

Memorandum**To:** CHAIR AND COMMISSIONERS**CTC Meeting:** March 22-23, 2023**From:** MITCH WEISS, Executive Director**Reference Number:** 2.2c.(16), Action**Prepared By:** Jose Oseguera
Assistant Deputy Director**Published Date:** March 17, 2023**Subject:** Approval of Project for Future Funding Consideration – Final Environmental Impact Report for the Rail Trail Segments 8 and 9 Project, Resolution E-23-48**Recommendation:**

Staff recommends the California Transportation Commission (Commission), as a Responsible Agency, accept the Final Environmental Impact Report for the Rail Trail Segments 8 and 9 Project (Project) in Santa Cruz County and approve the Project for future funding consideration.

Issue:

The City of Santa Cruz (City) is the California Environmental Quality Act lead agency for the Project. The Project will construct a 2.2-mile Class I multi-use trail, including signalization, striping, signage, and install two pedestrian and bicycle beacon systems. The Project is located adjacent to the Santa Cruz Branch Rail Line between Pacific Avenue and 17th Street in the City of Santa Cruz, Santa Cruz County.

For all projects that are anticipated to be funded through a program under the purview of the Commission, full compliance with the California Environmental Quality Act is required. The Commission will not allocate funds to projects for design, right-of-way or construction until the environmental document is complete, and the Commission has approved the environmentally cleared project for future funding consideration.

Background:

On March 20, 2023, the Santa Cruz City Council will consider adoption of the Final Environmental Impact Report. Materials published for the Santa Cruz City Council meeting recommend the City adopt a determination that aesthetics and biological impacts remain significant and unavoidable under the California Environmental Quality Act.

The Santa Cruz City Council meeting materials indicate there are several benefits that outweigh the unavoidable adverse impacts of the project. Listed below, these overriding benefits include economic, legal, social, and environmental considerations that outweigh the identified significant effect on the environment.

- The implementation of the Project would provide a continuous public trail with continuity in design along the Santa Cruz Branch Line railroad corridor and provide a connection to various spur trails in Santa Cruz County, consistent with the approved Monterey Bay Sanctuary Scenic Trail Master Plan and City and County goals and policies to provide additional recreational opportunities including the rail trail.
- The Project would increase active transportation facilities and recreation facilities and improve accessibility and connectivity within the greater Santa Cruz region. This is consistent with and would help to fulfill several City and County goals and policies. By providing an alternative transportation facility, the Project would also be consistent with goals and policies to reduce vehicle miles traveled and associated emissions, consistent with the City General Plan, City Climate Action Plan 2030, County 2022 Climate Action and Adaptation Plan, and County General Plan.
- The Project would develop the trail so future trail rail transportation along the corridor is not precluded, consistent with the Monterey Bay Sanctuary Scenic Trail Master Plan, the City 2030 Climate Action Plan, and the City and County General Plans.
- Implementation of the Project would maximize ocean views and scenic coastal vistas along a coastal alignment for experiencing and interpreting the Monterey Bay National Marine Sanctuary, consistent with goals and policies of the California Coastal Commission and State Parks and Recreation Department.
- The Project would maximize safety and serenity for experiencing and interpreting the sanctuary and landscapes by providing a trail separate from roadway vehicle traffic. The Project (Segment 9) would be entirely separated from the roadway with only four roadway crossings (Mott, Seabright, 7th, and 17th Avenues) and supports relevant City and County goals and policies, including City General Plan; City Local Coastal Plan, and County General Plan.
- The Project would utilize lands owned by various government entities to develop the trail, in order to minimize acquisition of private property, and Segment 9 is almost entirely within the Regional Transportation Commission right-of-way.

On March 21, 2023, City staff confirmed that the preferred alternative set forth in the Final Environmental Impact Report was consistent with the Project scope of work programmed by the Commission.

The Project is estimated to cost \$49,000,000 and is fully funded through construction with Active Transportation Program – Cycle 3 Funds (\$3,000,000), Active Transportation Program – Cycle 6 Funds (\$36,000,000), and Local General Funds (\$10,000,000).

