

4.7 LAND USE

This section reviews existing land uses in the vicinity, and applicable policies and regulations that pertain to the project as identified for review in the State CEQA Guidelines.

Public and agency comments related to traffic and transportation were received during the public scoping period in response to the Notice of Preparation (NOP). Issues raised in these comments include:

- ❑ The California Coastal Commission (CCC) retains regulatory coastal permit jurisdiction on the Wharf, and any new development on the Wharf must be consistent with the Chapter 3 policies Coastal Act and will require review and approval by the CCC.
- ❑ The CCC indicates that the current Wharf parking rates have not been properly authorized by a Coastal Development Permit (CDP), and the City has a pending unfiled application for a CDP to authorize the current rate structure. The CCC requests that the issue of parking rates and fees be considered through the Wharf Master Plan environmental review process.
- ❑ CCC staff indicates that the Wharf and proposed improvements are located on public trust land, and the Coastal Act requires that new development maximize public access and recreational opportunities (Sections 30210 through 30224). Therefore, maximization of public access and recreational opportunities should be considered key project objectives.

To the extent that issues identified in public comments involve potentially significant effects on the environment according to the California Environmental Quality Act (CEQA) and/or are raised by responsible agencies, they are identified and addressed within this EIR. Public comments received during the public scoping period are included in Appendix A.

The CCC indicates that the current Wharf parking rates have not been properly authorized by a Coastal Development Permit (CDP) and requests that the issue of parking rates and fees be considered through the Wharf Master Plan environmental review process. However, the issue of parking rates and fees is not an environmental issue under CEQA, which focuses on significant impacts of a project on the physical environment. The issue of parking fees is an economic or social change, which by themselves are not considered significant effects on the environment unless related to a potentially significant physical impact. The EIR addresses physical environmental impacts of implementation of the Wharf Master Plan. The Master Plan does not address parking rates, but does discuss changes in parking layout. Furthermore, the City and CCC staff has been discussing the parking concern and are working toward a resolution of this issue outside of the context of this EIR.

4.7.1 Environmental Setting

Regulatory Setting

The City of Santa Cruz *General Plan 2030*, the Local Coastal Program (LCP), and Title 24 (Zoning) of the Municipal Code govern land use and development within City limits. The project site is located within the coastal zone.

Vicinity Land Uses

The Santa Cruz Wharf is situated at the southern end of Pacific Avenue at Beach Street within the Beach Area of the City of Santa Cruz. Figure 1¹ shows the Wharf location in relation to the Beach and Downtown areas of Santa Cruz. The Wharf extends into Monterey Bay for a distance of approximately one-half mile; the initial 200± feet covers a section of the City's Main Beach. The Santa Cruz Beach Boardwalk and the City's Main Beach are located to the east, and Cowell Beach and the Dream Inn are located to the west. A mix of visitor-serving and commercial uses is located along Beach Street to the north of the Wharf. The Wharf is one of a number of destination attractions in the City's Beach Area; the Beach Area is an important visitor attraction during the summer months and on weekends when the Boardwalk is open.

Relevant Plans and Zoning Regulations

General Plan and Zoning

The Santa Cruz Wharf is designated "RVC" (Regional Visitor Commercial) with a 0.25 to 3.5 floor area ratio (FAR²) in the City's existing *General Plan 2030*. This designation applies to areas that emphasize a variety of commercial uses that serve Santa Cruz residents as well as visitors.

Areas designated RVC in the General Plan include:

- ❑ **Downtown Santa Cruz.** Emphasizes a mix of regional office and retail uses, residential and mixed-use developments, restaurants, and visitor attractions such as entertainment venues. The Downtown Recovery Plan provides detailed requirements for this area.
- ❑ **South of Laurel.** Emphasizes mixed-use and residential development along with visitor-serving and neighborhood commercial uses to connect the Beach Area with Downtown Santa Cruz. The Beach and South of Laurel Comprehensive Area Plan provides detailed requirements for this area.

¹ All figures are included in Chapter 7 at the end of the document for ease of reference.

