

CITY OF SANTA CRUZ
Mitigated Negative Declaration

The Administrator of Environmental Quality of the City of Santa Cruz has prepared this Mitigated Negative Declaration for the following described project:

Project: 2035 North Pacific Avenue Office/Residential Building **Application No.:** CP19-0122

Project Location: 2035 North Pacific Avenue (APN 006-361-24) in the City of Santa Cruz, California

Project Description: The proposed project consists of a Design Permit and Slope Development Permit to construct a 38,880 square foot, mixed-use building that includes 3,777 square feet of ground floor office space and 26 residential apartment units within 10 feet of a 30-50 percent slope ,and a Variance to sidewalk width. The project includes demolition of an existing building and the construction of a three-story structure with an underground parking garage with 30 parking spaces. This project involves removal of one heritage tree.

Applicant: Peter Bagnall

Applicant Address: 125 Mission Street, #4
 Santa Cruz, CA 95060

The City of Santa Cruz Department of Planning and Community Development has reviewed the proposed project and has determined that the project, based on the Initial Study attached hereto, will not have a significant effect on the environment. An Environmental Impact Report is not required pursuant to the California Environmental Quality Act of 1970. This environmental review process and Mitigated Negative Declaration is done in accordance with the State CEQA Guidelines and the local City of Santa Cruz CEQA Guidelines and Procedures.

The following mitigation measures will be incorporated into the project design or as conditions of approval, to ensure that any potential environmental impacts will not be significant.

<u>Impact</u>	<u>Mitigation</u>
Air Quality. Project construction activities may create some objectionable odors that may be detectable at the site perimeter.	MITIGATION MEASURE AIR-1- <i>Air Monitoring and Odor Control.</i> Health and safety air monitoring shall be conducted for naphthalene in accordance with a site-specific health and safety plan to be reviewed and approved by DTSC. Personal protective equipment will be used in accordance with the site-specific health and safety plan. A Community Air Monitoring Plan (CAMP) shall be prepared for the project, describing air monitoring, action levels, and response actions to be conducted during soil activities to protect the public. The CAMP shall be reviewed and approved by DTSC. Odor or emissions control, such as soil wetting, the use of vapor/odor suppressant foam, and/or use of an Odor Boss OB-60G odor control system or similar, shall be implemented if fugitive odors or emissions above action levels are present at the site perimeter or other monitoring station, as determined in the CAMP.

In accordance with the Monterey Bay Air Resources District, odors and dust must not cause a public nuisance.

Biological Resources. Removal of trees has the potential to destroy bird nests, eggs or chicks if any are present during construction.

MITIGATION MEASURE BIO-1-*Pre-constuction Nesting Bird Surveys.* Schedule tree and vegetation removal between September 1 and January 31 of any given year to avoid the bird nesting season. If that schedule is not practical, a qualified biologist shall be hired to conduct a pre-construction nesting bird surveys no more than two weeks (14 days) prior to vegetation removal. If any active bird nests are observed, the biologist will designate a buffer zone around the nest tree or shrub as follows: 200 feet for nesting raptors and 50 feet for all other bird species. This buffer zone may be adjusted if the biologist determines that other factors may help shield the active nest, such as vegetative screening between the nest and the vegetation removal site that reduces the nesting bird's ability to see the activity. No vegetation removal will take place within the buffer zone until the biologist has determined that all chicks have fledged and are able to feed on their own.

Cultural Resources. Cultural resources associated with the Mission or early settlement of Santa Cruz may be found on the project site and surrounding area during construction.

