



# County of Santa Cruz

---

## DEPARTMENT OF COMMUNITY DEVELOPMENT AND INFRASTRUCTURE

701 OCEAN STREET, FOURTH FLOOR, SANTA CRUZ, CA 95060-4070

Planning (831) 454-2580      Public Works (831) 454-2160

**To:** Clerk of the Board  
Attn: Juliette Rezzato  
701 Ocean Street, Room 500  
Santa Cruz, CA 95060

**Project Name:** Addendum for updates to Temporary Produce Sales Area and Produce Stands, State Clearinghouse No. 2020079005

**Project Location:** Countywide

**Assessor Parcel No.:** N/A

**Project Applicant:** County of Santa Cruz Community Development and Infrastructure

**Project Description:** The project updates the Santa Cruz County Code (SCCC) for temporary produce areas and produce stands as defined in SCCC section 13.10.640. The changes encompass minor revisions to allowable sales and allowance of these sites to occur within the Timber Production (TP) and Special Use (SU) zone districts, as defined by the Board of Supervisors. The project includes discretionary aspects associated with cannabis sales at these sites, as defined in SCCC chapter 7.138.

**Agency Approving Project:** County of Santa Cruz Board of Supervisors

**County Contact:** Samuel LoForti

**Telephone No.** 831-454-3426

**Date Completed:** January 22, 2025

This is to advise that the County of Santa Cruz Board of Supervisors has approved the above-described project on \_\_\_\_\_, 2025 (date) and found the Addendum to the Final Environmental Impact Report for the Sustainability Policy and Regulatory Update necessary to facilitate the proposed code changes and that no substantial changes or significant environmental effects will occur.

### Background:

This document is an addendum to the Final Environmental Impact Report ("EIR") for the Sustainability Policy and Regulatory Update ("Sustainability Update") (State Clearinghouse No. 2020079005), which was certified by the Board of Supervisors on November 15, 2022. In accordance with the California Environmental Quality Act (CEQA), this addendum analyzes proposed code modifications to the Final EIR approved in 2022 and demonstrates that all potential environmental impacts associated with the proposed modifications would be within the envelope of impacts already evaluated in the Final EIR.

### CEQA Authority to Amend

CEQA establishes the type of environmental documentation required when changes to a project occur after an EIR is certified. Specifically, Section 15164(a) of the CEQA Guidelines states that:

*The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*

Section 15162 of the CEQA Guidelines does not require a subsequent EIR be prepared for a project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
- (2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to*

- the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
- (3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:*
- (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.* Association of Environmental Professionals 2024 CEQA Guidelines 248.

Likewise, California Public Resources Code (PRC) Section 21166 states that unless one or more of the following events occur, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency:

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report;*
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report;*
- (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.*

The proposed changes would not result in any new significant impacts, nor would they substantially increase the severity of previously anticipated significant impacts. All of the impacts associated with the proposed modifications are within the envelope of impacts addressed within the Final EIR and do not constitute new or substantially increased significant impacts. The basis for this determination is included within the analysis section below. The modifications do not trigger the requirements for preparation of a subsequent or supplemental EIR pursuant to section 15162 of the CEQA guidelines.

#### **Overview of the Approved Final EIR**

The approved Final EIR consists of amendments to the County's existing General Plan/Local Coastal Program (LCP) and several sections of the SCCC, as well as two other components described below. The proposed Sustainability Update is a comprehensive update to the County's General Plan/LCP and modernization of the SCCC. The goal of this update was to implement new policies and code regulations that support more sustainable communities in Santa Cruz County. The County's previous LCP was adopted in 1994, and was updated to align with new state laws, new regional and local plans, and a community vision that is focused on sustainable growth. The SCCC needed to be updated to implement the changes that are proposed in the General Plan/LCP. The County modernized the SCCC and prepared County Design Guidelines that were intended to help applicants understand the County's development rules and design projects that align with the community's vision. The proposed project also arises in part from the Sustainable Santa Cruz County Plan, accepted by the Board of Supervisors in October 2014 as a planning and feasibility study that focused on sustainable development of the County's urban areas.

The Sustainability Update consisted of four key components that are further described below:

1. General Plan/LCP Amendments. The approved amendments, text revisions, new or revised goals, objectives and policies, and new and revised implementation strategies that replaced prior programs. Revisions were included for the following five General Plan/LCP chapters:
  - Chapter 1: Introduction;
  - Chapter 2: Built Environment (formerly Land Use);
  - Chapter 3: Access + Mobility (formerly Circulation);
  - Chapter 5: Agriculture, Natural Resources + Conservation; and
  - Chapter 7: Parks, Recreation + Public Facilities.

The above-listed General Plan/LCP elements joined three other existing elements that were previously updated, which comprise the entirety of the General Plan/LCP:

- Chapter 4: Housing (2016);
- Chapter 6: Public Safety (2020); and
- Chapter 8: Noise (2019).

2. SCCC Amendments. Amendments to the SCCC were included in Title 13—Planning and Zoning Regulations and Title 18—Procedures, with some revisions to Title 5—Business Regulations, Title

- 12—Building Regulations, Title 15— Community Facilities, and Title 16—Environmental and Resource Protection, in order to ensure regulations incorporated State law and modern practices, reflected General Plan/LCP proposed revisions, and are internally consistent.
3. County Design Guidelines. The Sustainability Update includes adoption of County Design Guidelines, which are referenced in revisions to SCCC Chapter 13.11.
  4. Land Use and Zoning Map Amendments. Selected property-specific General Plan land use designation changes and/or rezonings have been identified by County staff and include identified opportunity sites such as the vacant property located at Soquel Drive and Thurber Lane and vacant and underutilized properties along the Portola Drive commercial corridor. There were General Plan designation and/or zone district amendments for other parcels in order to achieve consistency with the General Plan and/or existing uses on a property.

