorporated after the date of the most recent available federal census, the park area per 1,000 members of the population of the city shall be derived from the ratio that the amount of neighborhood and community park acreage shown on the records, maps, or reports of the county in which the newly incorporated city is located bears to the total population of the new city as determined pursuant to Section 11005 of the Revenue and Taxation Code. In making any subsequent calculations pursuant to this section, the county in which the newly incorporated city is located shall not include the figures pertaining to the new city which were calculated pursuant to this paragraph. Fees shall be payable at the time of the recording of the final map or parcel map or at a later time as may be prescribed by local ordinance.

(3) The land, fees, or combination thereof are to be used only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreational facilities to serve the subdivision.

(4) The legislative body has adopted a general plan or specific plan containing policies and standards for parks and recreation facilities, and the park and recreational facilities are in accordance with definite principles and standards.

(5) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.

(6) The city, county, or other local public agency to which the land or fees are conveyed or paid shall develop a schedule specifying how, when, and where it will use the land or fees, or both, to develop park or recreational facilities to serve the residents of the subdivision. Any fees collected under the ordinance shall be committed within five years after the payment of the fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If the fees are not committed, they, without any deductions, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

(7) Only the payment of fees may be required in subdivisions containing 50 parcels or less, except that when a condominium project, stock cooperative, or community apartment project, as those terms are defined in Section 1351 of the Civil Code, exceeds 50 dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than 50.

(8) Subdivisions containing less than five parcels and not used for residential purposes shall be exempted from the requirements of this section. However, in that event, a condition may be placed on the approval of a parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years, the fee may be required to be paid by the owner of each parcel as a condition of the issuance of the permit.

(9) If the subdivider provides park and recreational improvements to the dedicated land, the value of the improvements together with any equipment located thereon shall be a credit against the payment of fees or dedication of land required by the ordinance.

(b) Land or fees required under this section shall be conveyed or paid directly to the local public agency which provides park and recreational services on a communitywide level and to the area within which the proposed development will be located, if that agency elects to accept the land or fee. The local agency accepting the land or funds shall develop the land or use the funds in the manner provided in this section.

(c) If park and recreational services and facilities are provided by a public agency other than a city or a county, the amount and location of land to be dedicated or fees to be paid shall, subject to paragraph (2) of subdivision (a), be jointly determined by the city or county having jurisdiction and that other public agency.

(d) This section does not apply to commercial or industrial subdivisions or to condominium projects or stock cooperatives that consist of the subdivision of airspace in an existing apartment building that is more than five years old when no new dwelling units are added.

(e) Common interest developments, as defined in Section 1351 of the Civil Code, shall be eligible to receive a credit, as determined by the legislative body, against the amount of land required to be dedicated, or the amount of the fee imposed, pursuant to this section, for the value of private open space within the development which is usable for active recreational uses.

(f) Park and recreation purposes shall include land and facilities for the activity of "recreational community gardening," which activity consists of the cultivation by persons other than, or in addition to, the owner of the land, of plant material not for sale.

(g) This section shall be known and may be cited as the Quimby Act.

AB2936 amendment 2002

(f) Park and recreation purposes shall include either of the following:

(1) Land and facilities for the activity of "recreational community gardening," which activity consists of the cultivation by persons other than, or in addition to, the owner of the land, of plant material not for sale.

(2) The preparation of *master plans* for park and recreational facilities provided that both of the following conditions are met:

(A) Not more than 10 percent of the fees and dedications collected by a city or county pursuant to subdivision (a) are expended for city, county, or regional master plans for a maximum master planning period of three years.

(B) Every five years from the adoption of the master plan not more than 5 percent of the fees and dedications collected by a city or county pursuant to subdivision (a), in that year, are expended for plan updates.

Parks vs Open Space --What are we talking about?

This is part of a range of independent research and comment on the City of Santa Cruz 2030 draft General Plan related to community parks planning. Please contact J. Golder jhond@comcast.net 831-706-8716 with comment or inquiries or to obtain a list of available research.

Definition of “park” from the California Parks & Wildlife (CALPAW) 1988 Prop 70 state bonds proposition that became Resource Code 5907.

"**Park**" means a tract of land with outstanding scenic, natural, open-space, or recreational values, set apart to conserve natural, scenic, cultural, or ecological resources for present and future generations, and to be used by the public as a place for rest, recreation, education, exercise, inspiration, or enjoyment.

The approved Prop 70 bond issue raised \$770 million including the \$15 million that purchased Pogonip. When preservationists think “park” this is the definition they are holding. It is essentially the same “parks mission” definition that the California State Parks Dept. uses.

When the 1965 Quimby Act that became Govt. Code §6477 GC was passed the intent was for acquiring land and developing it for “**neighborhood and community** (urban) **parks** with “ active recreational facilities” to serve new subdivisions..

The following definitions are from the City’s 1983 Urban parks Recreation & Recovery Plan p.7, under Definitions and Standards:

Neighborhood Park: A park designed to serve the residents of neighborhoods living within a half mile distance. Primarily a spontaneous use facility, including tot lot, minor picnic and athletic facilities. 5-10 acres. STANDARD: 2.5 acres/1000 people.

Community Park” A larger facility serving the residents of several neighborhoods in a three mile radius. Primarily an area with major recreational facilities, i.e. large picnic area, swimming pool, ballfield, tennis courts and recreation centers. STANDARD: 2.5 acres/1000 people.

The following definitions are from the current 1990-2005 General Plan, p.2 & p.7, P&R Element

1. **Neighborhood Parks**

Neighborhood parks serve the recreational needs of residents living or working within a neighborhood area. They are used for spontaneous recreation and include facilities such as children's play areas, picnic areas, athletic fields and outdoor basketball courts. The City's standard for neighborhood parks is 2.0 acres/1000 people with a service radius of 3/8 of a mile or five blocks

2. **Community Parks**

Community parks serve recreational needs beyond those supplied by neighborhood parks. They are generally larger in size than neighborhood parks and have major recreation facilities such as large picnic areas, swimming pools, ball fields, tennis courts and recreation centers. The City's standard for community parks is 2.5 acres/1000 people with a service radius of 1-1/2 mile.

From Draft General Plan 2030 p.26

Neighborhood parks serve the recreational needs of those living or working within a service radius of three-eighths of a mile (about five blocks). They provide recreation in facilities such as children’s play areas, picnic areas, athletic fields, and outdoor basketball courts. The City’s standard is to provide neighborhood parks at a ratio of 2.0 acres per 1,000 people.

Community parks are designed to serve the entire community. They are generally larger than neighborhood parks and offer unique facilities such as larger picnic areas, swimming pools, ball fields, tennis courts, and recreation centers. The City’s standard for community parks is 2.5 acres per 1,000 people, with a service radius of 1.5 miles.

Glossary

Community Park p. 162

Land with full public access intended to provide recreation opportunities beyond those supplied by neighborhood parks. Community parks are larger in scale than neighborhood parks but smaller than regional parks. (NO mention of scope of facilities)

Neighborhood Park p.184

City- or County-owned land intended to serve the recreation needs of people living or working within one-half mile radius of the park. (service radius discrepancy from p.26 def., also no mention of scope of facilities)

Parks vs Open Space definition ambiguity and confusion

Throughout the Draft General Plan 2030 the terms “parks” and “open space” are distinctly and regularly separated. The term “parks” is associated with traditional developed or improved open space as in the 1983 UPARR and 1990-2005 Gen Plan definitions of **neighborhood** and **community parks** above.

Conversely, the term “open space” is almost always paired or associated with undeveloped, preserved, natural area or greenbelt in the descriptive text. Both of these associated meanings also occur consistently throughout the programs/policies /actions, except in the Glossary, where their meanings are supposed to be presented clearly and precisely. See Glossary preface excerpt in box >>

Because the general plan is such a comprehensive and overriding policy document, it is critical that all those participating in the planning process, and all those who will use the Plan, have a common understanding of what the more frequently used terms mean. The aim of this Glossary is to ensure that every user under-

The actual proposed Glossary definitions are circular and ambiguous. Here’s the definitions in the 2030 GP Glossary:

p. 186 **Open Space Land:** Any parcel or area of land or water that is essentially unimproved and devoted to an open space use for the purposes of (1) the preservation of natural resources, (2) the managed production of resources, (3) outdoor recreation, or (4) public health and safety.

Parks p.187

Open space lands whose primary purpose is recreation. (See “Open Space Land,” “Community Park,” and “Neighborhood Park.”

. The combined dependent result would therefore, logically, be:

Parks = Any parcel or area of land or water that is *essentially unimproved* and devoted to... outdoor recreation.

However, the key “open space” descriptive phrase “*essentially unimproved*” is **inconsistent and ambiguous** if applied to any park development, improvement or facility such as: drainage & irrigation, fencing, restroom & picnic facilities, paving, playground equipment, playing surfaces, goals, etc.

An “essentially unimproved” open space meets the needs of an urban park about as well as an “essentially appliance-free” kitchen meets the needs of a restaurant. What that means is a “resource conservation” park, also known as “natural area” or preserve, maybe “greenbelt” but not a city park.

Even the Planning Dept’s fundamental Land Use Designation map confuses these two opposed park functions. The map illustrates the undeveloped State Parks, Henry Cowell and Wilder and the fully developed city neighborhood and community parks using the same exact shade of green. <http://www.cityofsantacruz.com/Modules/ShowDocument.aspx?documentid=9196>

If planners and map technicians fail to illustrate the distinction in wording or pictures, it’s no wonder that citizens, officials, commissions and even attorneys confuse the intended community purpose.

Compounding this ambiguity is the wide ranging use of the term “facility” especially as “recreation facility” or “community facility.”

Proposed Land Use policy LU 3.10 allows community service facilities in any (all) land use designations.

According to references in box >> “neighborhood parks” are an example of “community service facilities” and will be allowed as of right under proposed LU 3.10.1, in “natural areas” or anywhere else.

. *Note: The draft 2030 General Plan Land Use Element pp. 85-86 refers to “parks and recreation facilities” and “facilities such as neighborhood parks” within text on Community Facilities and Services. The City’s P&R website pages refer to improved parks as “Facilities” <http://www.cityofsantacruz.com/index.aspx?page=550> Neighborhood parks are listed as community facilities in Table L-9 p.130 1990-2005 General Plan. All City parks, State Parks and natural areas (?) are described as “Parks and Recreation

Conversely “natural areas” are currently an allowed use in “Parks” zoning, as is, of course “developed” parks”. These current and proposed policies and definitions therefore allow, as of right, any mix of a community service facility and natural area or of a community park and a resource conservation land use. Or so it seems from the above definitions. But veteran local citizens know this doesn’t happen.

The reality of trying to plan any compatible mix of “facilities” in the “open space preserves” of Arana Gulch and Pogonip has ignited over twenty years of vitriolic community debate, expensive litigation and frustrating planning delays. Even the simplest of recreational facilities, a trail or path, has paralyzed the completion of the Arana Gulch Master Plan and now threatens still another legal battle in the Pogonip.

These counterproductive planning wars between “developed” and “preserved” park factions can only be avoided by a careful and honest evaluation of past park and open space planning process. The groundwork for a civilized discussion must begin by presenting the community with a well crafted General Plan that carefully draws distinctions in terminology, intent and presentation.

The second challenging and critical phase is to develop a complete balanced Parks Master Plan with measurable feasible goals and standards and fair allocation of land and fiscal resources. Two generations of this community have seen no actual increase in city parks or ball fields.

Meanwhile the super abundance of protected public natural open space within a short 15 minute drive (within 10 miles of City limits) has grown to over 30,600 acres. That’s 185 open space acres for every one acre of urban park. The maintenance costs and management problems continue to multiply, draining the general funds and contributing to closure of City recreational facilities.

An “essentially appliance-free” kitchen cannot feed the healthy recreation appetite of Santa Cruz. Please help craft a fair and workable City Park plan for our next generation.

This is part of a range of independent research and comment on the City of Santa Cruz 2030 draft General Plan. Please contact J. Golder jhond@comcast.net 831-706-8716 with comment or inquiries.

Excerpt from CEQA environmental study of the City of Santa Cruz 2007-2014 Housing Element and contradictory excerpts from former City manager R. Wilson's budget messages. This is part of a range of independent research and comment on the City of Santa Cruz 2030 draft General Plan related to community parks planning. Please contact J. Golder jhond@comcast.net 831-706-8716 with comment or inquiries or to obtain a list of available research.

Notes and comment by J. Golder in blue and red.

13-14. PUBLIC SERVICES & RECREATION

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

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

Increase the use of existing parks or recreational facilities such that substantial physical deterioration would occur or be accelerated; or

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

Future residential projects would be served by existing services and utilities.

[Not possible! Current projects are already underserved with developed parkland deficits of more than 30 years running!].

Impact Analysis. As indicated above in the INTRODUCTION to this section, implementation of the Housing Element policies and programs and efforts to meet quantified housing objectives may indirectly result in construction of new housing units with resulting population growth. For the years 2007 to 2014, the draft Housing Element includes objectives to construct 672 new housing units, of which 390 already have been constructed. This results in a new housing production need of 282 units constructed by the year 2014. This would result in a population increase of 677* persons based on existing City average household sizes. [*Uses 2.4 persons per household. Units already constructed does nothing to diminish the new recreational service and space demands of the added residents (unless the previous 2002-2007 Housing Element and its CEQA addressed those 390 units) . . The population increase for the time period of this study is 672 new units x 2.4 persons per household; or 1613 people. This is 2.78% of the estimated 2008 City population 58,125 The City's park standard requires 4.5 acres per 1000 added residents. This increase indirectly requires 1613/1000 x 4.5 ac./1000 or 7.26 acres of new developed park land. There is no designated location for this parkland so there will be a significant environmental effect on 7.26 acres if the General Plan for Parks and Recreation is consistently implemented with this Housing Element.

Every attempt to place additional recreational facilities in new greenbelt parkland has caused massive environmental protest, i.e. bike trails in Pogonip and Arana Gulch. Construction of a small neighborhood park at Depot Park cost \$10 million and generated significant environmental impacts. There are many examples of CEQAs and EIRs for City P&R CIPs which have ranged from .5 to 1.5 million per year. At least 80% of the funding for P& R CIPs is from special revenue funds 241-249 which are specifically reserved for projects to improve or rehabilitate P &R facilities to increase facility life and capacity or to expand facilities to serve current and future recreational and park needs.

As discussed in section 12 (Population and Housing) above, this population increase is well within the range of regional population projections developed by AMBAG. Future housing construction and associated population increases would result in minor increase in demand for public services. With the estimated level of population growth and as new residential infill development, future

residential development would have no measurable effect on existing public services in that the increase will not require expansion of any services to serve the project. Then perhaps all Park fees and land dedications can be waived. This would be welcome news to many developers paying \$3 to \$6 per sq.ft. in park fees..

The population increase represents approximately 1% of the existing City population level and would not substantially affect parks or recreational facilities such that substantial physical deterioration would occur or be accelerated. [No, it is 2.78%. Irregardless, by this logic any 1% increase in the population would require no expansion of services or facilities] [City P&R spends roughly \$1 million per year in parks capital improvement projects to mitigate the effects of use and deterioration and to increase facility life and capacity..] Future site-specific development would be subject to site-specific environmental review as well as permit and design review, including review for compliance with conditions imposed by the Fire and Police Department regarding access and safety. Thus, the proposed project's indirect impacts on public services and recreation are considered less-than-significant.

This *less-than-significant* conclusion is not supported by either the facts or common sense.

24.22.085.1 ASSUMED HOUSEHOLD SIZE BASED ON UNIT SIZE.

A household of one person in a studio apartment, two persons in a one bedroom unit, three persons in a two bedroom unit and one additional person for each additional bedroom thereafter.

