

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: May 7, 2013

Reference No.: 2.2c. (5)  
Action

From: ANDRE BOUTROS  
Executive Director

Subject: **APPROVAL OF PROJECT FOR FUTURE CONSIDERATION OF FUNDING  
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE ARANA GULCH MASTER PLAN  
INCLUDING THE BROADWAY-BROMMER BIKE/PEDESTRIAN PATH PROJECT  
(RESOLUTION E-13-24)**

## **ISSUE:**

Should the Commission, as a Responsible Agency, accept the Final Environmental Impact Report (FEIR), Findings of Fact and Statement of Overriding Considerations for the Arana Gulch Master Plan including the Broadway-Brommer Bike/Pedestrian Path Project (project) in Santa Cruz County and approve the project for future consideration of funding?

## **RECOMMENDATION:**

Staff recommends that the Commission accept the FEIR, Findings of Fact and Statement of Overriding Considerations and approve the project for future consideration of funding.

## **BACKGROUND:**

The City of Santa Cruz (City) is the CEQA lead agency for the project. The project is located at Broadway and Frederick Streets in the City of Santa Cruz, and will run through the Arana Gulch open space parkland and harbor district to Brommer and Seventh Streets in the County of Santa Cruz. The project will construct an approximately .8 mile multi-use bike and pedestrian path including paved ADA accessible paths, a 340-foot bridge over Hagemann Gulch and a bridge near Arana Creek. The project is one component of the Arana Gulch Master Plan that includes resource management areas, a 2-mile trail system, interpretive displays and overlooks as well as an Adaptive Management Program for the Santa Cruz Tarplant on a 67.7 acre City-owned site. On July 11, 2006 the City Council approved and certified a FEIR for the Arana Gulch Master Plan including the Broadway-Brommer Bike/Pedestrian Path Project. On February 19, 2013, Caltrans determined the Broadway-Brommer Bike/Pedestrian Path Project to be categorically excluded from NEPA pursuant to 23 CFR 771.117(c)(3).

The FEIR for the Arana Gulch Master Plan determined that impacts related to biological resources would be significant and unavoidable as construction of trails in the project area would result in permanent loss of Santa Cruz Tarplant habitat. The implementation of all feasible mitigation measures prescribed in the FEIR would reduce this impact; however, the impact would remain significant and unavoidable as it cannot be fully ensured that all Santa Cruz Tarplant habitat is protected.

Findings of Fact were developed which provide that changes or alternations have been required in, or incorporated into, the Arana Gulch Master Plan that avoid or substantially lessen the significant environmental effect and that impacts have been reduced to the extent feasible; however, after implementation of the mitigation measures contained in the FEIR, these impacts remain significant and unavoidable. The City adopted the FEIR, Findings of Fact and a Statement of Overriding Considerations for the plan on July 11, 2006. The City found that the significant, unavoidable adverse impacts are acceptable and are outweighed by social, economic and other benefits of the Arana Gulch Master Plan. These benefits include, but are not limited to: improved access to open space, access to a natural area for individuals with disabilities, provision of a trail connection to coastal resources, and promotion of alternative transportation. The City established a Mitigation Monitoring Program to ensure that the mitigation measures specified for the plan are implemented.

Upon further analysis by the City it was determined that the Broadway-Brommer Bike/Pedestrian Path Project has no environmental effects beyond those analyzed in the approved FEIR for the Arana Gulch Master Plan. Therefore, no further project level CEQA compliance is required. On March 4, 2013 the City provided written confirmation that the preferred alternative set forth in the final environmental document is consistent with the project programmed by the Commission. On April 17, 2013 the City confirmed that the 2006 FEIR remains valid and that there are no new impacts requiring mitigation which have been identified since adoption of the FEIR in 2006.

The project is fully funded through construction and is estimated to cost \$5,792,211. The project is funded with Federal (\$2,430,000), State (\$62,000) and Local (\$3,300,211) funds. Construction is estimated to begin in fiscal year 2013/14.

Attachment

- Resolution E-13-24
- Findings of Fact & Statement of Overriding Considerations
- Project Location

# CALIFORNIA TRANSPORTATION COMMISSION

## Resolution for Future Consideration of Funding 05 – Santa Cruz County Resolution E-13-24

- 1.1 **WHEREAS**, the City of Santa Cruz (City) has completed a Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
- Arana Gulch Master Plan and Broadway-Brommer Bike/Pedestrian Path Project
- 1.2 **WHEREAS**, the City has certified that the Final Environmental Impact Report has been completed pursuant to CEQA and the State CEQA Guidelines for its implementation; and
- 1.3 **WHEREAS**, the project will construct an approximately .23 mile multi-use bike and pedestrian path including paved ADA accessible paths, a 340-foot bridge over Hagemann Gulch and a bridge near Arana Creek. The project is one component of the Arana Gulch Master Plan that includes resource management areas, a 2-mile trail system, interpretive displays and overlooks as well as an Adaptive Management Program for the Santa Cruz Tarplant on a 67.7 acre City-owned site; and
- 1.4 **WHEREAS**, the California Transportation Commission, as a Responsible Agency, has considered the information contained in the Final Environmental Impact Report; and
- 1.5 **WHEREAS**, Findings of Fact made pursuant to CEQA guidelines indicate that specific unavoidable significant impacts related to biological resources make it infeasible to avoid or fully mitigate to a less than significant level the effects associated with the project; and
- 1.6 **WHEREAS**, the City adopted a Statement of Overriding Considerations for the project; and
- 1.7 **WHEREAS**, the City adopted a Mitigation Monitoring Program for the project; and
- 1.8 **WHEREAS**, the above significant effects are acceptable when balanced against the facts as set forth in the Statement of Overriding Considerations.
- 2.1 **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby accept the Final Environmental Impact Report, Findings of Fact and Statement of Overriding Considerations and approve the above referenced project to allow for future consideration of funding.

RESOLUTION NO. NS-27,300

**Exhibit A**

**CEQA FINDINGS OF FACT  
AND STATEMENT OF OVERRIDING CONSIDERATIONS**

**OF THE CITY COUNCIL  
OF THE CITY OF SANTA CRUZ**

**For the**

**ARANA GULCH MASTER PLAN  
ENVIRONMENTAL IMPACT REPORT**

**July 11, 2006**

**CONTENTS**

<b>Section</b>	<b>Subject</b>	<b>Page</b>
I.	INTRODUCTION .....	3
II.	PROJECT DESCRIPTION.....	3
	IIa Project Objectives .....	3
	IIb Site Location and History .....	4
	IIc Project Components.....	4
	IId Project Phasing .....	5
III.	FINDINGS REQUIRED UNDER CEQA.....	5
IV.	LEGAL EFFECTS OF FINDINGS.....	7
V.	MITIGATION MONITORING AND REPORTING PROGRAM.....	7
VI.	SIGNIFICANT EFFECTS AND MITIGATION MEASURES.....	8
	Biological Resources .....	8
	Geology, Soils and Seismicity.....	17
	Hydrology and Water Quality.....	20
	Aesthetics.....	22
	Recreation .....	23
	Air Quality .....	24
	Noise .....	26
	Cultural Resources.....	27
VII.	LESS THAN SIGNIFICANT EFFECTS .....	28
VIII.	PROJECT ALTERNATIVES.....	29
	No Project Alternative .....	29
	Reduced Creek View Alternative .....	30
	Unpaved Trail System with Hagemann Gulch Bridge Alternative .....	31
	Unpaved Trail System without Hagemann Gulch Bridge Alternative .....	32
IX.	STATEMENT OF OVERRIDING CONSIDERATIONS.....	33

**I.**  
**INTRODUCTION**

The Final Environmental Impact Report (FEIR) prepared for the Arana Gulch Master Plan (“the Project”) addresses the environmental effects associated with the Project, consisting of a Park Master Plan addressing public use and resource management of the 67.7 acre City owned and managed open space.

These findings have been prepared to comply with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000 et. seq.), the CEQA Guidelines (California Code Regs. Title 14 Section 15000 et. seq.) and the City of Santa Cruz CEQA Guidelines.

The documents or other material that constitute the record of the proceedings upon which the City decision is based are under the custodianship of the Director, City of Santa Cruz Parks and Recreation Department, and are located at 323 Church Street, Santa Cruz.

**II.**  
**PROJECT DESCRIPTION**

**II-a Project Objectives**

The Project consists of the Arana Gulch Master Plan and associated amendments to the Zoning District and City’s General Plan/Local Coastal Program. The Arana Gulch Master Plan is a Park Master Plan that identifies public uses and resource management guidelines for the 67.7 acre City-owned and managed open space. The objectives of the Master Plan are divided into “Resource Protection and Enhancement” and “Public Use” as addressed below. These objectives are as follows:

**Resource Protection and Enhancement**

- Protect and enhance sensitive habitat areas, including coastal prairie, riparian woodland, and wetlands.
- Implement an adaptive management program to ensure the long-term viability of the Santa Cruz tarplant within Arana Gulch.
- Educate the public about natural resource protection and enhancement through interpretive displays and programs.
- Reduce sedimentation through: a) stabilization and restoration of excessively eroded areas; b) trail improvements; and, c) other Best Management Practices.

**Public Use**

- Provide a trail system that allows public access within habitat areas in a manner that does not result in significant degradation of habitat values.
- Provide trail connections through Arana Gulch that provide access from adjacent communities to the coastline and the Monterey Bay National Marine Sanctuary Trail. Provide multi-use trail connections within Arana Gulch that comply with

Americans with Disabilities Act (ADA) requirements and provide pedestrian, wheelchair and bicycle access.

