

# FINAL ENVIRONMENTAL IMPACT REPORT

## Santa Cruz Wharf Master Plan

[SCH NO: 2016032038]



**City of Santa Cruz**  
**Economic Development**

September 2020



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## SANTA CRUZ WHARF MASTER PLAN

SCH NO. 2016032038

PREPARED FOR

CITY OF SANTA CRUZ

Economic Development

PREPARED BY

DUDEK

Santa Cruz, California

September 2020

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# TABLE OF CONTENTS

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1	INTRODUCTION .....	1-1
1.1	Purpose of the EIR.....	1-1
1.2	Project Overview.....	1-2
1.3	Scope of the EIR .....	1-3
1.4	Environmental Review and Approval Process .....	1-5
1.5	Organization of Final EIR.....	1-9
2	SUMMARY.....	2-1
2.1	Introduction .....	2-1
2.2	Project Overview.....	2-1
2.3	Areas of Controversy or Concern.....	2-2
2.4	Summary of Alternatives .....	2-3
2.5	Summary of Impacts and Mitigation Measures.....	2-3
2.6	Issues to Be Resolved.....	2-12
3	CHANGES TO DRAFT EIR.....	3-1
3.1	Introduction .....	3-1
3.2	Revisions to Draft EIR.....	3-1
3	PUBLIC COMMENTS AND RESPONSES.....	4-1
4.1	Introduction .....	4-1
4.2	List of Comment Letters Received .....	4-1
4.3	Comment Letters and Responses .....	4-3
FIGURES		
4.1-10	NEW-Photo Simulation Locations .....	3-7

## APPENDICES

- A. Mitigation Monitoring and Reporting Program

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# CHAPTER 1

## INTRODUCTION

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### 1.1 PURPOSE OF THE EIR

This EIR has been prepared for the City of Santa Cruz (City), which is the lead agency for the Wharf Master Plan project. This document, together with the Draft EIR dated March 2020, constitute the Final EIR for the proposed Santa Cruz Wharf Master Plan Project. This EIR has been prepared in accordance with the California Environmental Quality Act (CEQA), which is found in the California Public Resources Code, Division 13, and with the State CEQA Guidelines, which are found in Title 14 of the California Code of Regulations, commencing with section 15000.

As stated in the CEQA Guidelines section 15002, the basic purposes of CEQA are to:

- ☐ Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.
- ☐ Identify the ways that environmental damage can be avoided or significantly reduced.
- ☐ Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- ☐ Disclose to the public the reasons a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

Pursuant to State CEQA Guidelines section 15121, an EIR is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information which may be presented to the agency. While the information in the EIR does not control the ultimate decision about the project, the agency must consider the information in the EIR and respond to each significant effect identified in the EIR by making findings pursuant to Public Resources Code section 21081.

This EIR is being prepared as a “Program EIR” pursuant to section 15168 of the State CEQA Guidelines. A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related geographically, by similar environmental effects, as logical parts in the chain of contemplated actions, or in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program. A program EIR can provide a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action and can ensure consideration of cumulative impacts. A program EIR can be used as part of the environmental review for later individual projects to be carried out pursuant to the project previously analyzed in the program EIR, where impacts have

been adequately addressed in the program EIR. This is referred to as “tiering” as set forth in section 15152 of the State CEQA Guidelines. “Tiering” uses the analysis of general matters contained in a broader EIR (such as one prepared for a general plan) with later EIRs and negative declarations on narrower projects, incorporating by reference the general discussions from the broader EIR and concentrating the later EIR or negative declaration solely on the issues specific to the later project. The State CEQA Guidelines encourage agencies to tier the environmental analyses which they prepare for separate but related projects, including general plans, zoning changes, and development projects.

For later individual projects covered in this EIR, the City will determine whether the individual project or subsequent activity is within the scope of this Program EIR. Depending on the City’s determination, including whether new effects could occur or new mitigation measures would be required, the analysis for later projects could range from no new CEQA document to a new EIR. If appropriate and applicable to a proposed project, the City may also consider one or more statutory or categorical exemptions.

Pursuant to CEQA (Public Resources Code section 21002), public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which would substantially lessen the significant environmental effects of such projects. Pursuant to section 15021 of the State CEQA Guidelines, CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible. In deciding whether changes in a project are feasible, an agency may consider specific economic, environmental, legal, social, and technological factors. According to the State CEQA Guidelines, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. This section further indicates that CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors, and an agency shall prepare a “statement of overriding considerations” as to reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment. The environmental review process is further explained below in subsection 1.4.

## 1.2 PROJECT OVERVIEW

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. Possible expansion of the existing Lifeguard Station may also occur within the next several years.

The Wharf Master Plan includes the following elements and recommendations.

1. *Policies and Actions*

2. *Recommendations for Expansion, New Construction and Improvements*

- *Wharf Expansion and New Facilities:* The Master Plan recommends the following new facilities: expansion of the Wharf to create a new promenade on the east side of the Wharf (East Promenade) for public pedestrian, bicycle, and emergency access; a new walkway on the west side of the Wharf (Westside Walkway); three new public use buildings, totaling approximately 15,000 square feet; and two new accessible boat landings. The Master Plan also considers remodeling and intensified use of existing structures, including potential expansion of existing commercial buildings totaling approximately 22,000 square feet and redevelopment of the existing lifeguard station.
  - *Structural Wharf Improvements:* Recommended improvements include installation of new and replacement Wharf support piles, lateral bracing, and roadway and utility improvements, including improvements to the Wharf’s pavement, drainage system, and trash collection system.
3. *Circulation/Parking.* Improvements are proposed to more efficiently utilize the existing circulation area, encourage alternative transportation, and relocate the Wharf entrance gates further south onto the Wharf. Other improvements include restriping of existing parking areas that would result in approximately 45-65 additional parking spaces, widening existing sidewalks for improved pedestrian access, and provision for up to 150 bicycle parking spaces.
4. *Design Standards* are included in the Master Plan that address building design elements, including height, materials, design, windows, roofs and displays.

This EIR considers the impacts of both the implementation of the Wharf Master Plan, as well as construction of the first two projects to be implemented pursuant to the Plan—the Entry Gate Relocation and the East Promenade. All elements of the Master Plan are considered in the impact analyses, including recommendations for new facilities, buildings and improvements. A full description of all project components is provided in Chapter 3.0, Project Description, of the Draft EIR volume.

## 1.3 SCOPE OF THE EIR

The City identified the following topics for analysis in the EIR based on the analyses in the October 2016 Initial Study and responses to the EIR Notice of Preparation (as discussed below in section 1.4.2). This EIR evaluates potential impacts for the following topics and also evaluates topics required by CEQA and CEQA Guidelines, including growth inducement, cumulative impacts, and project alternatives.

- ☐ Aesthetics
- ☐ Biological Resources
- ☐ Cultural and Tribal Cultural Resources
- ☐ Geology, Hydrology and Water Quality
- ☐ Transportation and Traffic
- ☐ Water Supply and Utilities
- ☐ Land Use

Other issues are evaluated in the 2016 Initial Study, which is available for review by appointment at the Economic Development Office, 337 Locust Street, Santa Cruz during regular business hours, Monday through Friday between 8:00 AM and 12:00 and 1:00 PM and 5:00 PM. Contact David McCormic at [dmcCormic@cityofsantacruz.com](mailto:dmcCormic@cityofsantacruz.com) to make an appointment. The Initial Study also is available for review on the City’s website at: <http://www.cityofsantacruz.com/wharfmasterplan>.

The discussions in the Initial Study of impacts that are not being addressed in detail in the text of the Draft EIR are intended to satisfy the requirement of CEQA Guidelines section 15128 that an EIR “shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and therefore were not discussed in detail in the EIR.”

As indicated above, the focus of the environmental review process is upon significant environmental effects. As defined in section 15382 of the CEQA Guidelines, a “significant effect on the environment” is:

... a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether a physical change is significant.

In evaluating the significance of the environmental effect of a project, the State CEQA Guidelines require the lead agency to consider direct physical changes in the environment and reasonably foreseeable indirect physical changes in the environment which may be caused by the project (CEQA Guidelines section 15064[d]). A direct physical change in the environment is a physical change in the environment which is caused by and immediately related to the project. An indirect physical change in the environment is a physical change in the environment, which is not immediately related to the project, but which is caused indirectly by the project. An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project.

CEQA Guidelines section 15064(e) further indicates that economic and social changes resulting from a project shall not be treated as significant effects on the environment, although they may be used to determine that a physical change shall be regarded as a significant effect on the environment. In addition, where a reasonably foreseeable physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project.

## 1.4 ENVIRONMENTAL REVIEW AND APPROVAL PROCESS

### 1.4.1 Background

The Wharf Master Plan was prepared with federal U.S. Department of Commerce Economic Development Administration (EDA) funding and was completed in October 2014. As part of the Master Plan effort, an engineering review was conducted to assess the condition of the piles, the overall integrity of the structure and the paving and substrate of roadways, parking areas and sidewalks. In October 2014, the City Council unanimously accepted the Wharf Master Plan and directed staff to proceed with environmental review and authorized the City Manager to execute all documents and take any other administrative actions necessary to complete the environmental review.

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. Comments were received from three agencies (California Coastal Commission, California Department of Fish and Wildlife, and Monterey Bay Unified Air District) and four individuals. Responses were provided by the City and presented to the City Council for consideration and adoption of the MND in August 2016. Additional comments were submitted to the City prior to this meeting. The IS/MND was subsequently revised to include additional analyses, primarily regarding biological resources. The 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.

