

## APPENDIX B

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### Scoping Comments with Summary of Comments

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# County of Santa Cruz Sustainability Update EIR – Summary of Comments on Notice of Preparation

Committer and Comment	Project Description – General Plan	Project Description - Santa Cruz County Code (SCCC)	Aesthetics	Air Quality and Greenhouse Gas Emissions	Biological Resources	Cultural Resources	Hydrology and Water Quality	Growth-Population	Noise	Public Services	Transportation	Utilities and Energy Conservation	Wildfire	Alternatives	Other	Where Addressed in DEIR (Chapter)	NOTES
	<b>County of Santa Cruz Office of the Agricultural Commissioner Mosquito and Vector Control</b>																
• Mosquito breeding-nuisance created by development is a significant impact that requires mitigation.															✓	N/A	Not an issue to be analyzed under CEQA.
• Amend SCCD Chapter 7.36 to change from fly to vector control.		✓														N/A	Questions and comments are not related to the Project and do not address EIR scope of work.
<b>California Department of Fish and Wildlife (CDFW)</b>																	
• CDFW is trustee agency under state law.															✓	4.4	
• ARTIFICIAL LIGHTING: Project could increase artificial lighting, which has potential to adversely affect biological resources.			✓		✓											4.4	
• EXTERIOR WINDOWS: Exterior window glass could result in bird collisions.					✓											4.4	
• STREAM HYDROMODIFICATION: Project could increase impervious surfaces and stormwater systems have potential to significantly affect fish and wildlife resources by altering stream flow patterns. It is recommended that storm runoff be dispersed as sheet flow rather than discharged at outfalls and permeable surfaces be incorporated.					✓		✓									4.10	
• FULLY PROTECTED SPECIES: Santa Cruz long-toed salamander is “fully protected species” under state law; CDFW cannot issue permit for take of fully protected species.					✓											4.4	
• SPECIAL STATUS SPECIES SURVEYS: Project has potential to develop, construct and impact areas within and adjacent to special-status species habitat requiring mitigation. Comment recommends special-status surveys and avoidance measures.					✓											4.4	
• NESTING BIRDS: Project implementation could result in disturbance to nesting birds. Comment recommends nesting bird surveys and nesting bird buffers.					✓											4.4	
• Comment identifies regulatory requirements under California Endangered Species Act and Lake and Streambed Alteration Program.					✓											4.4	
<b>California Department of Transportation (Caltrans)</b>																	
• Caltrans supports local development that is consistent with State policies to promote smart growth principles, such as pedestrian, bicycle and transit infrastructure or other Transportation Demand strategies.											✓					4.15	

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<b>Committer and Comment</b>																	
• Regarding potential overcrossings on State Route 1, any encroachment in the State's right-of-way will require a permit from Caltrans. Caltrans oversight for project review and approval may be more appropriate.											✓					4.15	
• Effective July 2020, Caltrans will replace vehicle level of service (LOS) with vehicle miles traveled (VMT) as the primary metric for identifying transportation impacts.											✓					4.15	
<b>California Native American Heritage Commission (NAHC)</b>																	
• NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the project and recommends County consult legal counsel about compliance with AB 52 and SB 18, which have consultation requirements.						✓										4.5	
• NAHC provides recommendations for cultural resources assessments.						✓										4.5	
<b>Douglas Deitch</b>																	
• Commenter questions COVID-19 contamination in groundwater injection projects like Pure Water Soquel and provides a web link to a University of California Riverside story.												✓				N/A	Questions and comments are not related to the Project and do not address EIR scope of work.
• Commenter asks that his SGMA comments be reviewed and provides a web link to a news article.															✓	N/A	Comment is not related to the Project and does not address EIR scope of work.
• Commenter states concern on sea level rise, references an existing recycled water project in Castroville in Monterey County and provides a web link to the commenter's Facebook page. (Reference appears to be to the Castroville Seawater Intrusion Project operated by Monterey One Water that provides treated wastewater for agricultural irrigation in the Castroville area.) Commenter asks that EIR address commenter's suggestion that 12,000 acres of agricultural land between Elkhorn Slough and Manresa Beach should be purchased and left fallow to stop agricultural pumping and protect Pajaro Valley from seawater intrusion.							✓								✓	4.10	
• If sea levels rise by six feet this century, local rivers will become contaminated with salt and California's main fresh water source will be lost.							✓									N/A	Questions and comments do not address EIR scope of work.
<b>Vivian Fenner-Evans</b>																	
• TRAFFIC: Traffic is congested along Porter/Old San Jose Road and Soquel Avenue.											✓					4.15	
• ZONING CHANGE: Commenter asks if property at the corner of Soquel Avenue/41st Avenue will be changed back to C-4 from C-2 as owner is selling property.		✓														3	
• NEW CONSTRUCTION: Comment asks about requirements for new construction to include solar power and achieve zero carbon emissions.		✓										✓				4.8	

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Commenter and Comment																	
• NOISE: Commenter asks of noise impact to residents of Soquel Highlands if another business such as a car dealership moved into the corner of 41 <sup>st</sup> Avenue and Soquel.									✓							4.12	
<b>Richard James</b>																	
• Commenter applauds County's update efforts and thanks County for extending NOP response period.															✓	N/A	
• SIGNIFICANCE THRESHOLDS: EIR should establish significance thresholds for later projects especially related to greenhouse gas emissions and transportation.				✓							✓				✓	4.8, 4.15	
• ALTERNATIVES: EIR should have robust Alternatives section with focus on major policy direction, such as growth rate, location of new or more intense population density, limitations regarding water supply, and east-west transportation options.														✓		6	
• The EIR should be independent of prior studies, such as Regional Transportation Commission studies regarding east-west transportation, and prepare independent research and analysis.											✓					N/A	
• ANALYSIS OF POLICY OPTIONS: The EIR should present a separate analysis for each potential policy.															✓	4	Each section in Chapter 4 summarizes policy and regulatory changes and assesses impacts at a program level based on the thresholds of significance identified for each topic.
<b>Lisa Sheridan</b>																	
• WALKABLE COMMUNITY BETWEEN 41 <sup>ST</sup> AND DOMINICAN HOSPITAL: Commenter asks questions about mixed-use commercial businesses along the Soquel corridor, markets, services, gathering places and improvements for a walkable community and states that Soquel Drive between Robertson Road and 41 <sup>st</sup> Avenue lacks a sidewalk.															✓	N/A	Questions and comments do not address EIR scope of work.
• BUSES: Commenter asks questions about expanding bus service along Soquel corridor and Old San Jose Road and asks what means are available to force school districts to change school schedules.															✓	N/A	Questions and comments do not address EIR scope of work.
• Commenter asks what the best zoning would be from corner of 41 <sup>st</sup> Avenue and Soquel Drive that was changed to C-4.															✓	N/A	Questions and comments do not address EIR scope of work.
• Regarding a reference in the Soquel Village Plan, the commenter asks how a traffic light at Wharf Road would impact Village businesses and character of the "town".															✓	N/A	Questions and comments do not address EIR scope of work.
• The Sustainable Plan references the need to re-design box stores at 41 <sup>st</sup> Avenue and Soquel so that parking lots would be in the rear, allowing for easier access from bus stops, and asks what means can be included in the EIR to hold elected officials to this concept.															✓	N/A	Questions and comments do not address EIR scope of work.
• Comment suggests that an architectural design/review element be included in the General Plan.	✓		✓													4.1	

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<b>Commenter and Comment</b>																	
• TRANSPORTATION: Commenter states that there are no bike lanes with barriers along Soquel Drive and asks that questions about number of users if protected bike lanes were provided.											✓					N/A	Questions and comments do not address EIR scope of work.
• Commenter asks if a new traffic study will be provided with reference to the Nissan traffic study. Commenter asks how many people in the Soquel mountains would use a train and benefit from more buses and questions the impact on traffic if smaller buses were added to mountain roads. Commenter also asks about the 41 <sup>st</sup> Avenue/Soquel Drive intersection to make it more walkable.											✓					N/A	Questions and comments do not address EIR scope of work.
• NOISE AND LIGHT: Commenter states that noise is significant from Anna Jean Cummings Park and asks of the impacts to wildlife and humans from noise and lights from buildings.			✓						✓							4.1 4.8 4.12	Comment does not address EIR scope of work, and no changes to Anna Jean Cummings Park is proposed as part of the project. Noise, lighting, and biological resource impacts resulting from the project are addressed in the noted sections.
• Commenter asks what new standards can be incorporated into building requirements to ensure solar panels are used in new commercial developments for energy efficiency and greenhouse gas reduction.		✓		✓								✓				N/A	Questions and comments do not address EIR scope of work.
• Comment states concern about bird collisions into reflective glass and building standards to prevent bird collisions are being incorporated in major cities.		✓			✓											4.4	
• WATER: Comment asks what incentives can be added to county code to make rain cisterns and grey water systems easier to purchase and install.		✓										✓				N/A	Questions and comments do not address EIR scope of work.
• FIRE: Comment asks what building code incentives can be given to home builders to provide fire safe building material.		✓								✓		✓				N/A	Questions and comments do not address EIR scope of work.
• TREES: Comment states that County does have a heritage tree ordinance and asked that the benefits of large trees be discussed.		✓			✓											N/A	Questions and comments do not address EIR scope of work.
• UNDERGROUND UTILITIES: Comment asks what the economic and environmental benefits of providing underground utilities.		✓													✓	N/A	Questions and comments do not address EIR scope of work.
<b>Becky Steinbruner</b>																	
• Commenter requests a 30-day extension to the NOP comment period and request that all County Commissions be asked to submit comments on the NOP.															✓	2	
• CEQA analysis should address fire impacts and impacts to rural roads from allowing increased commercial uses in rural residential areas. The EIR should update the Fire Risk Assessment maps and include addition of LRAD early warning system in the rural areas of the County for better emergency notification.								✓		✓	✓		✓			4.17	