- Provide areas for nature viewing and interpretive displays. Ensure that interpretive displays complement and blend with the natural environment.
- To protect sensitive habitat areas, restrict dogs to on-leash use at all times on designated trails.
- Close unauthorized, non-designated trails.
- Provide no new vehicle parking within the Arana Gulch boundaries, as there is adequate existing parking near the entrances.

## **II-b Site Location and History**

The project site is located within the City of Santa Cruz, in the County of Santa Cruz. The City of Santa Cruz is located along the northern edge of Monterey Bay. The Master Plan addresses a 67.7 acre natural area located approximately 1.5 miles east of downtown Santa Cruz along the eastern boundary of the City. The project site is bounded by the Santa Cruz Harbor to the south and residential development to the west, east, and north. The City/County line lies just within the eastern boundary of the project site.

The project site was purchased by the City of Santa Cruz in 1994 as part of a phased effort to acquire greenbelt properties. Since acquisition, the City Parks and Recreation Department has been responsible for management and maintenance of Arana Gulch.

Historically, the project site was part of the 110-acre Live Oak Ranch, which was established by Frederick Hagemann in 1871. In 1919, a portion of the ranch was sold to the Kinzli family who created the Live Oak Dairy that was in operation until 1948. Cattle grazing continued on the property until the late 1980s.

## **II-c Project Components**

The Arana Gulch Master Plan is a Park Master Plan which includes the following components: identification of Resource Management Areas and management guidelines, an interpretive trail system totaling approximately 2 miles, interpretive displays and overlooks, and an adaptive management program for the Santa Cruz tarplant. Dogs would be required to remain on leash on designated trails at all times. No parking or restroom facilities would be provided within the project site.

The Management Areas are proposed to be designated within Arana Gulch based on natural resources. The intent of designating these areas is to more effectively focus resource management and enhancement efforts. The three Management Areas include: 1) Coastal Prairie/Tarplant – 30 acres; 2) Arana Gulch Creek Riparian and Wetland – 34.5 acres; and, 3) Hagemann Gulch Riparian Woodland – 3 acres. Specific management guidelines have been developed for each area.

An Adaptive Management Program for the Santa Cruz tarplant is included as Appendix A to the Master Plan. This program outlines an adaptive management framework for

enlarging the population of the Santa Cruz tarplant by improving the quality of coastal prairie habitat at Arana Gulch.

The trail system would include paved multi-use trails (8 feet in width) open to bicyclists, pedestrians and wheelchairs, which would total approximately 0.6 miles. A new bicycle/pedestrian bridge (also accessible to wheelchairs) is proposed across Hagemann Gulch. This trail system would provide a new multi-use trail connection from the Seabright neighborhood (lies to the west of Arana Gulch) through Arana Gulch to the Upper Harbor, and continuing through the Port District property to Brommer Street, in the County of Santa Cruz. A paved multi-use trail would also provide a north-south connection through Arana Gulch between Agnes Street to the north and the Upper Harbor to the south.

Pedestrian-only trails would include a loop trail encircling the meadow area and a trail overlooking the Arana Gulch Creek floodplain. These pedestrian trails would be maintained as earthen footpaths (1.5 to 2 feet in width).

Interpretive overlooks and displays would be located along the trail routes at locations that minimize impacts to sensitive habitats. Limited seating may be provided at scenic overlooks, but the number of benches would be limited.

#### **II-d Project Phasing**

The proposed phasing plan is organized into two phases. The first 3-year phase focuses on establishing the Santa Cruz Tarplant Adaptive Management Program and developing the multi-use interpretive trail system. The second phase (ongoing) focuses on continued implementation of the Tarplant Management Program, management of the trail system, and restoration of eroded areas.

### **III. FINDINGS REQUIRED UNDER CEQA**

Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant effects of such projects.” (Emphasis added.) The same statute states that procedures required by CEQA “are intended to assist public agencies in identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will *avoid or substantially lessen* such significant effects.” (Emphasis added.) Section 21002 goes on to state that “in the event (that) specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects.”

The mandate and principles announced in the Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt Findings before

RESOLUTION NO. NS-27,300

EXHIBIT A

approving projects for which EIRs are required. (See Public Resources Code, § 21081, subd. (a); CEQA Guidelines § 15091, subd. (a)). For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that “changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) The second permissible finding is that “such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” (CEQA Guidelines, § 15091, subd. (a)(2).) The third potential conclusion is that “specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.” (CEQA Guidelines, § 15091, subd. (a)(3).) Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) Furthermore, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.)

The CEQA Guidelines do not define the difference between “avoiding” a significant environmental effect and merely “substantially lessening” such an effect. The City must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code section 21081, on which CEQA Guidelines section 15091 is based, uses the term “mitigate” rather than “substantially lessen.” The CEQA Guidelines therefore equate “mitigating” with “substantially lessening.” Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.” (Pub. Resources Code, § 21002.)

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level. These interpretations appear to be mandated by the holding in *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 519-521, in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less than significant.

RESOLUTION NO. NS-27,300  
EXHIBIT A

Although CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is "avoid[ed] or substantially lessen[ed]," these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less than significant level, or has simply been substantially lessened but remains significant.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or a feasible environmentally superior alternative, a public agency, after adopting proper Findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15042, subd. (b); see also Public Resources Code § 21081, subd. (b).)

**IV.  
LEGAL EFFECTS OF FINDINGS**

To the extent that these Findings conclude the various proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superceded, or withdrawn, the City hereby binds itself to implement these measures. These Findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when City decision makers formally approve the Project.

**V.  
MITIGATION MONITORING AND REPORTING PROGRAM**

The City recognizes that any approval of a proposed project requiring mitigation measures would require concurrent approval of a Mitigation Monitoring and Reporting Program (MMRP), which ensures performance of identified mitigation measures (Public Resources Code Section 21081.6 [a] [1]). The Mitigation Monitoring and Reporting Program identifies the entity responsible for monitoring and implementation, and the timing of such activities. The MMRP includes mitigation measures proposed in the EIR for those impacts identified during review of the Arana Gulch Master Plan. The City will use the MMRP to track compliance with the project mitigation measures. The MMRP is presented in the Final EIR in Chapter 4 and is attached to Resolution No. NS-27,300 as Exhibit "B." (These findings are Exhibit A to the same resolution). The MMRP will remain available for public review during the compliance period and is on file in the Parks and Recreation Department of the City of Santa Cruz.

**VI.**  
**SIGNIFICANT EFFECTS AND MITIGATION MEASURES**

The Draft and Final EIRs identified several significant effects that the project may cause. All but one of these significant effects can be fully avoided through the adoption of feasible mitigation measures. The effect on Santa Cruz tarplant habitat, discussed under Biological Resources, cannot be avoided by the adoption of such measures or feasibly superior alternatives, but it can be substantially lessened through adoption of Mitigation Measures. Even so, this significant and unavoidable effect is, in the judgment of City Council, outweighed and thus made acceptable by “overriding considerations” set forth in Section IX of this document (the Statement of Overriding Considerations for the Project).

**BIOLOGICAL RESOURCES**

For purposes of this Project an impact on Biological Resources is considered significant if the project would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the CDFG or USFWS;
- Have a substantial adverse effect on federal protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marshes, vernal pools, and coastal areas) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any applicable local policies protecting biological resources, such as a tree preservation policy or ordinance; or
- Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Communities Conservation Plan (NCCP), or other approved local, regional, or State habitat conservation plan.
- Substantially reduce the habitat of a fish or wildlife species;
- Cause a fish or wildlife population to drop below self sustaining levels;
- Threaten to eliminate a plant or animal community; or
- Substantially reduce the number or restrict the range of an endangered, rare or threatened species.

(DEIR, page 4.2-37; FEIR Addendum)

**Impacts:**

**Impact Bio-1:** Construction of the Hagemann Gulch Bridge and improvements to existing trails would not result in removal of riparian vegetation or habitat, but could result in indirect impacts on riparian scrub and oak woodland, which is recognized as a sensitive habitat, due to potential inadvertent erosion and damage during construction (e.g., placement of soils stockpiles at staging locations). This is a potentially **significant** impact. (DEIR, page 4.2-38)

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Mitigation Measures:**

**Mitigation Bio-1(a):** All construction activities and equipment staging shall occur outside the riparian scrub and woodland habitat. The outside edge of the habitat shall be marked in the field by a qualified botanist. Prior to construction, 5-foot-high temporary construction mesh fencing and signs shall be installed. The location and integrity of the fencing shall be field-checked by a botanist prior to grading operations and periodically during the construction period.

