APPENDIX A
Notice of Preparation (NOP) and NOP Comments

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APPENDIX A

CITY OF SANTA CRUZ

ECONOMIC DEVELOPMENT/SUCCESSOR AGENCY
337 LOCUST STREET, SANTA CRUZ, CA 95060 • 831-420-5150 • www.cityofsantacruz.com

May 24, 2017

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

RE: Santa Cruz Wharf Master Plan

To Interested Agencies and Persons:

The City of Santa Cruz, as the lead agency, is preparing an Environmental Impact Report on the project described herein. Please respond with written comments regarding the scope and the content of the EIR as it may relate to your agency's area of statutory responsibility or your areas of concern or expertise. Your agency may need to use the EIR prepared by our agency when considering your permit or other approval for the project, if any is required. ***Responses are due within 30 days of the receipt of this Notice, as provided by State law.*** The contact person's name and address are listed below. Please include the name and phone number of a contact person at your agency in your response.

> ***A public scoping meeting to take comments on the EIR scope of work will be held on June 14, 2017 at 6:30 PM at Santa Cruz Police Department Community Room, 155 Center Street, in Santa Cruz. You or members of your agency or organization are invited to attend.***

1. **Project.** Santa Cruz Wharf Master Plan (SCH# 2016032038)

2. **Project Location.** Santa Cruz Wharf in the City of Santa Cruz. See the attached Location Map.

3. **Project Applicant.** The City of Santa Cruz

4. **Project Description.** The proposed project consists of:
   - Adoption and implementation of the Wharf Master Plan; and
   - Construction of the two following projects recommended in the Master Plan within 2 to 5 years: Entry Gate Relocation and the East Promenade. Renovation. Possible expansion of the existing Lifeguard Station may also occur within the next several years.

Wharf Master Plan: The primary purpose of the Wharf Master Plan is to achieve the three following strategies.

1) *Engage Bay and Expand Public Access, Recreation and Boating.* The first strategy calls for the physical expansion of the perimeter of the Wharf for public access, recreation, fishing and boating. Planned improvements include a wide promenade on the east side of the Wharf, two new boat landings, overlooks and the construction of a pedestrian walkway on the west side of the Wharf.

2) *Enhance Existing Public Space and Activities, Circulation and Parking.* The second strategy is aimed at enhancing and expanding opportunities for publicly-oriented activities at three underutilized public areas, improvement of vehicular circulation and reorganization of existing parking areas.

3) *Improve Commercial Vitality and Building Design.* The third strategy calls for expanding the number, mix and attractiveness of commercial uses on the Wharf within the existing building footprint.

The Master Plan includes the following components:

1) *Policies and Actions*. The Wharf Master Plan includes ten policies and supporting actions that address the preservation, restoration, improvement, and management of the Wharf.

2) *Recommendations for Expansion, New Construction and Improvements*. Recommendations for Wharf expansion, improvements and new public-oriented buildings are summarized below.

3) *Circulation/Parking Improvements*. Improvements are proposed to more efficiently utilize the existing circulation area and encourage alternative transportation, including relocation of the Wharf entrance, restriping parking areas, and provision of bicycle parking.

4) *Design Standards*. Development design standards for buildings are included in the Wharf Master Plan and are aimed at improving the curb appeal of the businesses and the quality of the pedestrian experience. The Design Standards address building form, height, colors and design; windows; roofs; and signage.

The recommended expansion and improvements will add 2.5 acres to the Wharf for existing public access and recreation, and as a result, sections of the Wharf devoted to public access, recreation and open space would increase from 26% to 60%. These improvements include the East Promenade, Westside Walkway and two boating facilities. Structural development would result in approximately 15,000 square feet of building space for public-oriented uses in three new buildings. The Master Plan also identifies two specific locations for potential infill of existing commercial space that could result in construction of approximately 4,000 square feet in addition to potential vertical expansion of other existing buildings. The footprint of existing buildings, as well as the area for vehicular circulation and parking, would be maintained, but

reconfiguration of existing parking areas is proposed, which could provide a 10-15% increase in the number of spaces within the existing parking footprint (approximately 45-65 spaces).

Implementation of recommendations in the Wharf Master Plan will result in following:

Structural Wharf Improvements

- Physical expansion of the perimeter of the Wharf on the east side for public access, recreation, fishing and boating as part of East Promenade with a "Terrace Overlook" at the southernmost tip of the Wharf, extending from the East Promenade.
- Installation of approximately 800 new and approximately 225 replacement 12-inch timber piles to support the expanded Wharf area; six 14-inch steel piles would be installed to support the entry gate frame.
- Installation of ten outriggers below the stepped edge of the East Promenade that will extend 25 feet to the east to provide horizontal bracing to the Wharf.
- Installation of a new Small Boat Landing as part of the East Promenade.
- Installation of a new South Landing for research and ecotourism vessels.
- Installation of a new "Westside Walkway" on the west side of the existing commercial buildings to provide public access and to complete a full one-mile circuit of pedestrian access around the entire perimeter of the Wharf. It will be built approximately eight feet below the existing Wharf deck level to allow for undisturbed views from the existing restaurants and commercial spaces along that edge. A removable gangway and float would be installed to provide Swim Club access from Westside Walkway.
- Surface repaving with installation of stormwater controls.
- Potential installation of a 20-inch stainless steel pipe under the Wharf for transport of refuse to an off-site collection center to be identified by the City.

New Structural Development on Wharf

- *Buildings*: Three new public buildings are proposed on the Wharf: a Gateway Building at the beginning of the commercial frontage on the west side of the Wharf (3,000 square feet), the Landmark Building at the end of the Wharf (6,000 square feet), and an Events Pavilion (6,000 square feet) for a total of 15,000 square feet. The buildings would support public uses rather than commercial uses.
- *Lifeguard Station*: Renovation/replacement with some expansion of the existing lifeguard station is planned.
- *Infill*: Potential expansion/remodel/intensification: Two specific areas are identified in the Wharf Master Plan for potential expansion of existing buildings, resulting in an increase of approximately 4,000 square feet. An additional 10,000± square feet of expanded commercial building space above the first floor of existing buildings is a long-term possibility that is suggested in the Master Plan, but no specific locations are identified. Potential expansion of existing structures could occur under existing zoning conditions with or without implementation of the Master Plan.

Circulation/Parking Improvements

Relocation of the Wharf entry further south onto the Wharf with a frame structure for gate and sign is proposed to improve circulation. Restriping of existing parking spaces could result in a potential increase of 45-65 parking spaces. Recommendations also include a pay-on-foot system for parking, improvements for pedestrian and bicycle access, increasing the supply of bicycle parking, and encouraging a shuttle system.

Demonstration Projects

One of the Master Plan "Actions" is to provide opportunities for research and demonstration projects, including but not limited to the marine environment, energy, water use and recycling. Specific types of projects are not identified, but based on existing demonstration projects underway at the Wharf (wind research, photovoltaic energy), such projects are anticipated to be related to scientific research and in some cases could involve temporary installations or uses.

Near-Term Projects. The proposed near-term projects are summarized below.

Entry Gate Relocation. The existing entry gate to the Wharf is proposed to be relocated approximately 540 feet further south on the Wharf from its current location. The City anticipates that this project will be the first project to be implemented under the new Master Plan within the next two to three years. The new entry will provide two inbound lanes and two outbound lanes with staffed kiosks at the entrance, and designed with a framed with a roll down, transparent gate so that the Wharf can be closed when not in operation (2-5 AM). The gate structure will be approximately 18 feet in height and would span the width of the Wharf. The relocation would include a new timber deck extension, totaling approximately 800 square feet on the east side of the Wharf to accommodate more efficient pedestrian movement. New identity signage for the Wharf would be located at the top of the entry gate at a future time. While the Master Plan proposes new signage at the relocated entrance, the specific design of the sign will be developed through a public process.

East Promenade. The proposed East Promenade will result in expansion of the Wharf on the east side by 26-30 feet for a total of approximately 63,800 square feet (1.5 acres). The City anticipates that this project will be implemented under the new Master Plan within the next three to five years. The expanded area will be constructed at a higher elevation than the existing Wharf with a step-down section at the eastern edge that will be approximately the same as the existing Wharf elevation. According to the Master Plan, the stepdown along the eastern edge will provide a place for sitting, fishing and viewing without interrupting visual access from the East Promenade for those who are walking or bicycling. An approximate 18-inch tall seat wall will be located on the western edge along the parking side of the East Promenade to provide additional separation from the adjacent parked vehicles and an informal resting place.

5. **Probable Environmental Effects of the Project.** An Initial Study and Mitigated Negative Declaration (IS/MND) were prepared and circulated for a 30-day public review period from March 14 through April 12, 2016. As a result of additional comments submitted to the City after the close of the public review period, the IS/MND was revised to include the additional information and impact assessment, primarily regarding biological resources. The City's Planning Commission recommended adoption of the MND and adoption of the Wharf Master Plan on November 17, 2016. On November 22, 2016, the City Council directed staff to proceed with preparation of an EIR.