Construction is estimated to begin in Fiscal Year 2026-27.

Attachments:

- Attachment A: Resolution E-23-48
- Attachment B: Statement of Overriding Considerations
- Attachment C: Notice of Determination
- Attachment D: Project Location Map

**CALIFORNIA TRANSPORTATION COMMISSION
Resolution for Future Funding Consideration**

**5 – Santa Cruz County
Resolution E-23-48**

- 1.1 WHEREAS, the City of Santa Cruz (City) completed a Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the Rail Trail Segments 8 and 9 Project (Project) in Santa Cruz County; and
- 1.2 WHEREAS, the City of Santa Cruz (City) certified that the Final Environmental Impact Report was completed pursuant to CEQA and the CEQA Guidelines; and
- 1.3 WHEREAS, the Project is located adjacent to the Santa Cruz Branch Rail Line between Pacific Avenue and 17th Street in the City of Santa Cruz, Santa Cruz County; and
- 1.4 WHEREAS, the Project will construct a 2.2-mile Class I multi-use trail, including signalization, striping, signage, and install two pedestrian and bicycle beacon systems; and
- 1.5 WHEREAS, on March 20, 2023, the Santa Cruz City Council adopted the Final Environmental Impact Report; and
- 1.6 WHEREAS, the Santa Cruz City Council issued a determination that aesthetics and biological impacts remain significant and unavoidable; and
- 1.7 WHEREAS, the Santa Cruz City Council adopted a Statement of Overriding Considerations for the Project finding that the Project benefits outweigh the unavoidable adverse environmental impacts; and
- 1.8 WHEREAS, the above-referenced significant effects are acceptable when balanced against the facts set forth in the Statement of Overriding Considerations; and
- 1.9 WHEREAS, on March 21, 2023, the City confirmed that the preferred alternative set forth in the Final Environmental Impact Report is consistent with the Project scope of work programmed by the Commission; and
- 1.10 WHEREAS, the Commission, as a Responsible Agency, has considered the information contained in the Final Environmental Impact Report and the Statement of Overriding Considerations.
- 2.1 NOW, THEREFORE, BE IT RESOLVED that the Commission does hereby accept the Final Environmental Impact Report and the Statement of Overriding Considerations for the above-referenced Project to allow for future funding consideration.

NOTICE OF DETERMINATION

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: California Transportation Commission
Attn: Jose Oseguera
1120 N Street, MS 52
Sacramento, CA 95814
(916) 653-2094

Subject: Filing of Notice of Determination in compliance with Section 21108 of the Public Resources Code.

Project Title: Rail Trail Segments 8 and 9 Project

2021090262	Nathan Nguyen	(831) 420-5188
State Clearinghouse Number	Lead Agency Contact Person	Area Code/Telephone

Project Location (include county): The project is located adjacent to the Santa Cruz Branch Rail Line between Pacific Avenue and 17th Street in the City of Santa Cruz, Santa Cruz County.

Project Description: The project will construct a 2.2-mile Class I multi-use trail, including signalization, striping, signage, and install two pedestrian and bicycle beacon systems.

This is to advise that the California Transportation Commission has approved the above-described project on:

(Lead Agency/ Responsible Agency)

March 22-23, 2023, and has made the following determinations regarding the above-described project:

1. The project (will/ will not) have a significant effect on the environment.
2. A Final Environmental Impact Report Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures (were/ were not) made a condition of the approval of the project.
4. Mitigation reporting or monitoring plan (was / was not) adopted for this project.
5. A Statement of Overriding Considerations (was / was not) adopted for this project.
6. Findings (were/ were not) made pursuant to the provisions of CEQA.

The above identified document with comments and responses and record of project approval is available to the General Public at: 809 Center Street, Room 201, Santa Cruz, CA 95060

MITCH WEISS		Executive Director California Transportation Commission
<i>Signature (Public Agency)</i>	<i>Date</i>	<i>Title</i>

Date received for filing at OPR:

VIII. FINDINGS ON RESPONSES TO COMMENTS ON THE DRAFT EIR AND REVISIONS TO THE DRAFT EIR

Findings and Rationale – Volume 1 of the Final EIR includes the comments received on the Draft EIR and responses to those comments. The focus of the responses to comments is on the disposition of significant environmental issues as raised in the comments, as specified by CEQA Guidelines § 15088(b), as well as to provide clarification regarding environmental issues raised. Volume 2 (Draft EIR) and Volume 3 (Draft EIR Appendices) of the Final EIR also incorporates information obtained after publication of the Draft EIR and revisions made for clarification and to provide additional detail.

