August 23, 2022

Mayor and Members, Santa Cruz City Council
Santa Cruz City Hall
809 Center Street
Santa Cruz, CA 95060

Presented At The City Council Meeting
Sent By Email To: citycouncil@cityofsantacruz.com

RE: Proposed Objective Standards Item
Agenda Item #21 - August 23, 2022 Agenda

Dear Mayor Brunner and Council Members:

I am writing on behalf of Save Santa Cruz, a community-based group with over 1,700 supporters. We have already communicated with you on the “Objective Standards” item on your Council Agenda today. I and other Save Santa Cruz members plan to testify in person at your meeting this evening, and I know that the Council has received a significant amount of correspondence, supporting our request that the Council continue the “Objective Standards” item, and that the Council consider it at a later meeting, consistent with the request we made in our August 16th letter.

The purpose of this letter is to do a little follow up, and also to indicate our objection to any action on this item without further environmental review.

Further Environmental Review Is Required
The City must, as you know, comply with the California Environmental Quality Act (CEQA) when it takes any action that “might” result in an adverse impact on the environment. We believe that it is clear, from the materials in your agenda packet, that there
is definitely the possibility that the proposed actions might have adverse environmental impacts, and the staff report in your agenda packet does not indicate, as claimed, that “no further environmental review under the California Environmental Quality Act is required.

Your staff claims that Section 15183 of the CEQA Guidelines says that “no further environmental review ... is required” because the proposed actions “do not increase already studied and allowed development intensity, that they largely affect aesthetics, and that they further goals and policies evaluated as part of the General Plan.”

Please note the actual wording of Guidelines Section 15183:

CEQA mandates that projects which are consistent with the development density established by existing...general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site (emphasis added).

In fact, a number of the recommended changes will have impacts that are “peculiar to the project.” Along Water and Soquel, where the zoning districts are proposed for change, to cite just one example, very significant impacts might be expected on adjacent residential properties. As the staff report notes, the overall densities in the General Plan cannot be reduced, but can be reallocated throughout the city, and that means, since the proposals before you could have very specific impacts, that you need to do further environmental review to be consistent with CEQA.

A comment from Peter Glynn, attached, which was published on the neighborhood website, Nextdoor, makes clear other specific impacts that might be caused by adoption of the recommended actions on the “Objective Standards” item. Similarly, the letter submitted by Rick Hyman, a professional planner (a copy of which is also attached) indicates that there are “project specific significant effects” which must be given environmental review, as required by CEQA Guidelines Section 15183. The impacts that may result from the staff recommended changes are exactly the kind of “project specific
significant effects" that require further environmental review. Other provisions in CEQA and the Guidelines also require environmental review.

The staff report presented to you further claims that the proposed amendments are "exempt from CEQA review under Section [sic] 15061(b)(3). Again, please consider the actual language of that section of the Guidelines:

15061 (b) A project is exempt from CEQA if ....

(3) The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA (emphasis added).

As here indicated, and as indicated in the attachments, this exemption is clearly not relevant. The staff report claims that there is "no possibility" that these amendments might have a significant effect on the environment? Well, Save Santa Cruz begs to differ.

Please take seriously our comments, and the other public comments you have received and take the actions we have requested in our August 16, 2022 letter.

Thank you!

Very truly yours,

[Signature]

Gary A. Patton, Co-Chair
Save Santa Cruz

cc: Save Santa Cruz Steering Committee
Santa Cruz City Planning Director
Other Interested Persons
ATTACHMENT: STATEMENT OF PETER GLYNN:

From: Nextdoor East Morrissey <reply@rs.email.nextdoor.com>
Date: Tue, Aug 23, 2022 at 1:55 PM

"Note there are additional standards that effect everyone such as calling out 8 foot allowance for sidewalks for "all other roadways" beyond the main arterial and collector streets. On my street alone on the portion below freeway and to Soquel would mean shortening driveways / hence losing up to 65 off-street parking spaces for 65 houses and also more than that many trees would be impacted and most would be considered heritage trees. I suggested it be changed at the TPWC and the message was that we needed to get a draft in and we could make changes later...

