

LETTER B1



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May 25, 2022

County of Santa Cruz  
Attn: CEQA-NEPA@santacruzcounty.us  
701 Ocean Street  
Santa Cruz, CA 95060

**Re: Sustainability Policy and Regulatory Update Draft Environmental Impact Report (DEIR)**

B1-1

The Sierra Club has completed its review of the Draft Environmental Impact Report for the Sustainability Policy and Regulatory Update and is concerned that the document is lacking in several important respects, as discussed further below. First, the DEIR has overlooked changes to the animal species list for sensitive habitat designation, which now seeks to reverse the long standing County policy which has explicitly protected the Monarch Butterfly. Second, the mitigation measures to offset increases in vehicle miles traveled (VMT) are inadequate. Third, as the proposed regulatory update will rely on an ad hoc spot re-zoning paradigm as opposed to significant rezoning and re-designation as part of the update, the DEIR assumptions that development will occur along transit corridors cannot be substantiated. The Sierra Club does acknowledge the important and substantial work that has gone on in the preparation of the DEIR.

B1-2

**DEIR Section 4.4 – Biological Resources**

The DEIR fails to acknowledge and assess the removal of explicit County General Plan protections for the Monarch Butterfly wintering sites. The Sierra Club challenges sections BIO-1, BIO-2, BIO-5, and BIO-6.

The current Santa Cruz County General Plan goes beyond federally and state protected species and specifically lists other Species of Special Concern, in Appendix B “Threatened, Endangered or Animals of Special Concern in Santa Cruz County”. This listing provides protection for the Monarch Butterfly wintering sites regardless of their placement on, or removal from, other

lists controlled by outside agencies. However, in the proposed updates, this explicit listing is removed. Current County GP (in pertinent part):

**Santa Cruz County General Plan**

THREATENED, ENDANGERED OR ANIMALS OF SPECIAL CONCERN IN SANTA CRUZ COUNTY Updated 3/1/94			
SPECIES	STATE/FEDERAL LISTING	SPECIES OF SPECIAL CONCERN	KEY
<b>SPIDERS AND RELATIVES</b>			
Doloff Cave Spider	C2		STATE SE State listed Endangered ST State listed Threatened SCE State candidate Endangered SCT State candidate Threatened
Santa Cruz Telemian Spider	C2		
Empire Cave Pseudoscorpion	C2		
<b>GASTROPODS</b>			
California Blackish Water Snail	C2		
<b>INSECTS</b>			
Barbate (Mt. Herman) June Beetle	C2		FEDERAL FE Federally listed Endangered FT Federally listed Threatened FPE Federally proposed Endangered FPY Federally proposed Threatened
Opier's Longhorn Moth	2R		
Monarch Butterfly (wintering sites)	†		
<b>FISHES</b>			
Coho (Silver) Salmon		Yes	C1 Sufficient data to support Federal listing C2 Listing may be warranted, but data insufficient to support Federal listing. 1R Recommended for C1 status by U.S. Fish and Wildlife Service (USFWS). 2R Recommended for C2 status by USFWS
Tidewater Goby	C2	Yes	
<b>AMPHIBIANS AND REPTILES</b>			
Santa Cruz Long-toed Salamander	SE/FE		
California Red-legged Frog	C2	Yes	
Western Pond Turtle		Yes	
San Francisco Garter Snake	SE/FE		
Horned Lizard		Yes	
<b>BIRDS</b>			
Bank Swallow	ST		† Species fall into one or more categories: • Biologically rare, very restricted in distribution or declining throughout their range. • Species closely associated with a habitat that is rapidly declining in California. • California population(s) are threatened with extirpation.
Black-crowned Night Heron		Yes	
Black-shinned Hawk		Yes	
Black Swift		Yes	
Brown Pelican	SE/FE		
Burrowing Owl		Yes	
California Least Tern	SE/FE		
Cooper's Hawk		Yes	
Double Crested Cormorant		Yes	
Golden Eagle		Yes	