The City has reviewed and considered the Final EIR and all of the information contained therein. The City finds that the responses to comments made on the Draft EIR and the revisions made to the Draft EIR merely clarify, amplify, or make insignificant modifications to the analysis presented in the document and do not trigger the need to recirculate per CEQA Guidelines § 15088.5(b). The Draft EIR has been reproduced in its entirety with revisions shown in underline for additions and ~~strikeout~~ for deletions (Final EIR Volume 2).

IX. STATEMENT OF OVERRIDING CONSIDERATIONS

The City adopts and makes this statement of overriding considerations concerning the Project's unavoidable significant impacts to explain why the Project's benefits override and outweigh its unavoidable impacts. In the City's judgment, the Project and its benefits outweigh its unavoidable significant effect to aesthetics and biological resources from tree removal. The following statement identifies the specific reasons why, in the City's judgment, the benefits of the Project as approved outweigh its unavoidable significant effects. Any one of these reasons 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 would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding Findings, which are incorporated by reference into this Section IX, and in the documents found in the Record of Proceedings, as defined in Section II.

The EIR has identified and discussed significant effects that may occur as a result of the Project. As set forth in these CEQA Findings, the City has made a reasonable and good faith effort to eliminate or substantially mitigate the impacts resulting from the Project and has made specific findings on each of the Project's significant impacts and on mitigation measures and alternatives. With implementation of the mitigation measures discussed in the EIR, most of the Project-level effects can be mitigated to a level of less than significant. However, the Project will result in significant and unavoidable Project-level and cumulative impacts as follows:

- 1. Impact to Scenic Resources and Vistas (Impact AES-1).** The Project would have an adverse effect on scenic resources and vistas through the removal of mature trees.
- 2. Impact to Policies Pertaining to Tree and Vegetation Removal (Impact AES-2).** The Project would be inconsistent with policies that pertain to tree and vegetation removal.
- 3. Impact to Monarch Butterflies (Impact BIO-2).** The Project could adversely affect monarch butterfly and autumnal and/or wintering roost sites.
- 4. Impact to Wildlife Movement (Impact BIO-11).** The Project would interfere with wildlife movement.

5. **Cumulative Aesthetics Impact (Impact AES-C).** Cumulative development may result in significant cumulative aesthetic impacts. The Project's contribution would not be cumulatively considerable except for cumulative impacts to scenic quality due to the removal of mature trees.
6. **Cumulative Biological Resources Impact (Impact BIO-C).** Cumulative development would result in significant cumulative biological resources impacts. The Project's contribution would be cumulatively considerable.

In accordance with Section 15093 of the CEQA Guidelines, and having reduced the adverse significant environmental effects of the Project to the extent feasible, having considered the entire administrative record on the Project, and having weighed the benefits of the Project against its unavoidable adverse impacts after mitigation, the City hereby finds that the following legal, economic, social and environmental benefits of the Project outweigh its unavoidable adverse impacts and render them acceptable based upon the following considerations. Each benefit set forth below constitutes an overriding consideration warranting approval of the Project, independent of the other benefits, despite each and every unavoidable impact.