### 1.4.2 Scoping

Under CEQA, the lead agency for a project is the public agency with primary responsibility for carrying out or approving the project, and for implementing the requirements of CEQA. CEQA Guidelines section 15083 authorizes and encourages an early consultation or scoping process to help identify the range of actions, alternatives, mitigation measures, and significant effects to be analyzed and considered in an EIR, and to help resolve the concerns of affected regulatory agencies, organizations, and the public. Scoping is designed to explore issues for environmental evaluation, ensuring that important considerations are not overlooked and uncovering concerns that might otherwise go unrecognized.

A Notice of Preparation (NOP) for this EIR was circulated for a 30-day comment period on May 24, 2017. The NOP was circulated to the State Clearinghouse and to local, regional, and federal agencies in accordance with State CEQA Guidelines. The NOP also was sent to organizations and interested citizens that have requested notification in the past. The NOP is included in Appendix A. A public scoping meeting was held on June 14, 2017 to receive oral comments on the EIR scope.

Written comments were received in response to the NOP from two public agencies (California Coastal Commission and California Native Heritage Commission), two organizations (Don't Morph the Wharf Community Group and Santa Cruz Bird Club), and 11 individuals and families. The California Department of Fish and Wildlife provided informal comments to City staff. These letters are included in Appendix A of the Draft EIR document. Both the written comments and oral comments received at the scoping meeting were taken into consideration in the preparation of this EIR for comments that address environmental issues. Comments received during the scoping period regarding environmental issues generally include the following concerns, which are further described and discussed in the Draft EIR sections that discuss the relevant topic.

- ☐ Aesthetics - potential impacts to scenic views and the visual character of the surrounding area as a result of Wharf expansion and new development, including building height and lighting;
- ☐ Biological Resources – potential impacts to marine species and birds, including nesting birds;
- ☐ Cultural Resources – impacts to the Wharf's historic resources as a result of proposed changes and new construction;
- ☐ Geotechnical – structural stability of the Wharf;
- ☐ Exposure to coastal hazards – winter storms, wave action, and sea level rise;
- ☐ Effects of treated pile coatings on marine species and water quality;
- ☐ Drainage and water quality impacts; and
- ☐ Traffic and parking impacts.

See section 1.3 regarding the EIR scope of work.

### **1.4.3 Public Review of Draft EIR**

The Draft EIR was published and circulated for review and comment by the public and other interested parties, agencies, and organizations for a public review period from March 30, 2020 through May 27, 2020. The City extended the required 45-day public review period by two weeks for a total of 59 days.

The City of Santa Cruz encouraged public agencies, organizations, community groups, and all other interested persons to provide written comments on the Draft EIR prior to the end of the public review period. Section 15204(a) provides guidance on the focus of review of EIRs, indicating that



in reviewing draft EIRs, persons and public agencies “should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated,” and that comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. This section further states that: “CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

Thirty-four letters of comment were received including three from public agencies, four from organizations and 27 from individuals. Agencies, organizations and individuals that submitted written comments on the draft EIR are outlined below.

***A. State & Local Agencies***

1. Monterey Bay Air Resources District
2. California Coastal Commission
3. California State Clearinghouse

***B. Organizations***

4. Don't Morph The Wharf! – Gillian Greensite
5. Santa Cruz Bird Club – Lisa Sheridan
6. Santa Cruz Wymyn for Wild Nature – Erica Stanojevic
7. Sierra Club - Michael Guth, Micah Posner

***C. Individuals***

- |                      |                                  |
|----------------------|----------------------------------|
| 1. John Aird         | 15. Bill Malone                  |
| 2. Stefan Berlinski  | 16. Susan Martinez               |
| 3. Jean Brocklebank  | 17. Nancy Maynard                |
| 4. Will Cassilly     | 18. Satya Orion                  |
| 5. Trician Comings   | 19. Bob Pearson                  |
| 6. Chris Cuddihy     | 20. Richard Popchak              |
| 7. Gayle Fitzsimmons | 21. Dean Quarnstrom              |
| 8. Jaime Garfield    | 22. Ron Sandidge                 |
| 9. Fred Geiger       | 23. Mark Trabing                 |
| 10. Josh Goldberg    | 24. David Van Brink              |
| 11. Margaret Gorman  | 25. A. Webb                      |
| 12. Kathy Haber      | 26. Linda Wilshusen              |
| 13. John Harker      | 27. Shawn Grona – Received after |
| 14. Debbie Hencke    | close of public review period    |

This Final EIR volume includes written responses to significant environmental issues raised in comments received during the public review period in accordance with CEQA Guidelines section 15088. The Final EIR also includes Draft EIR text changes and additions that became necessary after consideration of public comments. (See CEQA Guidelines, § 15088, subd. (c)).)

#### **1.4.4 Final EIR / Project Approval**

The Final EIR, which includes both the Draft and Final EIR documents, will be presented to the City Planning Commission for consideration and recommendation to the City Council. The City Council will make the final decision on certification of the EIR and the Wharf Master Plan. The Planning Commission and the City Council must ultimately certify that it has reviewed and considered the information in the EIR, that the EIR has been completed in conformity with the requirements of CEQA, and that the document reflects the City's independent judgment.

Pursuant to sections 21002, 21002.1 and 21081 of CEQA and sections 15091 and 15093 of the State CEQA Guidelines, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects unless both of the following occur:

- (a) The public agency makes one or more of the following findings with respect to each significant effect:
  - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects on the environment.
  - 2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by such other agency.
  - 3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

Although these determinations (especially regarding feasibility) are made by the public agency's final decision-making body based on the entirety of the agency's administrative record as it exists after completion of a Final EIR, the Draft EIR must provide information regarding the significant effects of the proposed project and must identify the potentially feasible mitigation measures and alternatives to be considered by that decision-making body.

#### 1.4.4 Adoption of Mitigation Monitoring & Reporting Program

CEQA requires that a program to monitor and report on mitigation measures be adopted by a lead agency as part of the project approval process. CEQA requires that such a program be adopted at the time the agency approves a project or determines to carry out a project for which an EIR has been prepared to ensure that mitigation measures identified in the EIR are implemented. The Mitigation Monitoring and Reporting Program is included in Appendix A of this document.

### 1.5 ORGANIZATION OF FINAL EIR

This Final EIR is organized into the following chapters:

- **Chapter 1, Introduction**, explains the CEQA process; describes the scope and purpose of this Draft EIR; provides information on the review and approval process; and outlines the organization of this Draft EIR.
- **Chapter 2, Summary**, presents an overview of the project; provides a summary of the impacts of the project and mitigation measures; provides a summary of the alternatives being considered; includes a discussion of known areas of controversy; and lists the topics not carried forward for further analysis.
- **Chapter 3, Changes to Draft EIR**, outlines revisions to the Draft EIR text as a result of review of comments and responses as may be needed. Additional clarification provided by City staff also is included.
- **Chapter 4, Public Comments and Responses**, includes each comment letter with responses to comments immediately following the comment letter.
- **Appendices**. A Mitigation Monitoring and Reporting Program is included in Appendix A.

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# CHAPTER 2

## SUMMARY

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### 2.1 INTRODUCTION

This chapter provides a brief description of the proposed project, known areas of controversy or concern, project alternatives, all potentially significant impacts identified during the course of this environmental analysis, and issues to be resolved. This summary is intended as an overview and should be used in conjunction with a thorough reading of the EIR. The text of this report, including figures, tables and appendices, serves as the basis for this summary.

### 2.2 PROJECT OVERVIEW

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.

The Wharf Master Plan includes the following elements and recommendations.

1. *Policies and Actions*
2. *Recommendations for Expansion, New Construction and Improvements*
  - *Wharf Expansion and New Facilities:* The Master Plan recommends the following new facilities: expansion of the Wharf to create a new promenade on the east side of the Wharf (East Promenade) for public pedestrian, bicycle, and emergency access; a new walkway on the west side of the Wharf (Westside Walkway); three new public use buildings, totaling approximately 15,000 square feet; and two new accessible boat landings. The Master Plan also considers remodeling and intensified use of existing structures, including potential expansion of existing commercial buildings totaling approximately 22,000 square feet and redevelopment of the existing lifeguard station.
  - *Structural Wharf Improvements:* Recommended improvements include installation of new and replacement Wharf support piles, lateral bracing, and roadway and utility improvements, including improvements to the Wharf's pavement, drainage system, and trash collection system.
3. *Circulation/Parking.* Improvements are proposed to more efficiently utilize the existing circulation area and encourage alternative transportation, including relocation of the

Wharf entrance further south onto the Wharf. Other improvements include restriping of existing parking areas that would result in approximately 45-65 additional parking spaces, widening existing sidewalks for improved pedestrian access, and provision for up to 150 bicycle parking spaces.

4. *Design Standards* are included in the Master Plan that address building design elements, including height, materials, design, windows, roofs and displays.

This EIR considers the impacts of both the implementation of the Wharf Master Plan, as well as construction of the first two projects to be implemented pursuant to the Plan—the Entry Gate Relocation and the East Promenade. All elements of the Master Plan are considered in the impact analyses, including recommendations for new facilities, buildings and improvements. A full description of all project components is provided in Chapter 3.0, Project Description, of this EIR.

## 2.3 AREAS OF CONTROVERSY OR CONCERN

The City of Santa Cruz, as the Lead Agency, has identified areas of concern based on the Initial Study and EIR Notice of Preparation (NOP). The NOP and comments are included in Appendix A. The Initial Study is available for review at the available for review at the Economic Development Office<sup>1</sup> and on the City’s website at: <http://www.cityofsantacruz.com/government/city-departments/economic-development/development-projects/santa-cruz-wharf-master-plan>.