However, if there is any impact on the development with state mandates than you cannot always make changes without rezoning elsewhere...One must figure out what standards cannot be easily changed and look at those very carefully.

Note Santa Rosa, Goleta and Santa Barbara have Objective Standards that are understandable and 7 to 22 pages. Try figuring out from the Santa Cruz Objective Standards what is the maximum height of the roofline...Seems like a simple question....and yet it is based on an average of the mid-point of the average of the peaks and that may include dormers so it can become obfuscated what is the true height.

Note that the 2.75 FAR is a measure of mass but not of height. So the question is--is it required to increase the minimum height from 3 stories to 5 stories on Soquel and Water knowing that you can add at least 3 stories on top of that with State Mandates for high-density bonus? Without the zoning changes, 831 Water developer said with the density bonus allowance they could already develop up to 8 stories on Water...Why add 2 more stories...?!

Most of the called out parcels are narrow parcels mostly for neighborhood businesses with no service streets or alleys to accommodate ingress/egress efficiently for truck deliveries and trash pick-up and bordering single story homes. So the Objective Standards must be understandable to those that will be most impacted. It is also sometimes up for interpretation how to define the objective standards as was seen with 831 Water. That is why public hearings are still so important.

Also note that there was recently passed a change of the unique to Santa Cruz and nowhere else in the Country SOU ordinance...No more requirement to be for entry-level ownership and instead rentals and no longer required to have Commercial on the bottom floor so no longer mixed use and called FDUs Flexible Density Units). Note this designation is unique to Santa Cruz and so the impacts are unknown based on other municipalities. In the case of 831 Water (on less than an acre is 145 units and commercial/live work and rack parking) and 908 Ocean (on less than 3 acres 390 units
and commercial and rack parking), so rather than 55 units per acre it becomes 130-150 units per acre.

Note that proposed State Mandate AB2097 removes the requirement for parking if 15-minute transit in commute periods and could effect both the projects above. They just removed the modifications for smaller towns in the Aug 16 2022 revision so this will have significant impact on Santa Cruz. [https://leginfo.legislature.ca.gov/faces...](https://leginfo.legislature.ca.gov/faces...)
ATTACHMENT: LETTER FROM RICH HYMAN:

From: bikerick@att.net <bikerick@att.net>
Sent: Monday, August 22, 2022 6:43 AM
To: 'City Council (citycouncil@cityofsantacruz.com)' <citycouncil@cityofsantacruz.com>
Subject: Zoning changes for Aug 23, 2022 meeting

Dear Councilmembers:
Please postpone action on the many revised zoning provisions until:
- there are better provisions for buffering residential neighborhoods from non-residential
development and non-residential components of development – e.g., both fencing and
landscaping;
- there are provisions to direct commercially generated traffic away from the residential
neighborhoods;
- there are provisions to ensure ample, unobstructed bike lanes on the corridors (e.g., eliminate
on-street parking) and convenient bike access into and in new corridor development;
- existing height limits are retained, including currently allowed additional heights for affordable
housing projects;
- non-residential noise- and heavy traffic-generating uses and building components are
prohibited from locating adjacent to residential neighborhoods – e.g., they are directed to the
fronts of deep corridor parcels or to those parcels not directly adjacent to homes;
- public hearing opportunities are retained and ample public noticing and participation
opportunities are made available where State law prohibits public hearings.

Please see my previous correspondence in the packet for specific suggested language to
consider.

Two major corridor projects were constructed at the end of my neighborhood residential street
– the Holiday Inn and The Habit/Ikes complex. In both cases my neighbors succeeded in
securing several project changes through the public hearing and appeals process to better
mitigate adverse impacts on the neighborhood. These included many of items listed above,
including better buffering, traffic management and facility operations. Although these were
commercial-only projects, the approval process and resulting conditions are instructive as
models for mixed use development standards and permitting. And, in both cases the
developers still were allowed to build basically what they proposed – the modifications did not
materially affect their original concepts but resulted in better projects. The proposed zoning
revisions before you fall way short and need to be revised before adoption.

Thank you,
Rick Hyman
138 Coulson Ave.