A construction staging area that avoids any sensitive habitat shall be clearly identified prior to construction. For example, staging for the western portion of the Hagemann Gulch Bridge should occur on City-owned property to the west of Hagemann Gulch that does not include sensitive habitat. Staging for the eastern portion of the Hagemann Gulch bridge should occur outside of the riparian corridor, oak woodland, historic mapped tarplant areas, and native grassland areas. The City shall work with the Port District to identify possible staging areas in disturbed areas of Port District property adjacent to Arana Gulch that could be used temporarily during construction. (DEIR page 4.2-39)

**Mitigation Bio-1(b):** Construction activities adjacent to Hagemann Gulch shall utilize standard best management practices (BMPs) to minimize effects on the nearby creek channel. BMPs shall include erosion control measures to minimize sedimentation and turbidity in the aquatic habitat. Areas disturbed by construction shall be revegetated with an erosion control seed mix. (DEIR page 4.2-39)

**Mitigation Bio-1(c):** If riparian habitat is inadvertently affected during construction, the City shall implement a 2:1 on-site habitat replacement program in the fall/winter following the completion of site construction work. A qualified botanist shall determine an appropriate degraded area within Arana Gulch for restoration as riparian habitat. (DEIR page 4.2-39)

**Mitigation Bio-1(d):** Any tree trimming shall comply with the City's Heritage Tree Ordinance. If any activity would disturb riparian habitat, the City shall comply with

RESOLUTION NO. NS-27,300  
EXHIBIT A

Section 1602 of the Fish and Game Code and applicable permits shall be obtained prior to construction. (DEIR page 4.2-39 and Final EIR Addendum)

**Impact Bio-2:** Construction and use of the proposed Creek View Trail within the Arana Gulch property, near the southern entrance, could impact small seasonal wetland areas, both directly and indirectly. Off-trail usage could indirectly impact wetland vegetation by trampling of soils and associated disturbance to wetland flora. Trail construction could also indirectly impact small seasonal wetlands by alteration of the subsurface hydrology. The new multi-use trail alignment could directly affect one of the small seasonal wetland areas due to the alignment location. This is a potentially **significant** impact. (DEIR, page 4.2-39)

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Mitigation Measures:**

**Mitigation Bio-2(a):** The City shall complete a jurisdictional wetland delineation pursuant to U.S. Army Corps of Engineers and California Coastal Commission criteria for any seasonal wetlands that could be impacted by the Creek View Trail alignment. If any of the seasonal wetlands are determined to be jurisdictional wetlands pursuant to California Coastal Commission or U.S. Army Corps of Engineers criteria, the trail shall be designed, under the guidance of a qualified botanist, to avoid the jurisdictional wetland. (Addendum to Final EIR issued on July 10, 2006)

**Mitigation Bio-2(b):** Prior to construction, temporary plastic mesh fencing shall be installed along the Creek View Trail alignment to exclude the seasonal wetland areas and to provide a 20- to 30-foot buffer zone where feasible. During construction, this temporary fencing shall be monitored by City staff or a qualified botanist during construction to ensure that no indirect impacts on seasonal wetland areas occur. No soils, materials or construction materials shall be located within the buffer zone. (DEIR page 4.2-40 and 4.2-41)

**Mitigation Bio-2(c):** If the buffer zone is disturbed, the buffer zone near wetlands shall be revegetated with site-appropriate native vegetation. A qualified botanist shall determine the appropriate revegetation plantings. (DEIR, page 4.2-41)

**Mitigation Bio-2(d):** The seasonal wetlands shall be monitored for indirect impacts from trail users and management options addressed in the Arana Gulch Master Plan shall be implemented. (DEIR, page 4.2-41)

**Mitigation Bio-2(e):** Mitigation Measure Hydrology-2, which addresses maintenance of flow conditions in the vicinity of paved trails, shall be implemented. (DEIR, page 4.2-41)

**Impact Bio-3:** Construction and use of the proposed Creek View Trail segment through the Port District property (south of Arana Gulch) could impact wetlands indirectly due to off-trail usage that could damage wetland vegetation by trampling of soils and associated disturbance of wetland flora. This is a potentially **significant** impact. (DEIR, page 4.2-41).

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Mitigation Measures:**

**Mitigation Bio-3(a):** Prior to construction, temporary plastic mesh fencing shall be placed along the trail alignment to limit construction-related impacts to the maximum extent possible. During construction, the fencing placement shall be monitored by City staff, or a qualified botanist, to ensure that no indirect impacts on wetlands occur. No soils, materials or construction equipment shall be stored within this fenced trail corridor. All staging and equipment storage shall be within the developed area of the Upper Harbor. (DEIR, page 4.2-41)

**Mitigation Bio-3(b):** After construction of the trail, native species shall be planted within the 100-foot wetland buffer zone to further enhance the restoration efforts previously undertaken for the Upper Harbor dry storage area project. (DEIR, page 4.2-42)

**Mitigation Bio-3(c):** After construction, permanent fencing shall be installed along the entire length of the Creek View Trail within the Port District property and extending along the north side of the trail. This fencing shall either be black, vinyl-coated chain link fencing (approximately 4 feet high), wood frame fencing with small wire mesh to prevent dogs from entering the wetland buffer zone, or other type of fencing acceptable to the Port District that prevents trail users and dogs from entering the buffer zone but that also maintains visibility of the creek. Solid fencing is not recommended because of graffiti and security concerns. (DEIR, page 4.2-42)

**Mitigation Bio-3(d):** An interpretive display shall be posted along the trail route to highlight the significance of wetland and riparian habitats and to discourage inappropriate behavior that could damage such resources. (DEIR, page 4.2-42)

**Mitigation Bio-3(e):** Mitigation Measure Hydrology-2, which addresses maintenance of flow conditions in the vicinity of the paved trails, shall be implemented. (DEIR, page 4.2-42)

**Impact Bio-4:** The proposed Canyon Trail east of Hagemann Gulch would pass through, or near the boundary of, Santa Cruz tarplant (SCT) Area B. The proposed Arana Meadow Trail would pass through, or near the boundary of, SCT Area C. The proposed Creek View Trail and Coastal Prairie Loop Trail would pass through, or near the boundary of, SCT Area D, and the proposed Marsh Vista Trail would pass close to the lower (eastern)

boundary of Area D. The proposed Coastal Prairie Loop Trail would pass close to the boundaries of SCT Area A, which is also a known historic locality for Choris's popcorn-flower. Trail construction through or near the SCT areas, coupled with increased human activity in the area, may result in impacts on the SCT and popcorn-flower. This is a potentially **significant** impact. (DEIR, page 4.2-42)

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Mitigation Measures:**

**Mitigation Bio-4(a):** To the maximum extent feasible, all trail segments shall be aligned to avoid the mapped historic extent of the four Santa Cruz tarplant areas. Prior to construction, staging areas shall be identified that are outside historic tarplant areas, as addressed in Mitigation Measure BIO-1(a). All trail alignments shall have a fenced construction corridor to minimize disturbance to habitat outside this corridor and the corridor width shall be the minimum necessary to allow trail construction. The fencing shall be maintained through the construction phase and periodically monitored to ensure protection of tarplant habitat. (DEIR, page 4.2-43)

**Mitigation Bio-4(b):** The Santa Cruz Tarplant Management Program (BMP Ecosciences, 2005) shall be fully implemented. This management program would incorporate the following elements:

- (1) Active management practices and techniques, including, but not limited to, the following:
  - Mowing with removal of cut material.
  - Prescribed burning.
  - Soil disturbance.
  - Removal of invasive non-native plant species.
- (2) Continued experimental research directed toward refining understanding of the management regime that maximizes long-term success of tarplant.
- (3) Ongoing monitoring on an annual basis to determine the success of management measures, to monitor the overall well-being of tarplant colonies on the site, and to identify potential threats to tarplant persistence on the site.
- (4) Revision of the management prescriptions and remedial actions as appropriate to enhance long-term viability of tarplant on the site.  
(DEIR, page 4.2-43)

**Mitigation Bio-4(c):** For any trail alignments that would cross the historic mapped tarplant areas, soil shall be mechanically scraped under the approval of a qualified botanist and with the approval of the Adaptive Management Working Group (AMWG) for the Santa Cruz tarplant. Redistribution of scraped soil material shall also be under the approval of a qualified botanist and the AMWG as

identified in the Santa Cruz Tarplant Adaptive Management Program. (DEIR, page 4.2-44)

**Mitigation Bio-4(d):** Trail maintenance and management actions, such as repair of pavement or mowing of the grass edge, shall be conducted in a manner conducive to the management of the tarplant population. Maintenance actions shall be coordinated with the City Parks and Recreation Department and shall comply with the Santa Cruz Tarplant Adaptive Management Program. (DEIR, page 4.2-44)

**Mitigation Bio-4(e):** If annual monitoring indicates that substantial adverse indirect impacts on the tarplant are occurring due to human use of the area, fencing shall be erected as necessary to discourage unauthorized human encroachment into the tarplant colonies. If tarplant areas do not demonstrate evidence of adverse impacts, permanent fencing should be avoided to allow for greater flexibility for mowing and other management practices. (DEIR, page 4.2-44)

**Impact Bio-5:** Increased human activities on the site resulting from the new entrance and multi-use trails may cause indirect impacts on sensitive habitats. This is a potentially **significant** impact. (DEIR, page 4.2-44)

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Mitigation Measures:**

**Mitigation Bio-5(a):** At strategic points along the multi-use trails, interpretive signs shall be posted to inform users when they are passing through a sensitive habitat or area of significant wildlife use. Descriptions of the habitats and their importance may be presented to increase pedestrians' understanding and respect for the resources of Arana Gulch. Guidelines regarding trail use shall be posted. (DEIR, page 4.2-44)

**Mitigation Bio-5(b):** Annual monitoring of sensitive resources shall be conducted for a 5-year period following construction and operation of the multi-use and pedestrian trails. If there is evidence of adverse effects on sensitive resources, permanent fencing of affected habitats such as the wetlands and riparian areas shall be considered and implemented, as necessary. (DEIR, page 4.2-44)