   The City has identified the following possible effects of the project as topics for analysis in the EIR. Other issues are evaluated in the 2016 Initial Study, which is available for review at the Economic Development Office at the address at the bottom of this notice and on the City's website at:
   http://www.cityofsantacruz.com/departments/economic-development/development-projects/santa-cruz-wharf-master-plan

   - *Aesthetics* – Potential impacts on scenic views and changes to the visual character of the Wharf and surrounding area as a result of Wharf expansion and construction of new buildings will be evaluated. The analysis will include photo simulations of new facilities from key public viewpoints that will be prepared as part of the EIR.
   - *Biological Impacts* – Potential impacts to biological resources resulting from future construction of Wharf improvements will be assessed, including potential impacts to birds and marine mammals. Effects of treated piles on marine habitat will be reviewed. A spring nesting survey will be conducted at the Wharf to determine presence of nesting species.
   - *Cultural Resources* – Potential impacts to historical resources as a result of future expansion and development recommended in the Wharf Master Plan will be reviewed.
   - *Geotechnical and Hydrological Issues* – Potential geotechnical constraints, such as exposure to coastal storm and wave hazards and sea level rise will be reviewed. Proposed stormwater and drainage improvements will be addressed.
   - *Water Supply and Demand*. Potential impacts related to water supply resulting from future development on the Wharf will be assessed. Updated information regarding water supply planning will be provided to reflect any changes in water demands and water supplies as identified in the City's 2015 Urban Water Management Plan that was adopted in late August 2016.
   - *Transportation and Traffic*. Traffic impacts resulting from future development will be evaluated.
   - *Land Use* – The Wharf Master Plan will be reviewed for potential project conflicts with plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect will be provided in the EIR.

- *CEQA-Required Sections*. The EIR will include the additional following topics as required by the State CEQA Guidelines: growth inducement, cumulative impacts, and alternatives.

The following issues were evaluated in the Initial Study, and no significant impacts were identified. Thus, these topics will not be reviewed further in the EIR.

- *Agriculture and Forest Resources*
- *Air Quality and Greenhouse Gas Emissions (GHG)*
- *Noise* (except construction-noise impacts to marine mammals, which will be evaluated in the EIR)
- *Public Services and Utilities* – Fire and police protection services, schools, parks and recreation, wastewater treatment, and solid waste disposal

6. **Contact Person Name and Phone Number:** The City will consider the written comments received in response to this Notice of Preparation in determining whether any additional topics should be studied in the Draft EIR. Please provide comments to this Notice of Preparation by June 22, 2017 to:

Norm Daly
City of Santa Cruz Economic Development
337 Locust St., Santa Cruz, CA 95060
Santa Cruz, CA 95060
Phone: 831 420-5109
Email: ndaly@cityofsantacruz.com

Sincerely,

Norm Daly
Development Project Manager
Wharf Property Manager

LOCATION MAP



CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV

June 23, 2017

Norman Daly
City of Santa Cruz Economic Development
337 Locust Street
Santa Cruz, CA 95060

Subject: Responsible Agency Scoping Comments on the Santa Cruz Wharf Master Plan Environmental Impact Report

Dear Mr. Daly:

Thank you for the opportunity to comment on Notice of Preparation of an Environmental Impact Report (EIR) for the Santa Cruz Wharf Master Plan (Wharf Master Plan). As a preliminary matter, we would like to reiterate that Coastal staff continues to be strongly supportive of the Wharf Master Plan, particularly with respect to proposed improvements that will enhance public access, improve water quality, and continue to respect the Wharf's historic and cultural aesthetic. As we have previously noted, in order to be implemented, the Wharf Master Plan will ultimately need to be found consistent with the coastal resource protection policies of the Coastal Act, including policies related to public access and recreation, visual resource protection, and water quality. (See prior comment letters attached hereto and hereby incorporated by reference). The comments below are again intended to identify potential coastal resource issues and Coastal Act consistency requirements as the Wharf Master Plan and associated Public Works Plan continue to develop and evolve.

Jurisdiction and Permitting
The EIR should identify the fact that the Wharf is located in an area where the Coastal Commission has retained coastal permitting jurisdiction. As a practical matter, this means that any new development on the Wharf must be consistent with the Chapter 3 policies Coastal Act, and will require review and approval by the Coastal Commission as a CEQA "Responsible Agency." Under, *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, the EIR is therefore required to expressly disclose, consider and analyze the jurisdictional claims and regulatory opinions of the Commission.

Public Trust and Maximization of Public Access and Recreation
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 for the purpose of scoping the EIR.

Parking Fees
One of the most significant impediments to access and recreation along the Wharf is the high cost of parking on the wharf and in the immediate vicinity. As the City is aware, the current 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. We would request that the issue of parking rates and fees be considered through the Wharf Master Plan environmental review process so that the public can weigh in on this critical issue consistent with the public participation requirements of Coastal Act Section 30006.[1]

New coverage of Public Trust land
The Coastal Act also 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 improvements only.

Aesthetics/Visual Resources
Coastal Act Section 30251 requires the protection of the scenic and visual qualities of coastal areas. This section 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. Again, for the purposes of scoping the EIR, we believe that this policy should be included as a key project objective.

In terms of substance, as we have noted in the past, we continue to have concerns regarding the proposed entryway's aesthetic and visual resource impacts based on the visual simulation that was provided in the past. Specifically, we are concerned with the entry gate and sign's height and span, which will likely have significant visual impacts. Therefore, we strongly recommend that the EIR include a range of alternatives for the entryway, including at least one alternative that reduces the bulk and scale of the proposed entry gate and sign. We would also recommend that the alternatives analysis evaluate a sign made of more natural and rustic materials that blends in with the overall aesthetic of the wharf as opposed to a modern, highly embellished sign. We believe the new entryway (including the sign) can be designed so that it will serve its function as a gate/ entryway, result in minimal adverse visual impacts, and highlight the historical significance of the Santa Cruz Wharf.

Water Quality
Coastal Act Sections 30230, 20231, 30232, and 30325 require marine resources, including water quality, to be maintained, enhanced, and restored. Section 30235 specifically requires that marine

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[1] The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.

structures contributing to water stagnation, pollution, and fishkills shall be upgraded and phased out where feasible.

We understand that the Wharf Master Plan recommends 1) that roof downspouts direct roof runoff onto vegetated areas or into cisterns or rain barrels for reuse for all new buildings; 2) identifies repaving as an opportunity to collect and treat stormwater prior to discharge into the Monterey Bay via directing runoff into designated collection areas for treatment prior to disposal; and 3) notes the potential implementation of oil and grease chambers, swirl chambers and media filters. We believe that implementation of these measures, and possibly additional measures, is necessary in order to comply with the Coastal Act's water quality requirements. These measures should therefore be incorporated into the project description or should be required as mandatory mitigation measures pursuant to the CEQA document.

We also continue to have concerns regarding the proposed approximately 800 chemically-treated piles that will be added incrementally to the wharf, or will replace old, deteriorated piles. We understand that the piles will be treated with ACZA (ammoniacal copper zinc arsenate) and will be coated with a polyurea compound to prevent toxins from leaching into the Monterey Bay. The CEQA document should include a robust analysis of all feasible alternatives to the use of chemically preserved wood piles (e.g., concrete piles, fiberglass piles, steel piles, and clear Greenheart wood piles), as well as alternative methods that can be used to coat or wrap piles (e.g., fusion bonded epoxy, high density poly-ethylene, and fiberglass). Substantial evidence must be presented that demonstrates that the pile option chosen by the City is the least environmentally damaging feasible alternative.

Biological Resources
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. Accordingly, 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.

Again, staff remains supportive of the Wharf Master Plan and looks forward to its implementation, and these comments are intended to help facilitate and expedite that process. We look forward to continuing to work with you as future phases of the Wharf Master Plan unfold.

Sincerely,

Ryan Moroney
Supervising Coastal Planner
Central Coast District Office

Enclosures (via email only):

1. April 12, 2016 Comment Letter on IS/MND
2. November 16, 2016 Comment Letter on Revised IS/MND
3. November 21, 2016 Comment Letter (2nd) on Revised IS/MND

From: Rienecke, Steven@Wildlife
To: Norman Daly
Cc: Jon Bombaci
Subject: NOP for Santa Cruz Wharf Plan
Date: Monday, June 19, 2017 4:43:00 PM

Norm and John,

John, thanks for taking my call earlier this afternoon, and also appreciate the City of Santa Cruz's response to the Department's letter on the IS/MND released last year. We saw that the City addressed many of our comments and recommendations included in our letter in the recirculated IS/MND.

We won't be formally commenting on the NOP that was recently released and will wait until the draft EIR is released to see if we need to comment. As I mentioned in our call we will be looking closely at details about the pile coatings, and any potential impacts to state listed species along with any mitigation measures proposed for these species in the EIR. Here is some information in regards to each of these with web links attached.

- CA Fish and Game Code 5650 has information about water pollution, and materials that are prohibited from being deposited into state waters
  - http://codes.findlaw.com/ca/fish-and-game-code/fgc-sect-5650.html
- Should there be any anticipated incidental take of any state listed species from Project activities the City would be required to obtain an Incidental Take Permit (ITP) from the Department
  - https://www.wildlife.ca.gov/Conservation/CESA/ITP-Review-Standards

If you have any questions please let me know, and if you have any specific questions in regards to Fish and Game Code 5650 or the ITP process that may need further attention my supervisor Bill Paznokas (William.Paznokas@wildlife.ca.gov or 858-467-4218) can also provide further assistance.

Best regards!