- a. The implementation of the Proposed Project would provide a continuous public trail with continuity in design along the Santa Cruz Branch Line railroad corridor and provide a connection to various spur trails in Santa Cruz County, consistent with the approved Monterey Bay Sanctuary Scenic Trail (MBSST) Master Plan and City and County goals and policies to provide additional recreational opportunities including the rail trail. This includes, but is not limited to: City General Plan (policies M2.1.4, M2.1.4, M4.1, M4.2, M4.3.2, PR3.1.1, PR4.1, PR4.2); City Local Coastal Plan (policy 3.5.5); City 2030 Climate Action Plan (Measure T1.2 to complete all portions of Rail Trail); and County General Plan (policies AM-1.2b, AM-1.21, AM-1.2.2, AM-4.1, AM-4.1.1, AM-4.1.2).
- b. The Proposed Project would increase active transportation facilities and recreation facilities and improve accessibility and connectivity within the and the greater Santa Cruz region. This is consistent with and would help to fulfill several City and County goals and policies. This includes, but is not limited to: City General Plan (CD4.1.4, CD5.1, CD5.1, LU4, M1.1.1, M1.1.2, M1.1.3, M1.4.2, M1.5.1, M2.1.2, M2.1.3, M3.3.5, M4.1, M4.1, M4.2, M4.4.3, M4.4, PR3.1); City Bicycle/Pedestrian Facilities and Programs; City Active Transportation Plan; City 2030 Climate Action Plan (Measure T1.2 to complete all portions of Rail Trail); County General Plan (AM-1.1, AM-1.1.4, AM-1.1.5, AM-1.2.1, AM-1.2b, AM-3.2.1, AM-3.2.3, AM-3.2.5, AM-4.1, AM-4.1.1, AM-4.1.2); and Santa Cruz County Active Transportation Plan which lists the Rail Trail as a priority project. By providing an alternative transportation facility, the Project would also be consistent with goals and policies to reduce vehicle miles traveled and associated emissions, consistent with the City General Plan (LU4.2, NCR4.4.2); City Climate Action Plan 2030; County 2022 Climate Action and Adaptation Plan (Transportation goal 7); and County General Plan (AM-1.1, AM-1.1.4, AM-1.1.5).
- c. The Proposed Project would develop the trail so future rail transportation along the corridor is not precluded, consistent with the MBSST Master Plan; City 2030 Climate Action Plan (Measure T1.2 to work with partners to plan active and public transportation to rail line); City General Plan (CD4.1.4, LU4.2.3, M2.2, M2.2.1, M2.2.2, M4.3.2); and County General Plan (AM-1.1.6, AM-7.1.2).
- d. Implementation of the Proposed Project would maximize ocean views and scenic coastal vistas along a coastal alignment for experiencing and interpreting the Monterey Bay National Marine Sanctuary, consistent with goals and policies of the California Coastal Commission and State

Parks and Recreation Department. The Project would follow the coastal alignment of the rail corridor and provide educational and interpretive signage about the marine sanctuary and natural resources, including special-status plant and wildlife species such as the Santa Cruz tarplant, monarch butterfly, and San Francisco dusky footed woodrat.