In response to the NOP, letters of comment were received from two public agencies (California Coastal Commission and California Native Heritage Commission), two organizations (Don’t Morph the Wharf Community Group and Santa Cruz Bird Club), and 11 individuals and families. The California Department of Fish and Wildlife provided informal comments to City staff. An agency and public scoping also was held at the Planning Commission meeting on June 14, 2017 to receive public comments on the scope of the EIR’s analyses and project alternatives. Both the written comments and oral comments received at the scoping meeting have been taken into consideration in the preparation of this EIR for comments that address environmental issues.

Written comments on the NOP and oral comments received at the scoping meeting raised the following environmental concerns, some of which may be areas of controversy:

- ☐ Aesthetics - potential impacts to scenic views and the visual character of the surrounding area as a result of Wharf expansion and new development;
- ☐ Biological impacts to marine species and habitat and nesting birds;
- ☐ Exposure to coastal - winter storms, wave action, and sea level rise;
- ☐ Drainage and water quality impacts;
- ☐ Traffic and parking impacts.

## 2.4 SUMMARY OF ALTERNATIVES

CEQA Guidelines require that an EIR describe and evaluate alternatives to the project that could eliminate significant adverse project impacts or reduce them to a less-than-significant level. The following alternatives are evaluated in Section 5.5.

- ☐ No Project – Required by CEQA
- ☐ Alternative 1 – Reduced Project
- ☐ Alternative 2 – Modified Project

Table 5-2 in Section 5 of this EIR presents a comparison of project impacts between the proposed project and the alternatives. Alternative 1 – No Project Alternative would avoid reduce the three significant impacts with elimination of major improvements to the Wharf, but ongoing maintenance and redevelopment could result in to a less-than-significant biological and water quality impacts. level. The other alternatives also would reduce significant impacts, but not to a less-than-significant level. Mitigation measures would be required as with the proposed Project. Of the alternatives considered, Alternative 2 would best achieve project objectives, while also reducing the severity of identified significant impacts and therefore, is considered the environmentally superior alternative of the alternatives reviewed.

## 2.5 SUMMARY OF IMPACTS AND MITIGATION MEASURES

All impacts identified in the subsequent environmental analyses are summarized in this section. This summary groups impacts of similar ranking together, beginning with significant unavoidable impacts, followed by significant impacts that can be mitigated to a less-than-significant level, followed by impacts not found to be significant. The discussions in the Initial Study of impacts that are not being addressed in detail in the text of the Draft EIR are intended to satisfy the requirement of CEQA Guidelines section 15128 that an EIR “shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and therefore were not discussed in detail in the EIR.” The Initial Study is included in Appendix A of this EIR. A summary of less-than-significant and no impacts identified in the Initial study is presented at the end of this section.

### 2.5.1 Significant Unavoidable Impacts

No significant unavoidable impacts were identified as a result of the impact analyses.

## 2.5.2 Significant Impacts

The following impacts were found to be potentially significant, but could be reduced to a less-than-significant level with implementation of identified mitigation measures should the City's decision-makers impose the measures on the project at the time of final action on the project.

### Biological Resources

**Impact BIO-1a: Special Status Aquatic Species-Pile Installation.** Implementation of the Wharf Master Plan would lead to future expansion of the Wharf and structural improvements that would require installation of additional piles. Underwater sound levels resulting from pile installation could indirectly harm fish and marine mammals, including special status and protected species, if any are present at the time of construction and pile installation.

**MITIGATION BIO-1a-1** Prepare and implement a hydroacoustic, fish and marine mammal monitoring plan that implements measures to avoid exposure of marine mammals to high sound levels that could result in Level B harassment. Measures may include, but are not limited to, the following:

- Establishment of an underwater “exclusion zone”—defined as the distance where underwater sound levels exceed 180 dB SEL<sub>cum</sub> if whales are present, and 185 dB SEL<sub>cum</sub> dB if seals and sea lions are present—will be established. This will be refined based on hydroacoustic measurements in the field and in consultation with NOAA Fisheries.
- Pre-construction monitoring by a qualified biologist to update information on the animals' occurrence in and near the project area, their movement patterns, and their use of any haul-out sites.
- Pre-construction training for construction crews prior to in-water construction regarding the status and sensitivity of the target species in the area and the actions to be taken to avoid or minimize impacts in the event of a target species entering the in-water work area.
- Marine mammal monitoring of the exclusion zone will be conducted prior to commencement of pile driving and underwater excavation activities.
- Pile-driving activities will not commence until marine mammals are not sighted in the exclusion zone for 15 minutes. This will avoid exposing marine mammals to sound levels in excess of the Level A criteria.



- Underwater noise will be measured with a hydrophone during pile-driving to verify sound levels and adjust the size of the exclusion zone as necessary. This measurement may be conducted once and the results applied to subsequent pile installations to determine the exclusion zone.
- In-water biological monitoring to search for target marine mammal species and halt project construction activities that could result in injury or mortality to these species.
- Prohibit disturbance or noise to encourage the movement of the target species from the work area. The City will contact USFWS and NOAA Fisheries to determine the best approach for exclusion of the target species from the in-water work area.
- Data collected during the hydroacoustic, fish and marine mammal monitoring will be reported to NOAA Fisheries in a post-construction monitoring report (usually required to be completed between 60 and 90 days after construction is complete). Observations and data will be reported more frequently, if required by NOAA Fisheries.

**MITIGATION BIO-1a-2** A soft-start procedure will be used for impact pile driving at the beginning of each day's in-water pile driving or any time pile driving has ceased for more than 1 hour. The following soft-start procedures will be conducted:

- If a bubble curtain is used for impact pile driving, the contractor will start the bubble curtain prior to the initiation of impact pile driving to flush fish from the zone near the pile where sound pressure levels are highest.
- If an impact hammer is used, the soft start requires an initial set of three strikes from the impact hammer at 40 percent energy, followed by a one minute waiting period, then two subsequent 3 strike sets. The reduced energy of an individual hammer cannot be quantified because they vary by individual drivers. Also, the number of strikes will vary at reduced energy because raising the hammer at less than full power and then releasing it results in the hammer "bouncing" as it strikes the pile resulting in multiple "strikes".

**MITIGATION BIO-1a-3** A cushion block will be used between the pile cap and the impact hammer. Layers of heavy plywood or baywood soaked in water on top of the pile cap served to dampen the sound of the hammer striking the wood as well as to dissipate friction; plywood not soaked in water was

pounded to charred splinters that became very thin and had little value in attenuating sound.

**Impact BIO-4: Wildlife Movement and Breeding.** Construction of future improvements at the Wharf could result in disturbance to nesting birds if any are present at the time of construction.

**MITIGATION BIO-4** Conduct a pre-construction survey for any construction that would occur during the nesting season. No more than seven days prior to initiation of construction activities, including pile-driving, scheduled to begin during the nesting season for pigeon guillemot, western gull, or other species potentially nesting on the Wharf (April 15 through August 30, or as determined by a qualified biologist), the City shall have a nesting bird survey conducted by a qualified biologist to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the disturbance zone or within 150 feet of the disturbance zone.

Pre-construction surveys for pigeon guillemots and pelagic cormorants shall include inspection of areas underneath the Wharf for indications of nesting (by kayak or other method adequate for examining remote crevices and pilings). Because pigeon guillemot are difficult to detect, adequate surveys will require surveyors to observe for multiple hours before forming conclusions about occupancy.

If active nests for pigeon guillemots or pelagic cormorants are found, establish a buffer zone of 150 feet between each nest and construction activities under the wharf deck that could disturb nesting birds, especially pile driving. Construction activities likely to disturb nesting western gull can be resumed when the nest is vacated and young have fledged, as determined by the biologist, and if there is no evidence of a second attempt at nesting.

If active nests for western gull or other species protected under the Migratory Bird Treaty Act and/or the California Fish and Game Code are found, establish a buffer of 100 feet between each nest and construction activities that could disturb nesting birds. Examples of such activities include pile-driving, use of power tools, and above-deck construction activities identified by a qualified biologist as likely to disturb the nesting western gulls. Construction activities likely to disturb nesting western gull can be resumed when the nest is vacated and young have fledged, as determined by the biologist, and if there is no evidence of a second attempt at nesting.

The nesting disturbance buffer for any species may be reduced if a qualified biologist, in consultation with CDFW, determines that the proposed construction is unlikely to disturb the nesting birds, considering factors including, but not limited to, level of existing ongoing disturbance, the temporary level of disturbance from construction, and visual and sound obstructions between the birds and the disturbance, such as rows of piles or existing buildings.

### Hydrology-Water Quality

**Impact HYD-2:**     **Water Quality.** Implementation of the Wharf Master Plan and construction of proposed facilities would result in expansion of the Wharf, but with implementation of stormwater treatment features recommended in the Engineering Report and project-level construction best management practices, future construction of new facilities and improvements would not result in a substantial degradation of water quality, although inadvertent discharge of construction debris into marine waters could occur without proper controls.

**MITIGATION HYD-2a**     Implement the following measures during construction of the Wharf substructure (piles, beams and decking):

- Install a floating boom can be placed in the water to encompass the work area. Any timber that inadvertently falls into the water will float and be captured by the boom. Any metal (hand tools or bolts) that falls into the water can be retrieved by magnet or diver if necessary.
- The crane that installs the piles and beams may have the hydraulic system fit with vegetable oil so that in the event of a hose failure, no petroleum based substance will contact the water, but rather food grade vegetable oil.
- Any fueling operations of the equipment is conducted on a containment area utilizing plastic sheeting and absorbent pad containment to contain any spills during fueling over the water.