Steve Rienecke – Environmental Scientist
California Department of Fish and Wildlife
Marine Region – Environmental Review and Water Quality Project
3196 South Higuera St., Ste. A
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APPENDIX A

STATE OF CALIFORNIA
NATIVE AMERICAN HERITAGE COMMISSION
Environmental and Cultural Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710

Edmund G. Brown Jr., Governor

June 2, 2017

Norm Daly
City of Santa Cruz
337 Locust Street
Santa Cruz, CA 95060

Sent via e-mail: ndaly@cityofsantacruz.com

RE: SCH# 2016032038; Santa Cruz Wharf Master Plan Project, City of Santa Cruz; Santa Cruz County, California

Dear Mr. Daly:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for Draft Environmental Impact Report for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd. (a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a **separate category of cultural resources**, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (Pub. Resources Code § 21084.2). Please reference California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf. Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements**. If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends **lead agencies consult with all California Native American tribes** that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws**.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
    a. A brief description of the project.
    b. The lead agency contact information.
    c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
    d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
    a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
    a. Alternatives to the project.
    b. Recommended mitigation measures.
    c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
    a. Type of environmental review necessary.
    b. Significance of the tribal cultural resources.
    c. Significance of the project's impacts on tribal cultural resources.
    d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
    a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
    b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
    a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
    b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
    a. Avoidance and preservation of the resources in place, including, but not limited to:
        i. Planning and construction to avoid the resources and protect the cultural and natural context.
        ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
    b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
        i. Protecting the cultural character and integrity of the resource.
        ii. Protecting the traditional use of the resource.
        iii. Protecting the confidentiality of the resource.
    c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
    d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
    e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
    f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
    a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
    b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
    c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

    This process should be documented in the Cultural Resources section of your environmental document.

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires **local governments** to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
    a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
    b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
    a. If part or all of the APE has been previously surveyed for cultural resources.
    b. If any known cultural resources have been already been recorded on or adjacent to the APE.
    c. If the probability is low, moderate, or high that cultural resources are located in the APE.
    d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
    a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
   a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
   b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
   a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
   b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
   c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

Please contact me if you need any additional information at gayle.totton@nahc.ca.gov.

Sincerely,

Gayle Totton, M.A., PhD.
Associate Governmental Program Analyst

cc: State Clearinghouse

To: Norm Daly, City of Santa Cruz Economic Development
From: *Don't Morph the Wharf* Community Group
Re: Responses to Notice of Preparation for an EIR for the Wharf Master Plan
Date: June 14th 2017

We request that the EIR study, evaluate and assess all points detailed below:

A. AESTHETICS

1. The impact of 3 new public space buildings, including heights of 45 feet on scenic views of Monterey Bay and the shoreline **from** the wharf and **from** existing wharf restaurants as well as views **of** the wharf from Cowell Beach, East and West Cliff Drive and Main Beach. Such impacts should be assessed via story poles and realistic, human scale renditions that avoid overhead views and distortion of scale by placing large objects in the foreground to minimize heights in the background.

2. The impact of infilling of existing commercial space with additional commercial space on views **from** and **of** the wharf as described above.

3. The impact of the extended eastern walkway and the lowered western walkway on the views of the wharf as described in A1.

4. The wharf, or more accurately, the pier is a half-mile, narrow projection into the Monterey Bay, in other words, a typical albeit unique pier. These issues accordingly should be addressed in the EIR:

   - What aesthetic impact, will the significant widening, including east and west walkways have on this historic structure?

   - Will the final project significantly alter the sense of being on a typical wharf?

   -Will "pay for parking" structures alter the historic feel of the wharf?

5. The identification of what the wharf image is projected to aesthetically convey in the Wharf Master Plan, describing in some detail how that "fits" with the character and historic image and of the existing wharf itself and more broadly include the assessment of recognized experts in such matters (image consultants, architects, and the like) how that also "fits" with the long-standing image and character of Santa Cruz itself.

6. The aesthetics of the relocated, widened, enlarged entrance gate, secured to the ocean floor with stainless steel pilings as distinct from the traditional wooden pilings.

B. BIOLOGICAL IMPACTS

1. The impact of the western lowered walkway on the nesting sites of documented Pigeon Guillemots, specifically on their ability to easily access their sites under the wharf.

2. The impact on bird species of human intrusion via the lowered western walkway into the currently publicly inaccessible western parts of the wharf where pelicans, snowy egrets, Western gulls and others now roost and launch for fishing.

3. The impact of human intrusion via the proposed western walkway into the resting sites for sea lions.

4. The impact of the expanded wharf and increased human activity on whales and sea otters, which are often sighted close to the wharf.

5. The impact of the proposed doubling of rental kayak and increased traffic from new boat ramps and large vessels up to 200 feet on all marine mammals that are currently sighted close to the wharf.

6. An analysis of all bird and all marine mammal species that frequent the vicinity of the wharf.

7. The cumulative impact of the new 800+ pilings coated with ACZA on the marine mammals, crustaceans and swimmers.

8. The impact on the marine mammal sanctuary of the potential/proposed access to the wharf from larger vessels, including possible commercial cruise ships: by creating a port for large vessels the wharf may significantly increase human impact on the marine mammal sanctuary.

9. The impact of the project on current activities such as surfing and an analysis of potential user conflicts on water from increased watercraft use.

10. Analysis of the impact of the project on the Monterey Bay Marine Sanctuary since the wharf and its activities are contiguous with the MBMS.

C. CULTURAL RESOURCES

1. The impact on this historic structure of the proposed changes evaluated by all appropriate external agencies related to historic preservation.

2. The recreation value of the current sea lion viewing holes should be evaluated via surveys of visitors. The proposal to cover the viewing holes with the largest of the 3 buildings should be assessed from a visitor's perspective.

   Additionally, the likelihood of the sea lions relocating to the busier, exposed outriggers for public viewing should be evaluated scientifically and not be opinion based. Research on whether sea lion populations are rising or falling in this vicinity should be included.

3. The current wharf allows those who fish to do so from the trunk of their vehicles, which is a popular pastime. The reconfigured wharf makes this impossible. This impact should be evaluated.

4. A stated goal of the project is to replace old buildings. Many of these are historic and community assets. This needs analysis and impacts studied.

D. GEOTECHNICAL/HYDROLOGICAL ISSUES

1. A technical study to assess the impact of winter storms and wave action on the western (weather-side) lowered walkway with public safety issues included as well as the potential for storm debris to be launched at restaurant windows due to wave action on the lowered walkway.

2. The impact on the western walkway of sea level rise and more frequent storms anticipated with climate change.

3. It is stated in the engineering report that the wharf has survived earthquakes because it is "flexible." Yet the project involves "strengthening and stabilizing" the wharf by means of the expanded walkways and additional pilings. The EIR should provide a detailed evaluation of this apparent contradiction. Also the overall geotechnical impact of widening the wharf beyond its current configuration needs evaluation.

4. An ocean current analysis to assess the viability of securing and stabilizing vessels on the proposed new eastside docks, both large and small.

E. TRANSPORTATION & TRAFFIC

1. Rather than tiering off the General Plan, the EIR should include a specific traffic study associated with this project plus cumulative impacts from intensified visitor use in the beach area.

2. The city currently encourages beach and Boardwalk patrons to use the wharf parking spots. Given the cumulative impacts of the Boardwalk expansion and development of new and expanded beach area activities, the EIR should study parking patterns and the impact of an expanded wharf usage with only a 10% increase in automobile parking projected.

3. The impact of moving the wharf entrance 540 feet south needs analysis: the current wharf entrance effectively acts like a speed bump, slowing traffic in a heavily used pedestrian and bicyclist corridor. Moving the entrance will accelerate traffic speed and that impact on bicyclists and pedestrians in the vicinity of the roundabout needs detailed study.

4. The impact of changing the current wharf parking payment system to a "pay-on-foot" system needs analysis. The projected 12 to 15 pay stations strung along the wharf will impact pedestrian conflicts as well as provide difficulties for more elderly wharf patrons. The presence of the current wharf kiosk workers provides eyes and ears for wharf safety. The project anticipates less kiosk worker presence and the addition of a parking office similar to downtown. Since the wharf is very different from a downtown parking lot, this plan requires careful study and assessment of its impacts.

5. The EIR should include the potential/projected increase in human activity on the wharf and surrounding waters of the Monterey Bay Marine Sanctuary as a result of the project if built and the impact of same.

F. NOISE

1. The impact of noise from construction on the economic viability of the current wharf restaurants.

2. The impact of noise from additional visitors and large vessels on the wildlife as well as on the enjoyment of the wharf experience for visitors.

3. The impact on all the above-mentioned wildlife of the extended human activity during the evening hours, including the additional noise/lights of proposed concerts, etc.

G. CUMULATIVE IMPACTS

1. A comprehensive financial impact analysis comparing current net city revenue produced by the wharf over the last 3 years with a 3-year net city revenue projection (including all related expenses for the project's debt service) produced in the Wharf Master Plan.

2. Separately identify the immediate impact of assuming the additional estimated $29 million debt associated with implementing this proposed project on the status of the City's overall debt position.

3. The impact on the City's resultant longer-term corresponding capital capacity to meet other projected capital requirement/needs of Santa Cruz.

4. An analysis of the economic impact on the current wharf tenants due to the disruption caused by all aspects of the project should it go forward.

5. The impact on current commercial lease-holders. Will local businesses, including long-standing Santa Cruz businesses, be priced out of the wharf?

G. ALTERNATIVES

1. No project.

2. Project limited to making a continuous walkway (sidewalk width) on the east side to get around the kayaks/boats and equipment. No entrance move. No other aspects of the project adopted.

3. Number 2 above plus re-surfacing of the road.

4. Number 3 above plus painting existing buildings.
   All of the alternatives should include reference to categories A through E.

We also request that a plan for outreach to the community regarding this project be detailed. The original stakeholders represented economic interests, not community-wide interests.