B1-2

In the proposed update, the Monarch Butterfly has been removed, Appendix K, page K-9:

**SPECIAL STATUS WILDLIFE**

Common Name	Scientific Name	Status (Federal/State)	Habitat
<b>Invertebrates</b>			
Bay checkerspot butterfly	<i>Euphydryas editha bayensis</i>	FT/None	Serpentine grassland in Santa Clara and San Mateo Counties. Primary host plant is native plantain ( <i>Plantago erecta</i> ) with two secondary host plants: purple owl's-clover ( <i>Castilleja densiflora</i> ) and exserted paintbrush ( <i>Castilleja exserta</i> ).
Mount Hermon (=barbate) June beetle	<i>Polyphyla barbata</i>	FE/None	Known only from sand hills in vicinity of Mount Hermon, Santa Cruz County, where it occurs in sparsely vegetated ponderosa pine and chaparral habitat with sandy sedimentary derived soils in the Zayante Sandhills formation.
Ohlone tiger beetle	<i>Cicindela ohlone</i>	FE/None	Remnant native grasslands with California oatgrass ( <i>Danthonia californica</i> ) and purple needlegrass ( <i>Stipa pulchra</i> ) in Santa Cruz County
Smith's blue butterfly	<i>Euphyotes enoptes smithi</i>	FE/None	Restricted to Monterey and Santa Cruz Counties, where they occur in coastal sand dunes, coastal sage scrub, chaparral, grassland, and their ecotones.
Zayante band-winged grasshopper	<i>Trimerotropis infantilis</i>	FE/None	Open sandy areas with sparse, low annual and perennial herbs on high ridges and hills with sparse ponderosa pine within the Zayante Sandhills formation in Santa Cruz County.
<b>Fishes</b>			

This weakening of protection (by removing its explicit listing) then triggers BIO-1, BIO-2, and BIO-3, which refer to adverse effects or conflicts with species identified in local habitat conservation plans.

As a note of reference, the monarch habitat at Moran Lake (within County jurisdiction) “supports the third largest overwintering population (ca 17%) of monarch butterflies in Santa Cruz County, and a considerable portion (ca 5%) of the western migratory population”, emphasis added.<sup>1</sup>

Santa Cruz County does indeed have a Management Plan for the Monarch Butterfly Habitat, as seen here:



B1-2

The Santa Cruz County Board of Supervisors adopted this Plan at its January 25, 2011 meeting.<sup>2</sup>

49. Public hearing held on the proposed Moran Lake Park Concept Plan and Moran Lake Monarch Butterfly Habitat Management Plan; closed public hearing;
  - (1) adopted the Moran Lake Concept Plan and the Moran Lake Butterfly Habitat Management Plan as approved by the Parks and Recreation Commission; and
  - (2) directed Parks staff to submit the necessary design documents to initiate the Master Plan Development Permit process

As the Monarch Butterfly Habitat has an adopted Management Plan, the removal of its explicit listing in the proposed General Plan update implicates BIO-1, BIO-2, and BIO-6. The DEIR has failed to acknowledge this change, let alone assess its impact, and is challenged on this basis.

<sup>1</sup> From Biotic Review by John Dayton, as cited in California Coastal Commission Appeal Staff Report for A-3-SCO-01-034

<sup>2</sup> Proceedings of the Santa Cruz County Board of Supervisors, Volume 2011, Number 2 January 25, 2011

B1-3 Although we have limited this discussion to the Monarch Butterfly, it must be noted that many other Species of Special Concern have also been removed from explicit listing in the General Plan .

B1-4 Any response that simply refers to the CNDBB Special Animals List, which currently lists the Monarch on page 28, is inadequate. The explicit listing must be restored to the General Plan so that control of its listing remains with the County. The failure to have discussed this removal from the General Plan in light of the adopted Habitat Management Plant (HMP) is a deficiency in the DEIR. The failure to have added discussion of this Habitat Management Plan in the updated GP should also be corrected. This HMP was adopted since the last revision of the General Plan, and should be disclosed.