MITIGATION MEASURE CUL-1-*Archaeological Monitoring.* Require a qualified archaeologist to monitor soil disturbance activities, subject to required State approvals for hazardous materials and worker safety plans, until the archaeologist determines monitoring is no longer necessary. If an intact historic or prehistoric resource is identified during monitoring, work shall be halted until the find can be evaluated in accordance with requirements set forth in the City of Santa Cruz Municipal Code Section 24.12.430, including notification of the City of Santa Cruz Planning Director. The find shall be inspected by a qualified archaeologist to determine, in consultation with the Planning Director, if the discovered artifact is an archaeological resource under CEQA definitions, and if so a mitigation plan shall be implemented in accordance with City regulations. If soils do not require remediation, monitoring shall be conducted during site preparation and excavation with compliance with City regulations as set forth above if there is a discovery.

Should a resource have low individual data potential but contain unique information (e.g., from rare artifacts, lithic materials, or reduction patterns), it may be deemed eligible based on its ability to provide useful data about broader historic trends. However, if a resource has low data potential and stands to offer only redundant information, then it will normally be recommended ineligible. If the resource does not meet the above criteria, recommendations may be to discontinue testing and or continue monitoring. Should it be determined that the discovery is an archaeological resource as defined by CEQA, the archaeologist shall provide recommendations for avoidance or recovery for review by the Planning Director. Project redesign to avoid significant cultural resources would only be recommended if cultural resources were identified and evaluated as significant under CEQA criteria. If it is not feasible to

avoid or protect the resource in place due to soil remediation measures that may be required, as determined by the archaeologist in consultation with the Planning Director, data recovery could be implemented based on specifications set forth in a data recovery plan. The data recovery plan shall be prepared by a qualified archaeologist and meet the Secretary of Interior's Standards for Archaeological Documentation and would be tailored to fit the research questions developed for the identified resource and identify methods of recovery, including manual excavation, extensive recordation, mapping, and analysis of cultural material found on the site. The data recovery plan shall be reviewed and approved by the Planning Director prior to implementation.

Geology and Soils. The proposed mixed-used building would be subject to seismic shaking from an earthquake on regional faults, as well as liquefaction and settlement.

Geology and Soils. The proposed mixed-used building is located at the bottom of a steep slope, and excavation and removal of a buried former gas tank foundation that is in proximity to existing structures could undermine the foundation of those structures and/or cause soil movement-related distress or slope failures, potentially adversely affecting the project site or adjacent properties.

Hazards and Hazardous Materials. Development of the project site could result in a release of hazardous materials due to the presence of remaining contamination in soils on the project site. In addition to known contamination, additional historical site features are likely present below the existing building, and conditions beneath the building (i.e. levels of contamination) are unknown. Levels of soil contamination could be similar to levels removed outside of the building area during remedial activities;

MITIGATION MEASURE GEO-1-Implementation of Geotechnical Recommendations. Require implementation of recommendations set forth in the geotechnical investigation (Ninyo & Moore 2018) regarding site preparation, structural foundations, and all other recommendations regarding seismic design considerations.

MITIGATION MEASURE GEO-2-Implementation of Geotechnical Recommendations. Require implementation of recommendations set forth in the geotechnical investigations regarding excavation removal of the existing underground tank foundation (Ninyo & Moore 2018, 2022 and any subsequent investigations), including design of cutoff walls, dewatering methods and demolition of foundation using low vibratory techniques.

MITIGATION MEASURE GEO-3-Debris Catchment. Require installation of a debris catchment fence specifically designed by a contractor that specializes in catchment structure design and construction as set forth in the project geotechnical investigation (Ninyo & Moore 2018).

MITIGATION MEASURE HAZ-1-Remedial Action. Prior to excavation associated with project construction, the applicant shall enter into a Voluntary Cleanup Agreement with the DTSC and initiate the site remediation process. The investigation and remediation activities will be overseen by DTSC and the reports/plans required by DTSC shall be submitted to DTSC for approval. The applicant shall follow and implement all DTSC's requirements for investigation and remediation until case closure is granted by the DTSC.

The remediation process will include the following aspects; however, exact activities will be determined in conjunction with the DTSC as part of the voluntary cleanup agreement oversight.