**Impact Bio-6:** Trail construction may remove or disturb native perennial bunchgrasses that are intermixed among the grassland. The bunchgrasses are indicators of remnant coastal terrace prairie, a sensitive habitat that should be protected. This is a potentially **significant** impact. (DEIR, page 4.2-45)

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Mitigation Measure:**

**Mitigation Bio-6:** The trail alignments shall attempt to avoid clumps of native grasses to the greatest extent feasible. Materials excavated during trail construction should not be side-cast onto adjacent native grasses. Areas temporarily disturbed by trail construction shall be reseeded with native grasses and native herbaceous plant species (locally-obtained seed). Seeding shall occur in the fall following construction. (DEIR, page 4.2-45)

**Impact Bio-7:** Construction of the bridge over Hagemann Gulch and the multi-use trail above the Arana Gulch Creek culverts may result in impacts on the California red-legged frog (CRLF), if this species is documented to occur in the area prior to construction. However, earlier surveys have not identified red-legged frogs on the site. This is a potentially **significant** impact. (DEIR, page 4.2-45)

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Mitigation Measure:**

**Mitigation Bio-7:** Focused surveys for the California red-legged frog (CRLF) shall be conducted in the season immediately prior to construction activities. Surveys shall be conducted in accordance with current USFWS protocol (USFWS, 2005f). If CRLF are encountered during pre-construction surveys, during the inspection conducted immediately prior to ground-moving activities, or during project activities, all work on the site and adjacent staging area parcels shall cease. The USFWS and CDFG shall be notified immediately to determine whether additional avoidance measures or further action should be implemented to prevent possible take of this species. Depending on the results of the pre-construction surveys, the following measures shall be implemented to avoid impacts on the species:

- Initial construction activities (including grading and vegetation removal) shall occur during dry weather, during the day, and preferably before newly metamorphosed frogs disperse and when CRLF are less likely to be moving around. Initial ground-disturbing activities shall occur between May 15 and October 15.
- The riparian habitat shall be inspected by a USFWS-approved biologist before any clearing of vegetation, to avoid killing, injuring or harming individual frogs, if present, during these activities.
- A USFWS-approved biologist shall meet with the construction crew at the onset of construction to (1) provide CRLF life history information and habitat descriptions, (2) provide education regarding the workers' need to examine the ground before and during debris and vegetation removal and during initial ground disturbance activities, and (3) provide education about the need to halt activities

RESOLUTION NO. NS-27,300  
EXHIBIT A

and avoid handling or moving any CRLF or other special-status wildlife if encountered in the work area.  
(DEIR, page 4.2-45 and 4.2-46)

**Impact Bio-8:** The construction of the Hagemann Gulch bridge could have an impact (e.g., noise affecting breeding during construction) on avian species that reside in or utilize all habitats in the project area (see Table 4.2-2) such as raptors, yellow warblers, and great blue herons. This is a potentially **significant** impact during the construction phase. (DEIR, page 4.2-46)

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Mitigation Measures:**

**Mitigation Bio-8(a):** Before construction begins, nest and roost surveys shall be conducted by a qualified wildlife biologist during the period from March through July. These surveys shall be conducted for special-status birds, and all birds (and their nests) protected under the Migratory Bird Treaty Act (MBTA).

Surveys shall include the multi-use trail/bridge site and a 300-foot-wide buffer to examine nearby tree stands and structures for nesting special-status avian species. If an active nest is found, the City Parks and Recreation Department shall consult with the appropriate resource agencies (CDFG, USFWS) to determine appropriate construction buffers or other avoidance measures. If nesting birds are not found, no further action would be necessary. (DEIR, page 4.2-46)

**Mitigation Bio-8(b):** As suggested in the Santa Cruz Harbor Wetland Consultation (Habitat Restoration Group, 1992), a temporary 300-foot-wide buffer zone from a heron nest tree shall be maintained during May through July; if/when young are present. (DEIR, page 4.2-46)

**Mitigation Bio-8(c):** A yellow warbler nest survey shall be conducted in the riparian scrub prior to construction. If nests are found within 300 feet of the multi-use trail/bridge site, construction shall be delayed from April through July, or until the young have fledged. (DEIR, page 4.2-46)

**Mitigation Bio-8(d):** While no lighting is proposed at this time, any future lighting should be limited. Any trail lighting shall consist of low-intensity lights, no higher than 3 feet off the ground that would focus light on the trail and minimize lighting of natural areas adjacent to the trail and bridge. (DEIR, page 4.2-47)

**Impact Bio-9:** Construction of the portion of the multi-use trail near Arana Gulch Creek could affect special-status roosting bats due to activity during construction. If trimming of trees is undertaken, bat roosts could be removed. This is a potentially **significant** impact during the construction phase. (DEIR, page 4.2-47)

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Mitigation Measure:**

**Mitigation Bio-9:** The following measures are recommended to avoid impacts to roosting bats:

- Conduct surveys in late April or early May when bats are establishing maternity colonies but before females give birth. If roosting bats are found at this time, they should be excluded from establishing maternity colonies.
- Protect maternity colonies that have young not yet able to fly (pre-volant). The project biologist must confirm there are no pre-volant young present before a colony is displaced. It is assumed that after September 1 colonies have no pre-volant young.
- For any trees that could provide roosting space for bats, the trees shall be thoroughly evaluated prior to trimming to determine if a colony is present. Visual inspection, trapping, and acoustic surveys may be utilized as initial techniques.
- If a tree is not an active roost site, it may be immediately trimmed. If the tree is not trimmed within four days, the night surveys shall be redone.
- If a tree is an active roost site, the CDFG shall be contacted immediately and the bat species identified if possible. Active roost trees may still be trimmed after consultation.
- Removal of any native riparian tree, if necessary, shall be preceded by a thorough visual inspection to reduce the risk of displacing foliage-roosting bats.
- Removal of any occupied tree, if necessary, shall be mitigated for by the creation of a snag or other artificial roost structure. (DEIR, page 4.2-47)

**Impact Bio-10:** Monarch butterflies could be displaced if colonial wintering roost sites occur on the site and if trees are trimmed on such sites. This is a potentially **significant** impact. (DEIR, page 4.2-47)

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Mitigation Measure:**

**Mitigation Bio-10:** Focused surveys for roosting colonies of monarch butterflies shall be conducted over the winter season (November to March) prior to construction activities. An examination of tree stands near and/or adjacent to the project area shall follow survey methods specified by the Xerces Society for Invertebrate Conservation (Xerces, 2004). The City shall avoid removing or trimming trees utilized by

monarch butterflies or trees adjacent to the winter roost to prevent indirect changes to the humidity, wind exposure, and temperature within the immediate vicinity of the roost site. Any routine tree trimming shall be done between April and August to eliminate the risk of disturbance to monarch colonies, and shall be conducted under the guidance of a qualified monarch butterfly specialist if butterflies have been documented in the project area. (DEIR, page 4.2-48)

**Summary of Findings Relating to Impacts on Biological Resources:** The potentially significant impacts on biological resources, including riparian habitat, wetlands, perennial bunchgrasses, and wildlife, resulting during the construction phase and from project implementation will be mitigated to less than significant levels with the implementation of mitigation measures as described above.

Impacts on the Santa Cruz tarplant habitat due to implementation of the paved multi-use trails are significant impacts that cannot be feasibly avoided. Mitigation measures (Bio-4a through Bio 4e) however, will substantially lessen the overall impacts to Santa Cruz tarplant habitat but will not the significant environmental effect to tarplant habitat within the footprint of the paved multi-use trails. No mitigation measure is available to render the effect within the paved trail footprint less than significant. The effect will therefore remain significant and unavoidable.

In summary, changes or alterations have been required, or incorporated into, the project that avoid the significant biological environmental effects as identified in the Final EIR with the exception of Impact Bio-4, impact on the Santa Cruz tarplant habitat within the footprint of the paved multi-use trails, which will be substantially lessened through mitigation.

## **GEOLOGY, SOILS, and SEISMICITY**

For purposes of this Project an impact related to Geology, Soils and Seismicity is considered significant if the Project would:

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42);
    - Strong seismic ground shaking;
    - Seismic related ground failure, including liquefaction;
    - Landslides;
- Result in substantial soil erosion or the loss of topsoil;

RESOLUTION NO. NS-27,300

EXHIBIT A

- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse;
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994 or most current edition), creating substantial risks to life or property; or
- Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. (DEIR, pages 4.3-6 and 4.3-7)

**Impacts:**

**Impact Geo-1:** The project has the potential to expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death, due to liquefaction in the floodplain area of the site. This is a potentially **significant** impact. (DEIR, page 4.3-8)

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Mitigation Measure:**

**Mitigation Geo-1:** A project geotechnical investigation shall be conducted and reviewed and approved by the City Engineer prior to issuance of a grading permit. This report shall address the stability of fill materials at the Arana Gulch Creek area and the nature and stability of materials apparently deposited as fill on the slope where the elevated multi-use trail is proposed across Hagemann Gulch. Measures outlined in the feasibility study shall be incorporated into the construction plans. Measures to reduce the potential impacts from slope instability may include but are not limited to:

- Slope reconstruction.
- Installation of buttresses or engineered fills.
- Installation of lateral restraint structures.
- Installation of pile supports.
- Re-location of the proposed trails.