#### DEIR Section 4.15 – Transportation

##### Mitigation measures to offset increases in VMT are inadequate

The Draft EIR concludes that the Project does not meet the state-mandated target for reduction of vehicle miles traveled:

Project VMT would not meet the County’s VMT threshold (15% below existing countywide average) for residential per capita and employee VMT (except for retail employee VMT), resulting in a significant impact.

The Draft EIR proposes two mitigation measures that do not fully mitigate the VMT impacts:

B1-5 Implementation of Mitigation Measure TRA-1 would require development and implementation of a funding mechanism to support regional VMT-reducing projects, and Mitigation Measure TRA-2 recommends a General Plan/LCP implementing strategy to further review parking requirements as another means to reduce vehicle travel and VMT. However, because of the uncertainty as to whether such VMT program could fully fund VMT-reduction measures to the level needed to meet the County’s VMT threshold, the impact may not be fully mitigated to a less-than-significant level, resulting in a significant and unavoidable impact.

The proposed mitigation measures are weak and unenforceable, in violation of CEQA guidelines. Measure TRA-1 offers no timeline for development of a funding mechanism to reduce VMT. Nor does it set any funding goals. Measure TRA-2 calls for a strategy to “evaluate” parking related measures to reduce VMT but nothing to actually implement changes in parking policy. The EIR should draw on existing studies that document reduction in vehicle ownership and vehicle miles traveled due to reduced parking requirements. One existing study found that vehicle ownership in buildings with unbundled parking and car-sharing was 25% lower than in buildings with bundled parking. A [study by Adam Millard-Ball et al](#), showed that access to parking fosters vehicle ownership and driving.

- B1-5
- ↑ CEQA requires that feasible mitigation measures be employed to mitigate significant impacts. The Draft EIR makes the following statement:
- There are no other feasible mitigation measures to reduce VMT in addition to the policies and regulations in place and modified as a result of the proposed project.
- This statement asks the reader to believe that nothing else can be done to mitigate VMT. The reality is *other cities have already implemented feasible measures* that can fully mitigate VMT impacts from this Project, including;
1. Devote the Transportation Impact Fee to projects that mitigate VMT from new projects, such as transit and active transportation improvements and bus passes for residents of new development. Currently the Transportation Impact Fees are used to try to mitigate traffic delay by expanding auto capacity on roads and intersections. Mostly this is a futile exercise, since induced travel erodes the short-term congestion relief benefits. Redirecting the TIF to transit and active transportation would reduce VMT from the Project in two ways: by eliminating the increased VMT induced by auto-centric projects, as well as increasing the mode share for non-auto travel. The EIR should cite the use of developer fees to support active transportation and transit in San Francisco, Mountain View, etc.
  2. Eliminate County policies regarding Level of Service (traffic delay). Since the implementation of SB 743 it is not legal to use traffic delay as a measure of significant impact. In violation of the spirit behind SB 743, County policy continues to maintain requirements for Level of Service, and fund auto capacity-increasing projects with developer fees that should go to make alternatives to auto travel safe and convenient.
  3. Eliminate projects from the Project whose primary purpose is to expand auto capacity, e.g.:
    - a. the expansion of Capitola Rd from two lanes to four lanes
    - b. Install queue-jumping lanes for buses at intersections on Soquel Dr., in lieu of adding dedicated right turn lanes for vehicles.
  4. Mandate that the cost of parking to tenants in new development be unbundled from the cost of the unit, allowing tenants who don't park to opt out of parking fees, and that management charge the actual cost of providing parking.
  5. In order to be practical for developers, the requirement to unbundle parking costs needs to be accompanied by allowing developers to provide the amount of parking that they determine they will be able to sell/rent to tenants. The parking requirements in Code Section 13.16 are excessive.
  6. The current Code section on trip reduction fails to achieve County goals of 15% below the countywide per capita average VMT for residential development (b) 15% below the countywide per employee average VMT for office and service development. In order to meet these goals, as well as state-mandated climate reduction goals, the County should institute a parking tax on private parking on lots above 30 spaces, with the revenue going to transit and active transportation improvements.