Sincerely,

Gillian Greensite
gumtree@pacbell.net

H. Reed Searle
hrsearle@sbcglobal.net

On behalf of *DON'T MORPH THE WHARF!* Community Group

APPENDIX A

From:	Lisa Sheridan
To:	Norman Daly
Subject:	CAUTION: Verify Sender Before Opening! NOP Wharf Master Plan
Date:	Thursday, June 22, 2017 9:57:37 AM
Attachments:	Bird Club Final Letter wharf to City Nov 16.doc

To: Norm Daly, City of Santa Cruz
From: Lisa Sheridan-Santa Cruz Bird Club President
Re: Notice of Preparation: Comments for Draft EIR for Wharf Master Plan

Dear Mr. Daly,
I am resending the letter from the bird club dated Nov 15, 2016 regarding potential bird impacts from construction on the Wharf.
Please note that Pelagic Cormorants were not mentioned in the "Notice of Preparation."
Please also include our recommendations for nest surveys, use of Avian biologist in any searching for or monitoring of nest for construction phases and time frames.

Thank you for including these comments in the review.

Regards,
Lisa Sheridan

Santa Cruz Bird Club
P.O. Box 1304
Santa Cruz, CA 95061
santacruzbirdclub.org

November 15, 2016

From: Santa Cruz Bird Club
Re: Comments for Revised Mitigated Negative Declaration for the Santa Cruz Wharf in the City of Santa Cruz.

To: Mr. Norm Daly and Santa Cruz City Council City of Santa Cruz
Economic Development Department
337 Locust St.
Santa Cruz, Ca. 95060
Email:NDaly@cityofsantacruz.com

The following is a list of concerns regarding the Revised Mitigated Negative Declaration:

1). The Revised Mitigated Negative Declaration (MND) cites only the CA. Natural Diversity Database to determine bird species presence. This database is not specific for the Santa Cruz Wharf and therefore does not identify all bird species known to nest at this location. We recommend incorporating bird records in ebird (ebird.org), a citizen science database run by the *Cornell University's Laboratory of Ornithology* and consulting a qualified avian biologist or regional bird expert to determine species present at the Santa Cruz Wharf.

2). The data provided are also an incomplete list of birds that breed, rest and feed in this location. Bird species not cited in the original Negative Declaration as nesting on the wharf are:
Pelagic Cormorant (phalacrocorax pelagicus), nest in 2013, Western Gull (Larus occidentalis), and Pigeon Guillemot (Cepphus columba), all species protected by the Migratory Bird Treaty Act.

3. The MND was prepared without the benefit of a detailed biological report. Such a report would provide early warning of potentially needed noise and visual disturbance setbacks, the time required for nesting birds to successfully fledge young, and any danger posed by construction activities to nests with eggs or young.

4. The MND suggested a survey for nests seven days prior to starting construction work. This does not take into consideration that birds could potentially build nests between the survey date and the start of construction work, or even during construction if the project is paused for more than one day.

5. We respectfully request that the MND be modified to address these concerns and that a qualified avian biologist and/or regional bird biologist, be hired to prepare an initial report, conduct nest searching, monitoring and assess the effectiveness of mitigation measures during the construction phase.

Sincerely,

Lisa Sheridan
President, Santa Cruz Bird Club
Trotrider@aol.com

From: John Aird
To: Norman Daly
Subject: CAUTION: Verify Sender Before Opening! Fw: Responses to NOP for an EIR for the Wharf Master Plan
Date: Saturday, June 24, 2017 8:36:02 AM
Attachments: Responses to NOP for EIR on Wharf Master Plan.docx

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Norm -

Just realized one word was inadvertently left out in my cover letter (added and noted in **red** below).

Sorry for any confusion this may have caused.

John

-----Forwarded Message-----
From: John Aird
Sent: Jun 23, 2017 3:31 PM
To: ndaly@cityofsantacruz.com
Subject: Responses to NOP for an EIR for the Wharf Master Plan

Norm -

Attached please find my formal submission of additional items that I request be addressed in the EIR for the proposed Wharf Master Plan Project.

Additionally, the third item I've listed under "Cumulative Impacts" in my submission warrants some additional comments given your indication that you will be addressing in depth the financial and economic implications of the wharf proposal in your staff report. In this regard then, I would specifically request that your report include a comprehensive and fact-based analysis of the fundamental need for the project itself as proposed in its current form, its priority based on defined community need*, and its impact on both Santa Cruz's existing and future **capital** capacity**.

I would be happy to discuss these items in greater depth with you. I can be reached at (831) 429-1361.

Thank you,

John

* It is not listed at all as a priority in the City Council's recently approved Two-Year Strategic Work Plan nor as one in the Economic Development 2017-19 Strategic Work Plan itself.

** The City Manager recently issued a June 15, 2017 "Budget Update" memo in which he essentially states that the City's finances are at best currently stretched, a position also reflected in its capital position as outlined in its recently released "Proposed Capital Improvement Program (Budget Fiscal Years 2018-2020)".

To: Norm Daly, Project Manager
City of Santa Cruz Economic Development
From: John C. Aird

Re: Responses to Notice of Preparation for the EIR for the Wharf Master Plan

Date: June 23, 2017

A. Aesthetics

The project involves an approximate 2.5 acre addition to the 7.5 acre size of the existing wharf, a 33.33 % overall increase. Given that the length of the existing wharf will remain unchanged, virtually all of that additional footage will occur by a widening of the wharf itself, transforming it from a pier stretching out into Monterey Bay to something akin to a large aircraft carrier moored to Santa Cruz's Main Beach. These questions arise:

- **What is the exact footage widening that's proposed?**
- **What impact will such an expansion have on the visitor experience? Specifically, given that now one can easily enjoy views of both sides of the bay when walking on one side, what will be the impact on that experience when one will have to look across the greatly expanded man-made structure to see the other side? Even further, in those areas where the walkway is lowered, what is the effect of eliminating the double-sided view entirely?**
- **I would submit that the entirety of this impact is to largely restrict visitor views to only one side perspective at a time and essentially greatly reduce the natural feel that one consciously or unconsciously gets by frequently having the ability to look at the bay on both sides simultaneously. This**

needs study and the impact on visitor aesthetic and natural enjoyment analyzed.

B. <u>Cultural Resources</u>

The project proposes the addition of three new buildings – a Gateway Building of 3000 SF, a Landmark building of 6,000 SF, and an Events Pavilion. No programmatic work apparently has been done on either the Gateway or Landmark buildings although "ideas" for each were put forward as part of the presentation at the June 14 Scoping Meeting including such things as history exhibits, surfing museum, a bike shop, and public spaces for non-profits, etc.

Given the costs of such additional structures, there should be "evidence of need" of such possible uses and specifically the impact of the possible relocation of the existing surfing museum from its existing Mark Abbott Memorial Lighthouse location and the need and/or impact of any "bike shop", "surf shop" or any other similar business use of either building upon existing similar businesses in Santa Cruz. These and other related matters warrant being addressed more fully and their impacts described.

C. <u>Cumulative Impact</u>

The proposed project cost was apparently estimated in 2014 or so to cost in the range of $24-29 M. Again in the presentation made on June 14, it was stated that these costs are anticipated to be higher now given higher construction costs in general and the fact that construction work on this project would be done

during winter months to avoid disrupting the main months of visitor traffic during the Spring through Fall seasons. This could easily increase overall costs by 30%+ and put it into a $31-38 M range. What is the impact of this on financial feasibility? What is the project's related impact on other City needs and capital projects? Project implementation if pursued will affect other priorities in the City and this is a "cumulative impact" that warrants analysis in a comprehensive fashion.

From: doug fischer
To: Mary
Cc: Norman Daly
Subject: Re: Santaa Cruz Wharf Revovation
Date: Saturday, June 24, 2017 11:34:15 AM

Well said!

Mrs. McGranahan, I cannot tell you how much we appreciate your comments, and we fully agree with you. The proposed "improvements" to the wharf are vulgar at best. As a fourth generation Santa Cruzan I sincerely hope cooler heads prevail and we leave the existing structures alone.

We are all for progress, but not at the expense of the beauty we already have.

Sincerely,

Douglas Fischer
831-588-1532

On Jun 21, 2017 5:22 PM, "Mary" <mhaber4@hotmail.com> wrote:

> Dear Mr. Daly,
>
> In response to your call for public input on wharf renovation plans, may I ask you to consider the following:
>
> 1. Why is there a need for four fully-staffed kiosks 500+ ft onto wharf if you are planning to have pay-on-foot parking stations? Also, the signage is oversized and completely unnecessary. The entire beach area has a carnival atmosphere, but please leave that kind of signage to the boardwalk.
> 2. 2,960 additional sq.ft. of retail space is not compatible with the council's efforts to "reinvigorate" downtown Santa Cruz. In order to "clean up" downtown the empty storefront space there needs to be filled. Downtown retail should work in conjunction with the beach area, not compete with it. Leave additional retail where it belongs.
> 3. Years ago the U.S. military would occasionally anchor a large naval vessel in the bay over Memorial Day weekend. Small craft would ferry school kids and interested visitors out for tours. However, our council decided that large vessels did not belong in our bay and asked that they not return. This ***may*** have been aimed at the anti-military/sanctuary/nuclear free zone bias of our city but I fail to understand how large cruise ships could be more acceptable aesthetically or environmentally.
> 4. The Welcome Center will have a "swim facility." Our beaches have provided miles of swim facility for eons.

5. Kayakers and paddle boarders can, and have for years, entered the water from the beach or stairs at Cowell's Beach. They will not "pay-to-park" on the wharf while they enjoy their sport on the bay.
6. The Event Pavilion is totally unacceptable. I cannot imagine a cost/income ratio that would make this blight on the bay acceptable by anyone's standards.

Please let what is left of the natural beauty of the bay BE the sense-of-arrival for visitors. The redwoods, the beach area, the West Cliff Drive view of the existing wharf (where the mountains create a beautiful backdrop for the existing wharf)....all of this is such a blessing. Once this is gone, we shall have destroyed the very things that bring people to Santa Cruz.