The California Coastal Act of 1976 (Coastal Act) requires local jurisdictions to adopt an LCP to regulate development within the coastal zone. The Coastal Act requires jurisdictions to have an LCP consisting of both a Land Use Plan (LUP) and a Local Coastal Implementation Plan (LCIP) with implementing actions that are consistent with the statewide Coastal Act policies. The Coastal Act requires Coastal Commission approval of amendments to jurisdictions' LUP and LCIP. The approved Sustainability Update included amendments to some General Plan/LCP goals, objectives, policies, and implementation strategies that are also part of the LUP. The approved Sustainability Update included amendments to some sections of the SCCC that included sections that are part of the LCIP. These sections and chapters required Coastal Commission approval as part of an LCP amendment. The Coastal Commission certified the Sustainability Update on December 15, 2023.

### **Analysis**

The proposed modification to SCCC section 13.10.640 would allow for temporary produce sales areas and produce stands within the Timber Production (TP) and Special Use (SU) zoning districts in addition to the previously approved Agricultural and Commercial Agricultural zoning districts. A produce stand may be allowed within an existing building that has an approved pre-existing commercial use which allowed for direct consumer sales. An additional technical change includes clarification that agricultural products, not just raw goods, may be sold at temporary produce stands. The proposed addition of SCCC Chapter 7.138 includes discretionary requirements associated with security, sales limits, seasonal operational restrictions required to obtain a business license. Chapter 7.138 only applies to businesses in compliance with SCCC section 13.10.640.

The proposal to allow these temporary produce sales areas and produce stands within the TP and SU zone districts is based on the allowed uses of these zone districts as defined by SCCC section 13.10.372 (for the TP zone) and 13.10.382 (for the SU zone). These allowed uses include agricultural uses and accessory structures incidental to agricultural use.

The inclusion of the TP and SU zone districts does not constitute a substantial change to the Final EIR that would cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Additionally, since the EIR was adopted, there is no new information of substantial importance that shows there is a potential for new or substantially more severe significant effects, or that new mitigation measures would reduce any significant impacts of the project.

The Project is within the scope of the impacts evaluated in the EIR. The EIR evaluated the potential for significant impacts related to small-scale, ancillary agricultural support uses, such as marketing of products grown on the site and agri-tourism. Specifically, the EIR evaluated the impacts of the adoption of SCCC section 13.10.640, which allows temporary produce sales areas, produce stands, and produce markets in the Agriculture and Commercial Agriculture zoning districts if certain conditions are met. Project features contained in both the Sustainability Update's General Plan Amendments and Code Amendments protect prime agricultural land and preserve long-term commercial agricultural use. (See Draft EIR Table 4.2-4, citing ARC 1.1.3 -5, 7, 11-12; ARC 1.2.1-2,4; ARC 1.3.1-3; ARC 1.4.5, ARC 2.1.4.) Moreover, the Draft EIR concludes that the structural development that will result from these activities supports the continued viability of commercial agricultural operations. Additionally, SCCC section 13.10.640 (C)(4) requires the produce stand and any associated parking and circulation areas to remove as little agricultural land as possible, and requires all associated improvement to be located off, or on the perimeter of the Type 1 – 3 soils to the maximum extent feasible. As a result, the inclusion of produce markets and produce sales areas in TP and SU zoning districts will not result in any new significant impacts to agricultural lands as conversions of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance are unlikely to occur, and if they do occur must comply with General Plan Policy ARC 1.3.1 and must be incidental to the agricultural use.

The EIR evaluates the impacts of agricultural uses on urban land uses, and concludes that the establishment of buffers provided for in the SCCC will protect adjacent neighbors from impacts related to dust, noise, odors, potential "drift" of pesticide application, and other disturbances associated with agricultural operations. (See Final EIR section 3.2.4) As a result, the project will not result in any potential significant impacts related to these impact areas. The EIR evaluates traffic related cumulative development and growth, both within the unincorporated county and in the incorporated cities. The traffic analysis included in section 4.15.3.3 notes that potential significant impacts are limited to development and redevelopment within urban areas within the County's urban services line. Traffic related impacts from farm stands were not concluded to have a substantial impact in the EIR. No other impacts to environmental resources analyzed in the Sustainability Update EIR are anticipated or reasonably foreseeable as a result of the proposed SCCC amendments or future development as allowed by the SCCC amendments.

The EIR evaluates impacts to forest lands and concludes the Sustainability Update would not directly result in impacts related to the conversion of forest lands, (see Draft EIR section 4.2.3.2). Forest lands and timberlands are primarily located within the TP zone district and the Project does not include any provisions that allow for the conversion of these lands to be utilized for temporary produce sales areas or produce stands. Therefore, the EIR evaluation extends to this Project.

### **Summary**

The proposed modifications are limited technical changes which only impact retail sales for agricultural goods and products produced by the farms. These temporary produce sales areas are not permanent installations and will not result in the conversion of agricultural lands. The EIR determined that the existing County Code provisions and those adopted as part of the Sustainability Update prevent agricultural ancillary uses such as support facilities and tourism facilities from causing any potential significant impacts.