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Commenter and Comment																	
• CEQA analysis should address impacts of loss of historic resources and need for County to enact the Mills Act to encourage historic preservation and create historic districts as well as preservation of the historic Redman-Hirahara house and farm for sustainable farm practices and urban agricultural conferences. The EIR should analyze the benefit of supporting preservation of historic neighborhoods and structures.						✓										4.5	
• CEQA analysis should address impacts of water use and encourage use of recycled water in parks, athletic fields, medians and greenway buffers.												✓				4.16	
• CEQA analysis should address loss of heritage trees and strengthen heritage tree protections.					✓											4.4	
• CEQA analysis should encourage inclusion of community garden spaces wherever possible.															✓	N/A	
• The Planning Department website provides inaccurate information about the public comment period.															✓	2	
• The EIR analysis should be presented in separate topics that can be evaluated “singly” and approved or rejected independent of other topics.															✓	N/A	CEQA requires analysis of the whole of a proposed action, and the EIR must be reviewed and certified in its entirety.
• The EIR should not evaluate traffic impacts until after the COVID-19 crisis is resolved to capture and analyze meaningful data.											✓					4.15	
• As part of the Alternatives analysis, the EIR should include shifting dense residential and mixed-use developed closer to the railroad corridor.														✓		6	
• The EIR should prioritize connecting the Watsonville area with the rest of the County by using a rapid and inexpensive mode of mass transit.											✓					N/A	Questions and comments do not address EIR scope of work
• The EIR should include a robust system of protected or separate bike lanes or paths throughout the County.											✓					N/A	Questions and comments do not address EIR scope of work
• The EIR should analyze impacts of increased stormwater runoff due to increased buildout of undeveloped parcels.							✓									4.10	
• The EIR should analyze the benefit of requiring code updates to require double-plumbing in all new construction to promote water conservation.		✓														N/A	
• The EIR should analyze and identify prime groundwater recharge areas of the County as identified by the “Recharge Initiative” to create groundwater recharge and stormwater runoff remediation areas throughout the County.							✓									4.10	
• The EIR should analyze incorporating small power-generating micro-grid projects and identify key areas for this.												✓				N/A	

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Commenter and Comment																	
• The EIR should analyze and require Native American observers be included in crews when any ground disturbance is planned in areas known or suspected of having archaeological importance.						✓										4.5	
• The EIR should examine the issue of micro-cell wireless communication facilities in residential neighborhoods and provide an alternatives analysis of buried fiber optic cable.															✓	N/A	
• The EIR should analyze restricting building height to no more than three stories for solar benefit.			✓									✓				N/A	
<b>Scoping Meeting</b>																	
• Concern was expressed that public didn't know about the meeting, and commenter requested that another meeting be held and that the comment period be extended.															✓	2	
• Alternatives should look at development along rail corridor instead of along transportation corridors and that people are reluctant to use public transportation, but may use alternative transportation along rail corridor.														✓		6	
• Transportation and water infrastructure should be reviewed.											✓	✓				4.15, 4.16	
• AMBAG growth projections do not always line up with the County's numbers. Commenter asked how "quality of life" would be analyzed with development.								✓							✓	4.13	
• Commenter asked about use of the program EIR for later projects.															✓	2	
• There is noise for residents adjacent to winery tasting rooms.															✓	N/A	
• Water and sewer are not mentioned.												✓				4.16	
• Concern was expressed for wildlife and that the public does not know the full scope of the EIR.					✓										✓	4.4	
• Commenter asked about growth rates, AMBAG growth projections and whether UC Santa Cruz growth is counted.								✓								4.13	
• Code modernization has been piecemeal, the permitting process is faster, and event centers, wineries and breweries in rural areas should not be allowed; impacts to roads and from noise should be analyzed.		✓							✓		✓					3, 4.12, 4.15	
• Commenter would like to see careful attention to updating the County's historic resources preservation code and enact the Mills Act.						✓										3, 4.5	
• Need to pay attention to energy use even though Monterey Bay Community Power says it is 100% green; energy demand and use should be looked at.												✓				4.6	
• Height restrictions for wireless cell facilities should be addressed.			✓													N/A	
• Public meetings need to be better noticed with information on the County's website.															✓	N/A	



# County of Santa Cruz

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**Office of the Agricultural Commissioner  
Mosquito and Vector Control CSA 53**

640 Capitola Road, Santa Cruz, California 95062  
(831) 454-2590 Fax (831) 464-9161 Internet [www.agdept.com](http://www.agdept.com)  
Juan Hidalgo, Agricultural Commissioner Paul L. Binding, Manager

August 21, 2020

**Subject:** Comments on Santa Cruz County's Sustainability Policy and Regulatory Update of the County's General Plan/Local Coastal Program (LCP) and County Code

Thank you for the opportunity to comment on this project. Santa Cruz County Mosquito Abatement and Vector Control (MAVC) is charged with the control and abatement of mosquitoes and their sources County-wide, and control of other vectors of public health significance including flies, rodents and any other animals, insects, or other arthropods that may present a danger to public health. MAVC investigates properties for practices and conditions that may lead to the production of mosquitoes and other vectors, and works with residents and business owners to correct these situations, which typically involve water and pond management, neglected swimming pools and containers, and unsanitary conditions that may produce rodent and fly infestations along with their associated parasites and pathogens.

Mosquito breeding and standing water created by any development or activity are significant impacts that require mitigation and may potentially invoke abatement through nuisance violation of the CA Health & Safety Code (Division 3, Chapter 1, Section 2000 *et al.*). Periodic maintenance should be required of the landowner, for example, to manage over-growth of vegetation in storm water structures that may reduce the effectiveness of mosquito control efforts. Developments or activities that create the production rodents, flies, or other vectors of public health significance should likewise hold the landowner accountable for their correction and maintenance.

Regarding needed updates to the County Code to protect public health and safety; there is a "Fly Ordinance" but no mention of mosquitoes, rodents, and other 'vectors of public health significance'. In our experience this limited our Environmental Health and County Code Enforcement departments in their ability to help us in abating mosquito breeding situations where the owner is non-responsive.

We would like to propose an amendment to Chapter 7.36 of the County Code: Fly Control – Ordinance 5324 according to the attached document to replace the title word "Fly" with "Vector" where "A vector, for the purpose of this provision, is any insect or arthropod, rodent or other animal of public health significance capable of harboring or transmitting the causative agents of human disease, or capable of causing human discomfort or injury." MAVC may remain an advisory agency and we believe that the existence of County Codes on Vector Control would greatly

improve public cooperation with our agency and would ultimately help to ensure public health and safety now and in the future in our County.

For more information please contact Nader Sidhom or Paul Binding at (831) 454-2590. Thank you in advance for your consideration and continued cooperation.

Sincerely,

*Paul L Binding*

Manager

Santa Cruz County Mosquito Abatement / Vector Control

(831)454-2590

[www.agdept.com/mvc.html](http://www.agdept.com/mvc.html)

**ORDINANCE NO.**

**ORDINANCE AMENDING SECTIONS CHAPTER 7.36  
OF THE SANTA CRUZ COUNTY CODE RELATING TO THE  
CONTROL AND ABATEMENT OF VECTORS OF PUBLIC HEALTH SIGNIFICANCE**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

**SECTION I**

Chapter 7.36 of the Santa Cruz County Code is hereby amended to read as follows:

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**Chapter 7.36  
FLY-VECTOR CONTROL Amended [Ord. 5324](#)**

Sections:

**7.36.010 Purpose of provisions.**

**7.36.020 Permitting fly-Vector production prohibited.**

**7.36.030 Administration and surveys.** Amended [Ord. 5324](#)

**7.36.040 Investigation—Right of entry.** Amended [Ord. 5324](#)

**7.36.050 Abatement of nuisances.** Amended [Ord. 5324](#)

**7.36.010 Purpose of provisions.**

The purpose of this chapter is to provide for the investigation, continuing regulation and abatement of conditions in the unincorporated territory of the County productive of rodents, mosquitoes, flies, and other vectors which constitute a hazard to the public health, safety and welfare. A vector, for the purpose of this provision, is any insect or arthropod, rodent or other animal of public health significance capable of harboring or transmitting the causative agents of human disease, or capable of causing human discomfort or injury. In the administration and enforcement of this chapter, factors of population density and zoning ordinances will be taken into account. [Ord. 2025, 1974; Ord. 1242, 1967; prior code § 11.25.010].

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**7.36.020 Permitting vector fly production prohibited.**

No person owning or possessing any land, dwelling or industrial, commercial or business premises or structure shall allow or permit any condition, process or operation whereby there is created or permitted to continue the production of vectors of flies or fly larvae or pupae in such manner or quantity as to endanger the health or interfere with the comfort of persons occupying property in the neighborhood. [Ord. 2025, 1974; Ord. 1242, 1967; prior code § 11.25.020].

**7.36.030 Administration and surveys. Amended [Ord. 5324](#)**

The County Health Officer shall be responsible for the administration of this chapter, and shall conduct such area surveys as are appropriate. The term "County Health Officer," as used in this chapter, shall include any employee of the Health Services Agency of the County to whom any of the duties of the County Health Officer have been delegated under this chapter. [Ord. 2025, 1974; Ord. 1242, 1967; prior code § 11.25.030].