Mary McGranahan

Sent from Outlook

From: Fred J Geiger
To: Norman Daly
Subject: 2017 Santa Cruz Wharf Master Plan DEIR comments
Date: Saturday, June 17, 2017 10:09:32 AM

6/17/17

Comments on 2017 Wharf Master Plan
Norm Daly
Project Manager SC Wharf Master Plan

Dear Mr. Daly,

Here are my comments on the DEIR Wharf Master Plan. Please enter them into the appropriate documents:

The Plan eliminates the sea lion viewing ports. This s a major coastal related benefit and attraction for visitors

2. The Plan adds 10% more parking, thereby increasing impacts to the coastal area from traffic, air and noise pollution.

3. The height of new proposed buildings, especially the one at the end of the pier, negatively impacts view sheds from the pier and the shoreline.

4. The large boat dock could accommodate tenders from cruise ships which would bring in thousands of additional people to the congested area. This would result in many adverse impacts, if federal regulations on cruise ships in the Sanctuary are relaxed some day.

5. Mesh should be installed on the edge railings to prevent trash from blowing into the marine sanctuary.

6. Historical qualities of the wharf - which have been largely maintained in an undisturbed state for many decades - would be negatively and permanently impacted by the planned new construction.

7. The accumulative impact to the area would be felt from the diversion of over twenty million dollars to this project without a realistic chance of recouping the expenditure.

Regards,

Fred J. Geiger

1517 Delaware Ave.
Santa Cruz 95060
Fredjgeiger@yahoo.com

From: Aldo Giacchino
To: Norman Daly
Subject: EIR Scoping for the Wharf expansion project
Date: Thursday, June 22, 2017 1:09:32 PM

Dear Mr Daly,
please include the following area of concern in designing the scope of the EIR for the Wharf Expansion Project:

The physical and substantial expansion of the footprint of the wharf, as proposed by the Plan, includes the placement of a large number of new piers into the Bay. These additional structures are likely to create a new disturbance to the existing wave pattern especially during periods of significant swells. Please make sure that the potential impact to the swell pattern, the redirection of wave force, and the change in the area of wave-force dissipation are fully examined in the EIR, with particular attention given to the potential adverse impact on the adjacent beach areas.

Thank you for your attention to this matter.
Aldo Giacchino
1005 Pelton Avenue
Santa Cruz, CA 95060
831 460 1538

APPENDIX A

RECEIVED
JUN 22 2017
walk in
Economic Development

To: Norm Daly, City of Santa Cruz
From: Gillian Greensite
Re: Notice of Preparation: Comments for Draft EIR for Wharf Master Plan

Please have the consultant include the following issues in the DEIR with evaluation for significance.

1. **The western walkway:** it appears that no-one familiar with the wave action on the western side of the Wharf, nor familiar with conditions below deck level has properly evaluated the proposed lowered western walkway. The photo below, taken this year shows a common wave phenomenon on the western side of the Wharf. It was taken on a day when that walkway would **not** have been closed due to storms or high wave action or inclement weather. Please evaluate the proposed western walkway for public safety as well as the engineering viability of such a structure in this location on the weather side of the Wharf. Also, it is cold at that lowered level. The sun does not reach that side until the afternoon. Please include this issue in the assessment of the lowered walkway.



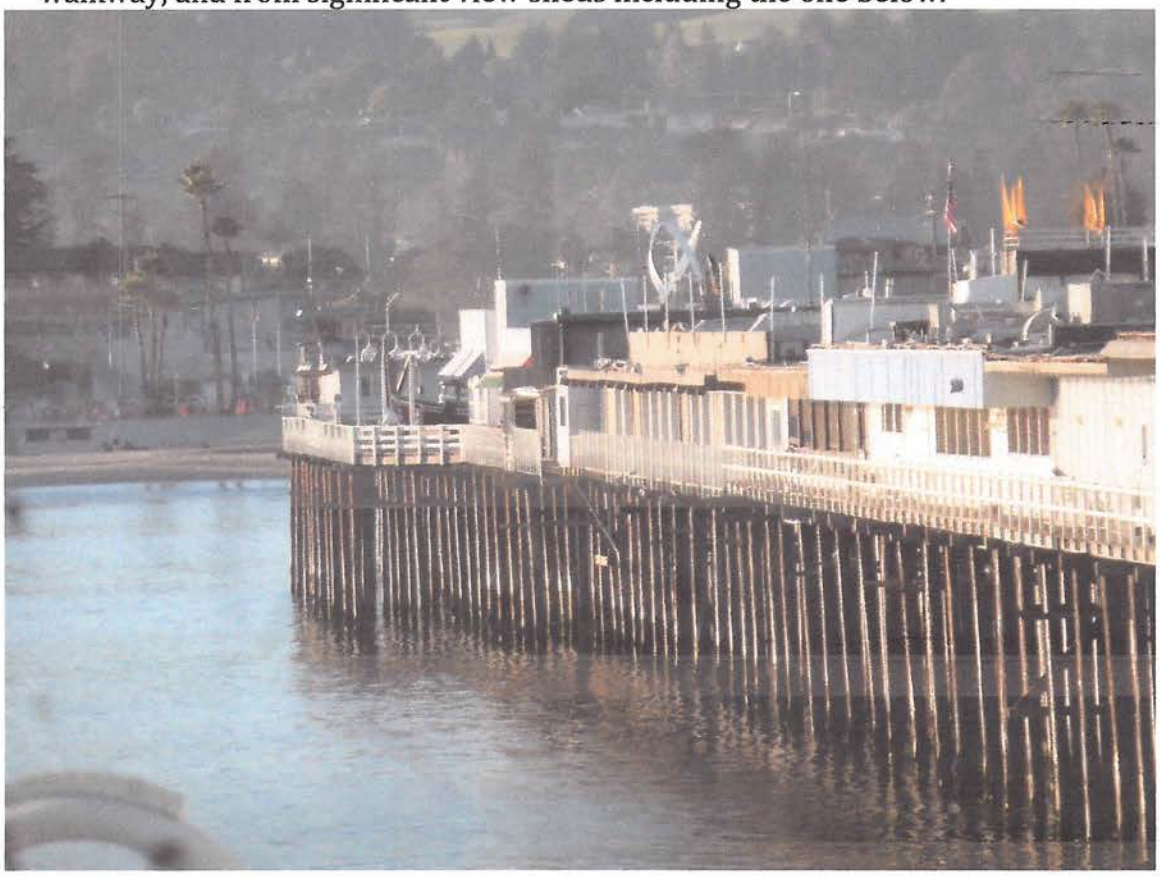
2. The photo below shows a pelican on the current railing on the west side of the Wharf. Other bird species also use the railing. Please evaluate the disruption to bird species that will occur should the lowered walkway be built and occupied by hundreds of people. It is not sufficient to conclude that

the birds will find other areas for roosting or nesting. The Wharf is a birding hot spot. The DEIR should evaluate the impact of loss of bird life to the birding community and environmental value of the Wharf, as well as to the birds themselves.



3. The Wharf Master Plan concludes that views to the west from restaurants will not be impacted by the western walkway because it is 8 feet lower than deck level. This assumes, incorrectly, that people look straight ahead and do not look down at the water. They do. They look at sea otters, birds, sea lions, harbor seals and other marine life which are frequently adjacent to the wharf and require looking down at the water. If the walkway is built, that future view will be of people. Please assess this impact.

4. The aesthetics of the current Wharf view include the view of the pilings, especially from the westside as seen in the photo below. Please assess the impact on this view via realistic renditions, including people occupying the walkway, and from significant view sheds including the one below.



5 The Wharf creates a human-made reef that increases biodiversity providing a harbor for a variety of sea creatures including barnacles, mussels, anenomies, sponges, tunicates, ship worms, nudibranches, shiner, walleye, rainbow, white and black surfperches, lingcod, sand dabs, sand soles, rock sole, halibut, staghorn sculpins, rockfish, anchovies and sardines. Please assess

the impact on each and every one of the above species from new construction as well as the impact from the 800 new pilings coated with ACZA, including cumulative impacts.

Thank you.
6/21/17

From: Catherine O"Kelly
To: Norman Daly
Subject: NO to the Wharf Expansion
Date: Wednesday, May 24, 2017 11:29:25 AM

No, to the new huge "public" buildings that the public doesn't want, especially the one at the end of the wharf.

No, to the proposed walkway BELOW the wharf. That sounds creepy—the view to the east would be of pilings.

Monterey has pushed out some old well-established businesses from their wharf—are we going to do the same?

Please reconsider some of these so-called "improvements" to our beloved wharf.

Thank you,
Catherine O'Kelly
catherinesv@cruzio.com

From:	Knitsnpaints
To:	Norman Daly
Subject:	Wharf Master Plan 2017 Comments, fr. Susan Martinez
Date:	Monday, June 19, 2017 1:01:06 PM
Attachments:	Wharf Master Plan 2017 Comments.pdf

6/19/17

Comments on 2017 Wharf Master Plan
Norm Daly
Project Manager SC Wharf Master Plan

Dear Mr. Daly,

Here are my comments on the DEIR Wharf Master Plan. Please enter them into the appropriate documents:

I am not in favor of this plan as written. It expands the wharf almost 1/3 in area, for reasons that are not necessary for the preservation of such an historic structure. Rather, the height of the new structures, added commercial space, added width in the form of walkways, all take away from the current special feel and look that are the main attractions of this Santa Cruz Treasure. In fact , these new additions and changes will only make the wharf into an eyesore from the view shed, cause traffic problems, add to parking shortages/problems in the summer and detract from visitors' enjoyment of what now represents the hometown spirit of Santa Cruz. We do not need the wharf to be morphed into a shopping mall.