(Ord. 2006-17 § 1 (part), 2006).

census data # of residential units City of Santa Cruz 1970-2000

http://socds.huduser.org/Census/housing.odb?msacitylist=7485.0*0600069112*1.0&metro=msa

Fr. City Manager R. Wilson's Introduction Message to 2011 FY Budget re: Parks & Recreation

Fr. 2005-2020 General Plan/LCP Background Report

<http://www.cityofsantacruz.com/Modules/ShowDocument.aspx?documentid=2372>

fr. Introduction

City Budget

As a result of the continuing decline in general fund revenue the level of existing city services may have to be further reduced. Limited general fund revenues could influence future General Plan objectives for Parks and Recreation and Community Facilities and Services Elements. The City is finding it difficult to maintain existing parks and recreational facilities and programs at the level that is expected by the public. Revenue resources for maintenance, protection and enhancement of the City's 2000-acre open space

greenbelt system are currently not adequate. Planning decisions, particularly those related to land use and transportation, have an impact on economic development, and therefore on

SUBJECT: PROPOSED BUDGET FOR FISCAL YEAR 2011

PAGE 9

Experience shows that cutting programs does not eliminate work. For example, the Department's staff must still dedicate considerable time and effort to see that successor organizational structures for the Harvey West Pool, the Beach Flats Community Center, the Surfing Museum, the Natural History Museum, and other programs are successful. Cutting the budget is often only the beginning of new responsibilities. Unless the City wishes to divest itself of its parks and recreation assets, it cannot escape fundamental costs associated with those assets.

The wharf and the golf course will command more attention than usual in the next few years. So will the fate of programs for teens. Funds will be scarce and needs will be pressing.

The Department simply cannot afford to do that which I suspect almost everyone thinks it ought to do. That is why, over the next few years, there will be a need for focused community discussion about paying for parks and recreation services.

Fr. City Manager R. Wilson's Introduction Message to 2010 FY Budget re: Parks & Recreation

Parks and Recreation Department

The three largest functions supported by taxes are police, fire, and parks and recreation, in that order. These three departments represent nearly 75% of tax spending. That simple fact explains

why the Parks and Recreation Department employs about 50 fewer people than it did eight years ago, and why the Department no longer operates the Harvey West Pool, the Beach Flats Community Center, the Surfing Museum, or the Museum of Natural History.

As the economy continues to shrink and the City's tax receipts continue to fall, the City must continue to reduce parks and recreation services. The Department will have no choice but to further reduce operating hours, maintenance levels, and program expenditures, perhaps severely. As I write this, the extent of upcoming cuts in this Department is unknown.

The City's real problem is that even if it eliminated the Parks and Recreation Department altogether, it would still own and be responsible for 1,600 acres of open space, two regional parks, 25 neighborhood parks, 3 acres of street medians, 4 miles of levee pathway and landscaping, 18 playgrounds, 9 ball fields, 2 skate parks, a bike park, Main Beach, Cowell Beach, the Municipal Wharf, and a host of other assets. How would a skeleton crew handle all this?

Park maintenance is the single biggest expense of the Parks and Recreation Department; it could face extensive cuts. The Louden Nelson Community Center and the Teen Center could be closed; perhaps they could be reestablished as nonprofit operations at some point in the future. The Civic Auditorium could be closed, or even privatized. The golf course could be privatized. Recreation programs could be scaled way back.

It could very well be that the Parks and Recreation Department we have known and valued so highly over the years will be a thing of the past. I hope that will not be the long-term outcome, but it may very well be the short-term situation.

We are also in a deficit position with the golf course. The golf course owes the General Fund about \$2 million, reflective of two bad budget years. This reflects a downturn in the golf industry as a whole (too many new courses have been built and too few new players have come along), the recession, and capital spending that was required at the golf course. The golf course must begin to repay the General Fund this fiscal year; we will present details with the Parks and Recreation Department budget. Considering all these circumstances, privatizing golf course operations might be worth exploring.

Fr. City Manager R. Wilson's Introduction Message to 2009 FY Budget re: Parks & Recreation

The Diminishing Trust Fund

The Trust Fund balance has been reduced by five major loans over the course of the past several years: \$530,000 for affordable housing; \$509,000 for the skate park; \$610,000 to CDBG for the Homeless Services Center; \$992,000 for Mission Street undergrounding; and \$2 million for

SUBJECT: PROPOSED BUDGET FOR FISCAL YEAR 2009
PAGE 6

street paving. No fixed terms were established when these loans were made. The Trust Fund balance is now \$4 million.

Two items may require additional appropriations from the Trust Fund, given the status of the General Fund. The first is the abatement of lead at the Charles Derby Gun Range at DeLaveaga Park. The City has no choice but to perform this cleanup. The second item is wharf substructure repair: significant work must be done under the Dolphin and Miramar restaurants.

Given these exigencies, the Trust Fund will be at its lowest value since it was created. We need to be very cautious about approving further outlays from this fund.

The City of Santa Cruz still owns just under eight acres of land in the City of Scotts Valley (the remaining Skypark airport property). The City of Scotts Valley's Redevelopment Agency has an option to purchase this land, and will do so if and when a developer is able to undertake a project to realize Scotts Valley's plan for its downtown. The City of Scotts Valley is currently working
(end)

From: John Golder [mailto:jhond@comcast.net]
Sent: Sunday, September 25, 2011 6:51 PM
To: Ken Thomas; jrebagliato@cityofsantacruz.com; dshoemaker@cityofsantacruz.com; Alex Khoury; Ali MacBird
Cc: dmiller@santacruzsentinel.com
Subject: FW: GP 2030 Draft EIR and CPRA for parks inventory source material

11D-1 This comment & formal response to the City of Santa Cruz Draft Environmental Impact Report for the 2030 General Plan
 Is directed to Ken Thomas, Principal Planner, Juliana Rebagliato, Dir. Of Planning & Community Development,
 Dannettee Shoemaker, Dir. Of Parks & Recreation, the Planning Commission c/o Zoning Administrator Alex Khoury,
 and the Parks & Recreation Commission c/o P & R staffperson Ali MacBird [amacbird@cityofsantacruz.com].
 It references an earlier Sept. 15 (originally handwritten) response that has now been rewritten with some revisions and become a MS Word document
 (filename=DEIR 2030 GP objection ltr & CPRA for parks inventory 9-15-11.doc It is attached above.)

Both letters and the body of research I have completed over the last ten months constitute a comprehensive
 reply to an untenable and apparently unrecognized 30 year collapse of any comprehensive concurrently effective City Parks planning process.
 They also address decades of misappropriated Special Reserve Funds received under the Quimby Act provisions to acquire and
 develop community parks. The end result of three decades of inattention to these planning and funding matters is that
 the residents and citizens of and the visitors to the City of Santa Cruz have been deprived in a very real and likely misfeasant manner,
 of an adequate park system for their neighborhoods and community, **even though it has been paid for, in advance, by the developer community through millions of dollars in park fees exacted under a noncompliant City ordinance.**
 As of this date, it is apparent that neither the City Council, the City Manager, the departments of Planning and Community Development
 or Parks and Recreation, or Finance or their respective Directors and senior staff, or the Planning Commission or
 the Parks & Recreation Commission recognize the extent or legal seriousness of the problem.

Ken,
 Thank you for your prompt reply and the helpful comments on DEIR process.

11D-2 My inclusive CPRA request **within** my Sept. 15, 2011 written comments on this DEIR is intended specifically for verification of the acreages you have stated in the City's "parks" inventory.
 All the records requests are intended for that purpose, i.e. How did you calculate the acreages given?

As you are absolutely aware of, I have been in frequent and regular contact with you, P & R Director Dannettee Shoemaker, the City Clerk's office, the City manager's office, (the two offices being now combined) and all the staff therein regarding the hundreds of preliminary questions (per GC §62453.1) and defined records requests (per GC §62450 et.seq.) since October of last year. Most of my requests are directly or indirectly related to an accurate city parklands inventory which is an absolute requirement for the City's Quimby Act parkland dedication ordinance and the in-lieu developers park fees requirements.

A number of my key records requests Involving City owned real estate parcels and lots have never been answered. Some of them are over 9 months old.

Additionally, I have been in substantial, though not regular, contact with dozens of other departmental administrators, managers and staff regarding my parks & recreation facilities research for the 2030 General Plan.

Since any property/real estate/legal boundary inventory MUST at some point reference a legal description of the involved parcels, and/or an accurate survey of same, it mystifies me how your division could accurately accomplish an inventory when NO ONE in the combined City Clerk/City Manager's office has been able to locate the City's real estate files.

The following depts. have been unable to locate the requisite records:

City Clerk's office: Bren Lehr, Tom Graves ,Nydia Patiño, Tina Shull and presumably, all their available staff.

Despite numerous attempts to speak directly to Ms. Patino, whose has the primary responsibility for the

location, filing, and retrieval of City records, she has never returned a single phone call nor given any indication

whatsoever in her email responses that the City knew where its real estate records are.

City Manager's office: Neither Suzanne Haberman nor Asst Dir. Tina Shull claim any knowledge of these records.

City Risk Manager: interim manager Barbara Choi and her staff know nothing of these records and referred me to

the City Clerk's office at a time when there was no City Clerk. Interim City Clerk Tom Graves has been obstructive

and non-communicative the entire 6 months I tried to work with him. Ms. Lehr's appointment has solved that obstruction.

City Attorney's office: no response from anyone in management at that office

Public Works Dept.: Dir. Mark Dettle, Deputy Dir Chris Schneider and all staff I have had communication with

deny any knowledge of those records. City engineering plans do not include APNs or deed references.

With a few rare exceptions, undeveloped city owned lands do not have street addresses.

Property Manager: This position has been vacant for several years, at least. A CPRA request has been made

to Human Resources division to determine the protocol for transferring and the likely disposition of those records.

HR Dir. Ms. Sullivan is aware of this very recent request

Parks and Recreation: Dir. Dannettee Shoemaker has no idea where those records are. Some of their historical parks files contain misc. parcel info and acquisition information. There is nothing comprehensive re: parks facilities,

though the 1983 Parks Plan mentions several programs to track & evaluate facilities & parklands.

Planning and Community Development: I have discussed this a number of times with you and Dir. Juliana Rebagliati.

I am rather surprised that you don't have these files as a reference, since everything your department does references

some parcel or parcels of land.

IT: I have had a number of conversations and a personal meeting with Rich Westfall about the City's GIS system and how

to research the data layers. Unfortunately, any City owned property input into the City's GIS is not updated as to use, and

there are many city parcels whose use is split between, parks, natural areas, housing, commercial, public facilities and easements.

Here are typical examples associated with Depot Park & Neary Lagoon: APNs 4-321-06, 4-321-16, 4-311-25.

To measure such uses with legal knowledge of boundaries, required buffers, easements and deed/use restrictions is a complicated task and

requires the unavailable City real estate records or a complicated accumulation of civil escrow records and a comprehensive record of all subsequent

pre & post purchase legal actions affecting the parcels.

But without the City's real estate records, the "park" parcels themselves are hard to identify for legal research.

Furthermore, there is no CAD redrafting of a city owned parcel serving multiple uses.

Scribe system records scanning subcontractor. I have had several conversations with this subcontractor. The records scanning project is now

about 2 yrs old. He does not know about these records.

Economic Development and Redevelopment: I have talked with Joe Hall, Norm Daly & Peter Kota. None of these

Individuals know the whereabouts of these records. I have not reached Dir. Lipscombe.

Regarding your reference to population and its effects on the elements of the proposed GP 2030, it is specifically the *separation* of the added population analysis from the other elements (that discuss community services and facilities, land use planning, resource conservation, community design and recreation facilities needs) that I am formally objecting to.

Your DEIR is attempting to separate these analyses legally (by separate analysis & approval), documentary (by excluding them from this document), context (by not analyzing them as a whole), cause & effect (by assuming added population has no significant effect on recreational facilities) and public notice (by completely separating the housing element process in time and public comment/response from the main DEIR).

This, of course is all in direct contradiction to substantial CEQA case law which requires that a general plan and its constituent elements and analyses *must be consistent and considered as a whole*.

In other words, regardless of the recent Housing Element state "final approval", it must consider the 40 year deficit condition of the city's active recreational facilities, a condition substantially described in the P&R Element and the Civic Community Element of the current General Plan. Please note, that the unsupported false statements made in your 2002-2007 & your 2007-2014 Housing Elements, viz. that added population will have less than significant effect on the City's recreational facilities

and that current facilities are adequate for current and projected population would essentially place the City in a position of not justifying any developer park fees (PFT and Quimby fees). **Please let me know when you suspend that requirement for residential projects!**

The principal involved is CONCURRENCY for which the City has been charging park developer fees for more than 39 yrs (PFT) and 31 yrs (Quimby Funds) , in sum some tens of millions of dollars with NO NET GAIN in developed parkland. Not only no net gain , but a **verified surveyable NET LOSS in developed usable parkland** with active recreation facilities. Unmentioned by your draft DEIR are the unique and expensive recreational facilities destroyed without meaningful public comment, without any reference to an individual Park Master Plan or a comprehensive City Parks Master Plan (last done in 1983).

The unique facilities destroyed or about to be destroyed in DelaVeaga Park, the 2 acre Charles Derby Small Bore Range and access road (valued at several hundred thousand dollars)and the 19K sf Naval Building (former Stroke Center –valued at over \$3 million) are essentially irreplaceable because the significant effect that their replacement recreational facilities would have on the environment would probably cost millions in mitigation measures (both are in sensitive Monarch Butterfly habitat). All of this has been done without any reference to the DeLaVeaga Park Master Plan which has been left deliberately unfinished for more than 50 yrs.

This DEIR , by presenting a completely false and inflated parks inventory that includes hundreds of acres of raw undeveloped and undevelopable steep forested inaccessible hillside under the misnomer of “community park” is a deliberate and knowing attempt to misrepresent the current and longstanding active recreational facility deficit that the City has suffered under “progressive” political leadership since the mid 1970’s. Changing park definitions of long accepted and currently classified City parklands is inadequate procedurally, administratively, professionally, or ethically. It is also highly unrealistic. It smacks of George Orwell’s novel 1984 in terms of premeditated public deception. Please be advised that my many emails and communication to your Planning Department re: park definitions are all part of the public record. It will be impossible for you to testify that park definitions are not fundamental to an accurate park inventory, or that you were not cognizant of the many issues I raised on definition discrepancies and ambiguities.

It is apparent that part of the intent of this DEIR’s highly inflated parklands inventory would be an attempt to actually meet the LOS standards that the Quimby Act GC §6477 requires. Unfortunately, the City of Santa Cruz has never met a majority of the 12 + Quimby Act requirements and has been requiring park developer fees and exactions ***under unverified inventory and subdivision density data*** since the inception of Ordinance 80-42 in 1980 and Ordinance 73-10 in 1973.

The DEIR fails to mention that the City’s subdivision dedication ordinance **has failed to produce a single square foot of net gain in developed parkland despite 31 years of implementation.**

My records request to your department to produce a single example of developed park acreage or parcel purchased with Quimby Funds or Parks Facilities Tax (38 yrs!) has yet to be answered. The following excerpt from my CPRA request was sent to the City Manager on Mar. 21, 2011. It restates the unanswered Dec. 8, 2010 CPRA request to Julianna Rebagliati and Dannettee Shoemaker:

The still unanswered records request for such a parkland parcel was first made in a letter sent to both Planning Dir. Julia 2010 on page 8 and copied below.

Important questions:

1) What IS the City standard for natural area/conservation resource/undeveloped open space?
(A standard **must** be determined to complete a PkDA and to qualify for Quimby funds.)

(This is still unanswered)

2) How will we ever solve an urban parks deficit if all the available open space is permanently preserved?
(Available parcels must be identified for urban park use or further park expansion planning is fruitless)

(This is still unanswered)

Please explain what portion of the records used to define and measure your DEIR parklands inventory will take more than ten days to assemble.