**7.36.040 Investigation—Right of entry. Amended [Ord. 5324](#)**

The County Health Officer may, upon reasonable cause to believe a violation of this chapter exists, investigate conditions productive of of flies, fly larvae, or pupae vectors. The County Health Officer shall have the power, while acting in the performance of his or her duty, to enter such building or premises at all reasonable times to inspect the same; provided, that if such building or premises be occupied, he or she shall first present proper credentials and request entry; and if such building or premises be unoccupied, the County Health Officer shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the County Health Officer shall have recourse to every remedy provided by law to secure entry. When the Health Officer shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Health Officer for the purpose of inspection. [Ord. 3620 § 35, 1985; Ord. 2025, 1974; Ord. 1242, 1967; prior code § 11.25.040].

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**7.36.050 Abatement of nuisances. Amended [Ord. 5324](#)**

In the event that the County Health Officer determines that a violation of the provisions of this chapter exists, he or she may abate any condition resulting therefrom as a nuisance in accordance with the provisions of Chapter [1.14](#) SCCC. [Ord. 2025, 1974; Ord. 1242, 1967; prior code § 11.25.050].

This ordinance shall take effect on the 31<sup>st</sup> day after the date of final passage.

PASSED AND ADOPTED this        day of        , 2009, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES:        SUPERVISORS  
NOES:        SUPERVISORS  
ABSENT:     SUPERVISORS  
ABSTAIN:    SUPERVISORS

Attest:

Clerk of the Board

Chairman of the Board of Supervisors

Approved as to form:

Assistant County Counsel

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

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



July 21, 2020

Ms. Stephanie Hansen, AICP  
Principal Planner  
Santa Cruz County Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060  
[CEQA-NEPA@santacruzcounty.us](mailto:CEQA-NEPA@santacruzcounty.us)

**Subject:** Sustainability Policy and Regulatory Update, Notice of Preparation,  
SCH No. 2020079005, Santa Cruz County

Dear Ms. Hansen:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) prepared by the County of Santa Cruz (County) for the Sustainability Policy and Regulatory Update (Project) located in Santa Cruz County. CDFW is submitting comments on the NOP regarding potentially significant impacts to biological resources associated with the Project.

### **CDFW ROLE**

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources (e.g., biological resources). CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

### **PROJECT DESCRIPTION**

The Project will update the County of Santa Cruz's 1994 Sustainability Policy and Regulatory Update of the County's General Plan/Local Coastal Program (LCP) and County Code to define a more sustainable growth pattern for the future. The Project will update goals, objectives, policies, and implementation strategies, as well as update County Code.

Ms. Stephanie Hansen  
Santa Cruz County Planning Department  
July 21, 2020  
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## COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on biological resources.

### COMMENT 1: Artificial Lighting

**Issue:** The Project could increase artificial lighting. Artificial lighting often results in light pollution, which has the potential to significantly and adversely affect biological resources.

**Evidence the impact would be significant:** Night lighting can disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication (e.g., bird song; Miller 2006, determining when to begin foraging (Stone et al. 2009), behavior thermoregulation (Beiswenger 1977), and migration (Longcore and Rich 2004). Aquatic species can also be affected, for example, salmonids migration can be slowed or stopped by the presence of artificial lighting (Tabor et al. 2004. Nightingale et al. 2006).

**Recommendations to minimize significant impacts:** CDFW recommends eliminating all non-essential artificial lighting. If artificial lighting is necessary, CDFW recommends avoiding or limiting the use of artificial lights during the hours of dawn and dusk, when many wildlife species are most active. CDFW also recommends that outdoor lighting be shielded, cast downward, and does not spill over onto other properties or upwards into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>).

### COMMENT 2: Exterior Windows

**Issue:** The glass used for exterior building windows could result in bird collisions, which can cause bird injury and mortality.

**Evidence the impact would be significant:** Birds, typically, do not see clear or reflective glass, and can collide with glass (e.g., windows) that reflect surrounding landscape and/or habitat features (Klem and Saenger 2013, Sheppard 2019). When birds collide with glass, they can be injured or killed. In the United States, the estimated annual bird mortality is between 365-988 million birds (Loss et al. 2014).

**Recommendations to minimize significant impacts:** CDFW recommends incorporating visual signals or cues to exterior windows to prevent bird collisions. Visual signals or cues include, but are not limited to, patterns to break up reflective areas, external window films and coverings, ultraviolet patterned glass, and screens. For best practices on how to reduce bird collisions with windows, please go to the United States

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Fish and Wildlife Service's website for Buildings and Glass  
(<https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds/collisions/buildings-and-glass.php>).

### **COMMENT 3: Stream Hydromodification**

**Issue:** The Project could increase impervious surfaces within the Project area. Impervious surfaces, stormwater systems, and storm drain outfalls have the potential to significantly affect fish and wildlife resources by altering runoff hydrograph and natural streamflow patterns.

**Evidence the impact would be significant:** Urbanization (e.g., impervious surfaces, stormwater systems, storm drain outfalls) can modify natural streamflow patterns by increasing the magnitude and frequency of high flow events and storm flows (Hollis 1975, Konrad and Booth 2005).

**Recommendations to minimize significant impacts:** CDFW recommends that storm runoff be dispersed as sheet flow through the property rather than funneled to stormwater outfalls. CDFW also recommends incorporating permeable surfaces throughout the Project area to allow stormwater to percolate in the ground and prevent stream hydromodification.

### **COMMENT 4: Santa Cruz Long-toed Salamander**

**Issue:** Occurrences of State fully protected species, Santa Cruz long-toed salamander (SCLTS), are located within the Project area. CDFW is unable to issue permits for take of fully protected species, which includes take during species-specific surveys, unless they are conducted for scientific purposes pursuant to Fish and Game Code Section 2081(a) or a project has an approved Natural Communities Conservation Plan pursuant to Fish and Game Code Section 2800. Take, as defined by Fish and Game Code § 86 is to "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Without appropriate mitigation measures, the project has the potential to significantly impact SCLTS.

**Evidence impact would be significant:** The Project has the potential to develop, construct, and impact areas within and adjacent to SCLTS habitat. The Project may result in take of SCLTS by collapse of small mammal burrows, inadvertent entrapment, loss of habitat, water quality impacts to breeding sites, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

**Recommended Potentially Feasible Mitigation Measure:** To avoid potential impacts to SCLTS, CDFW recommends incorporating the following mitigation measures into the Project's EIR, and that these measures be made conditions of approval for the Project.

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*Recommended Mitigation Measure 1: SCLTS Full Avoidance*

CDFW recommends that the Project fully avoid impacts to SCLTS. For assistance with avoiding SCLTS, please contact CDFW.

**COMMENT 5: Special-Status Species Surveys**

**Issue:** Special-status species are known to occur within the Project Area.

**Evidence the impact would be significant:** The Project has the potential to develop, construct, and impact areas within and adjacent to special-status species habitat. The Project may impact special-status species by collapsing small mammal burrows, inadvertent entrapment, loss of habitat, water quality impacts to breeding sites, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

**Recommended Potentially Feasible Mitigation Measures:** To evaluate and avoid potential impacts to special-status species, CDFW recommends incorporating the following mitigation measures into the EIR prepared for this Project, and that these measures be made conditions of approval for the Project.

*Recommended Mitigation Measure 2: Special-Status Species Surveys*

CDFW recommends that before Project implementation, special-status species surveys be conducted for species that have the potential to occur or will be impacted by Project implementation. CDFW recommends, if available, using established species survey protocols. Survey and monitoring protocols and guidelines are available at: <https://wildlife.ca.gov/Conservation/Survey-Protocols>.

*Recommended Mitigation Measure 3: Special-Status Species Avoidance*

CDFW recommends special-status species be avoided whenever possible. For special-status plants, CDFW recommends delineation and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. For wildlife species, CDFW recommends that a qualified wildlife biologist be on-site during Project implementation to ensure that special-status species are not impacted by the Project.

*Recommended Mitigation Measure 4: State-listed Species Take Authorization*

If a State-listed species or State rare plant are identified during special-status species surveys, and the Project cannot avoid take of the species, acquisition of an Incidental Take Permit (ITP) or a Native Plant Protection Act ITP issued by CDFW Pursuant to Fish and Game Code Sections 2081(b) and/or Section 1900 et seq is necessary to comply with CESA and the Native Plant Protection Act.

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## **COMMENT 6: Nesting Birds**

**Issue:** Project implementation could result in disturbance of nesting birds.

**Evidence the impact would be significant:** Noise can impact bird behavior by masking signals used for bird communication, mating, and hunting (Bottalico et al. 2015). Birds hearing can also be damaged from noise and impair the ability of birds to find or attract a mate and prevent parents from hearing calling young (Ortega 2012).

**Recommendations to minimize significant impacts:** If ground-disturbing or vegetation-disturbing activities occur during the bird breeding season (February through early-September), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of Fish and Game Codes.

**Recommended Potentially Feasible Mitigation Measures:** To evaluate and avoid potential impacts to nesting birds, CDFW recommends incorporating the following mitigation measures into the EIR prepared for this Project, and that these measures be made conditions of approval for the Project.

### *Recommended Mitigation Measure 5: Nesting Bird Surveys*

CDFW recommends that a qualified avian biologist conduct pre-Project activity nesting bird surveys no more than seven (7) days prior to the start of ground or vegetation disturbance, and every 14 days during Project activities to maximize the probability that nests are detected. CDFW recommends that nesting bird surveys cover a sufficient area around the Project area to identify nests and determine their status. A sufficient area means any area potentially affected by the Project.