I am advocating for an Alternative to this plan that would not change the main size of the wharf. With creative planning, some changes can be made that would increase the efficiency of car and people movement and add any necessary parking and increase pedestrian safety and access. For instance: moving the small boating/kayaking businesses to the wider end of the wharf from the narrow end of the beginning of the wharf. Currently, they tend to create congestion when people are in line to embark, pay, etc. A " freshening" of the current buildings (paint, new signage, even new facades, etc.) would be doable without such a huge outlay of money that the current plan calls for. For example solar panels on rooftops could be installed.

My objections to this plan are outlined as follows:

Many extra chemically treated pilings will have to be added to accommodate the increased width areas. The environmental impact to the wildlife and water quality will have to be thoroughly evaluated, not only as to the added toxic chemicals used but also for the major disturbance to wildlife (flora and sea animals) during construction. Also engineering studies must be done to see if there would be possible disturbance to the sand movements and tidal action that may in the long run impact the harbor by adding to silting and sand build-up at the entrance to the harbor. There may be tidal changes to the sands at Cowell beach and Main Beach as well.

2. The height of the building at the far end of the wharf could be as high as 45 feet! The structure will be only one story with all activity on the floor of the structure. Why is such height necessary? The height will impact negatively the overall view shed from the beaches, the Boardwalk and West Cliff Drive. Story poles will be necessary before any building is considered so the community can get a real and clear idea as to the height of this building. The story poles must be left up for the entire 45 days of the DEIR comment period.

3. The pedestrian walkway on the west side may prove to be problematic. With unpredictable tidal actions at high tides such as rogue waves, boat wakes etc. the safety of pedestrians can be at risk. These walkways could be damaged in storms and or completely washed away. The cost of replacements could prove to be prohibitive - a continual drain on the wharf coffers. There will need to be a mesh or close-set wiring along all the railings so no one can be at risk of falling into the bay, especially children.

4. Engineering studies will need to be done on the tidal action on the side of the wharf where the boat docks are planned for safety of passengers and for the possibility of boat damage. With the accommodation of boats up to 100

feet, there will undoubtably be large numbers of people movement on and off these boats.

5. Given the current federal administration's view of environmental policies, there is no guarantee that governmental regulations will always exclude Cruise ships. They may gain access to our bay sanctuary if only in the form of boat tenders that transport groups of cruise passengers from the other parts of the bay or from outside the bay.These new docks that support boats of up to 100 feet could be used for these tenders. Cruise ships have thousands of passengers - such large numbers could have major deleterious impacts on our Bay Sanctuary and our town.

6. The viewing of the sea lions is a major part of the attraction of the wharf to locals and visitors. The plan moves their traditional resting places to new structures. How do we know they will relocate? This plan could encourage their movement away from the wharf to perhaps the harbor (where they are considered a menace and problematic for boaters) or they may just move away permanently.

7. One of the main attractions of eating in the restaurants on the wharf is the view. Nowhere else in California is this undisturbed view available so far out in the water. Part of this enjoyment is looking down from the windows of the restaurants to see the wildlife, boaters, swimmers, paddle boarders and surfers so closely. The new lowered walkway right below the restaurant windows will completely block these views.

8. At the scoping meeting, I understood the DEIR would be prepared and ready for public by the end of summer or early Fall. How can an adequate comprehensive study of all these points above be done in such a short time (3-5 months)? There are undoubtedly many more comments coming in that will also require much attention and engineering studies. The DEIR must be done in a responsible and thorough manner before it can be considered complete. Doing a quick inadequate study to save money or time or hurrying in order to keep the public from becoming aware of all the ramifications of this plan is not acceptable for such an important part of Santa Cruz.

Regards,

Susan Martinez

1517 Delaware Ave.
Santa Cruz 95060

Knitsnpaints@gmail.com

APPENDIX A

From: Mary
To: Norman Daly
Subject: Santaa Cruz Wharf Revovation
Date: Wednesday, June 21, 2017 5:22:22 PM

Dear Mr. Daly,

In response to your call for public input on wharf renovation plans, may I ask you to consider the following:

1. Why is there a need for four fully-staffed kiosks 500+ ft onto wharf if you are planning to have pay-on-foot parking stations? Also, the signage is oversized and completely unnecessary. The entire beach area has a carnival atmosphere, but please leave that kind of signage to the boardwalk.
2. 2,960 additional sq.ft. of retail space is not compatible with the council's efforts to "reinvigorate" downtown Santa Cruz. In order to "clean up" downtown the empty storefront space there needs to be filled. Downtown retail should work in conjunction with the beach area, not compete with it. Leave additional retail where it belongs.
3. Years ago the U.S. military would occasionally anchor a large naval vessel in the bay over Memorial Day weekend. Small craft would ferry school kids and interested visitors out for tours. However, our council decided that large vessels did not belong in our bay and asked that they not return. This ***may*** have been aimed at the anti-military/sanctuary/nuclear free zone bias of our city but I fail to understand how large cruise ships could be more acceptable aesthetically or environmentally.
4. The Welcome Center will have a "swim facility." Our beaches have provided miles of swim facility for eons.
5. Kayakers and paddle boarders can, and have for years, entered the water from the beach or stairs at Cowell's Beach. They will not "pay-to-park" on the wharf while they enjoy their sport on the bay.
6. The Event Pavilion is totally unacceptable. I cannot imagine a cost/income ratio that would make this blight on the bay acceptable by anyone's standards.

Please let what is left of the natural beauty of the bay BE the sense-of-arrival for visitors. The redwoods, the beach area, the West Cliff Drive view of the existing wharf (where the mountains create a beautiful backdrop for the existing wharf)....all of this is such a blessing. Once this is gone, we shall have destroyed the very things that bring people to Santa Cruz.

Mary McGranahan
Sent from Outlook

From: Sharon Peregrin
To: Mary Haber
Cc: Norman Daly
Subject: Re: Santaa Cruz Wharf Revovation
Date: Wednesday, June 21, 2017 6:54:39 PM

Well said! Thanks Mary!
Again, perfectly written with exact points of objection.
Sharon Oxo

On Jun 21, 2017 5:22 PM, "Mary" <mhaber4@hotmail.com> wrote:

> Dear Mr. Daly,
>
> In response to your call for public input on wharf renovation plans, may I ask you to consider the following:
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>
> Mary McGranahan
>
> Sent from Outlook

APPENDIX A

From: Henry Searle
To: Norman Daly
Subject: comments for scoping the EIR
Date: Monday, June 19, 2017 11:42:34 AM

Norm, I hope you are having or have had a pleasant vacation, and that you have been able to be completely away from work and thoughts of work.

I was unable to attend the scoping meeting. One of those present sent out a summary of comments. I have questions about three of them. Please consider items 2 and 3 as additional comments on the scope of the EIR.

1. Is it probable that the cost estimate for the EIR will be modified as a result of issues raised at the scoping session and by communications to your department? If so and if any modification is proposed, I would appreciate being notified.

2. You were paraphrased as saying at the scoping session that economic impacts would be covered in a staff report —-could you please confirm one way or the other and let me know when the staff report containing that information will be released. The impact study should include those mentioned below.

3. I understand that the consultant said that economic impacts could be discussed under "cumulative impacts". I assume this includes construction costs with attendant disruptions, loss of revenue etc. during construction, , all costs that may or must be borne by the City—-a comprehensive economic study. That would also include discussion of longer term economic impacts i.e gross revenue from the "improvements", costs (which would include construction related expenses, debt service etc., and estimated net revenue to the City. This should include all costs to the City and any City exposure or contingent liabilities.

Discussion of economic impacts is a substantial undertaking. But it is quite important inasmuch as the City budget is in the hole and the hole is estimated to become deeper. I hope you can confirm that the EIR will cover all these issues.

Reed Searle
114 Swift St
Santa Cruz, Ca. 95060
831-425-8721
hrsearle@sbcglobal.net

APPENDIX A

From: Henry Searle
To: Norman Daly
Subject: wharf scoping session; one further question
Date: Thursday, June 22, 2017 11:14:52 AM

I need clarification on one further issue.

Passenger cruise ships routinely stop in Monterey and access the Pier by ship's tender.

I had believed that the Wharf manager said that cruise ships are not permitted in the Monterey Bay Marine Sanctuary. I also believe that the proposed wharf could accommodate ship's tenders—-.. If permitted in Monterey could it not be in Santa Cruz as well, even though a trip on a tender might be longer?

What additional Wharf modifications would be required in order to accommodate such tenders?

Could the EIR please discuss this.

