

CALIFORNIA COASTAL COMMISSION

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December 16, 2019

Samantha Haschert
City of Santa Cruz Planning and Community Development Department
809 Center St., Room 101
Santa Cruz, CA 95060

Re: Notice of Preparation of an Environmental Impact Report for the Riverfront Project

Dear Ms. Haschert:

We received the above referenced Notice of Preparation (NOP) for the City's upcoming environmental impact report (EIR) on the Riverfront Project which proposes to merge five parcels and replace existing commercial buildings and parking lots with one 0.98-acre parcel and a seven-story mixed-use development containing 175 condominiums, 11,498 square feet of new commercial space, and at-grade and underground parking. About one-third of the merged parcel would be in the coastal zone and appeal area. The City's approved Local Coastal Program (LCP) is the standard of review for the portion of the proposed project in the coastal zone. *how much was removed?*

Thank you for engaging with our office early in the environmental review process; doing so will help identify and address the project's potential impacts to coastal resources. As a preliminary matter, we continue to strongly support the City's efforts to protect its coastal resources while simultaneously working to cultivate the Riverfront character of its downtown, create affordable housing, and protect the river's natural environment. The City's Downtown Plan and recent amendments to the City's LCP enacted to help carry out the Downtown Plan will act in tandem to advance those efforts. The purpose of this letter is to identify issues of LCP consistency as early as possible and propose avoidance and/or mitigation measures to address those issues during the CEQA review process. Our ultimate goal with this approach is to facilitate a streamlined environmental review process. The following comments apply to the portions of the proposed project that are located within the City's coastal zone.

Standard of Review

Much of the basis for the City's current environmental evaluation of this project is based on the City's General Plan 2030 and its associated EIR. However, for the portions of the project that are located in the coastal zone, these documents cannot be used to evaluate this project's impacts on coastal resources because neither the General Plan 2030 nor its EIR are formally adopted into the City's LCP. The project's EIR could help the process of determining how the project potentially impacts coastal resources by aligning some elements of the EIR scope towards the City's LCP. Specifically, the portion of the proposed project that lies in the coastal zone will be evaluated according to the City's certified LCP, including the City's Downtown Plan and the recent LCP amendments associated with the Downtown Plan, as that is the legal standard of review for approving coastal development permits.

Variances and Exceptions

The Riverwalk is a greatly under-utilized coastal access and recreation resource for the City. Accordingly, most of our concern about the scope of the project's EIR centers on the proposed project's use of variances and exceptions that could potentially undermine the development standards for this area of the downtown's coastal zone. The project includes several variances and exceptions to applicable development standards, including waivers for maximum building height, the Skyline Architectural Variation standard, minimum building setback requirements, and the Downtown Plan's design guidelines, among others. The statutory basis in the LCP for approving or allowing these exceptions and variances is not clear. Please explain the basis for each exception and why each exception is allowable. The EIR should also include a detailed chart or table indicating the Downtown Plan's existing development standards, what the project proposes, and how the standards are either met or exceeded, as well as the LCP-authorized basis for such exceptions or variances.

Visual Resources in the Coastal Zone

It appears that the proposed buildings may adversely impact visual resources if the already substantial design height and bulk allowed by the LCP are increased through the use of variances and exceptions, as discussed above. It is unclear how increasing the maximum building height permitted in the Downtown Plan's "Additional Height Zone B" area from 70 feet to the proposed 81 feet will protect visual resources, or if this proposed increase is even permissible by the LCP. The City's LCP (*Vol. 1, Community Design Element, Goal 2.2 and 2.2.1, p.85*) and the 2017 LCP amendments associated with the Downtown Plan state that the City will preserve important public views and viewsheds through a development's siting, scale, and other specific design guidelines that encourage carefully-planned and appropriately-designed growth. Numeric zoning standards for height and bulk are understood to be maximums to be subsequently modified in order to best meet core LCP policies. The EIR should therefore evaluate how the project's prominent location adjacent to the San Lorenzo River's western levee combined with its proposed 81-foot height (versus the 70-foot maximum allowed in the LCP) and the proposed shape and mass of the buildings (with setback and setback exceptions) would potentially impact coastal views to the south and downriver towards the ocean. We recommend that the EIR include detailed visual simulations to assess such impacts and that story poles be used to demonstrate buildings' height, setback, and setback configurations so that the public and decision makers can fully assess such impacts. We also recommend that the EIR show how the currently proposed design and possible design alternatives would provide view corridors from the street toward the river. The EIR should also include an evaluation of the project's impact (seasonally) on sunlight and shade in and around the site. See LCP Vol. 1, Community Design Element Goal 2.2.