- Submittal of a work plan for further site investigation, if determined to be necessary by DTSC
- Site sampling and submittal of a remedial investigation report, including a revised risk evaluation, if determined to be necessary by DTSC

such soils would require special handling, removal, and disposal with approval by DTSC.

- Submittal of a Remedial Action Plan, including a Community Air Monitoring Plan, including a Community Air Monitoring Plan
- Completion of the remedial action in tandem with the site construction excavation activities. The remedial activities will likely include the following:
 - Waste characterization and profiling
 - Excavation, direct loading, and off-site transportation for disposal of approximately 4,200 cy of soil to an average of 11 feet depth. The appropriate disposal facility will be determined upon waste characterization. Written approval from the CCRWQCB or DTSC may be required for disposal.
 - Excavation and removal of the gas holder tank foundation and contents. The contents of the tank foundation will be removed prior to removal of the foundation. Health and safety air monitoring will be conducted for naphthalene, and other compounds as appropriate, in accordance with a site-specific health and safety plan to be reviewed and approved by DTSC. Personal protective equipment will be used in accordance with the site-specific health and safety plan. Air monitoring will be conducted in accordance with a DTSC-approved CAMP. Odor or emissions control, such as soil wetting, the use of vapor/odor suppressant foam, and/or use of an Odor Boss OB-60G odor control system or similar, shall be implemented if fugitive odors or emissions above action levels are present at the site perimeter or other monitoring station, as determined in the CAMP. In accordance with the Monterey Bay Air Resources District, odors and dust must not cause a public nuisance. Note that if additional tank foundations are identified under the existing office building, they will also need to be removed.
 - Installation of a vapor barrier or other vapor mitigation, if needed based on a risk evaluation.

- Submittal of a remedial action completion report

MITIGATION MEASURE HAZ-2-*Well Protection*. Ongoing remedial actions on the project site require continued monitoring of the three monitoring wells, MW-4A, MW-5A, and MW-7. The three wells on the project site may require removal, protection, or replacement for future development of the project site. A well decommissioning and destruction plan shall be prepared for the management of the monitoring wells. The decommissioning and destruction plan, which may also include protection and/or replacement, would be written in accordance with applicable state and local laws and submitted to the DTSC and CCRWQCB for approval. The approved plan shall be followed, and on-site wells would be removed or protection measures emplaced prior to construction in accordance with applicable laws and regulations.

MITIGATION MEASURE HAZ-3-Pre-Demolition Hazardous Materials Survey and Abatement. Prior to demolition and construction, a hazardous building material survey will be conducted on the project site, including the existing building and subsurface features. The survey will be completed by a California Division of Occupational Safety and Health-certified asbestos consultant and a California Department of Public Health-certified lead inspector, and will follow all federal, state, and local requirements. Demolition or renovation plans and contract specifications shall incorporate abatement procedures for the removal of identified materials containing asbestos, lead, polychlorinated biphenyls, mercury, refrigerants, and universal waste items. All abatement work shall be done in accordance with federal, state, and local regulations, including those of the U.S. Environmental Protection Agency (which regulates disposal), Occupational Safety and Health Administration, U.S. Department of Housing and Urban Development, California Occupational Safety and Health Administration (which regulates employee exposure), and the Monterey Bay Air Resources District.

Noise (Vibration). removal of a remaining underground concrete gas tank holder foundation as part of the site remediation could involve use of impact equipment that could cause vibration, affecting the nearby structure north of the project site.

MITIGATION MEASURE NOI-1: Require use of low-vibratory equipment for excavation and ground improvement as set forth in project geotechnical investigations and require vibration monitoring during excavation and installation of shoring system in accordance with recommendations by project geotechnical engineers and implement remedial measures, if needed, if monitoring shows evidence of slope instability or potential damage to adjacent structures.



Lee Butler
Administrator of Environmental Quality
City of Santa Cruz, California

9/26/22
Date