**MITIGATION HYD-2a**     If visual evidence of contamination is observed (e.g., oily sheen) during in-water construction, all work shall stop and appropriate containment measures shall be used to identify the source of the contamination (e.g., buried creosote piles), contain, and/or remove the material; regulatory agencies with authority over the area shall be notified, i.e., the Santa Cruz County Environmental Health Services or Department of Toxic Substances Control. Any hazardous materials needing to be removed shall be handled and disposed of in accordance with the requirements of federal and state regulations.

### 2.5.3 Less-Than-Significant Impacts

The following impacts were found to be less-than-significant. Mitigation measures are not required.

#### Impacts Evaluated in EIR

- Impact AES-1:**     **Scenic Views.** Implementation of the Wharf Master Plan and future development accommodated by the Wharf Master Plan would not have a substantial adverse effect or obstruct a visually prominent or significant public scenic vista.
- Impact AES-2:**     **Scenic Resources.** Implementation of the Wharf Master Plan and future development accommodated by the Wharf Master Plan would not substantially damage or adversely affect a scenic resource.
- Impact AES-3:**     **Visual Character of the Surrounding Area.** Implementation of the Wharf Master Plan would result in future expansion and new development on the Santa Cruz Wharf, but would not conflict with applicable zoning or other regulations governing scenic quality.
- Impact AES-4:**     **Introduction of Light and Glare.** Implementation of the Wharf Master Plan and construction of recommended structures and improvements would result in new development and lighting, but would not result in introduction of a major new source of light or glare or result in a substantial increase in lighting over existing conditions.
- Impact BIO-1b:**     **Special Status Aquatic Species-Effects of Pile Coating.** Use of polyurea coating on treated timber piles will prevent leaching of contaminants or indirect harm to fish and aquatic species, but piles could be damaged over time without adequate monitoring.
- Impact BIO-1c:**     **Special Status Species-Coastal Birds.** Implementation of the Wharf Master Plan would lead to future expansion of the Wharf and potential coastal bird nesting area. Use of the Westside Walkway could adversely affect nesting coastal birds, but would be offset by the overall increase in Wharf area for nesting and roosting.
- Impact BIO-7:**     **Effects on Wildlife Populations.** Adoption and implementation of the Wharf Master Plan and subsequent Wharf expansion and construction would not substantially reduce the habitat of a fish or wildlife species or cause a drop in populations below self-sustaining levels or a threat of local extirpation of a species.

- Impact CUL-1:**     **Historic Resources.** Adoption and implementation of the Wharf Master Plan would result in future construction of new facilities and improvements that would result in alteration to the Wharf structure. However, the alterations would not materially impair the historical significance of the Wharf.
- Impact GEO-1:**     **Geologic Hazards.** Adoption and implementation of the Wharf Master Plan and future construction of proposed facilities and improvements would result in exposure of new structural development to seismic hazards. However, with implementation of the recommendations of the Engineering Report prepared as part of the Wharf Master Plan, the project would not directly or indirectly cause potential substantial adverse effects related to seismic or geologic hazards, and the impact would be *less than significant* (GEO-1).
- Impact HYD-1:**     **Stormwater Drainage.** Implementation of the Wharf Master Plan and construction of proposed facilities would result in new structural development with some increase in impervious surfaces, but would not significantly increase runoff volumes or rates, exceed capacities of storm drains or result in erosion or water quality impact.
- Impact HYD-3:**     **Coastal Flood Hazards.** Implementation of the Wharf Master Plan and future construction of proposed facilities would result in new structural development, but would not substantially increase exposure to flood hazards related to coastal storms and sea level rise or result in a risk of release of pollutants due to inundation.
- Impact TRA-1:**     **Circulation System Impacts.** Implementation of the Wharf Master Plan and construction of recommended structures and improvements could result in increased vehicle trips to the Wharf, but would not conflict with a program, ordinance, or policy establishing the circulation system.
- Impact UTIL-1:**    **Water Supply.** Implementation of the Wharf Master Plan and construction of recommended structures and improvements would result in construction of new buildings and enhanced public access, which could result in increased water demand for potable water in a system that, under existing conditions, has adequate supplies during average and normal years, but is subject to potential supply shortfalls during dry and critically dry years to serve the project and reasonably foreseeable future development. The additional project demand would not result in a substantial increase during dry years and would not be of a magnitude to affect the level of curtailment that might be in effect.

- Impact UTIL-4: Wastewater Treatment.** Implementation of the Wharf Master Plan and construction of recommended improvements would result in construction of new buildings and enhanced public access, which could result in generation of wastewater that could be accommodated by the existing wastewater treatment plant.
- Impact UTIL-5: Solid Waste Generation.** Implementation of the Wharf Master Plan and construction of recommended improvements would result in construction of new buildings and enhanced public access, which could result in an increase in generation of solid waste that could be accommodated by the existing landfill.
- Impact UTIL-7: Energy Use.** Adoption and implementation of the Wharf Mater Plan and future improvements could result in indirect increased energy demands, which would not be wasteful or an inefficient use of resources.

### Impacts Evaluated in Initial Study

- Air Quality:** Implementation of the Wharf Master Plan and construction of proposed facilities would result in new structural development, potential increase in parking spaces due to reconfiguration, and a potential increase in visitor use that could lead to increased vehicle trips and emissions. However, the emissions would not exceed MBUAPCD's criteria for significance, and the project does not include operations that would result in stationary emissions. Thus, the project would not violate current air quality standards.
- Noise:** The proposed project would result in short-term construction-related noise as improvements and structures recommended in the Wharf Master Plan are planned and constructed. Construction noise would be temporary and intermittent, and noise levels would fluctuate throughout any given day. Given other sound sources in the area, most notably the ocean and Boardwalk, and due to the limited duration and short-term nature of the construction, temporary construction noise is considered a *less-than-significant impact*.
- Public Services:** The proposed project will be served by existing public services. The project will have no measurable effect on existing public services in that the incremental increase in demand will not require expansion of any services to serve the project. Construction of new fire or police facilities to serve the project would not be warranted.

#### 2.5.4 No Impacts

The State CEQA Guidelines section 15128 require that an EIR contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be

significant and were therefore not discussed in detail in the EIR. Through the Initial Study, NOP scoping process, and EIR, the City of Santa Cruz determined that the proposed project would have no impact on the environmental issues outlined below, and thus, are not further analyzed in the EIR. See the Initial Study in Appendix A for further discussion.

### Impacts Evaluated in EIR

- Impact BIO-2:**      **Sensitive Habitat.** Implementation of the Wharf Master Plan would not result in direct removal or loss of or substantial adverse effect to sensitive habitat.
- Impact BIO-3:**      **Sensitive Habitat - Wetlands.** Implementation of the Wharf Master Plan would not result in a substantial adverse effect to direct removal or loss of wetland habitat.
- Impact CUL-5:**      **Paleontological Resources.** Adoption and implementation of the Wharf Master Plan and future development accommodated by the Wharf Master Plan, including construction of the two planned near-term projects, would be located on the Wharf that is within the Monterey Bay and would not result in excavation or impacts to unknown paleontological resources discovered during construction.
- Impact TRA-2:**      **Conflicts with CEQA Guidelines (VMT).** Both policies and actions included in the Wharf Master Plan, as well as planned improvements, would support alternative transportation modes. Furthermore, the Wharf is served by the SCMTD bus stops and seasonal trolley and recreational train service. The recommendations in the Master Plan support and enhance opportunities for pedestrian and bicycle access. The three new buildings would generate per capita employee VMT, but the other measures in the Master Plan to increase alternative modes and the Wharf's proximity to existing alternative transportation modes, would serve to reduce project-related VMT. Therefore, the project would not conflict or be inconsistent with CEQA Guidelines section 15064.3.
- Impact TRA-3:**      **Project Access. Project Access.** The project will not result in creation of hazards due to design of the project circulation system.
- Impact TRA-4:**      **Emergency Access.** The project will not result in creation of hazards due to design of the project circulation system or result in inadequate emergency access.
- Impact LU-1:**      **Conflicts with Policies and Regulations.** The proposed project will not conflict with policies or regulations adopted for the purpose of avoiding or mitigating

an environmental effect, and therefore, will result in no impact related to consistency with local plans and policies.

**Other:**

- **Biological Resources.** Implementation of the Wharf Master Plan would not conflict with policies or regulations protecting biological resources (BIO-5); see Section 4.7, and there are no Habitat Conservation Plans or Natural Community Conservation Plans in the area or that include the Wharf (BIO-6).
- **Archaeological Resources.** The project site is the Santa Cruz Wharf that extends into the Monterey Bay. The site, including the existing Wharf entrance that is on land off of Beach Street, is not located within an area of known archaeological sensitivity. Adoption and implementation of the Wharf Master Plan, including construction of the first two projects, would result in construction on the portion of the Wharf that is within Monterey Bay. The project would not result in impacts to archaeological or cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074 (CUL-2-4).
- **Geology, Hydrology and Water Quality.** Adoption and implementation of the Wharf Master Plan and subsequent development would not result in discharges to ocean waters or conflicts with the Basin Plan. A sustainable groundwater management plan for the area in which the project is located has not yet been prepared. Therefore, the project would not conflict with adopted water quality or groundwater plans (HYD-4).
- **Water Supply, Utilities and Energy.** Adoption and implementation of the Wharf Master Plan and subsequent development would not result in the need for new or expanded utilities (UTIL-2), would not impact groundwater resources (UTIL-3), or result in conflicts with solid waste regulations (UTIL-6) or energy plans (UTIL-8)

### Impacts Evaluated in Initial Study

- Agricultural and Forest Resources
- Hazards and Hazardous Materials
- Mineral Resources
- Noise: Permanent Noise, Location Within Airport Land Use Plan

## 2.6 ISSUES TO BE RESOLVED

CEQA Guidelines section 15123 requires the Summary to identify “issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects.” This EIR has presented mitigation measures and project alternatives, and the City Planning Commission and City Council will consider the Final EIR when considering the proposed project. In considering whether to approve the project, the Planning Commission and City Council will take into



consideration the environmental consequences of the project with mitigation measures and project alternatives, as well as other factors related to feasibility. “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors (State CEQA Guidelines, section 15364). Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (or already owns the alternative site). No one of these factors establishes a fixed limit on the scope of reasonable alternatives. The concept of feasibility also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. Moreover, feasibility under CEQA encompasses “desirability” to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.