Thank you

Reed Searle
114 Swift St
Santa Cruz, Ca. 95060
831-425-8721
hrsearle@sbcglobal.net

To: Mr. Norm Daly

From: Deb Wirkman

RE: Santa Cruz Municipal Wharf Master Plan EIR Scoping Comments

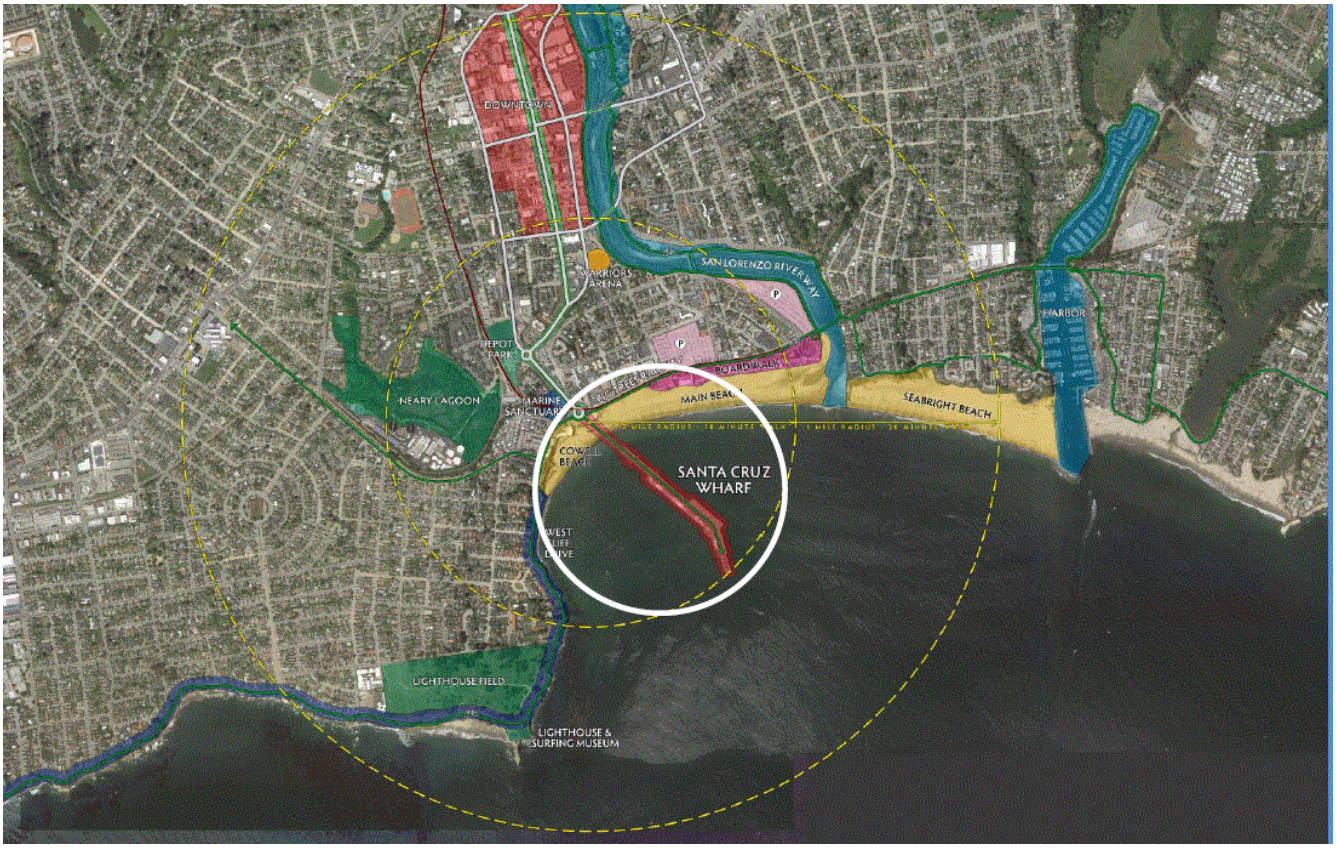
Date: 21 June 2017

The following comments are offered in response to the NOP for an EIR for the Wharf Master Plan.

The Santa Cruz Municipal Wharf stands on approximately 4500 chemically treated wooden piles. It's reported to be the longest ocean pier of any type on the West Coast and longest wooden pier in the U.S. (not that these are important distinctions to maintain) extending over half a mile into the Monterey Bay National Marine Sanctuary. Our wharf supports automobile traffic, parking, businesses, many recreational activities and scientific research. The planned Municipal Wharf expansion project enlarges the footprint of the wharf, increases the already high number of chemically treated piles and has the potential to harm the marine environment both during construction and over time.

According to the Initial Study and associated comments and responses, the combination of ACZA wood preservative plus polyurea coating has only been used for this particular application for a relatively short time, (about 15 years or less) and there have been some problems with it. While our city's municipal wharf staff have some experience with these piles, the potential long-term impacts to water quality and marine biota of adding the hundreds of additional piles planned for this project (in addition to having to continually replace the thousands of existing piles) have not been determined, and it has not been established that any mitigations for failure of the polyurea or other protective coating would be completely effective or enduring. Wraps have been mentioned, but it's not clear whether or when these would be used, or what type of wrap is most effective, or whether the wraps could also fail.

It is clear though that Pacific salmonids are known to be adversely affected by the presence of copper in their environment. The San Lorenzo River has been targeted by NOAA for recovery of Pacific anadromous salmonids native to our area, a fact which is having an impact on the way the Santa Cruz Water Department utilizes the San Lorenzo River as its primary tapwater source. Local people and groups are working hard to help the recovering local Steelhead and Cojo salmon recover, so the potential impact of the chemically treated wharf piles to these efforts should be a very important planning consideration given the close proximity of the river mouth to the wharf.



Depending on the specific chemical treatment selected (e.g. ammoniacal copper zinc arsenate with polyurea coating) over time the hundreds of additional piles will release significant amounts of toxic chemicals such as copper and arsenic into the environment. One only needs to review the Wharf engineering report photos that accompany the Initial Study to observe that a significant amount of chemically treated wharf pile wood inevitably eventually departs the wharf structure and ends up in the sea. According to the revised Initial Study (Oct 2016, p.5) of the approximately 4500 current wharf piles "On average, 10 to 30 piles are replaced each year."

When it comes to the "best management practices" (BMP) for wood wharf pile treatments in marine applications cited in the Santa Cruz Municipal Wharf planning documents, it's worth asking where these practices come from and how thoroughly developed/well-established they are for ACZA and polyurea, wraps or other treatments that will be used. It should be ascertained how well-researched and effective the BMP are. A complete site-specific risk assessment with regard to salmonids should be done.

Alternatives to the proposed chemically treated piles (if any reasonable alternatives exist for this project) should be compared so that the optimal choice is made for this project. A scaled-down project requiring fewer new piles should also be considered if potential environmental impacts are determined to be significant and/or potentially too costly or difficult to manage. For example, the engineering report shows some very deteriorated wharf piles under buildings that have been inaccessible for removal and replacement. How will this accessibility problem be dealt with going forward?

Alternative projects that reduce automobile traffic by increasing public transportation e.g. by restoring rail service such as trolleys to the wharf (perhaps on a fee-per-rider basis) may require fewer wharf

piles and offer other benefits such as less pollution and road maintenance. Automobile access might be restricted to maintenance, deliveries, disabled placard holders, and other permitted vehicles (with online permitting available for most applications) thereby reducing weight loading and parking acreage. Among other environmental benefits, the decreased need for parking on the wharf would reduce the need to add acreage and should reduce weight loading in some areas. About half the current wharf acreage is dedicated to automobile traffic and parking according to planning documents. If sightseeing and whale-watching boats from around the Monterey Bay or SF will be docking at the wharf then trolleys would also meet the transportation needs of the passengers. (The impacts of allowing these boats to dock at the wharf should of course be studied.) A trolley system that serves the wharf, boardwalk and downtown area could be a significant project that requires increasing parking availability at points of service but it's worth consideration as an alternative to continually increasing automobile traffic and the associated pollution and parking needs in the Boardwalk and Wharf area. A trolley system could be accomplished using rails or wheeled vehicles or a combination.

The Santa Cruz Wharf area is home to a variety of living things. Historically it's a very popular fishing locale, raising concerns about impacts to sediments and water quality of any major wharf construction. How thoroughly have the sediments that will be disturbed in the proposed project area been studied for contamination in terms of 1) the list of contaminants studied and 2) contaminant depth profiles monitored to sediment depths to be excavated during construction and 3) the number of data points in the area surrounding the wharf? How much sediment contamination is present 1) under and 2) around the wharf? Are pieces of chemically treated wharf piles and other debris (e.g. from early wharves that are no longer standing) present in the proposed project area? **Will toxic contamination move into the water column and be taken up into the marine ecosystem, including contamination of kelp and otters and fish and humans including children who consume local seafood?**

Has the proposed construction zone been surveyed to determine what, if any, obstacles might be buried in the sediments that will require excavation? The following excerpt can be found in the Desal dEIR that was made available for public comment a few years ago:

Section 5.11
Hazards and Hazardous Materials
Page 5.11-4

Seawater Intake System

"The various intake pump station site alternatives are located in the Beach Area, along West Cliff Drive, or inland near the plant site alternatives. No hazardous materials release sites were identified in these areas, although a previous Phase II site investigation along the Santa Cruz Branch Line reported elevated levels of arsenic above background concentrations along the railroad corridor, including borings on or near intake pump station site SI-18 (AMEC Geomatrix, Inc., 2009). In addition, the SI-18 pump station site has been used as a storage area by the City for wharf maintenance and other equipment for a number of years. During a site visit by the project team, stacks of timber and metal, drums of unknown content, tires, roll-off bins, trash receptacles, and a shed with a sign reading "dangerous" were observed. It is possible that creosote-treated wharf piles may have been historically stored on the site, or that creosote treated railway ties were used within the adjacent rail corridor. Soil staining of some kind is visible on aerial photographs and was also observed during the site visit.

The offshore components of the seawater intake system could be located in areas that have buried, creosote-treated piles—particularly those intake sites near the existing Municipal Wharf (SI-9, SI-17 and SI-18)."

The information above that was included in the Desal dEIR must also be included in the public scoping of the wharf project. According to the excellent local research document ***Notes on the History of Wharves at Santa Cruz, California*** By Frank Perry, Barry Brown, Rick Hyman, and Stanley D. Stevens (June, 2012) four wharves were built and demolished in the immediate vicinity of the current Municipal Wharf between 1849 and 1922. A brief search of local historic newspapers on the topic revealed that portions of former wharves suffered significant storm damage including loss of piles. For example, 30 feet of the Railroad Wharf were lost in the Christmas storm of 1921.