² FAR is the gross floor area permitted on a site divided by the total net area of the site. For example, on a site with 10,000 net sq. ft. of land area, a FAR of 1.0 will allow a maximum of 10,000 gross square feet of building floor area to be built. On the same site, a FAR of 3.5 would allow 35,000 sq. ft. of floor area,

- ❑ **Beach Area.** Emphasizes visitor-serving commercial uses such as hotels, motels, restaurants, and amusement parks, as well as residential and mixed-use development in the Beach Area neighborhoods. The Beach and South of Laurel Comprehensive Area Plan provides detailed requirements for this area.

For most areas designated RVC, the minimum and maximum development intensity is specified in the Downtown Recovery Plan or the Beach and South of Laurel Comprehensive Area Plan. In areas that are designated RVC but are not addressed in an Area Plan, the minimum FAR is 0.25 and the maximum is 1.75.

The Wharf is zoned CB, Beach Commercial. The purpose of this district is to provide for commercial uses which are primarily coastal-dependent in nature and which serve tourists and visitors to the Santa Cruz coastal recreational areas, and also, to provide commodities and services to residents of such areas. A range of commercial uses are permitted in this district, including lodging, museums, theaters and marine facilities, and development standards for lot size, building height, and setbacks are provided.

Local Coastal Program

The Wharf is located within the coastal zone. Pursuant to the California Coastal Act, the City has a Local Coastal Program (LCP) that was certified by the California Coastal Commission (CCC). The LCP consists of a land use plan, implementing ordinances and maps applicable to the coastal zone portions of the City, and applies to all private and public projects located within the coastal zone. The Land Use Plan consists of text; policies, programs and maps; Area Plan coastal policies and maps; and a Coastal Access Plan. The Implementation Plan consists of ordinances and regulations used to implement the Land Use Plan, including sections in the Zoning Code. The LCP applies to private and public projects located within the coastal zone. The City's LCP also includes policies pertaining only to the Beach area based on recommendations in the *Beach and South of Laurel Comprehensive Area Plan* (B/SOL Plan). (The B/SOL Plan is described further below.) The policies address: community design, land use, circulation, economic development, community facilities, parks and recreation, and safety. The City is in the process of updating and revising the LCP Land Use Plan as a separate document from the General Plan.

The Wharf is located in an area where the California Coastal Commission (CCC) has retained coastal permitting jurisdiction. As a practical matter, CCC staff has indicated that any new development on the Wharf must be consistent with the Chapter 3 policies Coastal Act. Pursuant to the decision of Supreme Court case, *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.Sth 918, CCC staff have indicated that the EIR is required to expressly disclose, consider and analyze the jurisdictional claims and regulatory opinions of the CCC. In its response to the NOP, CCC staff indicated that:

- ❑ The Wharf and proposed improvements are located on public trust land. The Coastal Act requires that new development maximize public access and recreational opportunities

(Sections 30210 through 30224). Therefore, maximization of public access and recreational opportunities should be considered key project objectives.

- ❑ The Coastal Act limits the placement of new structural pilings to public recreational piers that provide public access and recreational opportunities (Section 30233). For this project, maximization of public access and recreation means that any additional coverage of public trust land is minimized and used for public access and recreational purposes and related improvements only.
- ❑ Coastal Act Section 30251 requires the protection of the scenic and visual qualities of coastal areas and also requires that new development protect views to and along the ocean and scenic coastal areas and be visually compatible with the character of the surrounding areas. CCC staff believe that this policy should be included as a key project objective.
- ❑ Coastal Act Sections 30230, 20231, 30232, and 30325 require marine resources, including water quality, to be maintained, enhanced, and restored. Section 30235 requires that marine structures contributing to water stagnation, pollution, and fish kills shall be upgraded and phased out where feasible. CCC staff recommends that Wharf Master Plan recommends regarding collection and treatment of drainage incorporated into the project description or should be incorporated into the project description or mitigation measures.
- ❑ Coastal Act Section 30230 requires that marine resources be maintained, enhanced, and restored, and that new development must not interfere with the biological productivity of coastal waters or the continuance of healthy populations of marine species. The noise produced by construction activities, and particularly pile driving new piers, has the potential to negatively affect marine resources, including marine mammals and fish. CCC staff indicates that the EIR should examine a range of alternatives and mitigation measures driving the proposed 800 new piles; e.g. use of sound dampening techniques to minimize sound levels, use of a vibratory hammer rather versus an impact hammer, establishing a marine mammal safety zone based on the maximum extent of underwater sound levels known to disturb or injure marine mammals (and require the pile driving to cease if any marine mammals are observed approaching or within the zone), monitoring for fish kills and cessation of pile driving if kills are observed, etc.