With the incorporation of all geotechnical recommendations into the project design and construction, this impact would be reduced to less than significant. (DEIR, page 4.3-8)

**Impact Geo-2:** The proposed Master Plan elements have the potential to result in substantial soil erosion or the loss of topsoil. This is a potentially **significant** impact. (DEIR, page 4.3-8)

RESOLUTION NO. NS-27,300  
EXHIBIT A

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Mitigation Measures:**

**Mitigation Geo-2(a):** The contractor for the project must comply with the City of Santa Cruz Best Management Practices (BMPs) for Construction Work. The BMPs shall be incorporated into the project plans and shall be approved by the City Engineer prior to issuance of a grading permit. If the total area to be disturbed by the project is one or more acres, the City shall obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity and shall submit a Storm Water Pollution and Prevention Plan (SWPPP), as required by the Regional Water Quality Control Board. (DEIR, page 4.3-9)

**Mitigation Geo-2(b):** All grading shall be conducted during the dry season (April 15 through October 15) only, and all areas of exposed soil shall be replanted within three months of completion of grading activities or prior to the first rainfall or prior to October 31, whichever is earlier, to minimize erosion and subsequent sedimentation. (DEIR, page 4.3-9)

**Mitigation Geo-2(c):** All trails shall be constructed in accord with best management practices defined in "Best Management Practices For Erosion Control During Trail Maintenance and Construction" (NHDRED 2004), or an equivalent document such as the United States Forest Service, Trail Construction and Maintenance Notebook 2004 Edition (USFS, 2004). (DEIR, page 4.3-9)

**Impact Geo-3:** The Project could potentially result in, on- or off-site landslides, lateral spreading, subsidence, or collapse. This is a potentially **significant** impact. (DEIR, page 4.3-9)

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Mitigation Measure:**

**Mitigation Geo-3:** Refer to Mitigation Measure Geo-1.

**Impact Geo-4:** Elements of the Master Plan have the potential to be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life and property. This is a potentially **significant** impact. (DEIR, page 4.3-10)

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Mitigation Measure:**

**Mitigation Geo-4:** A geotechnical investigation shall be conducted and reviewed and approved by the City Engineer prior to issuance of a grading permit. See Mitigation Measure GEO-1. Measures outlined in the geotechnical investigation shall be incorporated into the construction plans. Measures to reduce the potential impacts from slope instability may include but are not limited to:

- Slope reconstruction.
- Excavation of expansive soils to bedrock.
- Employment of piles to support and stabilize bridge footing.  
(DEIR, page 4.3-10)

**Summary of Findings Relating to Impacts on Geological Resources:** The potentially significant geology, soils and seismic impacts resulting from project implementation will be mitigated to less than significant levels with the implementation of mitigation measures as described above.

In other words, changes or alterations have been required or incorporated into the project that avoid the significant geologic effects as identified in the Final EIR.

**HYDROLOGY AND WATER QUALITY**

For the purposes of this Project an impact on hydrology and water quality is considered significant if the Project would:

- Violate any water quality standards or waste discharge requirements;
- Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or lowering of the local groundwater table level (i.e., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted);
- Substantially alter the existing drainage patterns of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site;
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
- Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff;
- Otherwise substantially degrade water quality;
- Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map;

RESOLUTION NO. NS-27,300

EXHIBIT A

- Place structures within a 100-year flood hazard area that would impede or redirect flood flows;
- Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam; or
- Result in inundation by seiche, tsunami, or mudflow.

(DEIR page 4.4-10)

**Impacts:**

**Impact Hydrology-1:** The Project has the potential to violate water quality standards or waste discharge requirements. This is a potentially **significant** impact. (DEIR page 4.4-11)

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Mitigation Measures:**

**Mitigation Hydrology-1(a):** Before initiating any grading at the site, the City shall prepare an erosion control plan incorporating construction-phase measures to limit and control erosion and siltation. The erosion control plan shall incorporate components such as phasing of grading, limitations on areas of disturbance, designation of restricted entry zones, diversion of runoff away from disturbed areas, protective measures for sensitive areas, and provisions for revegetation and mulching, as required. The plan shall also prescribe treatment measures to trap sediment once it has been mobilized. (DEIR, page 4.4-12)

**Mitigation Hydrology -1(b):** The contractor for the project must comply with the City of Santa Cruz Best Management Practices (BMPs) for Construction Work. If the total area to be disturbed by the project is one or more acres, the City shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for the project. The SWPPP shall include water quality control measures to reduce the potential risks of surface water and groundwater contamination during construction and post-construction stages of development. The SWPPP shall incorporate the erosion control measures outlined in Mitigation Measure HYDROLOGY-1(a) and shall be consistent with the treatment requirements contained in the City of Santa Cruz Storm Water Management Program. (DEIR, page 4.4-12)

**Mitigation Hydrology -1(c):** The City's project engineer shall complete a hydrologic and hydraulic analysis and computations to determine the appropriate location of the clear span bridge abutments and other appropriate design details for Hagemann Gulch. A scour analysis shall be completed if any structures would be located in the channel to demonstrate that the abutment or pier protection and channel scour protection design are adequate. All of these analyses and design refinements shall comply with State of California engineering standards. (DEIR, page 4.4-12)

**Impact Hydrology-2:** The Project has the potential to substantially alter the existing drainage pattern of the site or area in a manner that would result in substantial erosion or siltation on- or off-site. This is a potentially **significant** impact. (DEIR, page 4.4-12)

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Mitigation Measures:**

**Mitigation Hydrology-2(a):** To maintain natural surface runoff conditions on the site, the paved multi-use trails shall be designed to minimize concentration of discharges. Possible approaches may include, but are not limited to, out-sloping of the trail to diffuse the runoff downslope or to more frequent discharges that would minimize concentration of discharge points. (DEIR, page 4.4-13)

**Mitigation Hydrology -2(b):** To maintain natural shallow subsurface flow conditions in the coastal prairie grassland area, the sub-base of the paved trail shall use a permeable type system, such as the CU Structural Soil™ or equivalent system. (DEIR, page 4.4-13)

**Summary of Findings Relating to Hydrology and Water Quality:** The potentially significant hydrology and water quality impacts resulting from project implementation will be mitigated to less than significant levels with the implementation of the mitigation measures as described above.

In other words, changes or alterations have been required or incorporated into the project that avoid the significant environmental effects related to hydrology and water quality, as identified in the Final EIR.

**AESTHETICS**

For the purposes of this Project a visual quality or aesthetic impact is considered significant if the Project would:

- Have a substantial adverse effect on a scenic vista.
- Substantially damage a scenic resource, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
- Substantially degrade the visual character or quality of the site and its surroundings.
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.  
(DEIR, page 4.5-2)

**Impacts:**

**Impact Aesthetic-1:** Construction of the Creek View Trail and the paved multi-use trail with associated retaining walls and railing over Arana Gulch Creek north of the Upper Harbor (Figure 4.6.-6, Viewpoint 4) would change the visual character of the open space area. (DEIR, page 4.5-8)

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Mitigation Measure:**

**Mitigation Aesthetic-1:** City staff shall work with the project engineer to determine, through the use of samples checked at the project site, if uncolored block would be the most neutral color for the retaining walls so as to provide maximum blending with surrounding natural features, and thus minimize visual impact. Use of colored blocks in earth tones should be considered. Implementation of this mitigation measure would make this impact less than significant. (DEIR, page 4.5-17)

**RECREATION**

For the purposes of this Project a recreation impact is considered significant if the Project would:

- Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse effect on the environment.

(DEIR, page 4.6-2 and 4.6-3)

**Impacts:**

**Impact Rec-1:** The Master Plan includes trail improvements and other changes within Arana Gulch that could potentially impact vegetation and wildlife, geology, hydrology, and other environmental conditions. These impacts are addressed throughout this EIR. This is a potentially **significant** impact.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Mitigation Measure:**

**Mitigation Rec-1:** The City Parks and Recreation Department and Public Works Department shall carry out mitigation measures identified in other sections of this

RESOLUTION NO. NS-27,300  
EXHIBIT A

EIR to reduce the environmental impacts of the proposed trail improvements and other project provisions for Arana Gulch.

## AIR QUALITY

For the purposes of this Project an air quality impact is considered significant if the Project would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors);
- Expose sensitive receptors to substantial pollutant concentrations;
- Create objectionable odors affecting a substantial number of people;
- Exceed the probability of 10 in one million of a maximally exposed individual contracting cancer;
- Have ground level concentrations of non-carcinogenic toxic air contaminants which would result in a Hazard Index greater than one for the maximally exposed individual.

Construction Emissions. MBUAPCD guidelines indicate that construction activities that directly generate 82 pounds per day (ppd) of fine particulate matter (PM<sub>10</sub>) should be presumed to have a significant impact on local air quality when they are located nearby and upwind of sensitive receptors.<sup>1</sup> According to MBUAPCD guidelines, projects requiring minimal earthmoving on 8.1 or more acres per day or grading and excavation on 2.2 or more acres per day are likely to exceed this threshold; such projects must provide further analysis to refute (or validate) a determination of significance or must acknowledge a potentially significant air quality impact. (Other, non-PM<sub>10</sub> construction emissions are accommodated in the emissions inventories of State- and federally-required air plans and are presumed to have a less-than-significant adverse effect on air quality.)

Operational Emissions of Criteria Pollutants. MBUAPCD guidelines indicate that individual projects with direct (stationary) and/or indirect (mobile) operational emissions of criteria pollutants that exceed any of the following thresholds should be presumed to have a significant impact on local or regional air quality:

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<sup>1</sup> Projects that exceed this threshold may use MBUAPCD-approved PM<sub>10</sub> dispersion modeling to refute or validate the initial determination. If modeling demonstrates that direct emissions under individual or cumulative conditions would not cause the exceedance of the State PM<sub>10</sub> ambient air quality standard (AAQS) (50 micrograms per cubic meter) at existing receptors as averaged over 24 hours, the impact would not be considered significant.