I am more than willing to review whatever you have as soon as its available, regardless how incomplete.

Does any of your inventory source material include any of the missing City real estate files?

You have refused since last January to disclose how and by what sources or definitions this inventory was being done until the inventory itself was complete and available for public review.

Are you now willing to reveal who actually did this inventory and by what methodology and source material?

I believe the public deserves an answer for this inexcusably inaccurate and misleading document.

CC1 An involved and informed citizenry and responsive and effective government

Resolutely,

J. Golder

From: Ken Thomas [<mailto:kthomas@cityofsantacruz.com>]

Sent: Monday, September 19, 2011 11:00 AM

To: John Golder

Cc: Juliana Rebagliati; Bren Lehr; Dannettee Shoemaker; Peter Koht; Bonnie Lipscomb
Subject: GP 2030 Draft EIR

John – There is a 60 day public comment period for the Draft EIR prepared for the GP 2030. Only written comments will be accepted. I've receive your records act request dated September 15. Due to the extent of the request it will take more than 10 days to respond. I will also respond to your inquiry about parkland in the IG zoning district that you discussed with the Economic Development Department.

With respect to future population and park needs please refer to page 4.6-38 of the DEIR. All environmental impacts are measured by using the project buildout of GP 2030 which is 8,040 new residents by 2030. This is not a population estimate but a worse case scenario if the plan is built out which is unlikely. The AMBAG population/employment forecast for 2030 is 6,965 new residents. CEQA requires that we use the worse case scenario.

Ken Thomas

Principal Planner
Planning and Community Development Department
City of Santa Cruz
(831) 420-5148

Note: My new email address is kthomas@cityofsantacruz.com

RECEIVED

OCT - 5 2011

LETTER 11E

Oct 5, 2011 Golder → Thomas

p. 1 of 2

CITY CLERK'S DEPT.

OCT - 5 2011

To: Ken THOMAS Principal Planner
 Future Planning Division 420 5148
 Dept. of Planning & Community Development
 City of Santa Cruz CA 95060
 809 Centa St.

From JOHN GOLDBER 831 706 8716
 Exec. Dir. ARC-SC a 503c4 CA Corp.
 PO Box 46, Felton CA 95018

RE: DEIR ^{comment} response, Gen. Plan 2030
 response & comment, CPRA #107,108

MR. THOMAS

11E-1

Preliminary question per 6453.1 GC.
 "Who at future planning is respons-
 ible for incorporating or responding
 to public comment and criticism
 of the Gen. Plan 2030 and its FEIR?"

Directive FY1: Please consider
 all info I have sent you & planning
 to be comment on the 2030 GP public
 meeting held Sept. 7, 2011.

Comments: (continued)

Oct 5, 2011 Golder → Thomas

11E-2

So far, I can find nothing in the proposed 2030 Gen. Plan, which directly addresses the need for community active recreation facilities or developed parkland that has been prepaid for through Quimby fees.

Am I missing something?

11E-3

Finally, please provide, for my review, a copy of ~~the~~ any and all contracts or work orders performed or bid on by EDG Environmental Design Group, and for my review, a copy of all of their work products on the Gen. Plan or related planning analysis.

Sincerely,
J. Golder



CITY OF SANTA CRUZ
PUBLIC RECORDS REQUEST FORM

LEVERAGING

OCT 5 2011

CITY CLERK'S DEPT.

The City Clerk's Department staff responds to public records requests from the public as soon as it is practicable, given the Department's other responsibilities. We will make every effort to accommodate your request; however, no time frame can be guaranteed as to when records will be available. You will be notified in writing within ten (10) days whether your request seeks copies of disclosable public records prepared, owned, used or retained by the City.

The charge for copies of records is \$.25 per page. If the record(s) are available in electronic format, there will be no charge to email them to you.

Date: Oct 5, 2011

Name of Requestor: John Golden

Email Address: jhandbw@gmail.com Phone No: 831-706-8716

Mailing Address ~~(IF NOT EMAIL ADDRESS)~~ PO Box 46
Felton CA 95018

Please give a **complete** description of the information requested below:

11E-4 Formy review
1992 City of Santa Cruz
Housing Element

FOR OFFICE USE ONLY

Staff member accepting request: _____

Copies at \$.25 per page _____

Estimated Research Time: _____

Total Amount Due: \$ _____

Actual Research Time: _____

From: Jhond Golder [mailto:jhondbw@gmail.com]
Sent: Tuesday, November 15, 2011 12:50 PM
To: Ken Thomas
Cc: Bren Lehr
Subject: RE: DEIR comments

Ken,

I sent the email to six recipients including myself at 4:49 Monday afternoon. Mark Lee, one of the recipients, received his copy at 4:58 pm and was next to last on the list.

I am presuming the arrival was delayed by your LAN.

The recipients were:

To: blehr@cityofsantacruz.com; Ken Thomas <kthomas@cityofsantacruz.com>; Juliana Rebagliati <jrebagliati@cityofsantacruz.com>
Cc: mbernal@cityofsantacruz.com; citycouncil@cityofsantacruz.com; Mark Lee <markdlee4125@sbcglobal.net>; jhondbw@gmail.com

**Here is the email as copied from Mark Lee's :
(without the attachments)**

With six deliveries and an elapsed time of 27 min. total transmission (4:49-5:16pm last copy received by me) the deliveries would have averaged 4.5 min. ea. That's plenty of time for at least two copies to have reached City addresses before 5pm..

If you cannot find the email and intend to reject my comments under the circumstances, I will press a formal complaint and investigation. I will talk to IT and see what they can tell me.

J. Golder

Sent: Mon, November 14, 2011 4:48:55 PM
Subject: DEIR GP 2030 comment

TO: Ken Thomas , Principal Planner
Department of Planning and Community Development
City of Santa Cruz, CA
809 Center St., Room 206 (107= Future Planning)
Future Planning Division

Nov. 14, 2011

FROM: John Golder, Developer Consultant, RedLog Properties
Executive Director, **Active Recreation Coalition of Santa Cruz**
A 501c4 Calif. non-profit corporation *"A team of teams speaking for sports"*
PO Box 46, Felton CA 95018 (831) 706 – 8716

RE: Draft EIR for the 2030 General Plan; serious errors, omissions & inconsistencies

and fundamental unconsidered environmental effects.

Dear Mr. Thomas:

This is formal notice that the recently released Draft EIR for the City of Santa Cruz 2030 General Plan lacks fundamental considerations of long term recreational planning and has therefore ignored significant current and future environmental effects related and or consequential to said lack of recreational planning considerations.

11F-1 **Background, independent parks planning research**

Author of this comment has been researching the City of Santa Cruz active recreation facilities and community parks planning for more than 25 years and has accumulated, largely through hundreds of CPRA requests, hundreds of files of city parks planning records. On May 8, 2008, at a Planning Commission meeting to review the city's Parks & Recreation General Plan 2030 Element, this author's comments and inquires in front of the Commission initiated a lengthy dialogue and inquiry into the long ignored status of city parks planning, including the admission by P&R Dir. D. Shoemaker that the City had not had a comprehensive Parks Master Plan in almost 30 years.

Annotated transcript of Commission's is attached and included as DEIR related comment particularly pp. 20 thru 36 where the lack of any parkland acquisition program, policy, action, revenue or budgeting becomes apparent through commissioners' questions.

:Following up on said inquiries this author Golder produced an in depth 24 page report and comment on what I felt were important considerations for a "Parks Deficiency Analysis" that principal planner K. Thomas revealed (11-17-10) would be produced for city's General Plan 2030.

After detailed analysis, I concluded that the city's neighborhood & community park inventory, which forms the basis of future parks planning and the benchmark for parkland dedication exactions, was overstated by at least 60% of actual usable developed community acreage. Further research revealed that the city had not developed any new community park acreage since the mid 1960's and had, in fact, a net loss of developed park acreage since that time. Golder's article SC Parks Deficiency Analysis Sept 18 2011 is attached as relevant and related comment to this DEIR.

Included in Golder's article is reference to ambiguous, circular and confusing definitions of "parks" which is addressed in some detail in Golder's article "Parks vs Open Space -What Are We Talking About?" which is also attached as related and relevant comment on this DEIR.

At a GPAC meeting, Golder successfully had the term "active" added in front of "recreational facilities" for parks and Recreation Element Goal PR1, yet the current DEIR admits there is no proposed facility deficit solution.

Fundamental considerations of long term recreational planning that have significant environmental effects.

- 11F-2 **A. Geology, sports fields and feasibility.** The city landscape is a combination of marine terrace, riparian gulches, moderate to steep hillsides and mostly rocky cliff ocean frontage. Most of the easily accessible flat central marine terrace has been intensely developed for more than a hundred years. The currently recognized (under the existing General Plan and City's Parks & Recreation department website/ brochures) community parks with sports field facilities are on the northern edge of the City with significantly restricted community access and no space for expansion. Because there has been no comprehensive city parks planning for almost three decades., all of the subsequently acquired "parkland zoned" level marine terrace land has been apparently "preserved" as greenbelt indefinitely with no consideration whatsoever for active recreational facilities (sports fields & related amenities). This includes Arana Gulch where over 30 years of planning policy recognized the need for a community park and active recreation facilities (sports fields). The fundamental feasibility consideration, that ball fields of several acres cannot be built on hillsides, cliffs or already densely developed property, has been completely overlooked. The city's largest

park, DeLaveaga, with some space potential, has had its long delayed park master plan shelved since 1960.

- 11F-3 **B. Schoolyards and sports fields** A 1993 sports field (SFNASS) study initiated by author Golder revealed that 2/3 of the city's ballfields are provided by the city schools, yet the city does not share significant funding for that service with the Santa Cruz School District. As a result, the schoolyard environments are highly impacted even as school sponsored sports and maintenance funding and programs have dwindled. This intense use has pushed the solution of artificial turf into increasing use, with a variety of known and unknown local environmental effects as well as extremely high installation cost.
- 11F-4 **C. Sports participation, venues and traffic circulation** As a result of poor sport field/ community park distribution, inadequate school facilities and large increases in team sport participation (particularly youth leagues) many adults, parents and school children have to travel excessively in, around and outside of city limits to find a suitable venue for practice and league play. The SFNASS study found almost 15% of city residents to be sports team participants and some 28% of recreational programs participants to be coming from outside the city (non-residents) to participate. Yet there has been **no net gain in city ball fields in forty years**. A typical solution (unmentioned and ignored by both City and county planners) is the intense weekend use of privately leased Good Shepherd fields for many of the city based youth soccer leagues. Most adult field sports leagues must travel to mid county or beyond for a suitable venue. Many thousands of vehicle miles and trips are added to the city's cramped circulation because there are inadequate sports fields and community parks within the city. Data exists through SFNASS to calculate this excess travel. With every out of city limit trip, local dollars are likely spent elsewhere for meals, venues, supplies, sporting gear, lodging, etc. This is a significant economic loss to the city.
- 11F-5 **D. Deteriorating family environment, youth crime, social stratification.** As long planned infill/densification without adequate community park and active recreation venues continues Increase space competition, costs and frustration lead to the deterioration of the available social, economic, health and fitness benefits of community sports and gatherings. Unrest, vandalism, graffiti, crime, gangs, drug use, social isolation are some of the unconsidered major sociological effects of a dense urban environment that does not provide adequate healthy recreational outlets. Families move away, youth go astray and social interactions become risky and negative.

Over 18,000 residents have been added to Santa Cruz since 1980. Unmet City parkland standards called for over 80 acres of new neighborhood & community parks, yet no net gain has been made. This is unconscionable and in complete opposition to the planning policy of concurrency as described in the Community Design Element of the current General Plan.

The City's last two Housing Elements have completely misrepresented the impact of added population on the city's current recreational facilities and deliberately used a separated CEQA process to obfuscate the connection between added population and the unmet active recreational facility needs that have been building in deficit for almost two generations. Golder's article "Housing Element CEQA no impact Sept 2011" is attached as related and relevant comment on this DEIR. There is no consistency between the Housing Element CEQA statements of effect on city recreational facilities and the city's description of them elsewhere in City manager reports and the current (1990-2005) General Plan.

- 11F-6 **E. No permanent parks funding, rising maintenance costs.** Lack of any dedicated parks maintenance revenue source and the continually rising and unplanned cost of "greenbelt"

maintenance due to crime, litter, transients, habitat management, etc. *places the entire city parks system in jeopardy* for lack of resources.

11F-7 **F. “You can’t manage what you can’t measure”** This important planning phrase was the keynote focus of former City Planning Director Greg Larson during his farewell speech at the Santa Cruz Chamber of Commerce several years ago. Author Golder acted on this premise by inquiring to Parks & Recreation Director D. Shoemaker what written recommendations, studies, data, maintenance records, facility inventories, surveys, polls, program evaluations or other administrative analysis was being used to formulate the General Plan 2030 P&R programs, policies & actions (PPA). Dir. Shoemaker replied that the next twenty years of P&R planning was based on “informal meetings” and that there was no written records that were either used in the PPA planning or that were a result of the PPA meetings.

A recent telephone inquiry by author Golder to D. Shoemaker confirmed that virtually none of the management evaluation policies and programs enumerated in the city’s 1983 Urban Parks & Recreation Recovery Plan were in effect. The City is planning its next twenty years of Parks and Recreation with virtually no data, analysis, surveys or written recommendations.

11F-8 Additionally, after nearly a year of CPRA inquiries by author Golder, the City has been unable to demonstrate that it has ever produced a Park Fees nexus study relating Parks & Rec CIP expenditures or proposals with the population service impact of added subdivisions and residential housing within the City. The City’s P&R spending planning makes no studied rational connection to the needs of additional population or new subdivisions. This has been the P&R “planning method” for at least twenty years.

11F-9 **G. Quimby funds misappropriations** A detailed analysis of the City’s P&R CIP appropriations reveals that a great deal of the special revenue funds reserved by Govt. Code §66477 for the acquisition and development of neighborhood & community parks have been spent on maintenance and repair and for greenbelt uses. In an era of increasing budget insufficiency, these funds are very likely unrecoverable.

Therefore there will be no available financial resources to correct the recreational facility deficit left by these misappropriated funds, resulting in irreparable harm to the recreational service capability of the future and current city facilities..

11F-10 **Major Suggested Change in the General Plan** to offset predicted probable adverse significant environmental effects of proposed 2030 General Plan.

Add a policy to enact a City Ordinance giving remunerative tradable credit under the Subdivision Parkland Dedication section 23.28.xx of the Municipal Code to developers or property owners who create active recreation facilities. Such a credit is allowed under the Quimby Act, Sect. 9 (e).

Resolutely,
J. Golder, concerned citizen.

From: Ken Thomas [mailto:kthomas@cityofsantacruz.com]
Sent: Tuesday, November 15, 2011 10:26 AM
To: John Golder
Cc: Bren Lehr; Juliana Rebagliati; Martin Bernal
Subject: DEIR comments

Mr. Golder – In response to your voice mail on November 15, 2011 the department has not received an email with your comments on the Draft Environmental Impact Report for the Draft General Plan 2030. I also checked with the City Clerk to see if her office received the email and was told that no email was received. The 60 day public comment period closed on November 14, 2011 at 5 p.m.

Ken Thomas

Principal Planner
Planning and Community Development Department
City of Santa Cruz
(831) 420-5148

Note: My new email address is kthomas@cityofsantacruz.com

LETTER 11 – JOHN GOLDER

The following comment letters and emails were received from this individual on the dates noted.