Environmental impacts that may result from this kind of historic information should be addressed in the wharf expansion project EIR. How much buried toxic debris is present and will its removal be done with due diligence to minimize impacts to water quality, marine ecology and recreation? Will remote sensing technology be applied prior to final planning of the project to determine where buried creosote-treated piles or other hazardous or toxic debris are present in the proposed construction area surrounding the existing wharf?

Serious ocean and marine sanctuary stewards (and anyone concerned with wharf project scheduling) may desire a more proactive plan than the mitigation described in the desal dEIR Santa Cruz folks had the pleasure of reviewing:

Mitigation Measure 5.11-1d from Santa Cruz Desalination dEIR :

"This mitigation measure applies only to offshore construction. During offshore construction, if visual evidence of contamination is observed (e.g., oily sheen), all work shall stop and appropriate containment measures (e.g., sorbent booms) shall be used, and Santa Cruz County Environmental Health Services or Department of Toxic Substances Control shall be contacted. The source of the contamination shall be identified (e.g., creosote piles), and methods to remove the source shall be investigated. Any hazardous materials needing to be removed shall be handled and disposed of in accordance with the requirements of RCRA and State Title 22."

The presence of toxic debris in the proposed construction zone, and any potential for contamination of the marine environment, including city beaches, from excavating toxic debris such as decaying creosote piles or other unexpected toxic debris is hopefully of serious concern to city planners and the City Council given the many recreational uses, highly valued marine ecology and tourism value of the location. Please exercise due diligence to know as much as possible with respect to toxic materials and contamination so the project runs smoothly and you are able to look back and tell your children that you were caring, responsible stewards of the MBNMS in your oversight of this project.

On a different topic, a holistic approach to a sustainable and environmentally sensitive wharf rehabilitation project should consider safe opportunities for water recycling. Given the proximity of the city's wastewater treatment facility, an uncontroversial and prudent application of water recycling would be to install purple pipe for transporting recycled water to all wharf venues, include purple pipe service in restrooms of all new wharf buildings for the purpose of flushing wastes, and eventually retrofit all existing wharf facilities to accommodate recycled water. The busy tourist season corresponds to the time of year when recycled water may be needed as a supplemental water supply in times of drought. Supplying restrooms on and near the wharf with appropriately treated recycled water for flushing toilets is a substantial and uncontroversial way for the city to recycle wastewater.

A more holistic and environmentally sensitive approach to the Santa Cruz Municipal Wharf

Improvement project, which could have significant environmental impacts but also offers opportunities for exemplary environmental stewardship, will benefit Santa Cruz most. It's not too late to change course and choose a wharf project that is more sensitive to the deteriorating condition of the Pacific Ocean and to failing local Pacific salmonid populations.

Additional Questions:
Where does spraying of polyurea coating onto new wharf piles take place if this coating is used?

Have any failures of this coating been observed so far on Municipal Wharf piles that have it? How long have these coated piles been in service?

References:

Notes on the History of Wharves at Santa Cruz, California By Frank Perry, Barry Brown, Rick Hyman, and Stanley D. Stevens (June, 2012)
url: http://www.cityofsantacruz.com/home/showdocument?id=33911

Graphic image of Santa Cruz Wharves History
url: http://www.cityofsantacruz.com/home/showdocument?id=36153

http://goodtimes.sc/cover-stories/on-the-waterfront/

http://preservedwood.org/portals/0/documents/BMP.pdf

http://www.westcoast.fisheries.noaa.gov/publications/habitat/treated_wood_guidelines_final_2010.pdf

http://www.southwhidbeyrecord.com/news/freeland-inventor-drives-innovation-stewardship-with-pile-removal-device/

http://sanjuans.org/documents/4-2CreosoteFlyer_small.pdf

APPENDIX B
Wharf Master Plan Design Guidelines

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DESIGN STANDARDS

The design standards establish a framework to guide future development and renovation of commercial uses as they evolve and intensify over time. However, it is recognized that there may be a project that, by design or use, is of significant merit and warrants special consideration and discretion so long as the intended design quality and Master Plan objectives are not compromised.

Building Form: For in-line commercial establishments along the western edge of the Wharf, buildings are encouraged to balance individual identity within a collective form that is simple, straightforward and appropriate to the maritime setting.

Building Height: Second floor uses and rooftop dining are encouraged within a maximum height of 35 feet for commercial in-line buildings. For the three landmark buildings, the maximum height shall be 45 feet, not including special appurtenances such as flagpoles and architectural projections.

Ground Floor Height: High bay spaces with transom windows to bring in light from above are encouraged for single story buildings. In two story buildings, the minimum ground floor height shall be 16 feet floor to floor.

Windows and Glazed Openings: The minimum below canopy glazed storefront shall be 12 feet in height. The solid base of the storefront shall be no more than 36 inches in height. No dark or mirrored glass is permitted anywhere. All glazing shall be tempered or safety glass on the western façade of buildings.

Finished Floor Grade: The finished floor of all buildings shall be at sidewalk grade and any change in elevation shall be accommodated internally within the premises. Where possible, incorporate floor drains throughout all areas of buildings to facilitate recovery from internal or exterior flooding events.

Build-To Line: All storefronts shall be built to a consistent line from the face of curb of the sidewalk.

Building Transparency: Blank walls shall be strongly discouraged and the maximum length of blank walls within a storefront shall not exceed 5 feet. For each premise, 40% of the ground floor façade along the sidewalk shall be open or glazed and visually accessible to the interior of the restaurant or storefront. For large restaurants, 100 feet of frontage or more, a minimum of 50% of the frontage shall provide for visual access through the premises to the west side views. Reasonable interruption of the visual plane for such elements as hoods, cooking lines, structural columns, etc. is allowed so long as visual access is maintained.

Liner Uses: Back of the house functions shall be encapsulated with liner uses that are either operated by the same tenant or a sub-tenant. These liner uses may include small vendors, such as take-out food, ice cream, oyster bar, coffee bar and gift shops. A minimum 15-foot depth, 30-foot width and 450 square feet size is recommended.

Roof: Flat roofs are discouraged, except when used for rooftop dining. A sloped standing seam roof of no less than 4 in 12 pitch is encouraged with a light reflective color and corrosion-resistant material. Mechanical equipment shall be enclosed to prevent creating an attractive nuisance for bird nesting and hidden from view within a clerestory portion of the roof.

Sidewalk Canopy: A sidewalk canopy or roof overhang of a 12-foot depth and 12 to 15 foot height is required over the entire sidewalk adjacent to and the length of each of the premises to provide continuous weather protection for pedestrians. The canopy shall be structured to be a permanent part of the façade. Awnings or fabric extensions are not an acceptable alternative. Lighting must be incorporated in the overhang to improve the uniformity ratio of parking area lighting, and provide for sidewalk illumination.

Second Floor Use: Second floor uses are encouraged where an accessible elevator and two means of egress can be provided. Any second floor use that is separate from the ground floor must have a storefront entrance at sidewalk grade.

Mezzanines: To open up the ground floor for publicly-oriented dining and shopping activities in large restaurants, mezzanine level spaces, comprising up to 1/3 of the ground floor, over the back-of-the-house functions are encouraged to provide additional storage, office and mechanical space. These areas shall be served by stairs and a 2,000 pound lift for accessibility.

Signage: Pedestrian scale signage is encouraged. The principal identity signage shall be below canopy blade type heraldic signage that is no more than 7 square feet in size, located perpendicular to the path of movement, and providing for at least 8 feet of vertical clearance from the sidewalk. Identity signage on the front edge of the canopy is permitted but shall be limited to two feet in height and no more than half of the frontage length.

Major identity signage is only permitted for large restaurants and only one sign per establishment with 100 feet or more of frontage including liner uses. Major identity signage shall be fabricated in metal and of high quality materials and limited in size to 1.5 square feet for each linear foot of frontage. These signs shall be no more than 7 feet in height and 20 feet in width and located 15 feet above grade.

No advertising signs can be placed on the storefront. Identity signs placed within the window area of the storefront shall be no more than 10% of the glazed area with individual letters or an identity logo that permits visibility to the interior and that creates an appropriate juxtaposition between the activity within the storefront, the identity on the glass and the outside area. In addition, menu displays on the storefront shall be limited to 24 inches by 17 inches in size. No backlit, flashing or canned signage is permitted. No rooftop signs or any sign that is silhouetted against the sky is permitted.

Storefront Displays: In retail shops, displays must be undertaken in a way that allows for adequate visibility into forty percent of the shop. Any temporary signage related to sales or events must be coordinated with the City before they are displayed and only for a limited period of time.

Restrooms: Restrooms will not be required for small establishments less than 600 square feet in size; all restrooms shall be ADA accessible. Public restrooms will serve the smaller establishment requirements. In establishments where liner uses are integrated with the restaurant, a single set of restrooms can serve both the liner uses and the restaurant.

Active Storefronts: Exhibition kitchens and other making of products sold on premises is encouraged to be directly visible through the storefront. Large operable windows are encouraged to create an engaging environment between indoors and outdoors.

Building Materials and Color: High quality building materials shall be utilized that are capable of withstanding the marine environment. Standing seam silver metallic roofs are encouraged in an industrial vocabulary. Buildings are encouraged to be light in color, however the storefront below the canopy can be distinctively painted for individual identity.

Garbage Collection: All garbage shall be stored on site until it is collected. In food and beverage establishments, garbage storage areas shall be enclosed and mechanically ventilated.

Green Building Design: All buildings shall be designed to green building standards at minimum equivalent to a LEED silver rating.