The Wharf Master Plan includes enhancement of recreational and public access as key objectives. The Wharf expansion envisioned in the Master Plan with construction of the East Promenade, Westside Walkway and boat landings, as well as the cultural visitor buildings would expand public access and recreational opportunities. The City's existing LCP also includes policies for protection of scenic views to and along the coastline and compatible development (CD 2.1.2 and CD 2.20). Visual impacts are addressed in section 4.1 of this EIR. Biological and water quality impacts are addressed in sections 4.2 and 4.4, respectively and address issues of concern raised by the CCC.

Beach and South of Laurel Comprehensive Area Plan

The *Beach and South of Laurel Comprehensive Area Plan* (B/SOL Plan) was adopted by the City Council in October 1998. The project site is located in the “Beach Commercial” subarea that also includes the Santa Cruz Beach Boardwalk amusement park, motels, bed and breakfast inns, and commercial uses. The area also contains permanent residential units and mobile homes.

The purpose of the B/SOL Plan is to:

1. Propose a sensitive and realistic program for neighborhood preservation and revitalization targeted to the Beach Flats, Beach Hill, and South of Laurel areas;
2. Establish a comprehensive program for managing:
 - Traffic and transportation,
 - Tourism and maritime assets, and
 - Expansion of the season and linkage with the Downtown; and
3. Enhance the historic resort attributes of the Beach area for residents and visitors.

The B/SOL Plan generally provides land use, transportation, and design recommendations. According to the Plan, the basic policy direction for the Beach area is provided in the City’s General Plan, which designates the area as Regional Visitor Commercial.³ The B/SOL Plan provides some policy direction for the Beach Flats and Beach Hill subareas, based on City policies in effect when the Plan was adopted. However, the B/SOL Area Plan does not include specific policies for the Beach Commercial subarea in which the project site is located, although recommendations are made for the Wharf as described below.

The B/SOL Plan recommends that the City carry out a comprehensive analysis of the Wharf to include two fundamental and interrelated aspects: maritime and commercial. The Plan recommends that the study examine the feasibility of expanding maritime activity, visitor amenities and local resident marketing. The Plan indicates that the existing LCP Design Criteria would remain in effect until the study is completed.

4.7.2 Impacts and Mitigation Measures

Thresholds of Significance

In accordance with the California Environmental Quality Act (CEQA); State CEQA Guidelines (including Appendix G); City of Santa Cruz plans, policies and/or guidelines; and agency and professional standards, a project impact would be considered significant if the project would:

³ Although this statement was made in 1998 and referred to the then-current 2005 General Plan, the statement remains true under the *General Plan 2030*, as the General Plan designation for the area did not change with the updated General Plan.

- LU-1 Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect; or
- LU-2 Physically divide an established community.

Analytical Method

Site visits of the project vicinity were conducted to ascertain surrounding land uses and development. Relevant City, County and other applicable plans were reviewed with regards to land use concerns or policy issues with which the project might result in potential conflicts.

Impacts and Mitigation Measures

The following impact analyses address potential project conflicts with any applicable land use plan, policy, or regulations adopted for the purpose of avoiding or mitigating an environmental effect (LU-1). As described in the Initial Study, the project site is located at the edge of a developed area of the City, and the proposed development would not physically divide an established community (LU-2). It is also noted that due to its location in Monterey Bay, the project would not result in conversion of prime agricultural land or timberland preserve lands.

Impact LU-1: Conflicts with Policies and Regulations. The proposed project would not conflict with policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect (LU-1), and therefore, will result in *no impact*.