- A. 9-15-11 (typed version), Letter 11A
- B. 9-15-11 (handwritten version), Letter 11B
- C. 9-20-11 Email with attachments, Letter 11C:
 - i. Quimby Act Basics
 - ii. Parks vs Open Space – What Are We Talking About
 - iii. Housing Element Initial Study Excerpt
- D. 9-25-11 Email, Letter 11D
- E. 10-5-11 Handwritten public records request & one official form request, Letter 11E
- F. 11-15-11 Email, Letter 11F

11A-1 Park Acreages and Designations. The comment states that there are errors in park acreages, particularly community parks. See Response to Comment 11A-4 regarding park acreages and measurements. The comment asserts that DeLaveaga Golf Course, Ken Wormhoudt Skate Park and Depot Park have been arbitrarily reclassified as community parks. However, the City considers these parks to be community parks under the definitions cited below in Response to Comment 11A-3 as they serve a larger area than a neighborhood park. The Skate Park and Depot Park were developed after the adoption of the existing 2005 General Plan. As indicated on Table 4.6-1 (footnote1), the school play field acreages assumed $\frac{3}{4}$ of the field acreage and were formerly calculated and included in the City's existing 2005 General Plan / Local Coastal Plan.

11A-2 Need for Community Parks and Public Information Requests. Commenter states the need for community parks and active recreation facilities, and asks what definitions are used. The commenter also notes his requests for information on documents used to define, describe, inventory and evaluate community or neighborhood parks, as well as previously submitted analyses prepared by the commenter. See Response to Comment 11A-3 regarding park definitions and Response to Comment 11A-4 regarding park acreages and methods used to calculate park acreages for the park inventory used for the Draft EIR as summarized on Table 4.6-1 in the DEIR. Further description of neighborhood, community and regional parks is provided on pages 4.6-7 and 4.6-8 of the DEIR. The park inventory with acreages developed by the City's GIS staff was forwarded to the commenter from the City Planning Department on October 11, 2011.

11A-3 Park Definitions. The comment requests definitions for terms used in the City's parks inventory. The definitions of neighborhood, community and regional parks, as well as "parks" are presented in the Glossary of the *Draft General Plan 2030* and are provided below. (As noted above, description of neighborhood, community and regional parks is provided on pages 4.6-7 and 4.6-8 of the DEIR.) The terms "greenbelt", "resource conservation area park", "natural area", and "community services" are not defined in the draft General Plan and are not cited in the parks inventory included in the DEIR. The term "open space area" is defined in the draft General Plan as shown below. The term "greenbelt" refers to the City-owned open

space properties as discussed on pages 4.6-12 4.6-14 of the DEIR. Community facilities are addressed on pages 4.6-10 to 4.6-11 of the DEIR.

Parks. Open space lands whose primary purpose is recreation. (See “Open Space Land,” “Community Park,” and “Neighborhood Park.”)

Neighborhood Park. City- or County-owned land intended to serve the recreation needs of people living or working within one-half mile radius of the park.

Community Park. Land with full public access intended to provide recreation opportunities beyond those supplied by neighborhood parks. Community parks are larger in scale than neighborhood parks but smaller than regional parks.

Regional Park. A park typically 150-500 acres in size focusing on activities and natural features not included in most other types of parks and often based on a specific scenic or recreational opportunity.

Open Space Land. Any parcel or area of land or water that is essentially unimproved and devoted to an open space use for the purposes of (1) the preservation of natural resources, (2) the managed production of resources, (3) outdoor recreation, or (4) public health and safety.

Regional. Pertaining to activities or economies at a scale greater than that of a single jurisdiction, and affecting a broad geographic area.

11A-4 Park Acreage Measurements. The comment asks for documentation on park acreage measurements. Information was provided to the commenter by City staff on October 11, 2011. The parks and open space areas outlined in the Draft EIR are based on gross acreage of the property based on assessor’s parcel maps and calculated by City staff using the City’s GIS system. The City’s calculations of park acreage have always included the gross acreage of the parcel as all facilities on the site contribute to features and/or use of the park. The calculations do not break a park into various components (i.e. playing fields vs. restroom and asphalt) According to the City’s GIS staff, the acreages are determined by dissolving the underlying parcel boundaries leaving just the perimeter. The acreage is then calculated for this polygon. There is no determination made indicating which portion of the park has improvements. The acreages were reviewed and updated by the City’s GIS staff, and revised acreages have been presented for Table 4.6-1. See the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.

11A-5 Analysis of Project Population and Housing. The comment claims that the DEIR analysis excludes projected population and housing. Chapter 4.2 provides a complete review of population and housing impacts resulting from adoption and implementation of the draft General Plan 2030, including population increases. The increase in population is used in the analysis of impacts on parkland demand that is provided on pages 4.6-37 to 4.6-40 of the DEIR.

- 11A-6 Development of City Parkland. The comment indicates past emails and issues regarding developing parks in the City in the last 30 years, but does not address information or analyses contained in the DEIR, and no response is necessary.
- 11A-7 Community Parks. The commenter disagrees with the DEIR finding that there is a surplus of community parks and believes that there is deficit of more than 100 acres based on parkland estimates provided by the commenter. The comment also states that some park acreages are lower when parking or other unusable areas are subtracted. As indicated above in Response to Comment 11A-4, the City's calculations of park acreage have always include the gross acreage of the parcel as all facilities contribute to features and/or use of the park.
- 11A-8 Park Dedication/Development. The commenter claims that the City has no record of park dedications or development required pursuant to City requirements. The comment does not address analyses in the DEIR and no response is necessary.
- 11A-9 Parks Master Plan. The commenter states that the City has not had a Parks Master Plan since 1983, which is correct. Action PR1.1.2 in the draft General Plan calls for preparation and maintenance of City Parks Master Plan. The comment does not address analyses in the DEIR and no further response is necessary.
- 11A-10 Loss of Developed Parkland. The commenter claims that the City has had a net loss of developed parkland over 70 years. Since adoption of the City's 2005 General Plan/Local Coastal Plan, neighborhood park acreage has generally remained the same with some minor increase, i.e. the Lower Ocean Street Park, and community parklands have increased by approximately 11 acres with the addition of the Depot Park. The commenter further states that DeLaveaga has had an unfinished Master Plan since 1960. As indicated on page 4.6-12 of the DEIR, a Park Master Plan was prepared for DeLaveaga in 1960, but has not been updated. A Golf Course Master Plan was adopted by the City in 2003. The comment does not address analyses in the DEIR and no further response is necessary.
- 11A-11 Lack of Sports Fields and Use of School Fields. The commenter states that the City has had no net gain in sports fields in more than 40 years, and the City's sports leagues must travel outside City limits to other facilities. The City acknowledges a need for sports fields, and the proposed General Plan seeks to develop new or expand existing athletic fields (Action PR1.2.2). The development of Depot Park in March 2005 provided additional athletic fields in the City. The comment also states that the City's neighborhood parks inventory includes school playgrounds, but the City has never shared Quimby or PFT funds with schools. Over the years the City has contributed to several City School improvements, including Natural Bridges Gymnasium, Harbor High Pool, Bay View Fields, and Natural Bridges gym. Review by the City staff indicates that none of the legislative enactments authorizes or requires the use of Park fees or Quimby Fees for school facilities.
- 11A-12 Problems at Parks. The comment states there are numerous problems with the City's parks and recreation facilities, including criminal activities and lack of maintenance

funding. The comment does not address analyses in the DEIR and no response is necessary.

- 11B-1 General Parks Comments. This letter is essentially a handwritten version of the typewritten version contained in the Letter 11A for which responses are provided above.
- 11C-1 Parks Information. The commenter cites attachments to this letter that he prepared regarding the Quimby Act, City park funding, parks and open space definitions, the City's Housing Element. The attachments are included with the comment letter on the preceding pages. However, the comment does not address analyses in the DEIR and no response is necessary.
- 11C-2 Need for Community Parks and Public Information Requests. Commenter states his public records requests for information regarding park acreages and identifies other correspondence to and community with various City departments, and is so noted. Information on park acreages was provided to the commenter by the City Parks and Recreation and Planning and Community Development Departments via email on October 11, 2011. See Response to Comment 11A-4 regarding calculation of park acreages.
- 11C-3 Park Acreages. Commenter states that there are many City parcels whose use is split between parks, natural areas, housing, commercial uses, public facilities and easements. See Response to Comment 11A-4 for an explanation of how City park acreages are developed. Some parks have a mix of open space and recreational uses, including natural areas and trails, as well as visitor amenities such as restrooms and parking.
- 11C-4 Population. The comment claims that the population analysis is separated from other elements that discuss community services. The comment does not cite a particular reference in the DEIR, and a specific response cannot be made. However, as discussed in Response to Comment 11A-5, population resulting from estimated buildout accommodated by the General Plan has been factored in the DEIR analyses for public services, including parks, as detailed in the PUBLIC SERVICES (Chapter 4.6) section of the DEIR.
- 11C-5 Park Developer Fees. The comment claims that the City charges park developer fees, but there has been no net gain in parks and that active recreation facilities have been destroyed. As indicated in Response to Comment 11A-10, neighborhood and community park acreages have slightly increased since 1990 when the existing 2005 General Plan was prepared. The comment also states that there is a "verifiable" net loss in developed usable parkland, citing destruction of the Charles Derby Small Bore Range and the Naval Building at Delaveaga Park. Past removal of facilities is part of the baseline conditions against which the impacts of implementing the proposed General Plan are compared, but these past activities are not part of the General Plan proposal itself. Moreover, as indicated above there has not been a net loss of parkland. Additionally, the Small Bore Range was closed due to contamination and remediation efforts; the work has been completed

and the site is currently in open space. The Naval Building facility (formerly used as the Cabrillo College Stroke Center for approximately 30 years) that was demolished last month and options for its future use will remain open until a planning process is undertaken by the City. The Armory is another military facility in DeLaveaga Park, but is on State-owned land and has been leased by the Homeless Shelter during the winter. The comment does not address analyses in the DEIR and no further response is necessary..

- 11C-6 Community Parks. The comment indicates that the DEIR presents a false and inflated parks inventory for community parks. The inventory, prepared by City staff, includes six community parks as well as West Cliff Drive, which meet the definitions of community parks as indicated in Response to Comments 11A-1 and 11A-3. These parks do not include hundreds of acres of steep undeveloped land as suggested in the comment. The largest acreage is the DeLaveaga Golf Course, which does include some adjacent open space lands. However, the open space area of DeLaveaga Park (Upper) is included under the open space and greenbelt lands and is not counted as a community park. See Response to Comment 11C-3 regarding different uses in park facilities.
- 11C-7 Quimby Act Funds. The comment requests and cites previous requests to the City for the amount of parkland acquired by Quimby Act – City subdivision ordinance requirements. See also Response to Comment 11A-11. The comment does not address analyses in the DEIR, and no further response is necessary.
- 11C-8 Parks Inventory. The comment questions definitions used in the parks inventory and who prepared it. See Response to Comments 11A-3 and 11A-4. The parks inventory included in the DEIR was developed by City Parks and Recreation Department staff; the acreages cited in the EIR have been revised based on updated acreages provided by the City's GIS data.
- 11D-1 Park Funds. The comment claims that park fees received under the Quimby Act have been misappropriated. The comment does not address analyses in the DEIR and no response is necessary.
- 11D-2 Public Records Requests and Other Comments. The remainder of the comment letter is the same as Comments 11C-2 through 11C-8, which are addressed above.
- 11E-1 Public Comments. The comment questions who at the City Planning Department is responsible for responding to comments. The General Plan EIR has been prepared by Planning Department staff and consultants as indicated on page 6-13 of the DEIR. Consistent with State CEQA Guidelines, [section 15204\(a\)](#), responses are provided to comments, with a focus on significant environmental issues, as part of this Final EIR. As stated in the Notice of Availability of the DEIR, all comments on the DEIR were to be directed to Ken Thomas at the Department of Planning and Community Development.
- 11E-2 Need for Active Recreation Facilities. The comment states that there is nothing in the proposed General Plan 2030 that directly addresses the need for active recreation

facilities. The comment is noted, but it addresses the proposed General Plan and not analyses in the DEIR, and no response is necessary.

- 11E-3 Information Requests. The comment requests contracts for work performed by the Environmental Design Group, but does not address analyses contained in the DEIR, thus no response is necessary.
- 11E-4 Public Records Request. The commenter requested a copy of the City's 1992 Housing Element through a public records request, which is hereby noted. The request does not provide any comments on the analyses in the DEIR, thus no response is necessary.
- 11F-1 Parks Research. The comment notes the commenter's research on parks planning, and is so noted. The comment does not address analyses in the DEIR, and no response is necessary.
- 11F-2 Play Fields. The commenter states that the feasibility of developing play fields in open space areas has been overlooked. The comment is noted, but it does not address analyses in the DEIR, and no response is necessary.
- 11F-3 Sports Fields and Schools Fields. The comment states that school playfields are impacted and maintenance has declined based on a 1993 sports field study the commenter authored. As indicated on page 4.6-7 of the DEIR, the City and the City School District entered into a joint use agreement in 1963 for shared use of each agency's playground and indoor facilities with maintenance provided by the respective agencies. The EIR has considered increased use on parks and recreational facilities, including school playground use, as discussed on page 4.6-38 of the DEIR. The comment also claims that intense use has resulted in increased use of artificial turf that has impacts, but does not address analyses in the DEIR, and no further response is necessary.
- 11F-4 Sports Fields. The comment claims that lack of sports fields in the City results in residents driving to other facilities with increased traffic. Except for school playgrounds, most sports facilities are within community parks that serve a larger area than just neighborhood parks. It is expected that at least some of trips associated with these facilities will be by automobiles. See also Response to Comment 11A-11.
- 11F-5 Social and Housing Comments. The comment addresses social and housing concerns, including references to the City's Housing Elements. As discussed in Response to Comment 11A-5, population resulting from estimated buildout accommodated by the General Plan has been factored in the DEIR analyses for public services, including parks, as detailed in the PUBLIC SERVICES (Chapter 4.6) section of the DEIR. However, the comment does not address analyses in the DEIR, and no response is necessary.
- 11F-6 Parks Funding. The comment states there is a lack of permanent park maintenance funding and the rising and unplanned cost of greenbelt maintenance places the city

parks system in jeopardy for lack of resources. The comment relates to overall park management, but does not address analyses in the DEIR, and no response is necessary.

- 11F-7 General Plan Suggestion. The commenter suggests adding a General Plan policy to enact an ordinance giving credit to property owners who create active recreation facilities. The comment is noted, but it addresses the proposed General Plan and not analyses in the DEIR, and no response is necessary.

From: Rick Longinotti [mailto:longinotti@baymoon.com]
Sent: Sunday, November 13, 2011 11:11 AM
To: Ken Thomas
Subject: Transition SC comments on GP EIR

Dear Ken,

Attached is a set of recommendations from the Transition Santa Cruz Housing Working Group. The recommendations are meant for incorporation into the General Plan. Many of the recommendations could be incorporated into the final EIR on the General Plan as mitigations measures that would reduce traffic, vehicle miles traveled and greenhouse gases.

Thanks,
Rick

Rick Longinotti, MFT
831 515-8072

Rick Longinotti
longinotti@baymoon.com 831 515-8072

Comments on Draft EIR

12-1 I urge the Planning Department to revise the Draft General Plan to take into account the information in the recently published Vulnerability Study. After reading the Vulnerability Study, I corresponded with its author, Gary Griggs. I asked, “Does that mean a sea level rise of more than two to four feet will result in ground water at grade level downtown during peak tides and summer months?”

Here is an excerpt from his response:

You read that correctly....When you stop and think or consider what is under or beneath downtown, from electrical and phone lines, to water and sewer lines, and the extent of the downtown floodplain sand and gravels and their connectivity to the river and the ocean, the enormity of the problem becomes apparent. We are not alone, look at New Orleans, but I'm not sure that's any consolation. We have some time but I don't see any adaptation measure short of eventually relocating downtown.