RESOLUTION NO. NS-27,300  
EXHIBIT A

- 550 pounds per day (ppd) of carbon monoxide (CO) (direct)
- 137 ppd of volatile organic compounds (VOC) (direct + indirect)
- 137 ppd of oxides of nitrogen (NO<sub>x</sub>) (direct + indirect)
- 150 ppd of sulfur dioxide (SO<sub>x</sub>) (direct)
- 82 ppd of PM<sub>10</sub> (on-site)

Such projects must provide further analysis to refute (or validate) a determination of significance or must acknowledge a potentially significant air quality impact.

Local Carbon Monoxide Concentrations. Projects that would generate traffic that would affect Levels of Service at intersections or road segments could indirectly cause or contribute to violations of the State or federal ambient air quality standard (AAQS) for CO. MBUAPCD guidelines indicate that individual projects that exceed specific intersection thresholds should be presumed to have a significant impact on local or regional air quality. Such projects must provide further analysis (CO modeling) to refute (or validate) a determination of significance or must acknowledge a potentially significant air quality impact.<sup>2</sup>

Toxic Air Contaminants. A project would be considered to have a significant impact if it results in a probability of more than 10 persons in 1 million contracting cancer.<sup>3</sup>

Odors. Projects that would emit pollutants associated with objectionable odors in substantial concentrations could result in significant impacts if odors would cause injury, nuisance, or annoyance to a considerable number of persons or would endanger the comfort, health, or safety of the public.

(DEIR, pages 4.8-4 and 4.8-5)

**Impacts:**

**Impact Air-1:** Construction of the new pedestrian and multi-use trails could generate dust emissions during construction. This is a potentially **significant** impact during the construction phase. (DEIR, page 4.8-6)

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Mitigation Measure:**

**Mitigation Air-1:** The following controls shall be implemented during construction:

- Water all active construction areas at least twice daily;

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<sup>2</sup> If CO modeling demonstrates that the source would not cause a violation of State or federal standards (9 parts per million (ppm) average over 8 hours or 20 ppm average over 1 hour) at existing or reasonably foreseeable receptors, the project would not have a significant impact on local air quality.

<sup>3</sup> Monterey Bay Unified Air Pollution Control District, *CEQA Air Quality Guidelines*, September 2002, page 9-4.

RESOLUTION NO. NS-27,300

EXHIBIT A

- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- Sweep daily (with water sweepers) nearby paved access roads, parking areas and staging areas at construction sites; and
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent streets.

(DEIR, page 4.8-6)

**NOISE**

For the purposes of this Project, an impact on noise is considered significant if the Project would:

- Substantially increases ambient noise levels in adjoining areas or in areas of sensitive receptors;
- Exposes people to severe noise levels; or
- Generates noise levels that would conflict with local noise standards or regulations.

(DEIR, page 4.9-2)

**Impacts:**

**Impact Noise-1:** Construction of the proposed Project (bridge, retaining walls, trail improvements, etc.) would cause temporary noise that could disturb Arana Gulch visitors as well as residents of adjoining neighborhoods and people visiting the Upper Harbor.  
(DEIR, page 4.9-2 and 4.9-3)

The impact that would occur during the construction phase of the project would be potentially **significant** without mitigation.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Mitigation Measure:**

**Mitigation Noise-1:** The City shall carry out the following mitigation measures during construction activities:

- A sign visible at a distance of approximately 50 feet shall be posted at the construction site. The sign shall indicate the dates and duration of the construction activities, as well as provide a telephone number for residents to call with questions or complaints about the construction process.

RESOLUTION NO. NS-27,300  
EXHIBIT A

- A “noise disturbance coordinator” shall be designated. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and would be required to implement reasonable measures such that the complaint is resolved. Notices shall be sent to residential units within 300 feet of the construction site and shall list the telephone number for the disturbance coordinator.
- Construction shall be limited to the hours of 8:00 a.m. to 5:00 p.m., or shall comply with the City’s Noise Ordinance, whichever is stricter.
- Construction shall not occur on Sundays or holidays.
- Stationary equipment shall be located as far as possible from noise sensitive land uses. If necessary, temporary plywood noise barriers shall be installed around fixed equipment.

(DEIR, pages 4.9-3 and 4.9-4)

**CULTURAL RESOURCES**

For purposes of this Project an impact on cultural or historic resources is considered significant if it would:

- Significantly alter a significant historical resource, either directly or indirectly, such as disturbing views to or from the property.
- Disturb subsurface prehistoric or historic archaeological materials. (DEIR, page 4.10-2)

**Impacts:**

**Impact Cult-1:** Construction of the Master Plan elements (paved pathways, retaining walls and bridge) could result in the disturbance of previously undiscovered historic or prehistoric cultural resources, deposits, or artifacts. (DEIR, page 4.10-3)

The impact that would occur during the construction phase of the project would be potentially **significant** without mitigation.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Mitigation Measure:**

**Mitigation Measure Cult-1:** If any indicators of the presence of cultural resources are discovered during the construction of the project, earth-disturbing work shall be halted in an area within a radius of 10 meters (33 feet) around the suspected deposits, and an archaeologist or cultural resource specialist shall be consulted in accordance with applicable laws and regulations. If deemed appropriate under

CEQA, data and artifact recovery shall be conducted during the period when construction work is halted. (DEIR, page 4.10-3)

**Impact Cult-2:** Construction of the proposed project could disturb previously-unknown human burial sites of Native American groups. This is a potentially significant impact. (DEIR, page 4.10-3)

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Mitigation Measure:**

**Mitigation Cult-2:** If human remains are discovered during the construction of the project elements, an appropriate representative of Native American groups and the County Coroner shall be informed and consulted, as required by law. Mitigation Measure Cult-1 shall also apply in such a situation. (DEIR, page 4.10-3)

**Summary of Findings Relating to Impacts on Cultural Resources:** The potentially significant impacts on prehistoric or historic resources during the construction phase of the project will be mitigated to less than significant levels with the implementation of the mitigation measures as described above.

In other words, changes or alterations have been required or incorporated into the project that avoid the significant cultural resource effects as identified in the Final EIR.

**VII.**

**LESS THAN SIGNIFICANT IMPACTS**

**Finding:** The EIR found that there will be no significant adverse environmental impacts in the following areas. Mitigation measures are not required.

Land Use and Planning  
Transportation and Traffic  
Hazards and Hazardous Materials  
Population and Housing  
Public Services  
Utilities and Service Systems  
Agricultural Resources  
Mineral Resources

**VIII.**  
**PROJECT ALTERNATIVES**

The State *CEQA Guidelines* (Section 15126.6) require that an EIR describe and evaluate the comparative merits of a range of reasonable alternatives to the project, or to the location of the project, that could feasibly attain most of the basic objectives of the project. The Guidelines further require that the discussion focus on alternatives capable of avoiding or substantially lessening any of the significant effects of the project, including the “no project” alternative.

CEQA case law teaches that, where all significant impacts associated with a proposed project can be “substantially lessened” (i.e., mitigated to an “acceptable level”) solely by the adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility of alternatives with respect to that impact, even if the alternative would mitigate the impact to a greater degree than the proposed project. (Pub. Resources Code, § 21002; *Laurel Hills Homeowners Association, supra*, 83 Cal.App.3d at p. 521; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403.) Thus, because adopted mitigation measures will avoid all significant effects but one, and that one significant effect – on the Santa Cruz tarplant – can be “substantially lessened” through adopted mitigation, the City Council has no obligation, in these findings, to address the feasibility of any of the alternatives set forth in the EIR for the Project. Even so, however, the City Council, in the interests of full disclosure, nevertheless explains below why, in its considered judgment, no such alternative is “feasible” within the meaning of CEQA.

The project objectives presented in Section II of this Exhibit:

Four alternatives are evaluated in the EIR. These alternatives include:

- Alternative 1: No Project
- Alternative 2: Reduced Creek View Trail
- Alternative 3: Unpaved Trail System with Hagemann Gulch Bridge
- Alternative 4: Unpaved Trail System without Hagemann Gulch Bridge

**Alternative 1 – No Project (Status Quo) Alternative (DEIR, pages 5-2)**

Section 15126.6(e) of the State CEQA Guidelines requires that a “no project” alternative be evaluated in comparison to the proposed project. The No Project (Status Quo) Alternative assumes that the Project would not be implemented. The existing conditions of the site would remain status quo, and no major changes of use would occur beyond existing conditions. No Master Plan and no Santa Cruz Tarplant Adaptive Management Program would be adopted. Management actions would be limited and the *Arana Gulch Interim Management Plan* would remain in effect. No new trails would be developed on the site. This alternative would eliminate most of the project impacts but would not contribute to the achievement of any of the project objectives.

RESOLUTION NO. NS-27,300  
EXHIBIT A

The No Project Alternative would eliminate potentially significant impacts of the Project (e.g., impacts on biological resources, geology and soils, hydrology and water quality). However, the No Project Alternative would not provide the benefits offered by the Project, such as long-term resource management strategies, including the Santa Cruz Tarplant Adaptive Management Program, or a new west entrance and connection to the Seabright neighborhood. The site would remain in its current state as a "natural area," with existing unpaved trails, some of which have created erosion problems. Protection and management of Santa Cruz tarplant would continue under the Interim Management Plan. The No Project Alternative would not support the achievement of the project objectives except the objective to protect the Santa Cruz tarplant and the continued restriction of dogs to on-leash.