- B1-6
- ↓ **Inconsistency with State Climate Legislation**
- Because the Draft EIR fails to propose adequate mitigation for VMT, the Project with mitigations is inconsistent with SB 743 that requires mitigation of VMT. The Project also conflicts

B1-6 ↑ with the state’s ability to meet GHG reduction goals set by AB 32 and SB 32 and Executive Order EO-S-3-05.

#### DEIR Section 4.11 – Land Use and Planning

The DEIR, at 3.3.1.2, recites a guiding principle which it claims has “been incorporated throughout the elements of the Santa Cruz County General Plan/LCP”. Of note here is:

- **Focused Development.** New development should be compact, located primarily within existing urban areas, and should feature a mixture of uses and development intensities that support transportation choices.

An objective of the proposed Project for the purpose of CEQA is:

1. **Sustainable Development.** Foster a sustainable growth pattern that focuses on efficient use of urban lands, compact infill development along transportation corridors, and neighborhood-serving land uses; promotes economic vitality; and preserves the county’s natural environmental areas.<sup>3</sup> (emphasis added)

B1-7

At 4.02 the DEIR makes the assumption that the proposed policies “support higher residential density and/or building intensity along transit and multi-modal corridors”. Although the proposal discusses such changes, they do not take the important step of identifying these corridors and, now, in the context of the current project, legislatively designating these areas (typically along the transit corridors) with higher density residential, or the new zoning designations. This failure to make these legislative changes now will require each and every proposed development to have a legislative determination (rezoning or re-designation) as opposed to merely administrative approval. This then further requires developers to purchase property not yet legislatively zoned or designated for their intended use. It is exactly this type of spot zoning approach that interferes with the stated objective.

It is well understood that ad hoc spot rezoning leads to inappropriate parcels being proposed for development. Further, appropriate parcels will present developers with the unfortunate circumstance of having to take the risk of receiving the rezoning or re-designating the parcel.

We assert that the DEIR assumptions of how development will proceed in the future (along transit and multi-modal corridors) cannot be sustained in light of the County’s failure to due the actual planning work for these areas.

<sup>3</sup> Sustainability Policy and Regulatory Update, Draft Environmental Impact Report, page 3-8

## Summary

We trust our suggestions for improving the review of this project will be carefully considered. Thank you for the opportunity to submit our comments and suggestions. Should you have any questions or wish to discuss these matters in more detail, please contact the undersigned.

A handwritten signature in black ink that reads "Michael Guth".

Michael Guth,  
Executive Committee Chair  
Sierra Club, Santa Cruz County Group

## LETTER B1: Sierra Club

**B1-1 Comment Summary.** The commenter states that the Draft EIR overlooked changes to the animal species list for sensitive habitat designation, that mitigation measures to offset increases in VMT are inadequate, and as the proposed regulatory update will rely on spot re-zoning instead of significant rezoning and re-designation as part of the update, the Draft EIR assumptions that development will occur along transit corridors cannot be substantiated. The Sierra Club does acknowledge the important and substantial work that has gone on in the preparation of the Draft EIR.

*Response:* The comment is acknowledged, and specific responses to these concerns as detailed in subsequent comments are provided below.

**B1-2 Monarch Butterfly Habitat Listing.** The commenter states that the Draft EIR fails to acknowledge and assess the impact of the removal of the monarch butterfly from the current General Plan Appendix B, “Threatened, Endangered or Animals of Special Concern in Santa Cruz County,” as the species has been removed from Appendix K of the proposed Sustainability Update. The comment suggests this a weakening of protection for the species and would result in impacts, and “implicates BIO-1, BIO-2, and BIO-6.” The commenter also notes the overwintering population at Moran Lake and the Monarch Butterfly Habitat Management Plan for Moran Lake.