The current draft of the General Plan calls for increasing development downtown. Before reading the Vulnerability Study, I concurred with that goal. I thought it was particularly important to locate housing downtown that would be affordable to the workforce. Now I feel otherwise.

I think the City's 20 year General Plan should begin to plan for the flooding of underground utilities and building basements in the medium term, and water in the streets of downtown in the long-term. It seems to me that the question that should be addressed is *Should there be more development downtown? How does a city prepare for the inevitable private sector disinvestment in downtown?*

This disturbing information suggests that the City should consider additional support for hubs of commercial activity outside the floodplain. In addition to intensifying mixed use along Ocean St., Mission, and Soquel Ave, smaller neighborhood hubs could be fostered such as along the rail corridor in Seabright and California/Mission/Bay.

From: Rick Longinotti [mailto:longinotti@baymoon.com]
Sent: Sunday, November 13, 2011 11:11 AM
To: Ken Thomas
Subject: Transition SC comments on GP EIR

Dear Ken,

12-2 Attached is a set of recommendations from the Transition Santa Cruz Housing Working Group. The recommendations are meant for incorporation into the General Plan. Many of the recommendations could be incorporated into the final EIR on the General Plan as mitigations measures that would reduce traffic, vehicle miles traveled and greenhouse gases.

Thanks,
Rick

Rick Longinotti, MFT
831 515-8072

Recommendations on the Draft Climate Action Plan and Draft 2030 General Plan from Transition Santa Cruz Housing Working Group

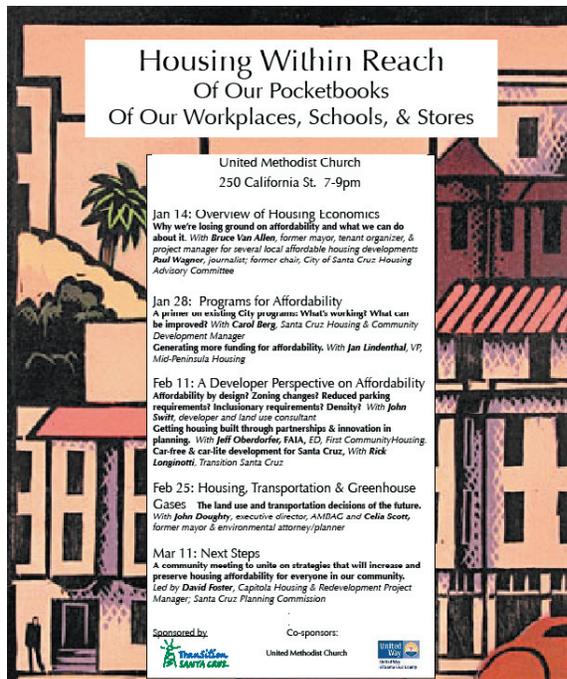
Transition Santa Cruz
Housing Working
Group

Jim Allen-Young
David Foster
Leon Khaimovich
Rick Longinotti
Dean Lundholm
Mardee McGraw
Jim Stroupe
John Swift

We are pleased to support the City’s Climate Action Plan and offer feedback that we think will contribute to making the Plan a success. We are impressed with the level of commitment that the City has shown in choosing climate action goals that are necessary, though not easy to attain. And we find the draft Climate Action Plan to be an ambitious guide to reaching those goals.

The suggestions below emerged from a series of workshops in early 2010, titled, *Housing Within Reach---of Our Pocketbooks; of our Workplaces, Schools and Stores*. The workshop leaders and over 90 participants offered ideas and strategies that stem from the recognition that affordable housing for people close to their jobs and amenities is an essential feature of a sustainable community. Not only is affordably-priced housing a requirement of a community that aspires to social justice, it is a requirement for reducing transportation demand. With 1.25 jobs in Santa Cruz for every working resident, Santa Cruz employment contributes to the transportation demand that clogs Highway One and our surface streets.

The Climate Action Plan recommends, “Accelerate the implementation of the City’s General Plan.” We agree, because we think that the draft General Plan will contribute to the development of a community where housing is close to jobs and transit. The following recommendations are intended to be incorporated into the General Plan in order to achieve its goals by making the means to those goals more specific. Our recommended additions to the draft General Plan are in bold type, followed by a discussion in regular type.



Zoning & Fees

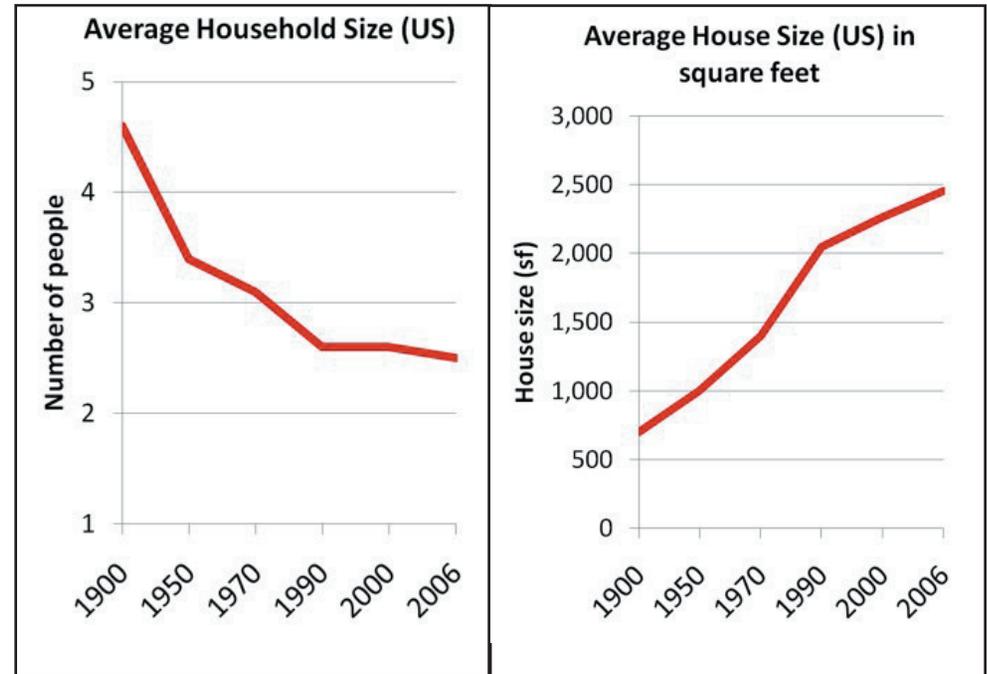
1. Allow Small Ownership Units and Single Room Occupancy units by right in certain transition and mixed-use zones. No design permit would be required because design guidelines are clear.

One of the main strategies to make housing affordable is *Affordability by Design*. Small units are likely to be permanently affordable given that higher income sectors of the population do not compete for their occupancy. Santa Cruz has successfully allowed SRO's and SOU's and it is time to encourage the expansion of this program. For decades, zoning code has led to the development of higher priced housing by requiring low density. Expanding the SRO and SOU program would redress this imbalance.

2. Expand the Auxiliary Dwelling Unit (ADU) program

- Allow smaller ADUs on smaller lots of less than 5,000 sq ft.
- Raise allowed size to 640sq ft. on 5000sq ft lot (matching County regulations)
- Allow larger 2nd floor ADU's so long as they stay within the allowed size for 2nd floor additions.

The ADU program adds affordable housing to Santa Cruz without the need for government subsidies. We estimate that more property owners would initiate construction of ADU's if the size of the units were allowed to increase. We also note that the construction cost of building second floor additions relative to ground level construction tends to incentivize the location of ADU's at ground level. Allowing larger ADU's as second story additions would make it more attractive for the homeowner to go to the extra expense of building up. It would also preserve more of the lot footprint from being developed.



Housing affordability is a function of housing size (among other factors). Square feet per capita has increased dramatically since 1960.



Branciforte Commons SRO

2.1 Create flexible guidelines for legalizing un-permitted housing additions and units.

The City’s new Rental Inspection Ordinance has the potential to reduce our stock of affordable housing through red-tags of illegal units and bedroom additions. This is an undesirable consequence that can be mitigated through a flexible response that allows property owners to legalize their additions. For example, waivers of set-back requirements or other non-safety code regulations might be granted in order to preserve the housing stock.

3. Redesign all building fees to be based on square footage rather than by unit count. This could be added to the draft General Plan section LU3.1.1, “Encourage through incentives and expedited permit processing a variety of housing types, when appropriate.”

Charging fees based on housing size rather than per unit would provide an incentive to build small units and discourages building big units. Examples of existing fees based on housing size are park and recreation fees (\$3/ square foot) and schools charge \$2.63 per square foot.. Currently charging by unit are water connection fees (\$6,530 per unit), and sewer connection fees (\$1,200 per unit).

4. Allow design for future subdivision or expansion of units without further planning review. Initial approval would be for the highest density.

5. Change zoning to allow multi-residential & mixed use projects as a Principally Permitted Use (PPU) so that the use permit process is made quicker and easier for affordable housing projects.

6. Encourage zoning that would allow for the development of housing above existing commercial buildings (e.g. on the roof of Trader Joe’s or the CVS building)



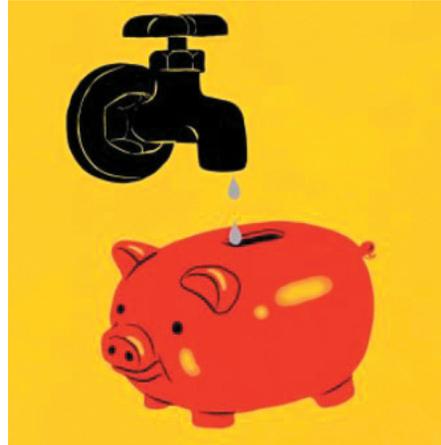
Strawbale ADU in David Foster’s yard on Westside



Encourage housing above existing commercial buildings

Water Credits for Affordable Housing

State law requires water-short communities to prioritize available water for affordable housing. The City should immediately institute such prioritization and incorporate it into the General Plan.



Parking Policy

Through design of parking policy, the City can increase housing affordability at the same time as encouraging a reduction in automobile dependence. Parking costs are a major factor in new construction of affordably priced housing, and can easily cost \$50,000 per space.

1. “Unbundling” Parking from Housing Costs

In order to increase affordability, require new development to separate the cost of parking from the cost of leasing and purchasing residential and commercial space, and making the purchase of parking optional.

The Master Transportation Study calls for unbundling parking costs. “Require new development to separate the cost of parking from the cost of building lease space, thereby making the cost of parking “real” to the purchaser.” Cities such as San Francisco require unbundling of parking in new development.

2. **We suggest the following edits to the draft General Plan:** Our additions are in **bold**

M3.1.9 ~~Consider reducing~~ **Reduce or eliminate** parking requirements for employers, **residential and commercial** developments, businesses, and major destination centers that implement effective alternative transportation programs **and/or participate in offsite clustered parking.**

Reduce parking requirements in residential housing with a resident



There is a market for units with reduced parking:

**141 A, B, C, D Southhampton Ct./ Frederick St.
 4 2-bedroom condos
 1 uncovered parking space per unit
 1 visitor parking space
 recent condo sale price \$490,000**

population that has a documented reduced need for parking, e.g. seniors, low-income, and residents that covenant for non-auto use.

3. In existing development, allow conversion of parking space to new development based on evaluation of actual utilization of that parking space. In new development, require design of parking area that allows for future conversion.

4. Remove covered parking requirements for residential housing and allow tandem parking on the portion of driveways within the front yard setback.

Note that this recommendation does not reduce residential parking requirements. It removes the requirement that garages be dedicated to car parking so long as the required space is available on the driveway. Note also that the County does not require covered parking.

5. Our edits are in bold: M3.1.1 ~~Seek ways to~~ **Reduce vehicle trip demand and reduce the number of peak hour vehicle trips by implementing city-wide Transportation Demand Management (TDM), especially for commuters to Downtown, Harvey West, and Westside workplaces, and for students commuting to schools. TDM measures include low cost bus passes, credit for carsharing (ZipCar), discount parking for carpools, emergency taxi-vouchers, and bike store credit. TDM will free up existing parking spaces for customers. Implementation of TDM needs to occur before funding any new garage capacity. With successful TDM, consider reductions in parking requirements and deficiency fees.**

6. Subsidize housing, not parking. That is, new parking facilities need to pay their own way.

This doesn't mean the City should be prevented from loaning funds for new parking facilities.



Transportation Demand Management for employees at UCSC includes \$6.25 monthly bus passes, ZipCars available for department use, van pools, discounted parking for carpools, emergency taxi vouchers, bike shuttles and showers on campus.



Pacific Shores Apartments on Shaeffer Rd. City requires owner to provide free bus passes to all residents as a condition of development.

7. Institute parking maximums in selected areas to encourage affordability (projects can have no more than X number of spaces per unit)

Parking maximums can be a way to improve affordability in a market that favors the construction of high-end housing. A parking maximum of 1 space per unit, for example, would discourage luxury condos.

From Master Transportation Study:

“Set parking maximums to cap the construction of new parking spaces.

One example is car-free housing, where no parking is provided with the residential project and future residents commit to the car-free lifestyle.

This helps reduce housing costs.”

8. Beach-Downtown shuttle, remote parking and better utilization of existing parking downtown for a “park-once” strategy. Fund through increased parking fees. Locate sites for remote parking.

Green Building Code Update

The Green Building Ordinances in Santa Cruz is important step towards the City’s goal of requiring new buildings to be carbon neutral by 2030. We need to accelerate the steps toward carbon neutrality and can do so by incorporating the following:

1. Require passive solar design in new construction and remodels

Perhaps the single most effective energy-savings measure beyond home insulation is to design homes for passive solar heating. It is also potentially the least costly measure, as it requires proper design rather than a large materials expense. In multi-unit buildings it may be more difficult to achieve optimal solar exposure, and building codes can accommodate this challenge.

2. Green roofs, water catchment, graywater use, water saving fixtures

The City does not currently require the best practices for water conservation, water catchment and graywater use in new construction. Australian building code is exemplary in requiring dual flush toilets, waterless urinals, and low-flow shower heads. Green roofs can also greatly reduce the environmental impact of stormwater runoff and help recharge groundwater.



Pacific Shores Apartments: missed opportunity for passive solar orientation

LETTER 12 – RICK LONGINOTTI

- 12-1 Susceptibility of Downtown to Sea Level Rise. The comment questions whether further development should be proposed in the downtown area given the results of sea level rise identified in the “Vulnerability Study” that was prepared for the City. The cited study indicates that sea level rise will gradually inundate low-lying areas, which include all of the shoreline and beach areas along the City’s coastline that are presently closest to sea level. The study indicates that areas of inundation will extend landward as a result of sea level rise. The greatest uncertainty is the rate at which this is likely to occur. However, the study identifies coastal areas vulnerable sea level rise as: West Cliff Drive; the Boardwalk, Cowell’s Beach and Main Beach area; Seabright Beach and the Santa Cruz Small Craft Harbor; high tide intrusion into the San Lorenzo River and downtown; and the City’s wastewater treatment plant at Neary Lagoon.

Due to its location adjacent to the San Lorenzo River, the downtown area has been susceptible to shallow groundwater levels that fluctuate with high tides and when river water levels rise as a result of a sand bar forming across the river mouth in mid- to late-summer. The Vulnerability Study indicates that as sea level continues to rise, and as summer river discharge declines, the result will be seawater extending farther upstream in the flood control channel more frequently, and rising gradually to higher elevations. This would lead to a rise in the water table beneath downtown. This area of the City has always been vulnerable to an elevated water table but this will become a more significant issue in the future. As noted in the study, the rising groundwater must be pumped back into the river as has historically occurred. The study recommends installation of a series of groundwater monitoring wells (piezometers) in the downtown area to continuously monitor the water table level.