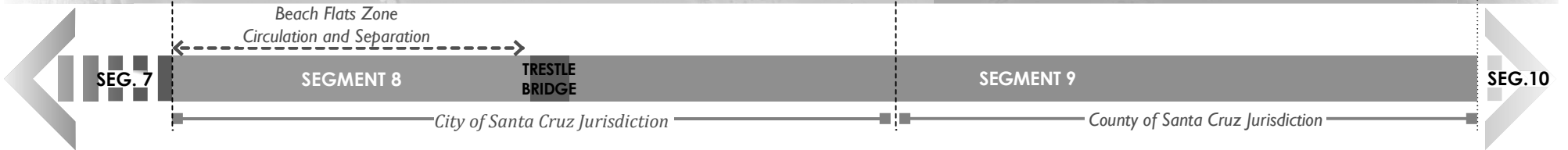
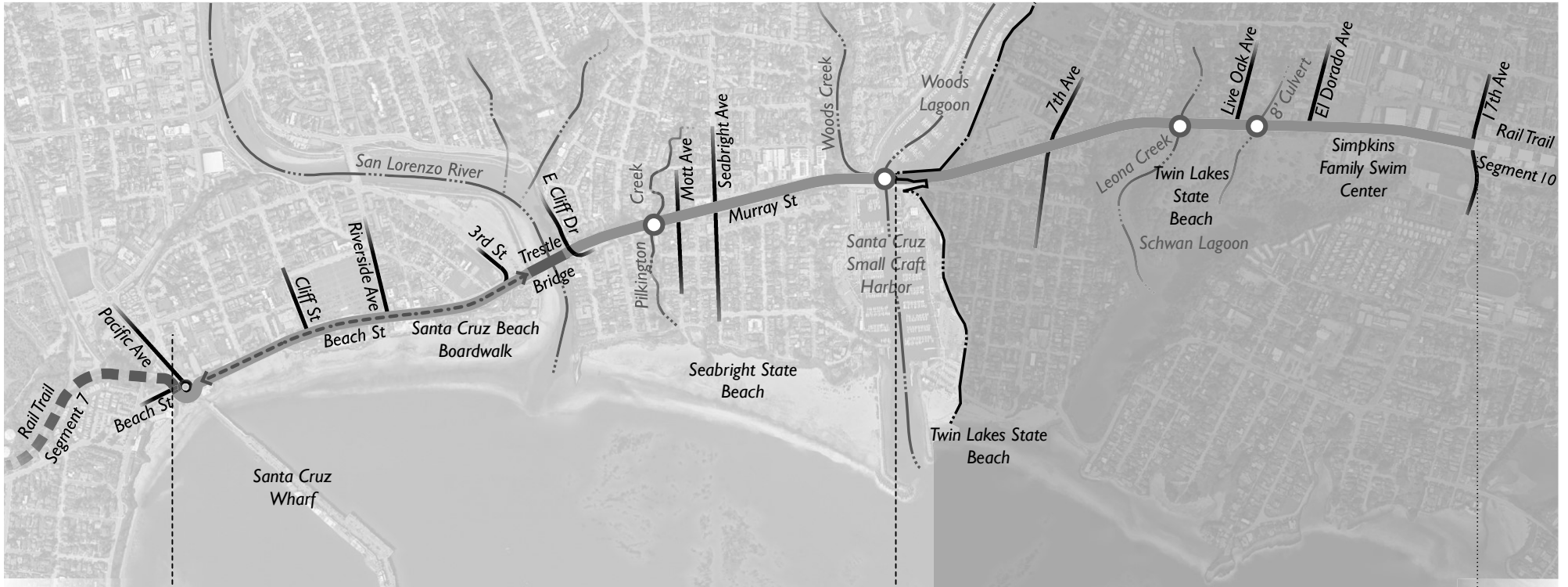
- e. The Proposed Project would maximize safety and serenity for experiencing and interpreting the sanctuary and landscapes by providing a trail separate from roadway vehicle traffic. The Proposed Project (Segment 9) would be entirely separated from the roadway with only four roadway crossings (Mott, Seabright, 7th, and 17th Avenues) and supports relevant City and County goals and policies, including City General Plan (PR3.1, PR3.1.1, PR3.3, PR3.3.4); City Local Coastal Plan (3.5 and 3.5.5) and County General Plan (AM-2.2.1, AM-2.2.2, AM-2.2.3).
- f. The Proposed Project would utilize lands owned by various government entities to develop the trail, in order to minimize taking private property, and Segment 9 is almost entirely within the RTC right-of-way.

X. MITIGATION MONITORING AND REPORTING PROGRAM

The City finds that a Mitigation Monitoring and Reporting Program (MMRP) for the Coastal Rail Trail Segments 8 and 9 Project has been prepared for the project and hereby adopts the MMRP concurrently with these Findings of Fact and Statement of Overriding Considerations (Public Resources Code, § 21081.6(a)(1)).

CEQA requires that an agency adopt an MMRP that includes mitigation measures prior to approving a project. The MMRP for the Project has been prepared in compliance with the requirements of Section 21081.6 of the California Public Resources Code and Sections 15091(d) and 15097 of the CEQA Guidelines.

The purpose of the MMRP is to ensure the implementation, in accordance with CEQA requirements, of the mitigation measures adopted by the City and under its control. The mitigation measures adopted in the Coastal Rail Trail Segments 8 and 9 Project EIR Findings are listed in Sections IV and V of this document. The MMRP is bound separately as a stand-alone document and hereby incorporated by reference.



Rail Trail Segments 8 and 9 Vicinity Map