During nesting bird surveys, CDFW recommends that a qualified avian biologist establish behavioral baseline of all identified nests. During Project activities, CDFW recommends having the qualified avian biologist continuously monitor nests to detect behavioral changes resulting from Project activities. If behavioral changes occur, CDFW recommends stopping the activity, that is causing the behavioral change, and consulting with a qualified avian biologist on additional avoidance and minimization measures.

### *Recommended Mitigation Measure 6: Nesting Bird Buffers*

During Project activities, if continuous monitoring of nests by a qualified avian biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 1,000-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified avian biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological

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reason to do so, such as when the Project area would be concealed from a nest site by topography. CDFW recommends that a qualified avian biologist advise and support any variance from these buffers.

## **REGULATORY REQUIREMENTS**

### **California Endangered Species Act**

Please be advised that a CESA Permit must be obtained if the Project has the potential to result in “take” of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (CEQA section 21001(c), 21083, and CEQA Guidelines section 15380, 15064, 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency’s FOC does not eliminate the Project proponent’s obligation to comply with Fish and Game Code section 2080.

### **Lake and Streambed Alteration (LSA) Program**

Notification is required, pursuant to CDFW’s LSA Program (Fish and Game Code section 1600 et. seq.) for any Project-related activities that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA (Public Resources Code section 21000 et seq.) as the responsible agency.

### **FILING FEES**

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code section 711.4; Pub. Resources Code, section 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

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Santa Cruz County Planning Department  
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Thank you for the opportunity to comment on the Project's NOP. If you have any questions regarding this letter or for further coordination with CDFW, please contact Ms. Monica Oey, Environmental Scientist, at (707) 428-2088 or [Monica.Oey@wildlife.ca.gov](mailto:Monica.Oey@wildlife.ca.gov); or Ms. Randi Adair, Senior Environmental Scientist (Supervisory), at [Randi.Adair@wildlife.ca.gov](mailto:Randi.Adair@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
BE74D4C93C604EA...  
Gregg Erickson  
Regional Manager  
Bay Delta Region

ec: State Clearinghouse

## REFERENCES

- Beiswenger, R. E. 1977. Diet patterns of aggregative behavior in tadpoles of *Bufo americanus*, in relation to light and temperature. *Ecology* 58:98–108.
- Bottalico, Pasquale & Spoglianti, Dorina & Bertetti, Carlo & Falossi, Marco. 2015. Effect of noise generated by construction sites on birds, paper presented at Internoise 2015, International Congress and Exposition on Noise Control Engineering.
- Hollis, G. 1975. The effect of urbanization on floods of different recurrence interval. *Water Resources Research* 11:431-435.
- Klem, D. and P. G. Saenger. 2013. Evaluating the Effectiveness of Select Visual Signals to Prevent Bird-window Collisions. *The Wilson Journal of Ornithology* 125(2):406-411.
- Konrad, C.P. and D.B. Booth. 2005. Hydrologic changes in urban streams and their ecological significance, paper presented at American Fisheries Society Symposium, American Fisheries Society.
- Longcore, T., and C. Rich. 2004. Ecological light pollution - Review. *Frontiers in Ecology and the Environment* 2:191–198.
- Loss, S.R., T. Will, S.S. Loss, and P.P. Marra. 2014. Bird-building collisions in the United States: estimates of annual mortality and species vulnerability. *Condor* 116: 8-23.
- Miller, M. W. 2006. Apparent effects of light pollution on singing behavior of American robins. *The Condor* 108:130–139.

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Ortega, C. P. 2012. Chapter 2: Effects of noise pollution on birds: A brief review of our knowledge. *Ornithological Monographs* 47: 6-22.

Sheppard, C. D. 2019. Evaluating the relative effectiveness of patterns on glass as deterrents of bird collisions with glass. *Global Ecology and Conservation* 20:e00795.

Stone, E. L., G. Jones, and S. Harris. 2009. Street lighting disturbs commuting bats. *Current Biology* 19:1123–1127. Elsevier Ltd.

Tabor, R. A., G. S. Brown, and V. T. Luiting. 2004. The effect of light intensity on sockeye salmon fry migratory behavior and predation by cottids in the Cedar River, Washington. *North American Journal of Fisheries Management* 24:128–145.

**DEPARTMENT OF TRANSPORTATION**

CALTRANS DISTRICT 5  
50 HIGUERA STREET  
SAN LUIS OBISPO, CA 93401-5415  
PHONE (805) 549-3101  
FAX (805) 549-3329  
TTY 711  
[www.dot.ca.gov/dist05/](http://www.dot.ca.gov/dist05/)



*Making Conservation  
a California Way of Life.*

July 20, 2020

SCr/VAR  
SCH#2020079005

Stephanie Hansen  
Principal Planner  
County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060

Dear Ms. Hansen:

**COMMENTS FOR THE NOTICE OF PREPARATION (NOP) OF THE SUSTAINABILITY  
POLICY AND REGULATORY UPDATE, SANTA CRUZ COUNTY, CA**

The California Department of Transportation (Caltrans) appreciates the opportunity to review the Notice of Preparation (NOP) for the Sustainability Policy and Regulatory Update. The update is part of the County's General Plan/Local Coastal Program and County Code to define a more sustainable growth pattern for the future. Caltrans offers the following comments in response to the NOP:

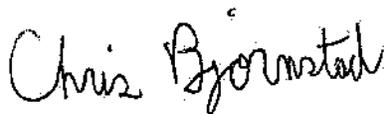
1. Caltrans supports local development that is consistent with State planning priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety. We accomplish this by working with local jurisdictions to achieve a shared vision of how the transportation system should and can accommodate interregional and local travel and development. Projects that support smart growth principles which include improvements to pedestrian, bicycle, and transit infrastructure (or other key Transportation Demand Strategies) are supported by Caltrans and are consistent with our mission, vision, and goals.
2. Regarding potential overcrossings on State Route (SR) 1, please be aware that any encroachment in the State's right-of-way it will require a permit from Caltrans and must be done to our engineering and environmental standards,

and at no cost to the State. The conditions of approval and the requirements for the permit are issued at the discretion of the Permits Office, and nothing in this letter shall be implied as limiting those future conditioned and requirements. For more information regarding the encroachment permit process, please visit our Encroachment Permit Website at:  
<http://www.dot.ca.gov/trafficops/ep/index.html>.

3. Depending on the complexity of the project improvements requiring an encroachment permit, Caltrans oversight may be the more appropriate avenue for project review and approval by Caltrans as determined by the District Permit Engineer. Please consult with the Permit's Office to determine the most appropriate Caltrans project permitting system.
4. As a result of Senate Bill (SB) 743, effective July 2020 Caltrans will replace vehicle level of service (LOS) with vehicle miles traveled (VMT) as the primary metric for identifying transportation impacts from local development. Employing VMT as the metric of transportation impact Statewide will help to promote Green House Gas (GHG) emission reductions consistent with SB 375 and can be achieved through influencing on-the-ground development. Implementation of this change will rely, in part, on local land use decisions to reduce GHG emissions associated with the transportation sector, both at the project level, and in long-term plans (including general plans, climate action plans, specific plans, and transportation plans) and supporting Sustainable Community Strategies developed under SB 375. For more information, please visit:  
[http://opr.ca.gov/docs/20190122-743\\_Technical\\_Advisory.pdf](http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf).
5. Please contact Bob Carr, Scenic Highway Coordinator, at [bob.carr@dot.ca.gov](mailto:bob.carr@dot.ca.gov) to help determine which SR 1 locations are considered locally scenic.

Thank you for the opportunity to review and comment on the proposed project. If you have any questions, or need further clarification on items discussed above, please contact me at (805) 535-6543 or email [christopher.bjornstad@dot.ca.gov](mailto:christopher.bjornstad@dot.ca.gov).

Sincerely,



Chris Bjornstad  
Associate Transportation Planner  
District 5 Development Review



## NATIVE AMERICAN HERITAGE COMMISSION

July 2, 2020

Stephanie Hansen  
Santa Cruz County  
701 Ocean Street #400  
Santa Cruz, CA 95060

**Re: 2020079005, Sustainability Policy and Regulatory Update Project, Santa Cruz County**

Dear Ms. Hansen:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines § 15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

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VICE CHAIRPERSON  
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Apache

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## AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. 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.
  - a. 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.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
  
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: [Nancy.Gonzalez-Lopez@nahc.ca.gov](mailto:Nancy.Gonzalez-Lopez@nahc.ca.gov).

Sincerely,



Nancy Gonzalez-Lopez  
Cultural Resources Analyst

cc: State Clearinghouse

**From:** Douglas Deitch <[ddeitch@got.net](mailto:ddeitch@got.net)>  
**Sent:** Friday, September 4, 2020 12:13 PM  
**To:** Environmental Comments <[CEQA-NEPA@santacruzcounty.us](mailto:CEQA-NEPA@santacruzcounty.us)>; Ddeitch <[ddeitch@pogonip.org](mailto:ddeitch@pogonip.org)>  
**Subject:** Sustainability Policy and Regulatory Update Environmental Impact Report (EIR) Comments

Comments:

1. Ground water injection projects like Pure Water Monterey and Soquel and covid19 contamination?

COVID 19 testing REQUIRED and "more research needed". Please see:  
<https://www.sciencedaily.com/releases/2020/04/200403132347.htm> and my SWRCB testimony @ <https://twitter.com/DouglasDeitch/status/1267809132251209728/photo/1>

2. Please see my SGMA comments tendered  
@ <https://sgma.water.ca.gov/portal/gsp/comments/11>

3. Due to new slr projections of one inch plus per year for next 30 years @ [https://documents.coastal.ca.gov/assets/slr/CCCendorsement\\_SLRPrinciples.pdf](https://documents.coastal.ca.gov/assets/slr/CCCendorsement_SLRPrinciples.pdf) , my DPR 31,000 afyr urban recycled water supply project is and will be the only sustainable alternative, to wit: (@ [www.dougdeitch.info](http://www.dougdeitch.info)) and @ Please review @ CCC 11/15/2019 @ 4:38 @ <https://cal-span.org/unipage/?site=cal-span&owner=CCC&date=2019-11-15&mode=large>

"WELCOME TO [www.DOUGDEITCH.info](http://www.DOUGDEITCH.info) !!! ... Best SUSTAINABLE Monterey Bay region "SLR" (Sea Level Rise) water solution?"