Potential Conflicts with Policies

The following discussion provides an overview of consistency with local plans and policies. In accordance with Appendix G of the state CEQA Guidelines, the review focuses on potential project conflicts with policies or regulations adopted for the purpose of avoiding or mitigating an environmental impact. Adoption and implementation of the Wharf Master Plan and subsequent construction of recommended structures and improvements would not result in conflicts with policies in the City's certified Local Coastal Plan (LCP) or adopted General Plan or other policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect. There are no apparent conflicts between the proposed project and applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect, as summarized in Table 4.7-1 at the end of this section.

The Wharf Master Plan does support a number of LCP and General Plan policies and directives for the Wharf as discussed below.

☐ General Plan Policies

- LU3.53 Supports improved recreational and economic opportunities at the Santa Cruz Wharf, which constitute primary strategies of the Wharf Master Plan and its recommended improvements.
- ED5.1.2 Tasks the City with coordinating and expanding Beach Area services and employment, such as could be supported through realization of the Wharf Master Plan.
- HZ1.2.4 Supports improved citywide access for emergency vehicles, such as proposed with construction of the East Promenade.
- PR3.3.4 Directs the City to maximize public access and enjoyment of recreation areas along the coastline. The Wharf Master Plan helps to advance these goals.

☐ The Wharf Master Plan responds to the following LCP policies to update design guidelines and management plans for the Wharf. The Wharf is also one of nine access components described in the LCP “Access Plan”.

- LU 2.2.1 Update land use and design guidelines for the Beach and Wharf area addressing the area's importance as both a center of tourism and residential area.
- ED 2.4.3 Develop and implement a promotion and management plan for the Municipal Wharf aimed at attracting local residents and enhancing recreational and economic opportunities while protecting the Monterey Bay. (See policy L 2.2.1, PR 1.7.12)
- ED 5.5.3 Identify ways to enhance and promote the identity of existing and potential visitor areas in the City such as Downtown, Beach Area, San Lorenzo River, Yacht Harbor, UCSC, West Cliff and East Cliff Drives, and the Wharf.
- PR1.7.1.3 Maintain free bicycle and pedestrian access to the Wharf.
- PR 1.7.9 Fishing access on the Municipal Wharf shall not be reduced.

☐ The Wharf Master Plan process also responds to the following Beach/South of Laurel area LCP policies regarding the Wharf. The Plan provides the comprehensive analysis set forth in the policies, and the Plan provides Design Standards and is responsive to the other LCP policies.

- CD 1.20 Maintain the “Wharf Design Criteria” until the results of the proposed wharf study are approved.
- LU 2.7 Complete a comprehensive analysis of the Wharf to include study of its two fundamental and interrelated aspects: its maritime aspect and its retail aspect. Elements of this study should include, but not be limited to:

- Physical inventory
- Access, circulation and parking,
- Additional maritime potential,
- Marine sanctuary potential,
- Design and architectural character,
- Signature physical features or programs,
- Retail mix and performance,
- Market niche, and
- A cost/benefit analysis of recommendations stemming from analysis.

The study should examine the feasibility of expanding maritime activity, expanding visitor amenities, and expanding local resident marketing.

It is noted that there are other policies in these plans which are applicable to the project, and which address a broader range of land use, project design, circulation, and planning concerns. Project consistency with local adopted plans and policies will be determined ultimately by the City Council.

Conflicts with Regional Plans

The State CEQA Guidelines section 15125(d) require that a discussion be provided regarding any inconsistencies between a proposed project and applicable general and regional plans. Examples of other regional plans include air quality plans, water quality control plans, regional transportation plans, regional housing allocation plans, habitat conservation plans and regional land use plans. As discussed in the Initial Study, the project would not conflict with the Monterey Bay Unified Air Pollution Control District’s “Air Quality Management Plan.” There are no provisions in the current Basin Plan⁴ (water quality) that are applicable to the proposed project. There are no Habitat Conservation Plans in the project area or other regional plans with which the project may be in conflict. Applicable regional transportation plans are discussed in the Section 4.5 of this EIR. The proposed project consists of residential development and does conflict with regional housing allocation plans.