In short, the No Project alternative would not meet the objectives of the Project, and is undesirable from a policy standpoint. For these reasons, the City Council, acting in its legislative capacity, concludes that the No Project Alternative is "infeasible" within the meaning of CEQA. (See *Sequoyah Hills Homeowners Assn, supra*, 23 Cal.App.4th at p. 715 (decision makers may reject as "infeasible" an alternative that does not fully satisfy the objectives associated with a proposed project); *City of Del Mar, supra*, 133 Cal.App.3d at p. 417 (the concept of "feasibility" under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors").)

**Alternative 2 - Reduced Creek View Trail (DEIR pages 5-3 through 5-5)**

Alternative 2, the Reduced Creek View Trail Alternative, would include the same trail system as the Project but would not include any trail segments within Port District property. Trail access to Arana Gulch would continue to be provided by the existing trail segment along the western edge of the dry storage area at the Upper Harbor. Under this alternative, the Santa Cruz Tarplant Adaptive Management Program must be funded as required mitigation for the potential impacts to historic Santa Cruz tarplant habitat associated with the new paved trails.

This alternative would have impacts similar to those of the Project except that any impacts associated with trail construction on Port District property would be eliminated. No retaining wall would be constructed in the vicinity of the existing culverts at the base of Arana Gulch Creek, and therefore biological, visual, geologic, and hydrologic impacts would be reduced, compared to the Project. No easements through Port District property would be required. This alternative would meet all project objectives except the objective to provide an ADA-compliant trail through the Port District property.

The failure of Alternative 2 to provide an ADA-compliant trail through this last property renders the alternative infeasible within the meaning of CEQA, as the City Council, acting in its legislative capacity, concludes that the alternative would not meet a key objective of the Project, and is undesirable from a policy standpoint. (See *Sequoyah Hills Homeowners Assn, supra*, 23 Cal.App.4th at p. 715 (decision makers may reject as "infeasible" an

alternative that does not fully satisfy the objectives associated with a proposed project); *City of Del Mar, supra*, 133 Cal.App.3d at p. 417 (the concept of “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors”).)

**Alternative 3 - Unpaved Trail System with Hagemann Gulch Bridge (DEIR pages 5-5 and 5-6)**

Alternative 3, the Unpaved Trail System with Hagemann Gulch Bridge Alternative, would have the same trails as the Project except that no trails would be paved and no trails would comply with Americans with Disabilities (ADA) requirements. Due to unpaved surfaces and gradients, trails would not be accessible for wheelchairs and some types of street bicycles.

This alternative would have impacts similar to those of the Project except that fewer impacts associated with construction of paved trails – such as effects on views, habitats, wetlands, and drainage – would result. Unpaved trails could lead to more erosion, as compared to paved trails. With a management plan in place, however, erosion would be monitored to minimize such impacts. Compared to the Project, this alternative would have fewer impacts on the Santa Cruz tarplant due to the reduced amount of trail construction (i.e., no trail paving). Visual impacts would also be reduced since all trails would be unpaved. It is assumed that the Port District property would not be used for trail construction and that the existing unpaved trail at the western edge of the Upper Harbor would be used for access to Arana Gulch. Therefore, impacts associated with the retaining wall at the southeastern edge of the site would be eliminated.

Funding of the Santa Cruz Tarplant Adaptive Management Program, including establishment of the long-term Working Group, would not be required as mitigation because there would be no paved trails through the historic Santa Cruz tarplant habitat. While not required to be funded as a mitigation measure, the City may choose to fully fund the program. However, due to this uncertainty of funding, this Alternative may not include the Adaptive Management Program. The City would continue to be responsible for management of Santa Cruz tarplant habitat, but would not be required to implement the adaptive management framework, which includes a long-term working group.

This alternative would meet all project objectives except those for providing nature viewing areas and interpretive displays and providing ADA-compliant public access. Public access would be more restricted than under the Project, however, since wheelchair users and some bicyclists would not have access to the Arana Gulch area. Also, due to funding uncertainties explained above, this alternative does not meet objectives for implementing an adaptive management program for the Santa Cruz tarplant.

The failure of Alternative 3 to provide an ADA-compliant public access and certain funding for an Adaptive Management Program renders the alternative infeasible within the meaning of CEQA, as the City Council, acting in its legislative capacity, concludes that the alternative would not meet a key objective of the Project, and is undesirable from a policy

standpoint. (See *Sequoyah Hills Homeowners Assn, supra*, 23 Cal.App.4th at p. 715 (decision makers may reject as “infeasible” an alternative that does not fully satisfy the objectives associated with a proposed project); *City of Del Mar, supra*, 133 Cal.App.3d at p. 417 (the concept of “feasibility” under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors”).)

**Alternative 4 - Unpaved Trail System without Hagemann Gulch Bridge (DEIR pages 5-6 and 5-7)**

Alternative 4, Unpaved Trail System without Hagemann Gulch Bridge Alternative, would provide unpaved trails and would not include the Hagemann Gulch Bridge proposed by the project. This alternative would provide public access for pedestrians and some bicyclists but would not comply with ADA requirements. Since no bridge across Hagemann Gulch would be constructed, this alternative would not provide a new west entrance or east-west trail connection. As with Alternative 3, all trails would remain unpaved.

Similar to Alternative 4, funding of the Santa Cruz Tarplant Adaptive Management Program would not be required as mitigation because there would be no paved trails through the historic Santa Cruz tarplant habitat. As stated above for Alternative 3, due to this uncertainty of funding, this Alternative may not include implementation of the Adaptive Management Program. The City would continue to be responsible for protection and management of Santa Cruz tarplant, but would not be required to implement the adaptive management framework.

This alternative would have impacts similar to those of the Project but with fewer impacts associated with construction of a bridge and paved trails, such as effects on habitats, wetlands, and drainage. Unpaved trails could lead to more erosion, as compared to paved trails. With a management plan in place, however, erosion would be monitored to minimize such impacts. Compared to the Project, this alternative would have fewer impacts on the Santa Cruz tarplant due to the reduced amount of trail construction (i.e., no trail paving). Visual impacts would be reduced since the Hagemann Gulch bridge would not be constructed. Without the bridge, fewer impacts on biological resources would occur.

It is assumed that the Port District property would not be used for trail construction and that the existing unpaved trail at the western edge of the Upper Harbor would be used for access to Arana Gulch. Therefore, impacts associated with this trail segment would be eliminated. Less park use may occur under this alternative because there would be no west entrance. With reduced use, less parking demand may occur.

This alternative would meet some project objectives but would not meet objectives related to providing ADA-compliant trails and nature viewing areas and interpretive displays. Public access would be more restricted since there would be no ADA-compliant trails and no east-west connection would be available. Also, due to funding uncertainties explained

above, this alternative may not meet objectives for implementing an adaptive management program for the Santa Cruz tarplant.

The failure of Alternative 4 to provide an ADA-compliant trails, nature viewing areas, and interpretive displays, as well as its failure to provide certain funding for an Adaptive Management Program, renders the alternative infeasible within the meaning of CEQA, as the City Council, acting in its legislative capacity, concludes that the alternative would not meet a key objective of the Project, and is undesirable from a policy standpoint. (See *Sequoyah Hills Homeowners Assn, supra*, 23 Cal.App.4th at p. 715 (decision makers may reject as “infeasible” an alternative that does not fully satisfy the objectives associated with a proposed project); *City of Del Mar, supra*, 133 Cal.App.3d at p. 417 (the concept of “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors”).)

## IX.

### STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in the preceding sections, the City’s approval of the Arana Gulch Master Plan will result in an environmental impact to historic Santa Cruz tarplant habitat (Bio-4) that cannot be substantially lessened or avoided, and that, even with mitigation, remains significant and unavoidable. Mitigation measures Bio-4a through Bio-4e substantially lessen the overall impact on Santa Cruz tarplant habitat; however, the impact within the paved multi-use trail alignments remains significant and unavoidable.

The reason the impact was determined to be significant and unavoidable, despite the applicable recommended mitigation measures, was that within the footprint of the paved multi-use trails there would be a loss of historic Santa Cruz tarplant habitat. The multi-use trail routes do avoid recently surveyed tarplant populations; however the trails pass nearby or through historic populations and there may be tarplant seedbank within the trail alignment. It should be noted that there is uncertainty about the viability of the seedbank within the multi-use trail alignments. The determination that the impact within the trail footprint is significant and unavoidable was a conservative approach due to the seedbank location uncertainty.

Although, for purely CEQA purposes, the City has determined the impact to tarplant habitat is significant and unavoidable, this legally conservative conclusion is not the same as stating that the project will result in any “significant disruption of habitat values” within the meaning of the California Coastal Act, section 30240. Indeed, as mitigated, the project should avoid any such significant habitat disruption. In reaching this last conclusion, the City takes note of the fact that the Coastal Act actively encourages the kind of public access and public use of coastal resources facilitated by this project. (See, e.g. Public Resources Code, § 30001.5, subd. (c).) In other words, a CEQA “significant effect” is not necessarily the same as “significant disruption of habitat.”