[lomejorqueeldineroNOpuedecomprar.com](http://lomejorqueeldineroNOpuedecomprar.com) / [lawandorderliberal.org](http://lawandorderliberal.org)

My 21,000 acre "Monterey Bay Estuarine National Monument" , etc. "Water Fix" ..., of course.

The Castroville reclamation plant/project, run down @ [http://montereyonewater.org/facilities\\_tertiary\\_treatment.html](http://montereyonewater.org/facilities_tertiary_treatment.html) ... , has the ability to produce over 31,000 acre feet per year of recycled tertiary treated water per year at it's plant, built in 1998 for around \$75 million in Castroville.

This 31,000 acre feet/yr of water will be repurposed to urban use, further cleaned, processed, and distributed regionally and will easily supply and service all current and future Monterey Bay regionally urban water needs.

This will be accomplished by using the 12000 acres of land associated with this 31000 a/f/yr of water to it's highest and best use.

At present, this water is dedicated to exclusively ag use on 12,000 coastal ag acres at the mouth of the Salinas Valley to use instead of well water pumped at this location to protect the Salinas Valley from further salt water intrusion. As farmland, this land is FMV worth around \$50,000 per acre as farmland ( <https://www.santacruzsentinel.com/2014/02/27/retired-federal-judge-buys-borina-farmland-in-major-pajaro-valley-deal/> ). However, this 12,000 acres highest and best use is not as farmland but instead as a ground water conservation/aquifer recharge/ and estuarine habitat conservation/rehabilitation project, which actually doubles the FMV of this land to \$100,000 per acre or \$1.2 billion. This land comprises roughly something under 5% (?) of irrigated farmland in the "Salinas Valley"

If this 12000 acres was publicly acquired and fallowed/or all well pumping ceased, along with another tract of 9000 acres of irrigated farmland at the mouth of the Pajaro Valley running from approximately Elkhorn Slough to Manresa Beach on the ocean side of Highway One in Santa Cruz County for 21000 acres in total to protect the Pajaro Valley from salt water intrusion in the same way, ag well pumping would stop on this 21000 acres and, @ 3 a/f/yr per acre for ag water, 63,000 a/f/yr of ground water, would be CONSERVED annually per year in perpetuity. Additionally, wouldn't this 63,000 a/f/yr be also de facto RECHARGED at these two most hydrologically critically important locations with the highest quality recharge water possibly available with the lowest cost and best "GREEN tech" water available possible anywhere, in perpetuity as well, ... the recharge water produced and recharged naturally by our best water purveyor named Ms. Mother Nature?

Correct.

This is what I call the "Monterey Bay Estuarine National Monument", and it is truly a national monument with the highest concentration of critically threatened critical estuarine resources and habitat of ANY LOCATION ANYWHERE IN THIS COUNTRY !!! Here's my already successful 25 year old "Pilot Project" @ "Willoughby Ranch" @ Zmudowski Beach @ to check out @ [www.dougdeitch.com](http://www.dougdeitch.com) & [www.dougdeitch.info](http://www.dougdeitch.info) (this page)... "Farmlands back to wetlands"

Query: Where's the \$2.1 billion?

Response: Reallocated rail bond money billions to "water/habitat/environmental projects" aka "OPM" (...other people's money)

Therefore, Scope of EIR must include anaysis of it.

(continuing ....)

Review/Read "Making California's Coast Resilient to Sea Level Rise: Principles for Aligned State Action." @ [https://documents.coastal.ca.gov/assets/slr/CCCendorsement\\_SLRPrinciples.pdf](https://documents.coastal.ca.gov/assets/slr/CCCendorsement_SLRPrinciples.pdf) , p.1 ...

"...Among other important goals, the Principles include an ambitious target for the year 2050 of

preparing for 3.5 feet of sea level rise (ie WELL OVER ONE INCH of SLR per year FOR THE NEXT 30 YEARS, EVERY YEAR !!! ... or not????). Although this is not a new sea level rise projection, this planning target will help encourage state agencies and others to begin now to proactively prepare for the sea level rise that is anticipated to occur over short-, medium-, and long-term time horizons."

PLUS:

Watch/Listen to UC and PPIC uber expert Dr. Jeffrey Mount's 2015 predictions @ [www.dougieforcongress.com](http://www.dougieforcongress.com) , where he said, @ 5:41:

"If you raise sea level even one foot, in our minds, as geologists, that doesn't even seem like so much ...

... the work that we've done suggests that this end of the Delta will salt up, even if the levees hold and stay together.

... If sea levels rise by six feet this century, local rivers will be contaminated with salt and California's main fresh water source will be lost (continue watching for "the rest of the story" ...)((Wow!!!! ... or not?))

EQUALS/ERGO: [www.sipodemos democrat / www.thebestthatmoneycantbuy.com](http://www.sipodemos democrat / www.thebestthatmoneycantbuy.com) , [www.dougdeitch.com](http://www.dougdeitch.com) , AND [www.dougdeitch.info](http://www.dougdeitch.info) , aka the 21000 acre Monterey Bay Estuarine National Monument (including the Castroville Reclamation Plant and it's now urban from ag repurposed 31,000 acre feet per year of recycled water for the entire Monterey Bay Region's SLR/Sea Water Intrusion proof water supply now and for the future .. entirely from the Castroville already on line/operating plant ... or not?!

Respectfully submitted,

Douglas Deitch

Monterey Bay conservancy

waterdropfilter.com

## Reverse Osmosis Water Filter

OPEN

**S** [Health](#) [Tech](#) [Enviro](#) [Society](#) [Quirky](#)

### Science News

from research organizations

## Removing the novel coronavirus from the water cycle

Date: April 3, 2020

Source: University of California - Riverside

Summary: Researchers have called for more research to determine the best ways to keep SARS-CoV-2 out of the water cycle. They also suggest that developed nations should finance water treatment systems in the developing world to help prevent future COVID-19 pandemics.

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#### FULL STORY

Scientists know that coronaviruses, including the SARS-CoV-2 virus responsible for the COVID-19 pandemic, can remain infectious for days -- or even longer -- in sewage and drinking water.

Two researchers, Haizhou Liu, an associate professor of chemical and environmental engineering at the University of California, Riverside; and Professor Vincenzo Naddeo, director of the Sanitary Environmental Engineering Division at the University of Salerno, have called for more testing to determine whether water treatment methods are effective in killing SARS-CoV-2 and coronaviruses in general.

The virus can be transported in microscopic water droplets, or aerosols, which enter the air through evaporation or spray, the researchers wrote in an editorial for *Environmental Science: Water Research & Technology*, a leading environmental journal of the Royal Society of Chemistry in the United Kingdom.

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5200  
FAX (415) 904-5400



May 22, 2020

Dear Coastal Elected Officials and Other Interested Parties,

On May 13<sup>th</sup> the Coastal Commission adopted "Making California's Coast Resilient to Sea Level Rise: Principles for Aligned State Action." Under the leadership of Secretary Crowfoot (California Natural Resources Agency) and Secretary Blumenfeld (CalEPA), the principles were co-developed and endorsed by 17 state agencies<sup>1</sup> with coastal climate resilience responsibilities. Together, the participating agencies recognized the critical importance that California's coastal areas play in supporting local and state economies and the integral role they play in Californians' way of life, as well as the critical threat these areas are facing due to sea level rise.

The participating agencies co-developed the sea level rise principles in order to improve effectiveness in addressing this extraordinary challenge. These principles are meant to support California's ongoing efforts related to climate change adaptation by creating consistent, efficient decision-making processes and improving collaboration across state, local, tribal, and federal partners. This alignment will support proactive adaptation planning and implementation that will save money, allow communities to test and leverage adaptation solutions, and improve resiliency of coastal areas and frontline communities.

The principles for aligned state action fall into the following six categories. The full set of principles are attached to the end of this letter.

1. Develop and utilize best available science
2. Build coastal resilience partnerships
3. Improve coastal resilience communications
4. Support local leadership and address local conditions
5. Strengthen alignment around coastal resilience
6. Implement and learn from coastal resilience projects

Among other important goals, the Principles include an ambitious target for the year 2050 of preparing for 3.5 feet of sea level rise. Although this is not a new sea level rise projection, this planning target will help encourage state agencies and others to begin now to proactively prepare for the sea level rise that is anticipated to occur over short-, medium-, and long-term time horizons.



Monterey Bay Conservancy

5d · 🌐



DO THE "Sea Level Rise/SLR MATH, MIS AMIGOS y MIS VECINOS ...  
!!!