Mitigation Measures

No mitigation measures are required as a significant impact has not been identified.

⁴ Regional Water Quality Control Board, Central Coast Region. June 2019. “Water Quality Control Plan for the Central Coastal Basin.” See discussion in Section 4.4 of this EIR.

Table 4.7-1: Potential Project Conflicts with City of Santa Cruz General Plan and Local Coastal Plan Policies

[POLICIES RELATED TO MITIGATING ENVIRONMENTAL IMPACTS]

Element	Policy Number	Policy	Potential Conflict
General Plan			
Community Design	CD1.2	Ensure that the scale, bulk and setbacks of new development preserve important public scenic views and vistas.	NO CONFLICT: Public scenic views will be preserved with new development.
	CD3.2	Ensure that the scale, bulk and setbacks of new development preserve public views of city landmarks where possible.	NO CONFLICT: Public scenic views will be preserved with new development.
Land Use	LU1.2	Ensure that growth and development does not lead to the overdraft of any water source, the creation of unacceptable levels of air pollution, or the loss of prime agricultural land.	NO CONFLICT: Project would not result in overdraft of water supplies (see Chapter 4.6), result in air pollution (see Initial Study) or result in conversion of agricultural land (see Initial Study).
	LU1.3	Ensure that facilities and services required by a development are available, proportionate, and appropriate to development densities and use intensities.	NO CONFLICT: Public services are available.
Mobility	M3.1.3	Strive to maintain the established “level of service” D or better at signalized intersections.	NO CONFLICT: Project traffic would not result in a decrease in level of service below D at two study intersection and traffic contribution to a third intersection that operates at LOS E would be below City significance thresholds.
	M4.1.7	Require that site and building design facilitate pedestrian activity.	NO CONFLICT: Project provides bicycle parking and new pedestrian promenade separate from the road and parking areas.
Civic and Community Facilities	CC5.1.9	Reduce stormwater pollution.	NO CONFLICT: Project includes improvements to drainage system.
Hazards, Safety and Noise	HZ1.2.5	Continue to ensure that new development design and circulation allow for adequate emergency access.	NO CONFLICT: Project would improve emergency access with expanded Wharf and boat landing.
	HZ6.3	Reduce the potential for life loss, injury, and property and economic damage from earthquakes, liquefaction, and other seismic hazards.	NO CONFLICT WITH MITIGATION: Recommended improvements have undergone engineering review.

Table 4.7-1: Potential Project Conflicts with City of Santa Cruz General Plan and Local Coastal Plan Policies

[POLICIES RELATED TO MITIGATING ENVIRONMENTAL IMPACTS]

Element	Policy Number	Policy	Potential Conflict
Parks, Recreation, & Open Space	PR1.3.1	Ensure that adequate park land is provided in conjunction with new development.	NO CONFLICT: Project recommendations expand public access and recreation.
Natural Resources and Conservation	NRC2.1.3	Evaluate development for impacts to special-status plant and animal species.	NO CONFLICT: Potential significant impacts can be mitigated to a less-than-significant level.
	NRC2.2.1	As part of the CEQA review process for development projects, evaluate and mitigate potential impacts to sensitive habitat (including special-status species) for sites located within or adjacent to these areas.	NO CONFLICT: A project-level biological review was conducted, and potential significant impacts can be mitigated to a less-than-significant level.
Local Coastal Program-Land Use Plan			
Environmental Quality	4.0.2	Preserve the habitat of and minimize disturbance to seabird rookeries and roosting areas along the coastline.	NO CONFLICT WITH MITIGATION: Potential impacts can be mitigated.
	4.0.5	Protect the quality of water discharged into the Bay and allow no dumping of materials into the Monterey Bay.	NO CONFLICT WITH MITIGATION: Potential significant construction impacts can be reduced to a less-than-significant level with implementation of required construction Best Management Practices and mitigation measure include in this EIR.
	4.5	Continue the protection of rare, endangered, sensitive and limited species and the habitats supporting them as shown in Map EQ-9 or as identified through the planning process or as designated as part of the environmental review process.	NO CONFLICT WITH MITIGATION: Potential significant impacts nesting sensitive birds identified in the LCP can be mitigated to a less-than-significant level.
	4.5.4	Preserve Black Swift and Pigeon Guillemot habitat by monitoring the effects of erosion repair work along West Cliff Drive and timing construction in areas near these habitats to avoid disturbing them during the nesting season ensuring that no significant adverse impact occurs.	NO CONFLICT: Although the project is not located along West Cliff Drive, potential significant impacts nesting sensitive birds identified in the LCP can be mitigated to a less-than-significant level.