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# CHAPTER 3

## CHANGES TO DRAFT EIR

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### 3.1 INTRODUCTION

This chapter identifies revisions to the text in the Draft EIR based on consideration of comments received during the public review period. Changes to Draft EIR text that are identified below are shown in underlined type for new text and ~~strikeout~~ type for deleted text.

### 3.2 REVISIONS TO DRAFT EIR TEXT

#### 3.2.1 Changes to Chapter 2, Summary

Page 2-3      Revise second paragraph regarding description of alternatives as shown in Chapter 2, Summary, of this document.

#### 3.2.2 Changes to Chapter 3, Project Description

Page 3-7      Revise Overview of Master Plan Elements and Recommendations as follows:

The Wharf Master Plan includes the following elements and recommendations which are further described in the following subsections.

1. *Policies and Actions*

2. *Recommendations for Expansion, New Construction and Improvements*

- *Wharf Expansion and New Facilities:* The Master Plan recommends the following new facilities ~~are proposed~~: expansion of the Wharf to create a new promenade on the east side of the Wharf (East Promenade) for public pedestrian, bicycle, and emergency access; a new walkway on the west side of the Wharf (Westside Walkway); three new public use buildings, totaling approximately 15,000 square feet; and two new Americans With Disabilities Act accessible boat landings. The Master Plan also considers remodeling, infill and intensified use of existing structures, including potential expansion of existing commercial buildings totaling approximately 22,000 square feet and redevelopment of the existing lifeguard station. Figure 3-1 shows the Master Plan conceptual layout and location of new and expanded facilities
- *Structural Wharf Improvements:* Recommended improvements include installation of new and replacement Wharf support piles,

lateral bracing, and roadway and utility improvements, including improvements to the Wharf's pavement, drainage system, and trash collection system.

3. *Circulation/Parking.* Improvements are proposed to more efficiently utilize the existing circulation area and encourage alternative transportation, including relocation of and relocate the Wharf entrance further south onto the Wharf. Other improvements include restriping of existing parking areas that would result in approximately 45-65 additional parking spaces, widening existing sidewalks for improved pedestrian access, and provision for up to 150 bicycle parking spaces.
4. *Design Standards* are included in the Master Plan that address building design elements, including height, materials, design, windows, roofs and displays.

Page 3-13      Revise last sentence of top paragraph as follows:

However, this facility is not intended as a terminus for cruise ships of any tonnage, to provide moorings for extended periods of time, or to provide shuttle access for any type of large vessel or cruise ship.

Page 3-20      Revise the last full paragraph as follows:

A sign at the top of the entry gate is recommended in the Master Plan, but a sign is not included in the current project proposal. As previously indicated, the Master Plan proposes installation of a 6 to 8-foot tall, 70-foot long sign at the relocated entrance gate, subject to further review and design. However, the City expects that the sign would not span the entire length of the new entrance. The Master Plan and EIR merely establish the outside envelope of potential Wharf entry signage, but are not prescriptive to the final design. The City intends to develop a future entry gate sign design through a public process, and a specific design is not included as part of the proposed project.

### 3.2.3 Changes to Section 4.1 – Aesthetics

Page 4.1-8      Revise and expand the first paragraph as follows:

Therefore, new or expanded buildings would not block or obstruct scenic views of the surrounding Monterey Bay and views toward the shoreline as seen from the vantage points along the Wharf. The proposed new "Landmark Building" at the end of the Wharf would not substantially block scenic views of the shore as existing structures already obstruct most shoreward views from the end of the Wharf in the location of the proposed Landmark Building. As previously indicated, a scenic

viewpoint at the end of the Wharf is identified in the City's General Plan and LCP. The identified scenic view includes views seen to the north, east, south and west. Views to the east, south and west are toward the Monterey Bay and would not be affected by the Landmark Building.

There are two existing buildings at the end of the Wharf that currently partially block northerly views toward land from the end of the Wharf. The Landmark Building would be located adjacent to existing buildings. Views from the end of the Wharf across the footprint of the Landmark Building are limited to the top portion of the Coconut Grove at the Boardwalk and a very limited view of the top of distant mountains as seen in the photo below. On either side of the both the existing buildings and the conceptual building footprint for the Landmark Building and at the edge of the Wharf, views of the distant Main Beach and Boardwalk on the east and Cowell Beach, Dream Inn and other development on the west would remain and be expanded on the east with the East Promenade and overlook with amphitheater-stepped seating.



The Landmark Building would not result in obstruction of ocean or shoreline views as seen from the end of the Wharf looking toward land as none exist in this location, and only a minor portion of the overall available distant mountaintop view would be obstructed. and Distant mountains as seen looking toward the front

of the Wharf as views would be available along the remainder of the Wharf. The existing Wharf and structures thereon already present visual obstructions, and the new development represents a minor and less-than-significant increase in visual obstructions, especially when considering the small area of obstruction when compared to the panoramic ocean views at most locations. Neither The Gateway Building nor the Events Pavilion are located in areas of mapped scenic views, and thus, would not affect scenic views.

Page 4.1-12 Add the following to the end of the second full paragraph.

Figure 4.1-10 shows the locations where the photos were taken. (Figure 4.1-10 is included at the end of this section.)

Page 4.1-15 Revise the first sentence of the fourth paragraph as follows:

The Master Plan proposes installation of an approximate 6 to 8-foot high, ~~seventy foot long sign~~ at the relocated entrance gate. It is expected that the sign would not span the entire length of the new entrance and that it may read:

S A N T A   C R U Z   W H A R F  
Gateway to Monterey Bay National Marine Sanctuary

### 3.2.4 Changes to Section 4.3 – Cultural and Tribal Cultural Resources

Page 4.3-8 Add the following to the end of the first paragraph:

An underwater survey was conducted in the summer of 2020 to determine whether potential underwater archaeological or cultural resources are present in the area of proposed Wharf expansion. No cultural resources were identified.

### 3.2.5 Changes to Section 4.5 – Traffic & Transportation

Page 4.5-5 Revise the last paragraph as follows:

~~As previously indicated~~ At the time of release of the Draft EIR, the City of Santa Cruz is was in the process of developing a VMT threshold, but has not yet adopted one and had has until July 1, 2020 to do so. Thus, at the present time, it was determined that the project would not conflict or be inconsistent with CEQA Guidelines section 15064.3. Subsequent to close of the public review period for the Draft EIR, the City of Santa Cruz adopted a VMT transportation threshold on June 9, 2020 in accordance with CEQA and state requirements. The threshold establishes a no net increase in VMT for retail and other non-residential uses for land use projects and provides a process for transportation projects. In this case,

the project is a Master Plan. The City has developed guidelines to determine whether a land use project is within the VMT threshold. The process includes a screening process in which situations are identified under which projects are determined not have a significant impact and further analysis is not required. City staff review of preliminary screening maps indicate that the Wharf is located in an area with VMT lower than the County average, and the future land use project arising from the implementation of the Wharf Master Plan would be screened out from further review and would not conflict with the City's newly established VMT threshold.

### 3.2.6 Changes to Section 5.4 - Cumulative Impacts Section

Page 5-9 Add clarification to last sentence of the second full paragraph as shown below, and correct second to last sentence of the page to indicate that the Project's water demand represents less than one-half of one percent:

Thus, the long-term provision of augmented water supplies is under development, but uncertain at this time.

### 3.2.7 Changes to Section 5.5 – Project Alternatives Section

Page 5-20 Revise the second paragraph as shown below.

Table 5-2 (on the next page) presents a comparison of project impacts between the proposed project and the alternatives. Alternative 1 – No Project Alternative would avoid ~~reduce~~ the three significant impacts with elimination of major improvements to the Wharf, but ongoing maintenance and redevelopment could result in to a less-than-significant biological and water quality impacts. level. The other alternatives also would reduce significant impacts, but not to a less-than-significant level. Mitigation measures would be required as with the proposed Project. Of the alternatives considered, Alternative 2 would best achieve project objectives, while also reducing the severity of identified significant impacts and therefore, is considered the environmentally superior alternative of the alternatives reviewed.

### 3.2.8 Changes to Chapter 6, References

Page 6-3 Add the following references:

California Department of Fish and Game. September 12, 2019. Notice of Determination. "City of Santa Cruz Routine Maintenance Activities (Streambed Alteration Agreement No. 1600-2013- 0176-R3)." Available online at: <https://ceqanet.opr.ca.gov/1999102083/6>.