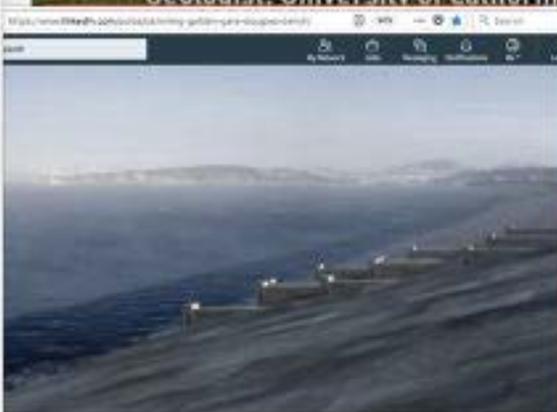
PLEASE!!!:

Review/Read "Making California's Coast Resilient to Sea Level Rise:  
Principles for Aligned State Action." @

[https://documents.coastal.ca.gov/.../CCCEndorsement\\_SLRPrinci...](https://documents.coastal.ca.gov/.../CCCEndorsement_SLRPrinci...) ,  
p.1 ..... See More



**PROFESSOR JEFF MOUNT**  
Geologist: University of California



### Damming the Golden Gate???

Published on November 1, 2012 · 244 likes · 11 views



Douglas Carlson  
277 Grand Princes Blvd, Encinitas, California 92025, CA  
14 articles





Dear Ms. Bochco and CCC,

I am still waiting to hear or see one word in response to my invitation sent Nov. 19, 2019 to you? ....

Please respond.

Respectfully,

Dougals Deitch

[www.lomejorqueeldineronopuedecomprar.org](http://www.lomejorqueeldineronopuedecomprar.org)

[www.lomejorqueeldineronopuedecomprar.net](http://www.lomejorqueeldineronopuedecomprar.net)

[www.sipodemos.democrat](http://www.sipodemos.democrat)

[www.dougieforcongress.com](http://www.dougieforcongress.com)



# CALIFORNIA COASTAL COMMISSION

## NOVEMBER 15, 2019



**Douglas Deitch**  
November 17, 2019

(Please review @ CCC 11/15/2019 @ 5:16 @ <https://cal-span.org/unipage/...> )

----- Forwarded Message -----

Subject: INVITATION TO TOUR "Monterey Bay Regional Water Fix" aka 21000 acre "Monterey Bay Estuarine Monument" ...

Dear Chair Bochco and Commissioners,

Congratulations on your very successful, informative, innovative, and constructive "desal/PWM" public hearing yesterday!

Sorry I was unable to attend but listened and learned.

Wednesday morning I spoke to you very briefly about my 2 coastal related proposals/projects, the 21000 acre Monterey Bay Estuarine Monument (@ [www.dougdeitch.info](http://www.dougdeitch.info)) and consideration of possible Golden Gate damming (@

**Douglas Deitch**

May 20 at 10:47 AM · YouTube · 🌐

"Scientists know that coronaviruses, including the SARS-CoV-2 virus responsible for the COVID-19 pandemic, can remain infectious for days -- or even longer -- in sewage and drinking water.

Two researchers, Haizhou Liu, an associate professor of chemical and environmental engineering at the University of California, Riverside; and Professor Vincenzo Naddeo, director of the Sanitary Environmental Engineering Division at the University of Salerno, have called for more testing to determine whether water treatment methods are effective in killing SARS-CoV-19 and coronaviruses in general....

"Please see my comment at SWRCB 5/19/2020 starting @ 3:45... with link from April 2020 Science Daily @ <https://www.sciencedaily.com/releases/2020/.../200403132347.htm>, "Removing the novel coronavirus from the water cycle" (see more below)

Here's the link from Science Daily from April/2020 on my comment at Public Forum beginning of meeting dealing with Covid-19 virus and recycled water ground water injection projects like Pure Water Monterey, Pure Water Soquel, etc., et al <https://www.sciencedaily.com/releases/2020/.../200403132347.htm> @ "Removing the novel coronavirus from the water cycle"

Date: April 3, 2020

Source: University of California - Riverside

"Summary:

Researchers have called for more research to determine the best ways to keep SARS-CoV-2 out of the water cycle. They also suggest that developed nations should finance water treatment systems in the developing world to help prevent future COVID-19 pandemics. ..."



that maybe helpful.

So again

YOUTUBE.COM

SWRCB Board Meeting May 19, 2020

**From:** Vivian Fenner-Evans <[vivianfennerevans@yahoo.com](mailto:vivianfennerevans@yahoo.com)>  
**Sent:** Friday, September 4, 2020 10:55 PM  
**To:** Stephanie Hansen <[Stephanie.Hansen@santacruzcounty.us](mailto:Stephanie.Hansen@santacruzcounty.us)>  
**Subject:** Response and Notice of Prep for EIR Sustainability Policy

Attention: Stephanie Hansen AJDC Principle Planner

Vivian Fenner-Evans  
4482 Rancho Drive  
Soquel, CA. 95073  
[vivianfennerevans@yahoo.com](mailto:vivianfennerevans@yahoo.com)

September 4, 2020

Attention: Stephanie Hansen, AJCP Principle Planner  
Santa Cruz County Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060

Dear Ms. Hansen:

RE: Notice of Preparation for the Santa Cruz County General Plan/Local Sustainable Plan

My questions/comments are listed below for review:

1. Traffic

Traffic is miserably congested along Porter/Old San Jose Road and Soquel Avenue for a multitude of reasons. There are two elementary schools, one high school, a pre-school and two k-4 private schools in this vicinity. Soquel Avenue is a major thoroughfare and at 3:00 pm, the corner of Old San Jose Road aka Porter is gridlock. It takes 25 minutes to drive one mile. Why are there no public busses on Old San Jose Road? Moreover, why are the lights perpetually timed wrong at all the left hand turn lanes going east and west on Soquel Avenue on the corner of Porter/Old San Jose Road? Is it possible for the planning department to coordinate with the Soquel Union school district to collaborate on transportation for children to get to and from school that live in this area. This corner becomes gridlocked again between 5:00 pm and 6:00 pm daily as well. Commuters coming home from working in San Jose all use Old San Jose Rd. to avoid the Summit. Trucks and Semi's also use road daily to avoid Hwy 17 causing more gridlock.

2. Zoning Change

The General Plan mentions the importance of C2 zoning for corner of Soquel Avenue and 41<sup>st</sup> Avenue . A change was made to accommodate the proposal of a project at this corner and the zoning was changed from C2 (Community Commercial) to C4 – (Light Industrial). The owner of the project is selling the property. Will the sale turn the property back to C-2, what it was before it was changed (from C-2 ) to C-4? How will the public be informed?

### 3. New Construction

Please discuss and cite the legal criteria for building new homes regarding solar power. Will new buildings and construction be zero carbon? How will the planning department ensure this? Will Santa Cruz County as part of the Sustainable Plan add a requirement that all new construction, new buildings and businesses be zero carbon aka solar? What incentives would be provided to developers to build zero carbon, electrification, etc.

### 4. Noise

Residents of Soquel at the Alimur community complain that the car repair noise from the Subaru and Toyota Dealership disturbs daily life of the residents. Residents in Soquel also complain about the car repair noise from the Honda Dealership on Soquel Ave. Residents in Soquel can hear the loud beeping of the delivery trucks from Safeway and Home Depot. Hiking or walking at Anna Jean Cummings Park (the last open space in Soquel) one is distracted by the delivery trucks beeping and also the car repair of the nearby car dealerships. IF another business such as a car dealership moved into the corner of 41<sup>st</sup> and Soquel, what would the noise impact be to the residents of Soquel Highlands. Please describe how noise travels from this area to the Soquel Highlands which makes the noise appear to be closer than it really is.

Thank you for your attention to this matter.

Richard James, AICP  
3236 Polo Drive  
Aptos, California, 95003

September 2, 2020

Stephanie Hansen, AICP, Principal Planner  
Santa Cruz County Planning Department  
701 Ocean Street, Fourth Floor  
Santa Cruz, California 95060

Dear Ms. Hansen:

Thank you for the opportunity to review and comment on the Notice of Preparation for the Santa Cruz County General Plan/Local Coastal Program Sustainability Policy and Regulatory Update draft EIR. I have several comments regarding the scope of content of the draft EIR.

### **Project Understanding**

I understand the project to be an update to the Introduction; Built Environment (formerly Land Use); Access and Mobility (formerly Circulation); Agriculture, Natural Resources, and Conservation (formerly Conservation and Open Space); and Parks, Recreation, and Public Facilities elements of the Santa Cruz County General Plan/Local Coastal Program, which was last comprehensively updated in 1994. The County refers to this update as its Sustainability Policy and Regulatory Update, and it will also include follow-on updates to the County Code. To a great extent, the update will involve transferring recommendations from the County's Sustainable Santa Cruz County Plan, which was accepted by the Board of Supervisors in October 2014; as well as the County Strategic Plan (2018) goals of Attainable Housing, Reliable Transportation, Dynamic Economy, Sustainable Environment, Comprehensive Health, and Safety, and Organizational Excellence; and adopting those as policy in the County General Plan/Local Coastal Program. The update also anticipates adoption of design guidelines and at least one new land use designation. The EIR will be prepared as a "program" EIR pursuant to CEQA Guidelines Section 15168. I applaud the County for undertaking this much needed update.

### **Public Outreach for Notice of Preparation**

I thank the County for extending the comment deadline, as I only learned of this update process in late August.

### **Thresholds of Significance**

The draft EIR should serve to establish the de facto thresholds of significance for later projects. Given recent changes to the CEQA Guidelines, and flux in the areas of thresholds relating to Greenhouse Gas Emissions and Transportation, the County should

use this draft EIR to develop well-crafted thresholds that can be carried forward for analysis of future development projects. Given that the County's characteristics vary significantly (for example comparing the San Lorenzo Valley to Live Oak), the County may find it reasonable to adopt different thresholds for these different parts of the County, especially in regard to vehicle miles traveled thresholds. Monterey County is currently grappling with this same issue on a number of development projects.