Table 4.7-1: Potential Project Conflicts with City of Santa Cruz General Plan and Local Coastal Plan Policies

[POLICIES RELATED TO MITIGATING ENVIRONMENTAL IMPACTS]

Element	Policy Number	Policy	Potential Conflict
Community Design	2.1.3	Protect the Monterey Bay National Marine Sanctuary and the shoreline and views to and along the ocean, recognizing their value as natural and recreational resources.	NO CONFLICT: No significant disruption to or obstruction of scenic views will result from implementation of the Wharf Mater Plan.
	2.2	Preserve important public views and viewsheds by ensuring that the scale, bulk and setback of new development does not impede or disrupt them.	NO CONFLICT: No significant disruption to or obstruction of scenic views will result from construction of new buildings recommended in the Wharf Mater Plan.
	3.5	New or renovated development shall add to, not detract from City-identified landmarks, historic areas and buildings, and established architectural character worthy of preservation.	NO CONFLICT: Construction of future buildings recommended in the Wharf Mater Plan would not detract from City-identified landmarks.
Land Use	1.4	Utilize the environmental review process and maintain Zoning Ordinance Conservation Regulations to ensure protection of natural resources, significant vegetation communities, wildlife habitats, archaeologically sensitive areas, scenic views and also mitigate and protect development from environmental hazards such as earthquakes, floods and fires in the process of land development.	NO CONFLICT: This EIR has reviewed potential impacts on aesthetics, biological and cultural resources, and geological and hydrological concerns.
	1.6	Minimize, when practical, obstruction of important views and viewsheds by new development. In the Coastal Zone, development shall be sited and designed to and along the ocean and in scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and to restore visual quality in visually degraded areas.	NO CONFLICT: No significant disruption to or obstruction of scenic views will result from construction of new buildings recommended in the Wharf Mater Plan.
	2.2.1	Update land use and design guidelines for the Beach and Wharf area addressing the area's importance as both a center of tourism and residential area.	NO CONFLICT: The Wharf Master Plan provides updated Design guidelines and policies for the Santa Cruz Wharf.
	3.5	Protect coastal recreation areas, maintain all existing coastal access points open to the public, and enhance public access,	NO CONFLICT: Expansion of the Wharf will provide enhanced public access with increased pedestrian access at the East Promenade and Westside Walkway.

Table 4.7-1: Potential Project Conflicts with City of Santa Cruz General Plan and Local Coastal Plan Policies

[POLICIES RELATED TO MITIGATING ENVIRONMENTAL IMPACTS]

Element	Policy Number	Policy	Potential Conflict
		open space quality and recreational enjoyment in a manner that is consistent with the California Coastal Act.	
Economic Development	2.4.3	Develop and implement a promotion and management plan for the Municipal Wharf aimed at attracting local residents and enhancing recreational and economic opportunities while protecting the Monterey Bay.	NO CONFLICT: The Wharf Master Plan includes policies, actions and recommendations to promote economic opportunities.
Parks and Recreation	1.7.1.3	Maintain free bicycle and pedestrian access to the Wharf.	NO CONFLICT: No changes to free bicycle and pedestrian access are proposed.
	1.79	Fishing access on the Municipal Wharf shall not be reduced.	NO CONFLICT: The Wharf Master Plan will not result in reduced fishing access.
B/SOL	CD1.20	Maintain the “Wharf Design Criteria” until the results of the proposed wharf study are approved.	NO CONFLICT: The Wharf Master Plan recommendations do not conflict with existing Wharf Design Criteria and includes new Design Guidelines.