City of Santa Cruz. July 2018. "Cultural Resources Background Report Update with Policies, Programs and Maps, City of Santa Cruz, Santa Cruz County, California. Prepared by Dudek.

Hines, Anson H., and Thomas R. Loughlin. 1980. "Observations of Sea Otters Digging for Clams at Monterey Harbor, California." *Fishery Bulletin*. Vol. 78. No.1, pp. 159-173. National Marine Fisheries Service.

U.S. Environmental Protection Agency (EPA). October 2008. *Reducing Urban Heat Islands: Compendium of Strategies*. Available online at:  
<https://www.epa.gov/sites/production/files/2014-08/documents/basicscompendium.pdf>.

### 3.2.9 Changes to Chapter 7, Figures

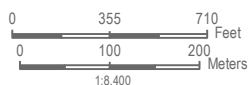
Add Figure 4.1-10 to this section; the figure is shown on the next page.





SOURCE: USGS 7.5-Minute Series Santa Cruz Quadrangle

**DUDEK**



**FIGURE 4-10**

**Photo Simulation Locations**

Santa Cruz Wharf Maintenance Project

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# CHAPTER 4

## COMMENTS AND RESPONSES

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### 4.1 INTRODUCTION

This chapter provides responses to individual comments that were submitted by agencies, organizations, and individuals as summarized below in subsection 4.2. Each letter of comment is included in subsection 4.3; a response to each comment is provided immediately following each letter. Appropriate changes that have been made to the Draft EIR (DEIR) text based on these comments and responses are provided in Chapter 3, Changes to Draft EIR.

State CEQA Guidelines section 15088(a) requires a lead agency to evaluate comments on environmental issues and provide written responses. Section 15204(a) provides guidance on the focus of review of EIRs as follows:

In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

In reviewing comments and providing responses on the following pages, this section of the CEQA Guidelines will be considered. The focus will be on providing responses to significant environmental issues.

### 4.2 LIST OF COMMENT LETTERS RECEIVED

The DEIR was published and circulated for review and comment by the public and other interested parties, agencies, and organizations for a 59-day public review period from March 30, 2020

through May 27, 2020. Thirty-four letters of comment were received; agencies, organizations and individuals that submitted written comments on the DEIR are outlined below.

***A. State & Local Agencies***

1. Monterey Bay Air Resources District
2. California Coastal Commission
3. California State Clearinghouse

***B. Organizations***

1. Don't Morph The Wharf! – Gillian Greensite
2. Santa Cruz Bird Club – Lisa Sheridan
3. Santa Cruz Wymyn for Wild Nature – Erica Stanojevic
4. Sierra Club - Michael Guth, Micah Posner

***C. Individuals***

1. John Aird
2. Stefan Berlinski
3. Jean Brocklebank
4. Will Cassilly
5. Trician Comings
6. Chris Cuddihy
7. Gayle Fitzsimmons
8. Jaime Garfield
9. Fred Geiger
10. Josh Goldberg
11. Margaret Gorman
12. Kathy Haber
13. John Harker
14. Debbie Hencke
15. Bill Malone
16. Susan Martinez
17. Nancy Maynard
18. Satya Orion
19. Bob Pearson
20. Richard Popchak
21. Dean Quarnstrom
22. Ron Sandidge
23. Mark Trabing
24. David Van Brink
25. A. Webb
26. Linda Wilshusen
27. Shawn Grona – Received after close of public review period

## 4.3 COMMENT LETTERS AND RESPONSES

Agencies, organizations, and individuals that submitted written comments on the DEIR are outlined above in section 4.2. Each comment letter is included in this section. As indicated above, CEQA Guidelines section 15088(a) requires a lead agency to evaluate comments on environmental issues and provide a written response to all substantive comments. A response to each comment is provided immediately following each letter. As indicated in subsection 4.1 above, the emphasis of the responses will be on significant environmental issues raised by the commenters. (CEQA Guidelines, § 15204, subd. (a).) Appropriate changes that have been made to the DEIR text based on these comments and responses are provided in the Chapter 3, Changes to DEIR.





May 27, 2020

David McCormic  
City of Santa Cruz  
Economic Development Department  
337 Locust St., Santa Cruz, CA 95060  
Santa Cruz, CA 95060

Re: DEIR for the Santa Cruz Wharf Master Plan

Dear Mr. McCormic:

Thank you for providing the Monterey Bay Air Resources District (MBARD) with the opportunity to comment on the above-referenced document. MBARD has reviewed the document and has the following comments:

A1-1 1. Chapter 3, Section 3.4.1 Wharf Master Plan Description, page 3.7 –

- During the construction phase MBARD recommends using cleaner construction equipment that conform to ARB's Tier 3 or Tier 4 emission standards. MBARD further recommends that where feasible construction equipment use alternative fuels such as compressed natural gas (CNG), propane, electricity or biodiesel.
- MBARD recommends that the project include publically available dual post Level 2 and/or DC fast charge stations within the project site.
- MBARD strongly encourages the design and construction of additional roundabouts in the surrounding project area.
- MBARD also encourages the use of adaptive traffic control systems (ATCS) at any signalized intersection along nearby collector or arterial roadways.

**Note: Local annual funding opportunity from MBARD is available for alternative clean fuel on and off-road vehicles, EV charging infrastructure, roundabout design and construction and ATCS projects.** <https://www.mbard.org/grants-incentives>

A1-2 2. Chapter 3, Section 3.4.1 Wharf Master Plan Description, page 3.9 –

If asbestos is discovered during the construction phase of the project, the requirements of Air District Rule 424 National Emissions Standards for Hazardous Air Pollutants could be triggered. Rule 424 contains the investigation and reporting requirements for asbestos. If you have any questions about District Rule 424 and prior to any demolition activities, please contact Shawn Boyle, Air Quality Compliance Inspector III, 831-718-8010.

A1-3 3. Chapter 4, Section 4.5, Traffic & Transportation, Vehicle Miles Traveled, page 4.5-8 –

Please identify and cite the methodology employed by the Santa Cruz County Regional Transportation Commission (SCCRTC) in the determination of VMT in and around the project site.

Please feel free to contact MBARD if there are any questions regarding this comment letter.

Respectfully,



Alan Romero  
Air Quality Planner III  
Monterey Bay Air Resources District

cc: David Frisbey, Planning and Air Monitoring Manager

**LETTER A1 – Monterey Bay Air Resources District (MBARD)**

- A1-1     Construction Equipment Recommendations. The comment provides a list of recommendations including: the use of cleaner construction equipment that conforms to ARB’s Tier 3 or Tier 4 emission standards; inclusion of electric charge stations; construction of additional roundabouts in the surrounding area; and use of adaptive traffic control, and indicates funding from the District is available. *Response*: The comment is noted, but does not address analyses in the DEIR and no response is required, although the City will consider the District’s recommendations at the time specific projects resulting from the Wharf Master Plan are proposed and designed.
- A1-2     Asbestos. The comment indicates that if asbestos is discovered during the construction phase of the project. District rules and regulations would apply. *Response*: The comment is noted, but does not address analyses in the DEIR and no response is required. The City will comply with all applicable regulations during the construction phase of future projects.
- A1-2     Vehicle Miles Traveled (VMT). The comment asks for the citation and methodology regarding the determination of VMT in and around the project area. *Response*: The estimated VMT for the surrounding area was developed by the City Public Works Department based on California Travel Model as explained on pages 4.5-7 to 4.5-8 in the DEIR. Subsequent to the close of the public review period for the Draft EIR, the City of Santa Cruz adopted a VMT threshold. The Draft EIR text has been revised to describe the new threshold and applicability to the Wharf Master Plan; see Chapter 2, “Changes to Draft EIR” section of this document.



**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
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May 27, 2020

David McCormick  
Economic Development Office  
City of Santa Cruz  
337 Locust St., Santa Cruz, 95060

Subject: Comments on the Santa Cruz Wharf Master Plan Draft Environmental Impact Report

Dear Mr. McCormick,

Thank you for the opportunity to comment on the Santa Cruz Wharf Master Plan's draft Environmental Impact Report (DEIR), which proposes expansions of the Wharf's surface area for commercial, recreational, and public access improvements. The Master Plan proposes construction/installation of the following: three new buildings intended for visitor-serving uses; a larger repositioned entry gate; two new pedestrian walkways; two new boat ramps; an expanded lifeguard station; additions and improvements to existing commercial buildings; new pier pilings and pier support structures; expanded utilities, travel lanes, and parking areas; and a new trash collection and disposal system. Coastal Commission staff has been involved in this project for some time, including meeting with City staff to discuss proposed elements and providing comments and direction via previous CEQA comments letters. We generally support the proposed Master Plan's overall goals to expand public access and recreational opportunities, strengthen the Wharf's underlying infrastructure, and improve the Wharf's viability as a lasting and economically sound component of Santa Cruz and California's historic coastal heritage. In addition, we generally support the specific ways in which the Master Plan proposes to implement these improvements, while at the same time we offer feedback to ensure that the proposed improvements comply with the resource protection policies of the Coastal Act. We offer the following comments about the information presented in the Master Plan's DEIR.

A2-1

**A2-2 Jurisdiction and Permitting**

As noted in the DEIR, the Wharf is located in a geographic area where the Coastal Commission retains coastal permitting authority. Any new development on the Wharf must receive a coastal development permit (CDP) directly from the Coastal Commission and such development is required to be consistent with the Coastal Act's Chapter 3 policies. As an alternative to individual CDPs, we have mentioned in previous correspondence that the Plan as a whole could be well-suited to be authorized and implemented as a Public Works Plan (PWP). We can discuss with you in more detail how this may functionally and procedurally work. With that, we remain committed to offering the City any assistance it may need in jointly reviewing the Wharf's existing array of previously approved CDPs, other relevant coastal development policy

guidance, and planning objectives to tailor an appropriate PWP for submittal to the Coastal Commission for review and approval.