Water Quality: Storm Water Collection, Treatment, and Discharge

The NOP provides limited details of how the project's storm water collection and treatment system would function. The EIR should include a detailed explanation of the proposed system, including how it is consistent with LCP provisions designed to protect the river's water quality (See LCP Vol. 1, Environmental Quality Element Goal 2.3.1, and LCP Implementation Plan

Section 24.14.050). Given the development's net increase in impervious surface area, minimizing storm water run-off and increasing the treatment and filtration of run-off is a high priority for a development site that drains directly into the adjacent river near its outlet to the ocean. The EIR should also examine the degree to which the site's pervious landscaping and other pervious surface area will be designed to function as bioswales to treat and otherwise manage storm water, and should incorporate the principles of "Low Impact Development" as much as possible. Also, in keeping with the increasingly more common design features of contemporary buildings in our dry region, the EIR should include a detailed description of how the project's rainwater run-off from its roofs can be filtered, stored, and used for the project's landscape irrigation or other uses.

Access

According to the NOP, the proposed project includes two pedestrian pathways that will provide public access to the Riverfront and to the project's proposed public plazas. These pathways address a goal shared by the City and Coastal Commission of stimulating public access to the Riverwalk. Although the NOP does not cite specific numbers, our understanding is that the buildings in the proposed project would have reduced setbacks and setbacks from the pedestrian pathways and the street, which could compromise the aesthetics of the public accessways and outdoor plazas. The EIR should provide the amounts of setbacks and setbacks and should evaluate the aesthetics and utility of the pedestrian pathways and public plazas in light of the proposed variances and exceptions to the LCP, i.e. will the pathways be well-lit and not overly obscured by shadows or towering building fronts, as these could be factors that adversely affect the public's use of these pathways (See LCP Vol. 1, Community Design Element, Goal 3.6). This effect of reduced setback and setbacks could, in turn, reduce the appeal of using the public accessways and plazas and hinder public access to the Riverwalk from this project.

Coastal Hazards

The LCP requires that development should be planned and executed to mitigate known and foreseeable coastal hazards (LCP Vol. 1, Safety Element, Goal 3.1). Flooding and ground water intrusion are foreseeable risks for a development site on a coastal floodplain. Climate change will likely increase coastal storm intensity, raise sea levels, and allow ocean water to reach farther upriver more frequently as high tides correspondingly increase. The NOP states that the impacts from climate change would likely raise the water table around the site, which is in the 100-year flood plain of the San Lorenzo River. While a levee system now protects the project site and the rest of downtown, the combination of risks that includes sea level rise, elevated water tables, higher seasonal king tides, more intense storms, and reliance on levees to protect dense development located on a flood plain calls for a thorough risk assessment in the EIR. This is especially relevant considering that the project would require significant excavation for foundation piles and an underground parking garage. The NOP mentions a possible risk mitigation measure of relying on existing infrastructure to pump out flood water but this mitigation factor requires uninterrupted electric power and assumes no significant rain event within 10 hours of a flood. With more intense coastal storms predicted to occur with the further

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onset of climate change, these assumptions may be optimistic, and thus, unduly expose the project to avoidable hazards. Finally, the NOP mentions a potential mitigation involving raising the elevation of levees to address flooding issues; however, this would require major federal funding that would alter the project's major public accessway to the Riverfront. The EIR should therefore thoroughly evaluate all of these issues, including alternatives that avoid such flooding impacts, as well as mitigation measures that would minimize such impacts.

Other Issues

We concur with the City that the subareas of Cultural Heritage and Energy warrant further review in the forthcoming EIR. Preserving historic buildings in the coastal zone that have significant cultural value and form part of a community's overall heritage is an important element of preserving coastal resources. Commission staff also shares the City's concern regarding the development's energy use and conservation of energy resources, especially related to how the project will generate its own renewable energy and affect the region's overall energy use and carbon emissions.

Thank you for considering these comments as you plan the scope of the Riverfront project EIR. Please do not hesitate to contact me at the address or phone number above if you wish to discuss any of the above comments.

Sincerely,

Colin Bowser
Coastal Planner
Central Coast District Office