### **Alternatives**

The draft EIR should have a very robust Alternatives section, which should focus on key high-level decisions the Board of Supervisors will need to make on major policy direction, such as growth rate, location of new or more intense population density, limitations regarding water supply, and east-west transportation options. The General Plan/ Local Coastal Program update will serve the County for the next 20 years, and the Board of Supervisors should have this information available to assist them in making long-range policy determinations. The draft EIR analysis should be independent of prior studies: as an example, the Regional Transportation Commission has prepared numerous studies regarding east-west transportation, but the General Plan/Local Coastal Program update draft EIR analysis should not merely take these studies at face value, but prepare independent research and analysis.

### **Analysis of Policy Options**

The draft EIR should present a separate analysis for each potential policy that could be adopted from the two primary source documents, so that the Board of Supervisors can evaluate each individually, and make informed choices as to potential environmental effects. Ultimately, the Board of Supervisors should consider each of the potential options for policy revisions or additions, and make choices as to which to include in the General Plan/Local Coastal program update.

Thank you for your consideration of these comments.

Richard James, AICP

Lisa Sheridan  
3777 Cherryvale Avenue  
Soquel, Ca. 95073  
[Trotrider@aol.com](mailto:Trotrider@aol.com)

September 4, 2020

Stephanie Hansen, AJCP, Principal Planner  
Email: [stephanie.hansen@santacruzcounty.us](mailto:stephanie.hansen@santacruzcounty.us), [CEQA-NEPA@santacruzcounty.us](mailto:CEQA-NEPA@santacruzcounty.us)  
Santa Cruz County Planning Department  
701 Ocean Street, Fourth Floor  
Santa Cruz, California 95060

Dear Ms. Hansen:

Below are my comments for the Notice of Preparation for the Santa Cruz county General Plan/Local Sustainable Plan. Please contact me if you have any questions.

**I would appreciate a confirmation of receipt.**

---

**Walkable community between 41<sup>st</sup> and Dominican hospital area.**

-What mixed-use commercial business will help serve the current needs of the area along the Soquel corridor between Soquel Drive at 41<sup>st</sup> Avenue to Dominican Hospital area?

- How would residents of the community be impacted either positively or negatively if small markets vs. large markets were added along the corridor between Dominican Hospital and 41<sup>st</sup> Avenue? How would it affect traffic?

-The Soquel corridor seems to have a large number of homes between Dominican and 41<sup>st</sup>. But it lacks places for social gatherings, lacks sidewalks in areas, lacks safe bike corridors, lacks frequent buses. How would improving these things also improve the lives of the residents in this area for health, social equity, jobs, school access?

-The area north of Soquel Dr. in the Winkle area feels like a bedroom community with few social gathering places. How would improve parks, social halls, contribute to the quality of life?

-Where do most of these residents along this corridor currently go for their goods and services?

-Would traffic be improved if there were more stores to create a walkable community?

-Besides Winkle park, there seems to be few gathering areas for social interaction along the corridor. What type of gathering areas would benefit neighbors? Would public vegetable gardens help enhance neighborhoods and feeling of community?

-Would one-way streets help the neighborhoods along the corridor in the Winkle area have safer streets?

-The purpose of the housing along the transportation corridor is to create less need for automobile travel by providing easier access by bus and walking to major focal points. What needs to be included in these stretches to actually encourage a walkable neighborhood?

-What is the distance that should be provided between housing and services or stores to create a walkable neighborhood? For example, if housing is at Dominican area and stores are on 41<sup>st</sup> Avenue is that considered too far?

-Discuss the need to change parking requirements when senior or student housing is provided? Can parking restrictions be reduced and units be increased if developers create contracts with sellers to restrict car ownership or parking? How can this be enforced?

- Soquel Dr. between Robertson Rd and 41<sup>st</sup> Avenue lacks a sidewalk on the South side of Soquel Drive. This missing sidewalk causes pedestrians to have to walk much further up Soquel Drive then cross over again at 41<sup>st</sup> Avenue to reach the shopping area? How would the addition of a sidewalk help in time and distance for pedestrians? There have been accidents in this area as well as cars striking pedestrians. How dangerous is this section and should there be a flashing sidewalk between 41<sup>st</sup> Avenue and Robertson.

**Bus:**

-Bus service only runs every 30 min along Soquel Corridor. How would an increase of bus service help the residents in this area for work, school and traffic?

- The upper Soquel Mountain areas nearby include Old San Jose Rd up to Summit. Upper Main St., Glen Haven Rd, Prescott, Rodeo Gulch, and Thurber. All of these areas have thousands of residents and none of these areas have bus service. What impact would providing bus service in these mountain communities have on traffic on Soquel Drive and on Hwy 1? Would providing bus service a few days a week help improve traffic impacts at Old San Jose Rd and Soquel dr. and at 41<sup>st</sup> Ave and Soquel Dr.?

- What impact would having a bus service up these valleys have on school related traffic?

- There are at least six or seven schools which impact these Soquel Dr. Old San Jose Rd intersection. How would bus service help these congested areas? What means or legal entities are there to force school districts to coordinate with county traffic engineers and public officials for school schedule changes?

-Would shifting tax money to schools help bussing? Is that legal?

- The Supervisors converted the corner of 41<sup>st</sup> Avenue and Soquel Drive to C-4 light industrial from its original Community Commercial zoning of C-2. What zoning should be considered best

for this corner? How is it determined? Was the shift from C-2 to C-4 an example of “Spot Zoning?” Please note that there are references in the General Plan which refer to the importance of maintaining C-2 in this general location if the lumber yard ever decided to sell or not be used as a lumber yard. If the lumber yard becomes residential housing, how would the project on the corner of 41<sup>st</sup> and Soquel Dr. impact those homes?

- The Soquel Village Plan references several times the need to slow traffic down in Soquel Village as fast-moving cars create a hazard to pedestrians in the village and change the character of the neighborhood. The plan references adding a light at Wharf Road, but not as a means to speed cars up to move traffic but rather to slow cars down for safety and to preserve the small town feeling of the village. Yet some public figures have interpreted this reference for a light to move cars faster through the village. Now that Soquel Village has become a secondary/adjunct freeway for cars trying to get to the south county this reference needs clarification. How would adding a light at Wharf Rd impact the Village business and character of the town? What legal responsibility does the county have to protect the historical Soquel Village character?

- The Sustainable Plan references the need to re-design the box stores at 41<sup>st</sup> Avenue and Soquel Drive so that the parking lots in the future are re-designed to be in the rear and store fronts are along the street corridor. Thus, allowing for easier access from bus stops without walking a half mile through a parking lot. What means can be included in the EIR which will hold our future elected officials accountable to vote for this design concept? What means is there in the planning stage to keep this from happening in the future at the whim of a County Supervisor?

- County of Santa Cruz General Plan does not have an Architectural Design element. Can aesthetics, and distance of front doors from streets be incorporated into zoning features? Wouldn't this help future planners and Supervisors hold builders more accountable to Building projects to serve community needs and provide aesthetic qualities? How can this be done? Should Santa Cruz County have a design review element in their GP?

### **Transportation:**

-There are no protected bike lanes with barriers along Soquel Drive. Several deaths and injuries have taken place along Soquel Drive of both pedestrians and bicyclists in the last five years. Given the number of schools and amount of traffic in this area, is it possible to provide average numbers of how many users would likely use protected bike lanes? Please consider that San Jose recently created a protected bike lane, and this might offer a good comparison of success for these lanes. What is the estimated cost for protected lanes?

-A traffic study was provided by a private developer for the Nissan Dealership proposal. There was also an independent Regional Transportation Study. Will a new study be provided?

- Recent traffic study for the Nissan project did not address how a fast-moving chain of cars going through the village will impact the historical character and local businesses. Or how a

walkable community is being achieved if more cars are being directed through Soquel Village from Hwy 1. This information needs to be provided.

- How many people in the Soquel mountains are likely to use a train?

-How many people in the Soquel mountains would benefit from more buses?

-What would the impact on traffic be if smaller buses were added to the mountain roads?  
Example Old San Jose Rd., Rodeo Gulch and Thurber.

-What are the number of pedestrians and bicyclists killed or injured along the Soquel corridor between Dominican Hospital and Park Avenue?

-The school districts are not coordinated with the County or each other for school operating hours. The schools get out at similar times and have a significant impact on traffic. If the school hours were changed how much of an impact positive or negative would that have on Soquel Village traffic? The schools include: Main St Elementary, Soquel Elementary, Soquel High, Mountain School, Good Shepard and from the south New Brighton Middle school.

-How would expanding the intersection of 41<sup>st</sup> Avenue and Soquel Dr. makes a more walkable community if its adding to longer distances to cross a street? What factors would help so that there would be no expansion of this intersection?

-If there are ways to make less traffic impacts why is it that public works is expanding the road intersections? Can money for road expansion be shifted to buses?

#### **Noise and light:**

-Noise is significant at Anna Jean Cummings Park from the Honda dealership. This area is a natural setting with significant wildlife and provides respite for humans to be in nature. What impacts will more noise have on the wildlife and humans who enjoy this open space? What impacts will light from building have on the wildlife and humans who enjoy this open space? New studies show circadian rhythms of wildlife and migration are impacted.