### A2-3 **Public Trust and Maximizing Public Access and Recreation**

With the Wharf and its proposed improvements extending over public lands and tidelands, the Coastal Act's requirements that new development maximize public access and recreation opportunities (Coastal Act Sections 30210 through 30224) become paramount. The proposal also includes new fill (i.e. new piles) in coastal waters, which is allowed under Coastal Act Section 30233(a) for public recreational piers that provide public access and recreational opportunities. The approximately 810 new piles would support new walkways, boat ramps and landings, an expanded lifeguard station, and a new entry gate. Under the Master Plan, approximately 225 existing piles that have become worn or degraded and that currently support visitor-serving facilities would be replaced. In total, almost all of the roughly one thousand new pier piles and associated support structure covering tidelands would directly further public coastal access and recreation opportunities.

However, we have concerns regarding the proposed new entry gate. Specifically, the Master Plan includes a new entry gate with a transparent surface and a metal rolling screen that could be used to completely close off not only vehicular access to the Wharf, but also pedestrian and bicycle access. The Master Plan should describe the times when the entry gate would be closed so as to prohibit access to the Wharf, describe the reasons for any closure, and describe measures to mitigate any adverse impacts on public recreational access.

- A2-4 The DEIR states that the proposed Events Pavilion would be built on the South Commons, which is a prime outdoor public access area located on the west side of the Wharf that offers excellent views of Lighthouse Point. Under this proposal, the Events Pavilion would enclose part of the South Commons area within its new building footprint, which would allow public events to be held inside during inclement weather. But the Events Pavilion would also be offered for private events. The DEIR does not explain how the Events Pavilion's proposed part-time use as a private venue furthers visitor-serving uses, public access, and recreation in this regard, which is something that the Commission will need to understand in order to evaluate this proposed use against the requirements of Coastal Act Section 30233(a). Please provide this information, including a discussion of how many such events may take place, their duration, and ways to mitigate any adverse public recreational access impacts from private use of the Events Pavilion.

### **Aesthetics and Visual Resources**

- A2-5 Coastal Act Section 30251 requires that new development protect the scenic and visual qualities of coastal areas. This section also requires that new development protect views to and along the ocean and coastal areas and be visually compatible with the

character of surrounding areas. The Master Plan includes buildings that are much larger in scale and footprint than existing Wharf buildings, which raises concerns regarding Wharf aesthetics and views of the Wharf as seen from a variety of vantage points. Also, the visual depictions of the proposed new entry sign show a structure that is much larger than the current sign at approximately 30 feet tall and 70 feet wide, which may also have impacts on views and aesthetics. Thus, the City should consider minimizing the size and scale of the entry gate and sign and describe the rationale for why buildings should be increased in size from their current volumes and how this will affect the views and aesthetics of the Wharf. Further, the entry gate and sign should be made of materials that are in keeping with the natural setting and character of the Wharf and surrounding area.

### **Water Quality**

- A2-6 Coastal Act Sections 30230 and 30231 require that marine resources, including water quality, be maintained, enhanced, and restored. Section 30235 specifically requires that marine structures contributing to water pollution be upgraded and phased out where feasible. The Master Plan DEIR recommends three methods for reducing the amount of storm water that enters Monterey Bay from the Wharf. Specifically, the Master Plan proposes to: 1) collect and direct rainwater from *new* building roof downspouts into vegetated landscaped areas of the Wharf, or into rain barrels and cisterns for irrigation use; 2) grade repaved Wharf areas such that rainwater flows into collection points to be treated on-site before draining into Monterey Bay, and; 3) use grease and oil traps, swirl chambers, and media filters to treat run-off before it enters the Bay. In addition to new construction, we believe that these recommended measures also should be fully implemented for existing developed areas on the Wharf that will not be redeveloped as part of the Master Plan, including incorporating these water quality protection elements as part of ordinary repair and maintenance events as much as possible. Doing so will provide consistency with the above-cited Coastal Act water quality protection provisions.
- A2-7 The Master Plan DEIR notes that new wooden pier pilings will be coated with polyurea to prevent the harmful wood treatment chemical compound ACZA from leaching into coastal waters. Polyurea coating is known to be effective for containing ACZA within the wooden pier pile if the polyurea layer remains intact and does not become worn or damaged. But the DEIR's description of treated wooden piles does not describe the project's planned method of applying polyurea to its ACZA-coated pier piles. The alternatives analysis states that wrapping pier piles with polyurea is not preferable to whatever method is planned for applying polyurea to pier piles in this project, but it neither describes the planned for method of applying polyurea nor does it describe why wrapping piles offers no advantage. If one method of applying polyurea coating is superior to another, please describe the circumstances and considerations for applying polyurea to piles for this project and why a particular method was chosen. Considering the high importance of water quality around the Wharf for pinnipeds and fish that live nearby, a fuller description of the methods for properly coated pier piles is necessary.

The City and Coastal Commission staff have made significant progress in understanding the issues surrounding pier pile driving at the Wharf through ongoing work on the Wharf's Five-Year Repair and Maintenance Plan (CDP application 3-18-1081). Like the Wharf Master Plan project, the Five-Year Repair and Maintenance Plan will include conditions necessary to protect water quality and marine organisms, and the Commission will hear that CDP application soon. Because the two projects propose to use similar pile driving procedures and have similar risks associated with water quality and marine organisms, the Wharf Master Plan should include provisions consistent with those of the CDP for Five-Year Maintenance and Repair Plan.

### **Biological Resources**

- A2-8 Coastal Act Sections 30230 and 30231 require that marine resources be maintained, enhanced, and restored, and that new development not interfere with biological productivity of coastal waters or the continuance of healthy populations of marine species. The DEIR describes the negative effects to marine wildlife that noise and commotion generated by pile driving and other heavy construction work may cause. Although the DEIR describes mitigation measures that may partially help reduce risks from construction commotion to nesting seabirds, fish, and marine mammals, specific measures (such as appropriate buffers between bird nests on the Wharf and construction work, and marine mammal exclusion zones while pile driving) are now required by the Commission. We believe that it is important to continue coordination among the City, the Coastal Commission, and the National Marine Fisheries Service before mitigation measures are finalized. As with the issues surrounding pile driving mentioned above, the City and the Coastal Commission staffs have worked together to understand the issues and find suitable mitigation measures. Issues such as nesting seabird buffers, details on the times and duration of construction work in the vicinity of nesting seabirds, and procedures for pile driving to protect marine mammals will need to be addressed as well and, as stated above, will be identified and addressed in CDP 3-18-1081.

### **Coastal Hazards**

- A2-9 Coastal Act Section 30253 requires that new development minimize risks to life and property in areas of high geologic, flood, and fire hazards. Like most coastal areas of the state, Santa Cruz faces increased coastal flood risks from the effects of climate change. Two coastal hazards associated with climate change that the Wharf will likely face in its lifespan are sea level rise (SLR) and more powerful storm waves generated by more intense and more frequent coastal storms. The DEIR states that the Wharf's new Western Walk would be built eight feet lower than the existing Wharf's 23-foot height above water, so that pedestrians using the Western Walk would not obstruct scenic views for restaurant patrons and customers of other businesses. With sea level in the Monterey Bay area predicted to rise between 5 inches and 24 inches by 2050, powerful coastal storm waves could pose a serious threat to the Western Walk and the main Wharf's structural supports to which the walkway attaches. Providing improved

David McCormick  
Santa Cruz Wharf Master Plan Draft Environmental Impact Report  
May 27, 2020

pedestrian access through such a creative design method is admirable; however, it will be important for the Commission to understand specifically how and when this proposed new feature will be impacted by SLR. Therefore, please ensure the EIR provides an analysis of how the proposed walkway, and other Wharf features more broadly, will be safe from coastal hazards using the Commission's Sea Level Rise Policy Guidance for context.

Thank you for the opportunity to provide these comments on the Wharf Master Plan DEIR. Coastal Commission staff clearly recognizes the Wharf's multifaceted value to the City of Santa Cruz and the region as a whole. We look forward to continuing to work with the City on the Master Plan. Please do not hesitate to contact me with any questions or concerns about the above comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Colin Bowser', with a stylized, flowing script.