*Response:* The monarch butterfly (overwintering population) has been a candidate for federal listing. According to USFWS’ website, in December 2020, after an extensive status assessment of the monarch butterfly, USFWS determined that listing the monarch under the federal Endangered Species Act is warranted, but precluded at that time by higher priority listing actions. With this finding, the monarch butterfly becomes a candidate for listing, and USFWS will review its status each year until they are able to begin developing a proposal to list the monarch (USFWS 2022).

Candidate species are considered special status species as indicated on page 4.4-11 of the Draft EIR. Therefore, it was an oversight that the monarch was not included on the special status species list in Appendix E of the Draft EIR. The species appeared in the records search, but wasn’t carried through to the species table due to an error in the internal table automation process. However, the correction in the Draft EIR Appendix E has been made; see revisions in Appendix B of this document. Similarly, the proposed General Plan/LCP Appendix K list, which is based on the Draft EIR Appendix B, will also be updated. The County does consider this species, and specifically its wintering sites, to be locally unique (and areas of biotic concern) in addition to the species candidacy for federal listing; any proposed disturbance around habitat for this species would trigger the County’s biotic review process and requirements.

Thus, there would be no indirect impacts as suggested in the comment by removal of this species from the General Plan/LCP or EIR list of sensitive species that would trigger review under the cited thresholds of significance BIO-1, BIO-2, and BIO-6. It is further acknowledged that the



Moran Lake Monarch Butterfly Management Plan is a County management plan for the butterfly, adopted in January 2011.

- B1-3 County Sensitive Habitat/Species List.** The comment notes that many other “Species of Special Concern” have also been removed from explicit listing in the General Plan.

*Response:* The Draft EIR Appendix E species list was re-checked and updated; see Section 3.2.6 in Chapter 3, Changes to Draft EIR, of this document and Appendix B of this document. Some wildlife species on the existing General Plan/LCP Appendix B species list are on CDFW’s “Special Animals” list, which is a broad term used to refer to all the animal taxa tracked by CDFW’s California Natural Diversity Database (CNDDDB), regardless of their legal or protection status. This list is also referred to as the list of “species at risk” or “special status species,” and is included at the end of the revised Draft EIR Appendix E as well as in the proposed General Plan/LCP Appendix K. Additionally, as indicated on Draft EIR page 4.4-11, a species that meets the definition of rare, threatened or endangered species per the CEQA Guidelines definition in section 15380 also would be considered during project-specific environmental review. This definition includes a species not included in any list if the species can be shown to meet the criteria for an endangered or rare species as defined in the CEQA Guidelines.

- B1-4 Monarch Butterfly.** The commenter states that any response that simply refers to the CNDDDB Special Animals List, which currently lists the monarch butterfly on page 28, is inadequate. The explicit listing must be restored to the General Plan, so that control of its listing remains with the County. The failure to have discussed this removal from the General Plan in light of the adopted Habitat Management Plant (HMP) is a deficiency in the Draft EIR. The failure to have discussion of this HMP in the updated GP should also be corrected.

*Response:* Monarch butterfly has been added to the Draft EIR Appendix E Special Status Species list and the proposed General Plan/LCP Appendix K; see Response to Comment B1-2.

- B1-5 Traffic Mitigation Measures.** The commenter states that the Draft EIR concludes that the project does not meet the state-mandated target for reduction of VMT, that the proposed mitigation measures are weak and unenforceable, and that CEQA requires feasible mitigation measures to be implemented. The comment suggests six “feasible” mitigation measures in the comment.

*Response:* With regard to not meeting the state-mandated target for reduction of VMT, the state only required that agencies adopt a VMT threshold, and the state provided guidelines on how to develop local thresholds; the County adopted its threshold consistent with state guidelines as explained on page 4.15-10 of the Draft EIR. The County’s threshold is explained on page 4.15-15.