Based on the findings of the Vulnerability Study, the City has developed goals, objectives and a range of potential actions to respond to these risks. The DEIR does identify the potential effects of sea level rise on the City on page 4.7-16. To the extent the commenter suggests that the DEIR should discuss the impact of sea level rise on the Project, the City notes recent case law holds that an EIR is not required to identify and analyze potentially significant effects of the environment on a project. (*Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 473-474.)

- 12-2 Transition Santa Cruz Housing Working Group. The comment attaches a set of recommendations from the Transition Santa Cruz Housing Working Group and suggests they be incorporated into the General Plan and Final EIR. The recommendations mainly deal with affordable housing and parking strategies. The housing recommendations relate to accessory units, legalizing un-permitted housing, building fees, allowing subdivision design without planning review, and other zoning recommendations to promote affordable housing. The proposed *General Plan 2030* does not include housing policies as the Housing Element is a separate adopted document. The parking recommendations include elimination of parking standards, conversion of parking, change in covered parking requirements, and not subsidizing parking. The EIR does not address parking impacts as this topic was eliminated from the CEQA checklist by amendments to the State CEQA Guidelines during preparation of the DEIR. Thus, it is not

clear how the recommendations in this attachment should be incorporated into the EIR. The DEIR includes summaries of proposed General Plan policies and actions that promote efficient land uses and transportation management to reduce traffic and greenhouse gas emissions. See Table 4.4-4 (page 4.4-39) and Table 4.12-5 (page 4.12-28) of the Draft EIR. This includes Transportation Demand Management measures suggested in the commenter's attachment. The attachment includes suggestions to the Green building Code Update, such as requiring passive solar design and water catchment fixtures and graywater systems. The *General Plan 2030* does recommend passive heating and cooling in new developments (NRC7.1.4); see summary table of energy-efficiency policies in Table 4.6-10 on page 4.6-46 of the DEIR. Similarly, the draft General Plan includes policies to encourage water efficient use, including support of graywater systems; see summary in Table 4.5-5 on page 4.5-39 of the DEIR.

November 124, 2011

Ken Thomas, Principal Planner
City of Santa Cruz
Department of Planning and Community Development
809 Center Street
Santa Cruz, CA 95060

RE: DRAFT GENERAL PLAN 2030 DEIR

Hello Ken Thomas:

Thank you for the opportunity to comment on the Draft General Plan 2030 Draft Environmental Impact Report (DEIR). Overall, I found the document extremely comprehensive and well written with a great deal of useful and relevant information. However, I did have the following comments and questions:

GENERAL CONCERNS:

- 13-1- GOLF CLUB DRIVE – The proposed General Plan 2030 proposes to double the density in the Golf Club Drive area from 100 to 200 dwelling units (dus). Since, unlike the proposed mixed use corridors, this area is essentially rural in nature with a history of agricultural production, the DEIR should have contained a serious analysis of the potential environmental impacts of the proposed intensification of the area. However, no such analysis is provided. This seems particularly inadequate as the General Plan 2030 also seems to propose a rail transit center in the area, access to the area is currently limited, and the area is adjacent to Pogonip. The Final EIR should contain a more detailed analysis of the potential impacts of doubling the density in the area. The fact that this is a program EIR does not mean that the City can avoid analyzing project impacts that can be reasonably determined. In addition, the determination that the future growth potential is 200 rather than 400 DUs, given the designation of up to 20 units per acre in the 20 acre area, needs to be clarified.
- 13-2- UCSC GROWTH AND WATER SUPPLY – There appears to be a contradiction within the document in its consideration of projected UCSC growth between 2020 and 2030. The Water Supply section and supporting appendix project an increased demand of 10 mgd from the estimated enrollment growth. However, in calculating the project sewage increase during this period, it appears as if the demand would be in the 70 mgd range. This needs to be clarified in the Final EIR.

13-3- HOTELS – As will be detailed below, the projection of hotel construction in the proposed General Plan 2030 seems inadequate. The document regularly indicates that about 300 new hotel rooms are anticipated but this is the number of rooms that are already pending. No additional hotel construction is listed and, at one point, the DEIR seems to state that future hotel construction is included in the projected commercial development. Since hotels can have impacts different from other commercial uses, like traffic, the approved ones are specified, and the mixed use designations along the corridors seems to anticipate them, I think the final EIR should estimate and analyze the potential increase in hotel construction possible under the proposed Plan.

SPECIFIC CONCERNS:

13-4 - PAGE 3-10 – PROJECT DESCRIPTION – LAND USE MAP CHANGES – GOLF CLUB DRIVE – Unlike the proposed changes along the three corridors, the proposed designation change from Very Low Density (up to 10 DU/acre) to Low Density (up to 20 DU/acre) covers a well defined 20 acre area. While the proposed Plan seems to require an area plan prior to development, the identification of a specific relatively isolated area requires a more detailed level of analysis in the DEIR. More important, the DEIR assumes that the total development would be 200 DUs. However, given the 20 DU/acre designation would allow up to 400 units. Why wasn't this number used? It appears as if the DEIR is underestimating the increased development potential and, therefore, the environmental impacts.

13-5- PAGE 3-13 – TABLE 3-3 – ESTIMATED GENERAL PLAN 2030 BUILDOUT – The table shows 310 rooms under pending development as the only estimated hotel construction under the proposed Plan. If pending hotel development is shown, it is reasonable for there to be an estimate of future hotel development as well.

In addition, the table refers to Table 3-3 (should be 3-4) for details on the pending projects. This table shows a total of 375 hotel units including La Bahia. Moreover, the last paragraph on page 4.1-4 indicates that 475 visitor serving rooms are pending or approved. These numbers should be clarified and updated in the Final EIR.

13-6- PAGE 3-15 – LOCAL COASTAL PLAN – The DEIR indicates that the City is updating the Local Coastal Plan (LCP) in a separate document. The FEIR should discuss the status of any General Plan 2030 changes in the Coastal Zone prior to the Coastal Commission approving the LCP update.

- 13-7 - PAGE 3-16 – ZONING ORDINANCE – Will the Zoning Ordinance need to be updated to assure consistency with the General Plan 2030?
- 13-8 - REGIONAL PLANS – No mention is made of mandated solid waste plans. Shouldn't they be included?
- 13-9 - PAGE 4.1-8 - LAND USE – TABLE 4.1-4 – ESTIMATED EXISTING GENERAL PLAN 2005 BUILDOUT – What is the basis of the buildout estimates – permit data or some other source?
- Again, the buildout numbers only include pending hotel development. How many hotel rooms were added under the 2005 General Plan?
- 13-10 PAGE 4.1-9 – BEACH AND SOUTH OF LAUREL COMPREHENSIVE AREA (B/SOL) PLAN – Please clarify how the B/SOL policies could be certified by the Coastal Commission but not be included in the LCP.
- 13-11 PAGE 4.1-16 – MIXED USE COMMERCIAL – The DEIR indicates that the mixed use designation in the proposed Plan is intended “to encourage high-quality visitor-serving commercial development along Ocean Street, particularly hotels and motels.” Given this direction, shouldn't buildout estimates include hotel rooms?
- 13-12 PAGE 4.1-19 – POLICIES SUPPORTING DEVELOPMENT/INTENSIFICATION – The DEIR states that the Plan encourages neighborhood commercial uses in the Prospect Heights neighborhood. Where in the neighborhood would these uses be allowed and why weren't the potential impacts of introducing such uses in the neighborhood analyzed?
- 13-13 PAGE 4.1-20 –TABLE 4.1-5 – SUMMARY OF POLICIES AND ACTIONS – This table lists a Transit Center along the rail corridor in the Golf Club Drive area as an action under the proposed Plan. Why are no potential impacts of this center analyzed in the DEIR?
- 13-14- PAGE 4.1-23 – IMPACT 4.1-2 – INTRODUCE INCOMPATIBLE LAND USES – Given the location of Pogonip, the permanent home of the Homeless Garden Project, and the traditional agricultural production nearby, the FEIR should include a discussion of the compatibility of the proposed higher density development with these uses.

- The FEIR should include a discussion of the compatibility of the Transit Center with the existing adjacent uses as well as Pogonip. The analysis in the DEIR, which simply refers to general Plan policies, is inadequate.

- There are also potential incompatibilities along the mixed use corridors with adjacent residential development. Both in terms of densities and height, the allowed new development could be incompatible. Simply having policies that say this won't happen does not represent sufficient analysis of the potential impacts. How high might the new developments be? How far away from the potential new development is existing development and how high is it?

13-15 PAGE 4.1-25 – IMPACT 4.1-3 – CONFLICT WITH APPLICABLE LAND USE OR OTHER PLANS – The explanation at the bottom of the page isn't clear. The DEIR states that except for four plans, the City's existing adopted plans are not part of the General Plan 2030. Yet, on page 3-15, the DEIR states that the "adopted version" of ten plans are incorporated by reference in the General Plan 2030. This list includes the Seabright Area Plan, the Western Drive Master Plan, and the Santa Cruz Harbor Development Plan. What will be the legal status of these plans once the General Plan 2030 is adopted?

In addition, the status of the B/SOL Plan is confusing. On page 3-15, the DEIR indicates that it is a part of the 2005 General Plan. However, it appears from this impact discussion that it will not be a part of the General Plan 2030. Is the entire B/SOL Plan being dropped?

13-16 - PAGE 4.3-8 – AESTHETICS – BEACH/SOUTH OF LAUREL DESIGN GUIDELINES – This section is under Existing Design Guidelines but shouldn't the DEIR have mentioned that these guidelines (recommendations) will no longer be in force under the General Plan 2030, if this is the case?

13-17- PAGE 4.3-13FF – IMPACT 4.3-1: SCENIC PUBLIC VIEWS – The analysis and conclusions in this section of the DEIR are inadequate and need to be revised because they do not consider the impacts of the proposed development in the Golf Club Drive area. This area is adjacent to Pogonip, one of the City's protected open spaces, and construction of 200 plus units will clearly have an impact both to and from Pogonip. The development of the Rail Transit Center is also likely to impact views from Pogonip.

The DEIR seems to incorrectly state that the "Golf Club Drive site is not highly visible from surrounding areas and is not a part of any scenic public views." Given the site's proximity to Pogonip, this statement needs to be documented with simulations or corrected.

These concerns also apply to the conclusions in the DEIR for Impact 4.3-2: Scenic Resources and Impact 4.3-3: Degradation of Visual Quality of Surrounding Areas. Additional documentation is necessary to justify the conclusions in these sections as far as the Golf Club Drive area is concerned.

- 13-18- PAGE 4.4-32 – TRANSPORTATION AND TRAFFIC – The DEIR refers to policies in the proposed Plan to encourage development of new lodging facilities and to attract top-end, full-service hotels. Yet the DEIR includes such uses within the total square footage of estimated commercial development. However, given the importance of these visitor-serving uses and their special characteristics, they should be estimated separately.
- 13-19- PAGE 4.4-34 – The list of intersections includes Western and High, yet it appears that no signalization is anticipated under the Plan. Is this the case?
- 13-20 - PAGE 4.4-43 – RECOMMENDED REVISIONS TO DRAFT GENERAL PLAN 2030 POLICY M3.1.4 – What is the status of the Recommended Revisions in the proposed Plan? Has the City staff accepted them? Will they be included in the circulated Plan?

While generally, the proposed revisions seem desirable, in this case it negates the proposed General Plan 2030 policy. The proposed policy would accept lower levels of service at major regional intersections if improvements were too expensive or resulted in significant environmental impacts. The proposed revision would add, in part, “unacceptable” environmental impacts. Who would decide what is unacceptable? This seems to allow for arbitrary decisions regarding the feasibility of possible improvements. This language should either be dropped in the Final EIR or better justified.

- 13-21- PAGE 4.5-1FF – WATER SUPPLY – The water supply analysis should be updated in the FEIR to reflect the information in the 2010 Urban Water Management Plan (UWMP), rather than the 2005 UWMP. In addition, in the sections describing previously developed plans and studies, it isn’t always clear what proposals have been rejected by the City. The FEIR should clarify the status of these previous efforts.
- 13-22- PAGE 4.6-9 – PUBLIC SERVICES & UTILITIES – TABLE 4.6-1: City Parks and Open Space Lands – Why isn’t the Upper Neary Lagoon Park with its tennis courts and tot lot included in the list of neighborhood parks?
- Why is West Cliff included as a neighborhood park?

13-23 - PAGE 4.6-21 – SCHOOL CAPACITIES & PROJECTED ENROLLMENT – Why are the total numbers in Table 4.6-2 different from those in the paragraph below?

13-24 PAGE 4.8-44 – BIOLOGICAL RESOURCES – The DEIR identifies an action in the proposed Plan to preserve up to five acres in the Golf Club Drive area for open space as a wildlife interface zone, community garden, and riparian corridor area. This indicates that the area has potentially significant biological resources or is near to such resources, though this is not discussed in the DEIR. Since the General Plan 2030 proposes to allow over 200 DUs in the area, additional biological analysis of the potential impacts of such development should be included in the FEIR.

13-25 PAGE 4.11-13 – AIR QUALITY – PARTICULATE MATTER PLAN – The DEIR indicates that the major cause of exceedances in the particulate matter plan is due to naturally occurring sea salt. How does sea salt create particulates?

13-26 - PAGE 4.11-16FF – AIR QUALITY MANAGEMENT PLAN – Is it correct that the estimated buildout under the proposed General Plan 2030 would add 39% more housing units than forecasted by AMBAG (3,350 versus 2,413)?

Although the DEIR attempts to explain away this inconsistency with the AQMP by saying that the growth wouldn't be exceeded for at least 10 years and that City policies would reduce emissions, this impact, as admitted, is significant. Moreover, no data is presented indicating how successful City policies have been under the existing General Plan in reducing emissions. The Final EIR should not try to minimize the significance of this inconsistency.

13-27 - PAGE 4.13-18 - NOISE – IMPACT 4.13-1: EXPOSURE TO NOISE – The elimination of the noise standards from the 2005 General Plan in the proposed General Plan 2030 seems important and should be treated as a significant impact. The Recommended Revision to the Plan that restores these standards should be a mitigation measure.

13-28 - PAGE 4.15-6 – AGRICULTURAL, FOREST & MINERAL RESOURCES – AGRICULTURAL RESOURCES – While it may be that there are no State designated agricultural lands within the City limits, agricultural production was carried out in the Golf Club Drive area for many years. While the CEQA Guidelines designate the threshold for impacts to prime agricultural lands in terms of the State maps, prime agricultural land has also been defined in terms of soil type and previous use.

The FEIR should present information on the agricultural history in the Golf Club Drive area as well as whether the soil type would qualify it as prime agricultural land.

Based on the importance of prime agricultural land in the statewide scheme, evidence that the land in this area is of prime quality, based on traditional measure, would make its conversion a significant environmental impact. The FEIR should clarify this issue.

13-29 - PAGE 5-15 – CEQA CONSIDERATIONS – CUMULATIVE IMPACT ANALYSIS – PUBLIC SERVICES AND FACILITIES – The DEIR states that the estimated 350 new students a year at UCSC between 2020 and 2030 would generate an additional 0.154-0.350 mgd of wastewater flow, or a “potential additional flow attributable to UCSC of 0.35 to 0.80 mgd.” Converting this into annual flow is a little tricky since students are not there all year. Assuming 200 student days, the annual wastewater flow would be between 70 mgd and 160 mgd (350,000 or 800,000 times 200). Even if the 0.154 mgd figure is used, the 200 day total would be 30.8 mgd, while the 0.35 mgd total would be 70 mgd.

However, the DEIR, on page 5-30, in considering cumulative water supply impacts, estimates “that the demand for the UCSC campus will increase by 10 MGD from 2020 to 2030.”