#### **- Project Criteria for construction design:**

-Recent studies show that adding solar, decreasing pavement, decreasing reflective glass all help reduce climate change. Yet the recent approval of the Nissan project did not discourage the amount of reflective glass from cars and the massive amount of glass in the building construction. Nor was the project required to have solar panels. What new standards can be incorporated into building requirements to ensure solar panels are used in new commercial developments?

-What benefits or incentives can be given to developers who provide lower than required county standards for energy efficiency and greenhouse gas reductions in buildings?

- Standards for buildings of both commercial and residential that prevent reflective glass from causing birds to strike windows are being incorporated in major cities throughout America and into building codes. Reflective glass accounts for a high proportion of bird deaths including birds that are migrating. Provide information about how and why this can and should be incorporated into the county building codes. Provide information about statistics and what material is being considered to improve the outcome of bird collisions with reflective glass.

-Private residents and commercial business can do more to improve their energy efficiency.  
-What incentives can the county consider which would help individuals build greener?

**Water:**

-Rain cisterns and grey water systems are helpful water savings concepts. What incentives can be added to county codes to make these easier to purchase or install or add to new developments?

-What limits should be placed on new development if water continues to impact our aquifer?

**Fire:**

- What building code incentives can be given to homebuilders to provide fire safe building material?

**Trees:**

-We do not have a heritage tree ordinance. Discuss the importance and benefits of older trees, how they help with wildlife diversity and climate change. Discuss the benefits of large trees in terms of shade, slope stability and types of beneficial trees for native animals.

**Underground utilities:**

Above ground utilities would prevent fires and provide reliable electricity.

What are the economic and environmental benefits of providing underground utilities?

What timetable should be considered for this?

**From:** Becky Steinbruner <[ki6tkb@yahoo.com](mailto:ki6tkb@yahoo.com)>

**Sent:** Friday, August 21, 2020 5:01 PM

**To:** Environmental Comments <[CEQA-NEPA@santacruzcounty.us](mailto:CEQA-NEPA@santacruzcounty.us)>

**Cc:** Becky Steinbruner <[ki6tkb@yahoo.com](mailto:ki6tkb@yahoo.com)>

**Subject:** COMMENT FOR SANTA CRUZ COUNTY GENERAL PLAN AND SUSTAINABILITY UPDATE

Dear Santa Cruz County Planning Staff,

Given the current state of emergency in the County, I request that the comment period be extended 30 days. 50,000 residents are now evacuated, and may not have access to the internet to allow them adequate ability to submit comment on this critical document.

I also request that all appropriate County Commissions be asked to submit comment on this NOP/Scoping document, and again on the Draft EIR.

I request the CEQA analysis for the General Plan Update include analysis of the following issues:

- 1) Fire impacts of allowing increased commercial uses in rural residential areas
- 2) Impacts to rural roads and maintenance caused by increased commercial uses in rural areas
- 3) Impacts of loss of historic resources and the need for this County to enact the Mills Act to encourage historic preservation and to create historic districts to protect the County's historic character.
- 4) Impacts of water use and encourage recycled water in all parks and athletic fields, medians and greenway buffers.
- 5) Impacts on loss of heritage trees and to strengthen heritage tree protections for increased urban cooling and social well-being
- 6) Encourage inclusion of community garden spaces wherever possible
- 7) Preservation of historic Redman-Hirahara house and farm for sustainable farm practices and urban agricultural conferences]

Becky Steinbruner  
3441  
Redwood Drive  
Aptos, CA 95003

**From:** Becky Steinbruner <[ki6tkb@yahoo.com](mailto:ki6tkb@yahoo.com)>

**Sent:** Friday, September 4, 2020 12:33 AM

**To:** Environmental Comments <[CEQA-NEPA@santacruzcounty.us](mailto:CEQA-NEPA@santacruzcounty.us)>

**Cc:** Becky Steinbruner <[ki6tkb@yahoo.com](mailto:ki6tkb@yahoo.com)>

**Subject:** Public Comment on Santa Cruz County Sustainability Update and General Plan

Dear Santa Cruz County Planning Department,

I would like to submit the following comment for inclusion in the Santa Cruz County Sustainability Update and General Plan Update NOP and Scoping CEQA process.

1. The Planning Department website provides inaccurate information about the end of public comment for this issue, showing that comment period ended August 21, 2020, and does not reflect the extended September 4, 2020 date reported on the EIR listing. Members of the public who saw the Department home page and consequently the inaccurate and outdated information could have been dissuaded from participating in meaningful comment, thinking their opportunity to do so had expired. I have attached a screen shot taken just now of the Planning Department website homepage showing the August 21, 2020 deadline for public comment.
2. The EIR and analysis should be presented in separate topics that can be evaluated singly and approved or rejected independent of the other topics.
3. The EIR should update the Fire Risk Assessment Maps on a granular level, relying on the most recent information available from CalFire or other detailed data.
4. the EIR should include addition of LRAD early warning system in the rural areas of the County for better emergency notification and risk reduction.
5. The EIR should wait to evaluate traffic analysis until the COVID-19 crisis resolves in order to capture and analyze real and meaningful data representative of a vibrant economic condition.
6. The EIR should include in the Alternatives Analysis the possibility of shifting the dense residential and mixed-use development closer to the railroad corridor in order to expand and support transportation infrastructure along the rail and trail corridor and relieve congestion on the Soquel Drive/Soquel Avenue corridor.
7. The EIR should prioritize connecting the Watsonville area with the rest of the County by using a rapid and inexpensive mode of mass transit.
8. The EIR should include a robust system of protected or separate bike lanes or paths throughout the County.
9. The EIR should analyze the possible impacts of instituting the Mills Act to support historic preservation of cultural resources.
10. The EIR should analyze the impacts of increased stormwater runoff due to increased build-out of undeveloped parcels in the unincorporated areas of the County.
11. The EIR should analyze the benefit of preserving heritage trees in all urban areas to cool the areas and provide habitat for songbirds.
12. The EIR should analyze the benefit of requiring code updates to require double-plumbing in all new construction to promote water conservation.

13. The EIR should analyze and identify prime groundwater recharge areas of the County, as identified by Dr. Andy Fisher and the Recharge Initiative, to create small but numerous groundwater recharge and stormwater runoff remediation areas throughout the County to aid in groundwater recharge efforts.
14. The EIR should analyze the benefit of supporting preservation of historic neighborhoods and structures therein to maintain neighborhood character and quality of life.
15. The EIR should analyze incorporating small power-generating micro-grid projects, and identify key areas for this provision to promote sustainable and independent power supply.
16. The EIR should analyze and require that Native American observers be automatically included in on-site crew when any ground disturbance work is planned or required in areas known or suspected to have archaeological importance, and not simply rely on a statement of interest from tribal leaders to do so.
17. The EIR should examine the issue of micro-cell wireless communication facilities in residential neighborhoods and provide an alternatives analysis of buried fiber optic cable for such.
18. The EIR should analyze including community garden plats in all communities inside the urban services line.
19. The EIR should analyze restricting all building height in the unincorporated areas to no more than three stories for solar benefit of the neighborhood.

Thank you very much.  
Sincerely,  
Becky Steinbruner  
3441 Redwood Drive  
Aptos, CA 95003  
[ki6tkb@yahoo.com](mailto:ki6tkb@yahoo.com)

**To make a payment online:**  
<https://sccounty01.co.santa-cruz.ca.us/pln/planningapplicationpayment>

To contact us for information or to schedule an appointment:  
*(Masks will be required for all appointments)*

- **Planning Division:** [Planning.ZoningInfo@santacruzcounty.us](mailto:Planning.ZoningInfo@santacruzcounty.us)
- **Building Division:** [Planning.BuildingInfo@santacruzcounty.us](mailto:Planning.BuildingInfo@santacruzcounty.us)
- **Building Inspection:** [Planning.InspectionScheduling@santacruzcounty.us](mailto:Planning.InspectionScheduling@santacruzcounty.us)
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- **Housing Division:** [HousingProgramsInfo@santacruzcounty.us](mailto:HousingProgramsInfo@santacruzcounty.us)
- **Environmental Planning:** [EnvironmentalPlanningInfo@santacruzcounty.us](mailto:EnvironmentalPlanningInfo@santacruzcounty.us)
- **All Other Services:** 831-454-2580

### News and Announcements

- Sustainability Update**  
The Sustainability Policy and Regulatory Update (Sustainability Update) is a comprehensive update to the County's General Plan/Local Coastal Program and modernization of the County Code. The goal of this update is to implement new policies and code regulations that support more sustainable communities in Santa Cruz County. [Click here for more information.](#)
- The agency and public comment period on the Notice of Preparation (NOP) for the CEQA Environmental Impact Report (EIR) has been **extended until 5 p.m. on August 21st**. Click [here](#) to view the NOP and/or submit comments on the scope of the EIR.
- The County is issuing a Notice of Preparation for a Draft Environmental Impact Review for a Medical Office Building. To view the item, please click [here](#).
- Attention Multifamily Project Applicants! Find out if your project is eligible for streamlined SB 35 review using the [SB 35 Streamlined Review Guide](#) and [Application Form](#).
- New State ADU Laws – Effective 01/01/2020**  
New state laws are making it even easier to construct ADUs, starting January 1. The Santa Cruz County Code is in the process of being updated to comply with these new laws, which cover the topics of streamlined project review, reduced fees, more lenient development standards, lower parking requirements, Junior ADUs, multifamily dwelling ADUs, owner occupancy requirements, short-term rentals, nonconformities, and code enforcement. [Click here for information about the new laws.](#)
- New 2019 California Codes – Effective 01/01/2020**  
The 2019 California Codes will be in effect January 1st, 2020. Building permit applications accepted for review prior to 2020 remain under the 2016 California Codes.

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