The County disagrees with the commenter’s assertion that the mitigation measures (TRA-1 and TRA-2) for the identified VMT impact (TRA-1) are weak and unenforceable. Regarding Mitigation TRA-1, the VMT mitigation program is based on similar programs being developed throughout the state as explained on page 4.15-26 of the Draft EIR, and the County, working with SCCRTC and

the City of Watsonville, has received a grant from Caltrans to start the process of developing a regional VMT mitigation bank, which will support projects that offset VMT impacts due to new development. Furthermore, as indicated in Comments A6-2 and A6-3, Caltrans supports these types of programs and is currently completing a draft report to help guide state and local agencies with developing VMT mitigation bank or exchange program.

Mitigation Measure TRA-2 would add a new implementation strategy to evaluate a range of parking-related TDM measures, which is an appropriate measure for a program EIR. The measure has been revised to indicate potential measures to be considered are not exclusive of others not listed in the measure, and that consideration be given to applying funds from paid parking, if implemented, to transit and active transportation program. See Sections 3.2.3 and 3.2.12 in Chapter 3, Changes to Draft EIR, of this document.

In addition, the proposed Access + Mobility Element proposes that the SCCC be updated to require employers and large development to provide TDM Plans and programs in order to provide infrastructure, resources, and planning that supports and incentivizes travel by non-drive alone modes in order to reduce VMT (AM-1.1d). The proposed Element also encourages and allows developers to provide multimodal improvements that shift travelers from vehicles to alternative modes of transportation to improve level of service (LOS) and simultaneously reduce VMT (AM-6.2.2). Project applicants) would be able choose from a variety of VMT-reducing strategies, including investment in transit.

In terms of the commenter's suggestions for other mitigation measures, responses are provided as follows:

- *Devote Transportation Impact Fee (TIF)* – the commenter suggests using the existing TIF that is used to mitigate traffic delay to projects that mitigate VMT from new projects, such as transit, active transportation, and bus passes for resident of new development.

*Response:* The TIF program is set up specifically for roadway improvements, but Mitigation Measure TRA-1 would set up a VMT mitigation program and funding source to fund non-auto transportation modes as suggested in the comment.

- *Eliminate County Policies Regarding Level of Service (LOS)* – the commenter recommends elimination of policies related to LOS with implementation of SB 743, and suggests that the policy is a violation of SB 743. SB 743 and resulting changes to CEQA and CEQA Guidelines requires that impact significance assessed as part of the CEQA process can no longer rely on LOS as the metric for analysis, but rather must use the VMT metric.

*Response:* The law does not preclude jurisdictions from continuing to maintain policies and programs that address roadway circulation and improvement. As such, elimination of LOS policies would not serve as mitigation for VMT reductions.

- *Eliminate Projects that Expand Auto Capacity* – The commenter suggests elimination of an expansion of Capitola Road from two to four lanes and installation of “queue-jumping

lanes” for buses at Soquel Drive intersections instead of adding dedicated right-turn lanes.

*Response:* The Capitola Road improvement is along a relatively short segment of roadway compared to roads throughout the County and would not result in any substantial reduction of traffic that would affect or reduce VMT. In addition, the County’s VMT Guidelines provide examples of transportation improvements that would generally result in no significant impact on VMT, which includes addition of roadway capacity on local or collector streets provided that the project also substantially improves conditions of pedestrians, cyclists, and if applicable, transit, which would occur with any widening of Capitola Road.

“Queue-jumping lanes” allow busses to use a right-turn lane to move to the front of an intersection, bypass a line of vehicles, and move first through an intersection upon signal change. These types of facilities can improve transit operations, but are typically used in conjunction with bus rapid transit or on roadways with multiple frequent routes. Currently neither of those services are present on Soquel Drive, which would not provide optimal conditions for a queue-jumping lane.

- *Cost of Parking* – The commenter suggests that the cost of parking to tenants in new development be “unbundled” from cost of the unit, so tenants can opt out to pay for parking in conjunction with allowing the developer to provide parking in amount deemed needed.