Since it appears that about 80% of water use ends up as wastewater, these figures are clearly incompatible. The FEIR needs to resolve this inconsistency. If the water demand estimate is low, as it appears, it needs to be corrected throughout the document.

13-30 - PAGE 5-21 – GLOBAL CLIMATE CHANGE QUALITY – Since, on page 5-9, the DEIR states that cumulative impacts include those within the City’s planning area, shouldn’t the climate change analysis include the unincorporated area growth in emissions as well as those of UCSC? Would inclusion of these emissions lift the total emissions over the significance threshold?

13-31 - PAGE 5-23 – POPULATION GROWTH – The DEIR estimates that at least 67% of new UCSC students between 2020 and 2030 would reside on campus based on the Settlement Agreement. However, the Settlement Agreement is tied to the 2005 LRDP and will expire in 2020. While it would be desirable for the University to continue its housing commitment, there will be no requirement that it do so. Given that, in the past, the University housed approximately 50% of its students on campus, this may be a more prudent estimate, absent some guarantee from the University that it does intend to continue its commitment.

- Historically, the University's campus population has been counted as part of the City's population. However, since a significant amount of future growth is estimated to occur in the North Campus area, that growth was not considered part of the City's population growth in the rest of this DEIR. Counting this growth would make the City's projected growth rate 1.3% a year, which is significantly higher than the range of 1.0 and 0.7% since 1990.

Is it true, then, that the growth proposed in the General Plan 2030 plus the additional UCSC growth will allow the City to grow at a significantly higher rate than it has in over 20 years?

13-32 PAGE 5-39 – PROJECT ALTERNATIVES – PROJECT OBJECTIVES – Given the generality of the project objectives, how is it possible to determine that some of the objectives meet them significantly less than the proposed project? On what basis were those determinations made?

In addition, does even the proposed project “fully” meet the project objectives? What is the basis for this determination?

Thank you for your consideration and I look forward to review the responses in the Final EIR.

Sincerely,

Andy Schiffrin
130 Shelter Lagoon Drive
Santa Cruz, CA 95060

LETTER 13 – ANDY SCHIFFRIN

- 13-1 Golf Club Drive Land Use Intensification. By motion of the Planning Commission on July 24, 2008, the land use designation was recommended to be changed from Low Density to Very Low Density as identified in the DEIR (pages 3-10 and 4.1-6). (Figure 2-2 shows the existing Low Density designation, which will be changed to Very Low Density if adopted by the City Council.) Action LU1.1.5 does allow a higher density (10.1-20 dwelling units per acre), but only with approval of an Area Plan. This same proposed Action requires preservation of up to five acres, reducing the potential developable acreage to at least 15 acres. Pursuant to the methodologies outlined in Appendix B for estimating buildout, certain assumptions were made regarding intensity of development. As indicated on Table 3-3 of the DEIR (page 3-13), the estimated buildout for the Golf Club Drive area was 245 residential units. The commenter is correct that the existing General Plan allows 100 units (with approval of Specific Plan), and thus, potential development would nearly double. However, the estimated 245 residential units represent a gross density of approximately 16 units per acre, which is consistent with the above density and methods used to estimate buildout. Thus, contrary to the comment, the development of up to 400 residential units does not appear likely.

The comment indicates that the DEIR should have contained an analysis of the environmental impacts resulting from intensification of the area. The buildout estimate noted above was used to evaluate impacts related to traffic, water supply, public services, air quality and climate change (greenhouse gas emissions). The DEIR does address potential physical impacts of development in the Golf Club Drive area related to aesthetics (page 4.3-13), biological resources (pages 4.8-38, 4.8-83), cultural resources (page 4.9-19), and geology and soils (page 4.10-21). Furthermore, the DEIR provides an analysis of cumulative land use and development impacts in section 5.4, Cumulative Impacts. At a program-level analysis, the General Plan contains policies and actions that require protection of specified resources and/or provide guidance on how future development proposals will be evaluated at a site and project-specific level. At this time, there is no proposed development or site plans for which more specific or detailed analyses could be provided.

- 13-2 UCSC Growth and Water Supply. The comment states that there is a discrepancy between the estimated UCSC water demand (10 million gallons per year [MGY]) and estimated wastewater increases (70 MGY) between 2020 and 2030. As discussed in the “Cumulative Impacts” section of the DEIR, UCSC wastewater generation in the year 2020 was estimated as 0.2 to 0.45 mgd based on previous analyses cited in the text. (Note that the typographical error of the year 2010 has been changed to 2020). The lower rate was based on gross water use less landscaping; 30-40% of UCSC water use is estimated as being used for landscaping (City of Santa Cruz, July 2010). The higher rate was based on studies conducted by the University as part of its Long Range Development Plan. The rates were also based on a student increase of 4,500 students to the year 2020. The DEIR conservatively estimated the increment of wastewater generated between 2020 and 2030 (with an estimated 350 students per year) based on these previous estimates. However, the estimated water demand between 2020 and 2030 was provided by the City Water Department based on review of water use at

the University between 1987 and 2008. This estimated water demand is considered to an accurate, yet conservative estimate, based on historical use. This would result in a lower average wastewater generation of approximately 0.02 mgd between 2020 and 2030. When added to previous UCSC estimates to the year 2020, cumulative wastewater generation from UCSC would be between approximately 0.22 and 0.47 mgd. Thus, the wastewater generation estimate in the DEIR is conservatively high and should not be used to determine water demand between 2020 and 2030, which was based on historical use. The EIR text has been clarified; see the CHANGES TO DRAFT EIR (Chapter 3.0) section of this EIR.

- 13-3 Hotel Projections. The estimate of future buildout based on the draft *General Plan 2030* land uses did not distinguish between types of commercial development, i.e. there was no distinction between retail commercial, regional commercial or visitor-commercial, including hotels. Pending hotel projects were added because the commercial land use projections for the Beach area did not account for these pending projects, which could be developed during the General Plan timeframe. Future hotel use would be concentrated in the Beach and Ocean Street areas. The pending projects in the Beach and lower Pacific areas (see Table 3-4 in the DEIR) account for approximately 75-80% of the estimated new hotel rooms projected in the Beach / South of Laurel Area Plan, and would seem a reasonable level of hotel development for the Beach area within the next 20 years.

Hotel development could also occur along Ocean Street where the new mixed-use designation is applied. The designation is intended to encourage high-quality visitor-serving commercial development along Ocean Street, particularly hotels and motels. However, it also accommodates other multi-story commercial development, such as office buildings. The area where this designation is applied is located near the Water Street intersection, including the site of the existing University Inn. Since the designation would allow for other uses, it would be speculative to try to estimate a number of hotel rooms. Neither the draft General Plan nor the draft Ocean Street Area Plan attempt to estimate hotel units in the Ocean Street area.

The comment also indicates that hotels have different impacts from other commercial uses, such as traffic, and thus, the DEIR should analyze the potential increase in hotel construction possible under the draft General Plan given new mixed use designations and policies that encourage high-end lodging facilities (Comments 13-11 and 13-18). Based on review of two recently approved hotel projects (Fairfield Inn and Hyatt Place), impacts under the commercial square footage measure would result in greater impacts than a hotel as summarized on the table on the next page. The comparison utilizes the trip rates and water demand rates included in the DEIR. Therefore, the commercial square footage used in the DEIR is inclusive of many commercial uses and is a conservative worst-case estimate for the purposes of environmental review.

- 13-4 Golf Club Drive Land Use Intensification. See Response to Comment 13-1.

**Comparison of Impacts
Between Hotels & Commercial Square Footage**

Project	Rooms	Total Square Footage	Impact
Fairfield Inn	86	78,000	
- Trips Per Room (8.92/room)			767 trips
- Trips 1,000 sf commercial (44.93/1,000 sq)			3,505 trips
- Water Demand Per Room (0.034 MGY/room)			2.9 MGY
- Water Demand Per Sq Ft (66 gallons/sf/yr)			5.1 MGY
Hyatt Place	111	76,000	
- Trips Per Room (8.92/room)			990 trips
- Trips 1,000 sf commercial (44.93/1,000 sq)			3,415 trips
- Water Demand Per Room (0.034 MGY/room)			3.8 MGY
- Water Demand Per Sq Ft (66 gallons/sf/yr)			5.0 MGY

- 13-5 Hotel Projections. See Response to Comment 13-3 regarding estimated hotel development. The DEIR reference to 470 visitor-serving rooms as pending and/or approved include the 311 units identified on Table 3-4 (page 3-14) of the DEIR and other hotel rooms in other areas of the City that were pending or approved at the time the DEIR was prepared. Because these hotels were within buildout estimates of commercial square footage, they were not separated out as the hotels in the Beach subarea as explained in Response to Comment 13-3. In addition to the 311 rooms identified in the DEIR, there are currently 242 other hotel rooms in approved projects (Fairfield Inn, Hyatt Place, and a small facility on Ocean Street). The typo reference on Table 3-3 has been corrected; see CHANGES TO DRAFT EIR (Chapter 3.0) of this document.
- 13-6 Local Coastal Plan (LCP). The comment requests that the Final EIR discuss *General Plan 2030* changes to the coastal zone, but does not address analyses in the DEIR. The updated LCP will identify updated and/or changes to policies and land uses in the coastal zone. The *General Plan 2030* does not change land uses in the coastal zone, except for the Swenson property, which currently is not part of the City's certified LCP. The Swenson property is considered a "white hole" by the California Coastal Commission (CCC) since nothing has ever been certified for the site. When the City submits the draft LCP to the CCC, it will ask that the CCC certify the land use designation the same as what is proposed in the *General Plan 2030*.
- 13-7 Zoning Ordinance Amendments. The comment asks whether the Zoning Ordinance needs to be updated to assure consistency with the *General Plan 2030*. The Zoning Ordinance will need to be amended to include the new mixed-use zone districts, as well as in response to some policies that call for a Zoning Ordinance change, such as Action HA2.2.4 that calls for amending the Zoning Ordinance to encourage and allow for the development of arts and cultural facilities in a variety of zoning designations.

- 13-8 Regional Solid Waste Plans. The comment asks whether mandated solid waste plans should be mentioned in the General Plan 2030. The Santa Cruz County Countywide Integrated Waste Management Plan was adopted in 1996. It incorporated the mandatory Source Reduction and Recycling Elements (SRREs) adopted by each city and the county. Periodic reviews and revisions are required on this countywide plan. . The last review was in 2009, which basically found that no significant changes to the Countywide Integrated Waste Management Plan were needed. The next review is due 2014. As discussed on page 4.6-27 of the DEIR, the City has met its mandated solid waste reduction goals. The DEIR text has been expanded to describe the plan and project consistency; see the CHANGES TO DRAFT EIR (Chapter 3.0) of this document.

The City does participate in the Countywide Integrated Solid Waste Task Force, which meets quarterly. One City Council member and a staff member are on the Task Force and each has an alternate. This task force reviews major changes planned by any of the entities, and also jointly works on issues related to solid waste, waste reduction and recycling – like ordinances (plastic bags, polystyrene foam, electronic waste, etc.) and cooperative programs (such as fluorescent bulb take-back at local businesses). There is no formal “regional” solid waste planning at a level above the county at this time.

At a city level, the City is required to prepare an annual report on the City’s compliance with the Integrated Waste Management Act that reviews the City’s progress toward meeting the SRRE goals and objectives, as well as disposal diversion requirements. Currently, CalRecycle reviews the reports every two to four years for compliance, depending on prior compliance status. The City has always been in compliance (Arman, personal communication, February 2012). In addition, the City’s permit to operate the Resource Recovery Facility requires the City to prepare and submit a large Joint Technical Document (JTD) every five years that updates the City’s programs at the Resource Recovery Facility at Dimeo Lane, any changes to operations that are within the scope of the permit, life expectancy of the landfill, and any plans that are on the horizon.

- 13-9 Basis for Estimated General Plan Buildout Estimates. The comment asks for the basis of the buildout estimates for the existing general plan. The methodology for the buildout estimates is described on pages 3-12 and 4.1-17 to 4.1-18 of the DEIR and more fully detailed in Appendix B of the DEIR. See Response to Comment 13-3 regarding potential future hotel development.
- 13-10 Beach/South of Laurel Plan (B/SOL Plan). The comment asks how the B/SOL Plan policies could be certified by the California Coastal Commission, but not be included in the LCP. The adopted B/SOL Plan does not contain policies and the actual plan document is not part of the LCP. A separate set of policies were developed and certified by the Coastal Commission, which are the LCP policies for the area.
- 13-11 Mixed Use Commercial. See Response to Comment 13-2 regarding estimates of hotel rooms.

- 13-12 Prospect Heights Neighborhood Commercial. The comment questions where location and impacts of neighborhood commercial uses within the Prospect Heights neighborhood. The draft General Plan does not add a new neighborhood commercial designation in the Prospect Heights area. City staff indicated that during the GPAC review, this policy was added to encourage neighborhood commercial near Soquel Avenue.
- 13-13 Transit Center Impacts. The comment asks why the DEIR does not analyze potential impacts of a transit center along the rail corridor in the Golf Club Drive area. The referenced Table 4.1-5 identifies potential future development as referenced in the draft General Plan. However, Action LU1.1.5 calls for the “evaluation” of a future rail transit stop in the Area Plan analysis; approval of an Area Plan would be required for high density development in this area as discussed in Response to Comment 13-1. Should the evaluation lead to a future proposal for a transit center, site-specific environmental review would be conducted. As discussed in Response to Comment 13-1, impacts in this EIR have been addressed at a program-level appropriate for a General Plan, and policies and actions provide protection and/or guidance for future development siting. A rail transit center could result in some additional localized traffic, but a transit center in the Golf Club Drive area could result in reduced auto travel in the City's circulation system. It is also noted that the rail line in this area is privately owned at this time.
- 13-14 Incompatible Land Uses. The comment questions the compatibility of higher density residential development planned in the General Plan for the Golf Club Drive area, including a possible transit center, with the nearby Pogonip, its existing and planned uses and traditional agricultural production in the area. City does not consider residential development in and of itself to be incompatible with open space and recreational uses as such uses coexist throughout the City. Higher density development may result in potential aesthetic or noise impacts to adjacent uses, which are addressed in those sections of the DEIR. See Response to Comment 13-13 regarding a potential development of rail transit center in the area. The referenced Golf Club Drive area is not designated for agricultural uses; see also Response to Comments 13-1 and 13-28. The comment also states there are potential incompatibilities along mixed-use corridors with adjacent residential development in terms of height and density, and reference to policies is insufficient. The introduction of potentially incompatible land uses along mixed-used corridors is addressed in the DEIR on pages 4.1-23 and 4.1-24 as well as in the Aesthetics section (pages 4.3-17 to 4.3-19). As discussed on page 4.1-23 of the DEIR, the mixed-use residential densities are similar to existing commercial zoning densities, and the areas where the residential densities are proposed to be higher are located adjacent to areas that are designated commercial and medium-density residential, the latter of which allows a density up to 55 units per acre. Other potential issues of compatibility that relate to mass and height are addressed in the Aesthetics section of the DEIR. As a “program” EIR, it is appropriate to cite the various proposed policies and actions intended to provide project-level guidance for future development. These policies and actions are summarized in the above cited sections. In particular, CD2.14 calls for establishment of development standards in mixed-used corridors as part of a Zoning Ordinance amendment to “ensure that siting, massing and scale of infill and intensified development are sensitive to existing neighborhood districts.” The DEIR recommends adding height standards as well (see page 4.3-19 of the DEIR). Zoning

Ordinance amendments would be subject to future environmental review, as would specific development projects.