RESOLUTION NO. NS-27,300  
EXHIBIT A

Due to this “significant unavoidable” impact to historic Santa Cruz tarplant habitat within the footprint of the paved multi-use trails, the City must first adopt this Statement of Overriding Considerations in order to approve the Project (as mitigated). Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City Council would stand by its determination that each individual reason is sufficient.

The City finds that the Arana Gulch Master Plan will have the following economic, social or other benefits that render acceptable the significant and unavoidable effect on the Santa Cruz tarplant:

**Improve Public Access to a Public Open Space**

The adoption of the Arana Gulch Master Plan will greatly improve public access to this 67.7 acre open space by providing a new west entrance via Hagemann Gulch Bridge, and paved multi-use trails accessible to pedestrians, bicyclists, and wheelchair users. Under the existing conditions, the only City residents with convenient access to Arana Gulch are those who reside on streets directly north of the property. The Project will increase the number of residents within the Seabright neighborhood who can enjoy convenient access to Arana Gulch, rather than limiting this benefit to the approximately 40 residences located on Agnes Street, Park Way South, and Mentel Avenue. The Project will also provide more convenient access to schools situated to the west which would benefit from a natural area destination for field trips within walking distance. Introducing more residents and school children to interpretive trails and displays within Arana Gulch will help increase understanding and stewardship of the Santa Cruz tarplant habitat and other natural resources within Arana Gulch.

**Provide Access to a Natural Area for People with Disabilities**

The existing earthen trails do not meet any accessibility guidelines and are typically eroded and wet during the rainy season. The Project will provide paved multi-use trails so that people with disabilities could enjoy a natural area setting. This opportunity is relatively limited within City-owned natural areas due to steep terrain and other constraints. Without a hardened trail surface and sufficient trail width to accommodate wheelchairs, the Project would not provide this benefit to people with disabilities and their families who may wish to visit a natural area.

**Provide a Trail Connection to Coastal Resources**

By providing paved multi-use trails and a new west entrance at Arana Gulch, the project will also improve access from City neighborhoods to the Santa Cruz Harbor, the Monterey Bay Sanctuary Scenic Trail, California Coastal Trail, Twin Lakes Beach, and Seabright Beach. This new paved trail will allow families with strollers or small children on bicycles to more conveniently travel on paved trails or sidewalks not adjacent to more heavily traveled roadways. The existing Frederick Street stairway is not convenient for push strollers or bicycles. The only crossing to the coast within the Seabright neighborhood is the intersection of Seabright Avenue and Murray Street, which is heavily traveled by automobiles. The paved trails through Arana Gulch will provide convenient trail connections from neighborhoods and enhance public access to coastal resources.

**Promote Alternative Transportation**

The Project will provide a new east-west bicycle/pedestrian connection between the City of Santa Cruz and communities within Santa Cruz County. This new connection will help the City's efforts to develop a safe, convenient and effective pedestrian and bikeway system.

The above statements of overriding considerations are consistent with, and substantially advance the following policies of the City's General Plan:

*Environmental Quality Policy 5.7:* Prioritize the implementation of circulation system improvements, incentives and disincentive measures focusing upon reduction of single-occupancy automobile travel and promoting bus transit, rail transit/fixed guideway, carpooling, bicycling and walking.

*Land Use Policy 3.5:* Protect coastal recreation areas and maintain all existing coastal access points open to the public, and enhance public access, open space quality and recreational enjoyment in a manner that is consistent with the California Coastal Act.

*Circulation Goal C2:* Develop and promote pedestrian travel as a viable transportation mode by developing and maintaining a safe, comprehensive, convenient, accessible and aesthetically pleasing pedestrian system.

*Circulation Goal C3:* Develop a safe, convenient and effective bikeway system that promotes bicycle travel as a viable transportation mode and connects work, shopping, schools, residential and recreational areas.

Proposed Bikeway Improvements (Table C-6) includes Broadway/Brommer (construct a bicycle/pedestrian pathway only).

*Parks and Recreation Policy 1.6:* Where the recreational use of a natural area is deemed suitable and desirable, ensure that the types, location, design and character of the improvements preserve the quality and are compatible with the character of these areas.

*Parks and Recreation Policy 1.6.1:* Develop recreational opportunities in natural areas consistent with adopted area, specific, management or master plans.

*Parks and Recreation Policy 1.7:* Develop plans to repair, maintain and maximize public access and enjoyment of recreational areas along the coastline consistent with sound resource conservation principle, safety, and rights of private property owners.

*Parks and Recreation Policy 1.7.1:* Maintain and enhance vehicular, transit, bicycling and pedestrian access to coastal recreation areas and points.

*Parks and Recreation Policy 1.7.2:* Urge the Port District to maintain and enhance public access and recreational opportunities around the harbor as it redevelops.

RESOLUTION NO. NS-27,300  
EXHIBIT A

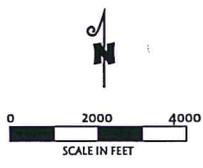
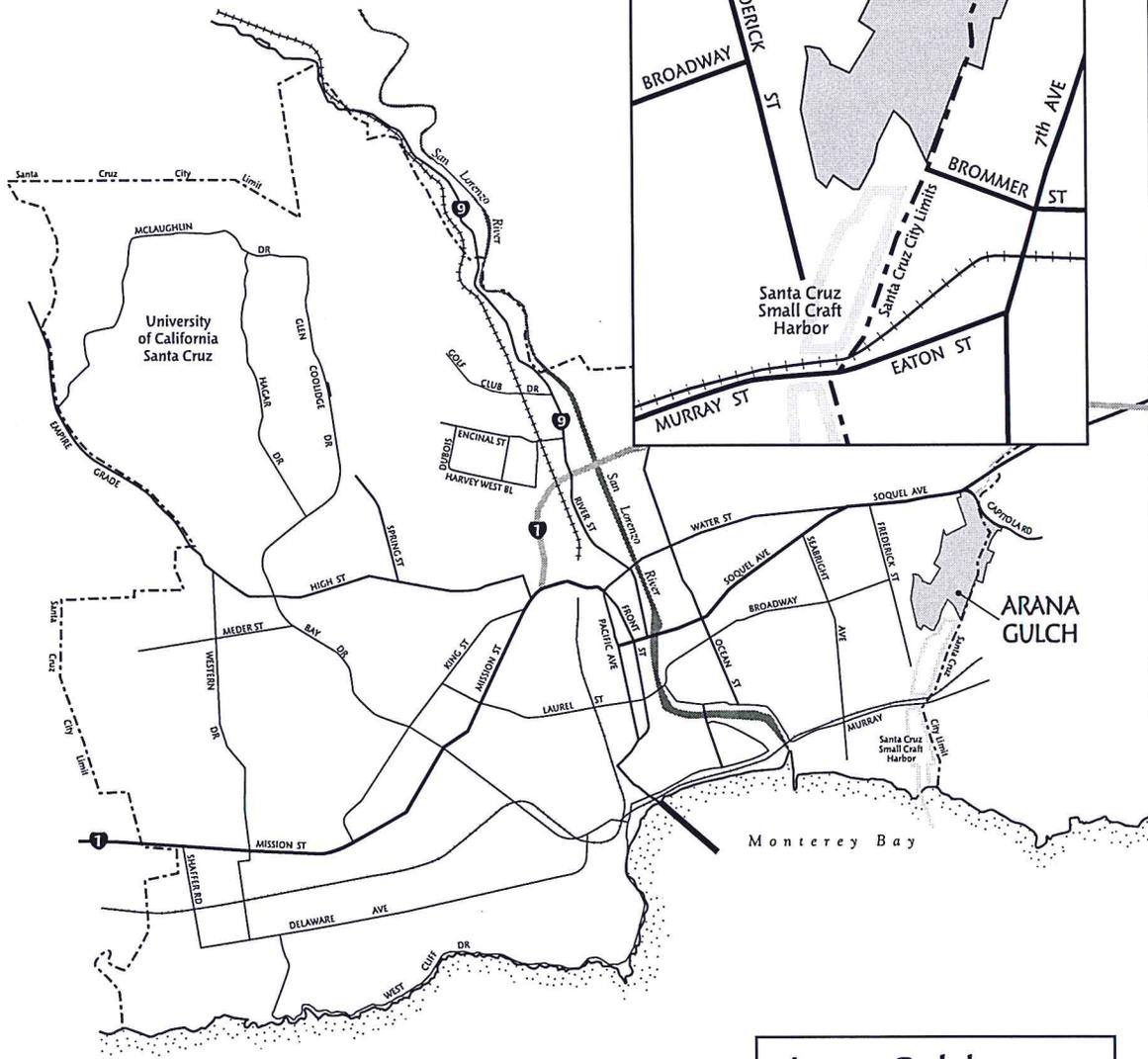
*Parks and Recreation Goal 4:* Establish a City-wide system of pedestrian, bicycling and hiking trails to enhance opportunities for recreational enjoyment.

*Parks and Recreation Policy 4.2:* Develop a system of recreational trails providing access to and connections between the City's various parks, recreational facilities, and natural, coastal and urban areas.

Parks and Recreation 4.2.2: Determine appropriate uses, location and design of trail systems and recreational corridors to minimize the impact on areas through which they travel.

- Trails, paths, and nature walk areas, or portions of these, shall be constructed with gradients that permit at least partial use by wheelchair occupants. ...

Arana Gulch  
 City Limit



**Arana Gulch**  
**MASTER PLAN EIR**  
**SITE**  
**LOCATION**  
**Figure 3-1**