*Response:* This type of parking management strategy suggested in the comment would be reviewed as part of Mitigation Measure TRA-2, and it is also included as a potential TDM measure to mitigate a project’s VMT impact that is included in the County’s VMT Guidelines (County of Santa Cruz 2020b). Furthermore, the County is proposing to add an additional implementation strategy to the proposed Access + Mobility Element to evaluate adding parking strategies to the SCCC TDM requirements, and if added, would consider directing funds or a portion of funds to public transit and active transportation projects (AM-6.3j).

- *Institute Parking Tax on Private Parking Lots Above 30 Spaces* – The commenter suggests instituting a tax on private parking to reduce employee VMT with the revenue going to transit and active transportation improvements.

*Response:* This type of parking management strategy suggested in the comment is not currently proposed and would have to be evaluated further, but could be considered as a part of parking reduction measures considered as a result of Mitigation Measure TRA-2.

- B1-6 Consistency with State Legislation.** The commenter claims that because the Draft EIR fails to propose adequate mitigation for VMT impacts, the project with mitigation is inconsistent with SB 743 that requires mitigation of VMT and that this also conflicts with the state’s ability to meet GHG reduction goals set by AB 32 and SB 32 and Executive Order EO-S-3-05.

*Response:* Provisions of SB 743 are summarized on page 4.15-10 of the Draft EIR. The legislation directs the Governor’s Office of Planning and Research (OPR) to develop a new metric to replace LOS as a measure of impact significance and suggests VMT as that metric. The State CEQA Guidelines, which were amended at the end of 2018 and went into effect in 2019 as a result of SB 743 requirements, include a new section 15064.3 regarding analysis of transportation impacts be added to the State CEQA Guidelines. This section indicates that generally, VMT is the most appropriate measure of transportation impacts, and a lead agency had discretion to choose the most appropriate methodology to evaluate a project’s VMT, including whether to express the change in absolute terms, per capita, per household or in any other measure, but beginning on July 1, 2020, the provisions shall apply statewide. Consistent with CEQA Guidelines section 15064.3, the County of Santa Cruz adopted a VMT threshold in June 2020, as required by the guidelines provided by OPR and the deadlines established in the CEQA Guidelines. Therefore, the project is not inconsistent with requirements of SB 743. Furthermore, while the project does not meet the County’s threshold for impact significance, the project would result in a reduction of VMT over existing conditions as discussed on pages 4.15-19 to 4.15-25 of the Draft EIR. See also Draft EIR pages 4.8-29 to 4.8-37, which found that GHG emissions potentially resulting from the proposed project would be less than the existing conditions and that the project would not conflict with plans, policies, or regulations adopted for the purpose of reducing GHG emissions.

**B1-7 Land Use and Planning.** The commenter indicates that Section 4.02 of the Draft EIR makes the assumption that the proposed policies “support higher residential density and/or building intensity along transit and multi-modal corridors,” but the proposed project does not identify these corridors or legislatively designate these areas. This failure to make these legislative changes now will require each proposed development to have a legislative determination (rezoning or re-designation) as opposed to merely administrative approval, resulting in spot zoning approach that interferes with the stated objective. The commenter asserts that the Draft EIR assumptions of how development will proceed in the future (along transit and multi-modal corridors) cannot be sustained in light of the County’s failure to due (sic) the actual planning work for these areas.”

*Response:* The comment is acknowledged, but does not address analyses or contents in the Draft EIR. Therefore, no response is required. However, the commenter is referred to the proposed Access + Mobility Element of the General Plan/LCP, specifically Figure 3-1: Existing and Planned Roadway Facilities, which characterizes the typology of roadways in the unincorporated county. Table 3-1: Layered Network + Street Types characterizes the features of the roadways that are associated with each street type. It is noted that Draft EIR Section 4.02 summarizes proposed policies that support new and/or intensified uses in order to estimate development potential for the purposes of the conducting the EIR analyses.