- 13-15 Conflicts with Applicable Plans. Table 3-5 (page 3-18) identifies the plans that were specifically adopted as part of the General Plan or LCP, i.e. with a General Plan or LCP amendment. The existing 2005 General Plan includes policy summaries of all adopted plans. All adopted plans will remain in effect, independent of the General Plan, and are “incorporated by reference” in the General Plan 2030, but are not a physical component of the General Plan 2030, unless they were specifically adopted as part of the General Plan. See Response to Comment 13-10 regarding the Beach/South of Laurel Plan.
- 13-16 Beach/South of Laurel Design Guidelines. The comment questions whether the DEIR should have mentioned that the B/SOL Plan guidelines will no longer be in force under the General Plan 2030. As indicated above in Response to Comment 13-15, all adopted plans remain in effect with adoption of the proposed General Plan, and thus, the B/SOL Plan Design Guidelines will continue to be in effect for the area covered by the Design Guidelines.
- 13-17 Scenic Views. The comment suggests that the development in Golf Club Drive, including rail transit center could have an impact to and from Pogonip. Figure 4.3-1 of the DEIR identifies panoramic views from Pogonip, which generally consist of views of Monterey Bay and distant Monterey Peninsula hilltops with panoramic views of the City of Santa Cruz in the foreground. The Golf Club Drive area is largely screened from view by existing tree cover, and where the area is potentially visible from limited trail segments, it is also part of the urban landscape and not part of scenic views of the bay and distant mountains. (See DEIR pages 4.3-3 to 4.3-5 for a discussion of scenic views.) Future development in the area would be subject to preparation of an Area Plan and site-specific environmental review, at which time, the potential impacts of the development scale and massing on the surrounding visual character of the area would be evaluated. The General Plan contains policies and actions to assure that scenic views and resources and visual character of areas are protected as summarized on Table 4.3-1 (pages 4.3-15 and 4.3-16) of the DEIR, which at a programmatic level of analysis serve to mitigate potential aesthetic impacts of future development. The DEIR text has been expanded (Impact 4.3-3) to note potential impacts on the visual character of the surrounding Golf Club Drive area with future development. See the CHANGES TO DRAFT EIR (Chapter 3.0) of this document. See also Response to Comment 13-4 regarding a transit center.
- 13-18 Hotel Development Estimates. See Response to Comment 13-3.
- 13-19 Western/High Intersection. The comment asks whether signalization for the intersection of Western and High is anticipated. The traffic analysis did not assume that this intersection would be signalized, and it was one of the eight identified intersections that would continue to operate at unacceptable levels as discussed in the DEIR. Signalization was not recommended at this intersection because signalization would increase the overall delay at this location. At this time and into the future, the only delay experienced is for the left turn movement from Western Drive onto High Street, and

signalization was not recommended as it would add delay to the major movement on High street in order to serve the minor movement on Western. .

- 13-20 Recommended Revisions to General Plan 2030. The comment asks for the status of the recommended revisions to Policy M3.1.4. All policy and action changes recommended in the EIR will be attached to the Draft Plan that goes to hearing and if adopted will be included in the final printing of the adopted plan. With regards to Policy M3.14, the policy was already included in the draft plan and specifically references regional intersections; the added language provides additional clarification to an existing policy to provide guidance as to when allowing a lower level of service or more congestion at a major regional intersection would be acceptable. The referenced action provides City decision-makers with flexibility to evaluate at a project-level whether or not improvements at “major regional” intersections should be implemented or a lower level of service accepted. Since this would be limited to only major regional intersections where existing development and/or topography may preclude implementation of improvements without a significant cost or impact (i.e., acquisition of existing businesses or residences).
- 13-21 Updated Water Supply Analysis. See Master Response WS-1 regarding the 2010 Urban Water Management Plan update and updated EIR text in the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document. The comment also asks for clarification status of previously developed plans and studies, but does not specifically indicate what parts of the text appear unclear. The discussion on pages 4.5-16 through 4.5-22 describe past water planning efforts and why various water supply alternatives were eliminated from further consideration or recommended for further study.
- 13-22 Parks Classifications. The upper portion of Nearly Lagoon with the tennis court and tot lot is part of the larger Neary Lagoon park, and the City does not separate out facilities from parks. See also Response to Comment 11A-4 and 11C-3. Upon reconsideration, City staff determined that West Cliff Drive is not a neighborhood park and it has been moved to the community park classification on Table 4.6-1. See the CHANGES TO DRAFT EIR (Chapter 3.0) section of this EIR.
- 13-23 School Enrollment Projections. The comment questions school capacity and enrollment numbers on page 4.6-21. The numbers in Table 4.6-2 were provided by the School District in 2011 as part of the preparation of the DEIR and are considered the most current numbers. The numbers cited in the paragraph following this table were taken from older studies (2006) conducted for impact fees. The 2011 date has been added to the citation on the table; see the CHANGES TO DRAFT EIR (Chapter 3.0) section of this document.
- 13-24 Biological Impacts of Development in the Golf Club Drive Area. The comment states the DEIR should include additional biological analysis of the potential impacts of over 200 proposed dwelling units in the Golf Club Drive area. The *General Plan 2030* is a planning document, and the EIR evaluates impacts on a program level, not at a site-specific development level. As indicated on pages 4.8-39, 4.8-40, and 4.8-43 of the DEIR, the draft General Plan includes policies and actions, in addition to other adopted plans, such as the Creeks and Wetlands Management Plan, that call for measures to

protect specific resources, which would be evaluated at the time a specific development project were proposed. Potential biological resources in the Golf Club Drive area are addressed on pages 4.8-38 and 4.8-43 of the Draft EIR.

- 13-25 Air Quality – Particulate Matter. The comment asks how exceedances in the particulate matter plan can be due to sea salt. The referenced citation to particulates from naturally occurring sea salt is taken directly from the Air District's particulate matter study as cited in the DEIR on page 4.11-13. The study as indicates that background PM₁₀ can be expected to consist of naturally occurring aerosols such as sea salt, fugitive dust from wind storms, volcanic dust, small amounts of nitrates and ammonia for decay of naturally occurring organic matter in the soil and smoke from wildfires. It also indicates that at times, background levels can exceed the District's standards as demonstrated by District measurements of sea salt at the coastal stations. Thus, the EIR reports a finding from the documents of the regional agency responsible for air quality management.
- 13-26 Air Quality Management Plan. The comment asks whether it is correct that the estimated buildout under the General Plan 2030 would add 39% more housing units than forecasted by AMBAG. It is correct that the estimated buildout accommodated by the proposed General Plan 2030 would result in development of 3,350 residential units compared to 2,413 units forecast by AMBAG as cited on page 4.11-16. As indicated on page 4.11-17, the increase in housing units estimated under the General Plan is less than the historic average annual rate of housing unit increase within the City. The issue of consistency with the Air Quality Management Plan was reviewed by City and Air District staff in February 2011. As indicated on page 4.11-16, the opportunity for future review and revisions with regional plans was reviewed, and the Air District staff concurred with this approach. As regional plans and population projections are periodically revised and emission levels change, it is appropriate that future plan revisions can incorporate updated population projections.
- 13-27 Exposure to Noise. The commenter believes that elimination of noise standards is a significant impact. Proposed policies and actions (HZ3.2 and HZ3.2.1) call for application of noise compatibility standards as part of review of future development proposals, and thus, the impact would not be considered significant. The DEIR adds the recommendation (see page 4.13-18 of the DEIR) to revise the action to specifically reference the land use-noise compatibility standards table as it is included in the existing General Plan.
- 13-28 Agricultural Uses and Designations in the Golf Club Drive Area. The comment requests information on the agricultural history of the Golf Club Drive area and whether the soil type would qualify as prime agricultural land. CEQA does not require a historical review of the agricultural uses within the City or on a given property. It is acknowledged that small-scale farming operations have occurred in the area in the past. The current standard for review of impacts to agricultural land is the State Farmland Mapping system in which the Golf Club Drive area is not designated as having prime or other agricultural lands. The majority of the soils in the area are designated as Class III in the Soil Conservation Survey for Santa Cruz County (1980);

under this classification, Class I and Class II soils are typically considered prime agricultural soils.

- 13-29 Cumulative Wastewater Generation Impacts. The comment addresses cumulative wastewater generation and water use at UCSC. See Response to Comment 13-2.
- 13-30 Cumulative Impacts Related to Global Climate Change. The comment questions whether GHG emissions in the unincorporated and UCSC areas of the General Plan planning area would exceed significance criteria. As discussed on page 5-12 of the DEIR, development potential within the General Plan planning area outside the City and its existing sphere of influence and without UCSC, is limited. While there may be some residential infill development in the Graham Hill Road area of the County, potential GHG emissions would not likely exceed the per capita significance criteria identified in the DEIR as existing and project levels are below the threshold. As indicated on page 5-21 of the DEIR, addition of UCSC GHG emissions in combination with those identified in the DEIR for the project (and as revised in this document), would not exceed the per capita significance criteria.
- 13-31 Population Growth with UCSC. The comment indicates that future growth in the North Campus area of UCSC could significantly increase the City's projected growth rate above historical levels. As discussed on pages 5-22 through 5-24, this is the conclusion of the DEIR. With UCSC growth and if the North Campus area is annexed to the City, City population growth could average an average annual rate of 1.3% in the year 2030, which is considered a significant cumulative impact to which the project's (General Plan) incremental effect is cumulatively considered as concluded on page 5-24 and summarized on pages 2-5 and 5-3 of the DEIR.
- 13-32 Project Alternatives and Meeting Project Objectives. The comment questions the basis for determining how project objectives are met in the alternatives analysis. The objectives are outlined and numbered on page 5-39 of the DEIR. Each alternative discussion references which objectives are fully or partially met, not met or not relevant with descriptions. The comment does not provide a specific reference to which a more specific response can be made.

Ken Thomas
City of Santa Cruz Planning Department
809 Center Street
Nov. 14, 2011

Re: Draft EIR General Plan 2030

Dear Ken,

Following are several comments on the Draft EIR for the 2030 General Plan:

- 14-1 Section 4.4 Transportation and Traffic recognizes the potential for the location and density of development as well as Transportation Demand Management(TDM) to reduce traffic related impacts such as Vehicle Miles Traveled(VMTs) and Green House Gasses(GHGs) associated with the development anticipated in the 2030 General Plan.

However the anticipated reductions in these impacts expected to result from the proposed General Plan Policies listed in Table 4.4 are not readily apparent in the body of the EIR. Appendix C explains the traffic analysis methodology and the reductions in trip generation that were calculated for 4 factors; Mix of land uses; Presence of local serving retail; Bicycle and pedestrian accessibility and Transit service accessibility.

- 14-2 Table 1 shows the calculation of trip reductions for the 4 Mixed Use Corridors.

It is appropriate that these trip reductions be calculated for the Golf Club Drive Property trip generation analysis as well, if it has not already been done.

Transit service on Hwy 9/River St. is currently within walking distance from Golf Club Drive. Several bus stops are located within a 4 minute walk. Golf Club Drive is located adjacent to the rail line. The General Plan requires that the feasibility of a rail stop will be evaluated as part of an Area Plan.

A new bike path links the property underneath Hwy 1 via the levy to downtown. A new bicycle/pedestrian bridge connects this bike path to the east side of the river. A second bicycle/pedestrian bridge links the Golf Club Drive to the downtown via Coral St. in Harvey west and crosses over the freeway into the Holy Cross Church area on High Street. The rail line currently operates as a significant pedestrian pathway between the Golf Club Drive area, Harvey West and Downtown. It is well traveled.

The Golf Club Drive area is immediately adjacent to Harvey West Industrial Park in which not only a significant number of jobs are located but also Costco and potentially other large retailers on the planned 7 acres site. Shopping along River Street is within biking/walking distance. Downtown can be reached in less than a 10 minute bike ride .

- 14-3 There appears to be no reduction in trips applied to the trip generation numbers attributable to the various TDM policies outlined in Table 4.4-4. This may be appropriate given the uncertainty of such projections. However there is a discernable increase in our community in car sharing and a corresponding reduction in VMTs. Increasing numbers of people are working at home and/or telecommuting.

Currently a small but committed number of people are making a personal choice to minimize, if not eliminate, their auto use through a very intensive and personal form of TDM (Transportation Demand Management). Car “light” and car free developments are being developed throughout the world.

- 14-4 The General Plan and EIR should begin to recognize and establish a regulatory mechanism for individuals and larger developments to voluntarily limit the use of autos. Currently the City Parking Ordinance, Traffic Impact Fees, and Design Guidelines treat all development as if car ownership is intrinsic to residency. Given the reality of our car centric recent past this has been an appropriately conservative approach to avoid potential parking and congestion issues.

However now is the time to devise the appropriate legal measures to ensure that car “light” or car free developments, when voluntarily chosen as deliberate lifestyle options, can be realized in our community. Incentives for this lifestyle should be developed since it benefits the entire community in reduced VMTs, reduced GHG, reduced congestion, etc. Reductions in parking requirements; reductions in Traffic Impact Fees, broadening the definitions of offsite parking to include “remote” parking; reductions in required parking for car sharing and density bonuses for permanent, enforceable commitments for reduced car ownership are examples of such incentives which should be considered. Such incentives could substantially decrease the amount of traffic and other related impacts that are projected in the EIR.

- 14-4 The EIR and General Plan recognize the importance and value of increasing densities along the major east/west corridors. Several years ago a study was conducted by a consulting architect to evaluate the design constraints/opportunities/ potential to achieve these densities. The most significant conclusion was that parking for the numerous small parcels along these corridors needs to be consolidated in communal parking structures. Absent the development of parking structures the required parking for the increased density cannot be accommodated on the individual parcels. The City needs to explore the formation of parking districts or other financing mechanisms to facilitate the development of public parking structures on these east-west corridors. The establishment of public parking facilities combined with a reevaluation of parking requirements and the option for car free or car “light” development may make the increased densities along the corridors proposed in the General Plan a realistic possibility.

Thanks for considering these comments.

John Swift
500 Chestnut St.
Santa Cruz, Ca. 95060
459-9992

LETTER 14 – JOHN SWIFT

- 14-1 Trip Reduction Resulting from General Plan Policies. The comment questions how development intensity and transportation demand management measures outlined in Table 4.4-4 have been factored into the impact analysis. Specific trip reduction factors and trip rates incorporated into the traffic model for the EIR analysis are described in Appendix C. The DEIR acknowledges that implementation of policies and actions to reduce vehicle trips could result in further reduction of intersection impacts, but other than the above trip reduction factors, the reduction in intersection impacts have not been quantified in the EIR. For impacts at intersections where acceptable levels of service cannot be achieved with improvements, the DEIR concluded that the impact is significant and unavoidable.
- 14-2 Trip Reduction in Golf Club Drive Area. The comment indicates that trip reductions used for the mixed-use corridors should be applied to the Golf Club Drive area. The mixed use corridor analysis procedures are applied in central areas of the City with significant transit, and local retail options. The cited area is at the outskirts of the City, has very limited hourly transit service, low pedestrian and bicycle accessibility relative to the areas analyzed, and limited local retail service likelihood. At such time as a rail station may be developed in this area, trip generation estimates could be reduced based on the prevailing conditions. At this time a more realistic worst case scenario has been described to avoid underestimating potential traffic impacts. The EIR has identified a realistic worst case scenario for traffic impacts to avoid underestimating the impacts.
- 14-3 Trip Reduction. See Response to Comment 14-1.
- 14-4 Limit Use of Autos. The comment indicates that the General Plan and EIR should establish a regulatory mechanism to voluntarily limit use of autos. The comment is noted, but does not address analyses in the DEIR, and no response is necessary.
- 14-5 Parking. The comment suggest that the City explore formation of parking districts to facilitate development of public parking structures along major corridors to consolidate parking for higher density development on numerous smaller parcels. The comment is noted and referred to the City staff and decision-makers, but does not address analyses contained in the DEIR, and no further response is necessary.