Colin Bowser  
Coastal Planner, Central Coast District

**LETTER A2 – California Coastal Commission (CCC)**

- A2-1     Support for Wharf Master Plan. The comment states that the CCC generally supports the Master Plan’s overall goals to expand public access and recreational opportunities, strengthen the Wharf’s underlying infrastructure, and improve the Wharf’s viability as a lasting and economically sound component of Santa Cruz and California’s historic coastal heritage and generally support the specific ways in which the Master Plan proposes to implement these improvements, but offers feedback to ensure that the proposed improvements comply with the resource protection policies of the Coastal Act. *Response:* Comment is acknowledged; no response is required.
- A2-2     Jurisdiction and Permitting. The comment states that the project is located in an area where the Coastal Commission retains coastal permitting authority and any new development on the Wharf must receive a coastal development permit (CDP) directly from the CCC and such development must be consistent with the Coastal Act policies. As an alternative, the comment indicates that the Wharf Master Plan would be well-suited to be authorized and implemented as a Public Works Plan (PWP), and staff would continue to work with City regarding coastal development permits or a PWP. *Response:* Comment is acknowledged. The DEIR does identify the potential use of a PWP on page 3-22 as has been previously recommended by and discussed with CCC staff.
- A2-3     Maximizing Public Access and Recreation. The comment states that the area of new piles covering tidelands would directly further public coastal access and recreation opportunities, but the comment cites concerns regarding the proposed new entry gate. The comment asks that the Master Plan describe the times when the entry gate would be closed, describe the reasons for any closure, and describe measures to mitigate any adverse impacts on public recreational access. *Response:* The comment does not address analyses in the DEIR. However, the City notes that the Wharf is currently closed between 2AM and 5AM, and the Wharf Master Plan does not propose changes. The new entrance would allow closing the Wharf if needed in times of emergency or inclement weather. The City anticipates working closely with Coastal Commission staff on project details as part of the coastal development permit or Public Works Plan regulatory process.
- A2-4     Public Events Pavilion. The comment states that the DEIR does not explain how the Events Pavilion’s proposed part-time use as a private venue furthers visitor-serving uses, public access, and recreation and asks how many such events may take place, their duration, and ways to mitigate any adverse public recreational access impacts from private use of the Events Pavilion. *Response:* The comment does not address analyses in the DEIR. However, the City notes that Event Pavilion is not a currently proposed project, and future development of the facility is considered at a program-level of analysis in the DEIR. There are no details regarding the expected number of annual events, public or private. It is expected that such information would be provided at the time the project is proposed and designed, and the City would evaluate potential events with goal to

provide enhanced visitor-serving and recreational uses. Potential impacts to public recreational access is not an environmental issue for consideration under CEQA and the State CEQA Guidelines. However, the recommendations in the Wharf Master Plan serve to overall expand public access, including expansion of the Wharf with the East Promenade as indicated in the commenter's previous comment (A2-3), as well as provision of the Westside Walkway and enhanced boating opportunities with recommended boat landings. The expanded public access through these Master Plan program elements would more than offset any reduction in public use and area, which may occur as a result of the pavilion or programming thereof.

- A2-4 Aesthetics-New Buildings and Entry Gate. The comment states that the Master Plan includes buildings that are much larger in scale and footprint than existing Wharf buildings, which raises concerns regarding Wharf aesthetics and views of the Wharf as seen from a variety of vantage points. The comment also states that the visual depictions of the proposed new entry sign show a structure that is much larger than the current sign at approximately 30 feet tall and 70 feet wide, which may also have impacts on views and aesthetics. The comment suggests that the City consider minimizing the size and scale of the entry gate and sign and describe the rationale for why buildings should be increased in size from current volumes and how this will affect the views and aesthetics of the Wharf. *Response:* The aesthetic impacts of future new buildings and entrance signage are evaluated in the DEIR on pages 4.1-10 to 4.1-16 with an explanation of why neither future buildings nor the proposed relocated entrance would result in significant aesthetics impacts. The analyses on DEIR pages 4.1-6 to 4.1-10 and supporting photo simulations describe why the future new buildings would not result in significant impacts to scenic views or scenic resources, primarily because there is no substantial obstruction of ocean views. The commenter does not provide specific concerns regarding aesthetics except that the new buildings are larger in scale and footprint than existing Wharf Buildings. However, the DEIR provides a detailed evaluation of how the new buildings may look based on the photo simulations on pages 4.1-12 to 4.1-14. The DEIR need not explain rationale for the size of new buildings recommended in the Wharf Master Plan.

As described in the Project Description (page 3-20), the new entrance would span the width of the Wharf, a distance of approximately 70 feet, but would be largely transparent and would not be 30 feet in height as claimed in the comment. The gate structure would be about 18 feet in height. A future sign could be about 6- to 8-feet tall. While the Master Plan shows a sign spanning the length of the entry, the City does not expect that a future sign would span the entire 70 feet of the entry gate. The DEIR text in the Project Description and Aesthetics sections has been revised to indicate that the City does not expect to span the entire new entrance, see Chapter 2, "Changes to Draft EIR" of this document. The Master Plan does not include a specific signage design, which would be developed at a later date through a public process as explained on page 3-20. The photo simulation included in Figure 4.1-5 in the DEIR only provides a visual

representation of what a sign may look like given descriptions in the Master Plan, but it is not a prescriptive design actually proposed in the Master Plan, and such a specific design is not proposed at this time. The commenter's suggestion that the entry gate and sign should be made of materials that are in keeping with the natural setting and character of the Wharf and surrounding area is acknowledged and will be taken into consideration by the City once a design process for the signage is initiated.

Regarding the rationale of building massing, the size of the three new buildings is not prescribed by the Master Plan, although a building footprint is identified that was considered for the purpose of evaluation under CEQA. Regarding the Landmark Building specifically, it is the City's understanding that the Master Plan designer intended both to ensure maximum flexibility for the types of cultural and commercial uses that may use the building, as well as to re-establish the sense of grandeur and scale of the historic warehouse building in relation to larger buildings near the site. As the proposed Landmark Building is only considered at a program-level of analysis, the massing, height, and footprint of this building may be modified within the envelope studied by the EIR to meet the needs of the community when the project is developed. This is true for other proposed new structures as well.

It should also be noted, that while not a consideration under CEQA, the Wharf has historically operated sustainably, largely balancing its environmental, economic, and social considerations to maintain the structure and its value to multiple constituencies. Where the Master Plan is intended as a long-term guiding document for "many years to come", it must provide flexibility to ensure the Wharf remains sustainable. A key part of this is ensuring revenues are sufficient to maintain the Wharf in perpetuity. As such, potential infill of commercial buildings (i.e. increased massing), which may include second stories or rooftop dining in some cases, has been considered in the Master Plan to support the continuance of thriving businesses, but also to help ensure Wharf revenues will be sufficient to support both regular maintenance as well as existing and future infrastructure and capital needs; such as capital needs identified in the Engineering Report. In most years for instance, Wharf revenues, including rents and parking fees, generally cover the cost of maintenance and operations. They have not however, been sufficient to address the mounting infrastructure backlog of deferred maintenance and capital projects needed to safely sustain the Wharf; these were estimated at between \$12,750,000 and nearly \$16,000,000 in the 2014 Engineering Report. Meanwhile, costs related to regulatory permits and associated studies, labor, and materials all continue to rise even for standard maintenance. This makes it even more difficult for the City fund major repairs. Meanwhile outside funding, like state and federal grants, is rarely available for maintenance or rehabilitation. At this time, revenues remain relatively static in relation to inflation, even as businesses struggle with increasing labor, product, energy, and insurance costs, as well as competition from online retailers. With these concerns in mind, the Master Plan promotes flexibility for



future commercial infill, as needed, to support the long-term sustainability of public access on the open ocean.

- A2-6 Water Quality. The comment states that stormwater drainage improvements recommended in the Wharf Master Plan should be implemented for existing developed areas of the Wharf in addition to new construction. *Response*: Comment is acknowledged but does not address analyses in the EIR, and no response is required.
- A2-6 Treatment of Piles. The comment states that polyurea coating is known to be effective for containing ACZA-treated wooden pier piles if the polyurea layer remains intact and does not become worn or damaged. The comment states that the DEIR does not describe the planned method of applying polyurea to its ACZA-coated pier piles or why an alternative that wraps piles is not preferable. The comment also states that the DEIR should include provisions consistent with those of the Coastal Development Permit for Five-Year Maintenance and Repair Plan proposed at the Wharf. *Response*: Polyurea coating is applied at the factory under controlled conditions. It is spray applied until it achieves the required thickness. It cannot be performed in the field so it is not used on existing piles, only new piles. Pile wraps are made of sheets of PVC or HDPE and can be applied to new piles or existing piles in place. Both types of pile coverings (coating or wraps) are chemically inert and are used to protect the pile from borer attack and to also prevent chemicals from the pile treatment from leaching into the water. Polyurea is continuously bonded to the pile due to spray application; wraps rely upon a seal at the top and bottom along the pile circumference and along the longitudinal seal. If that seal leaks oxygenated water can get inside the wrap and expose the entire pile to borer attack. For this reason, polyurea coated piles have been the preferred method of treatment in this area. As of the date of writing this document, the coastal development permit for the Wharf Five-Year Maintenance and Repair Plan had not been issued, and therefore, provisions of such are not known.
- A2-8 Biological Resources Impacts. The comment states that although the DEIR “describes mitigation measures that may partially help reduce risks from construction commotion to nesting seabirds, fish and marine mammals,” specific measures, such as buffers between bird nests and construction work and marine mammal exclusion zones during pile driving are now required by the Commission. *Response*: Comment is acknowledged. The DEIR discusses bird nesting and marine buffers pages 4.2-50 and 4.2-39 of the DEIR, respectively, and buffers are required in Mitigation Measures BIO-1a-1 and BIO-4. The City anticipates that best management practices may be further modified in consultation with the Coastal Commission and other regulatory agencies during permitting for specific Master Plan projects.
- A2-6 Coastal Hazards. The comment states that the Wharf will likely face sea level rise and more powerful storm waves generated by more intense and more frequent coastal storms as a result of climate change and states that given the predicted sea level rise by

the year 2050, powerful coastal storm waves could pose a serious threat to the Western Walkway and the main Wharf's structural supports to which the walkway attaches. The commenter asks that the EIR provide an analysis of how the proposed walkway and other Wharf features more broadly, will be safe from coastal hazards using the Commission's Sea Level Rise Policy Guidance for context. *Response:* The DEIR addresses coastal storms, tsunami hazards, and sea level rise on pages 4.4-10 to 4.4-13, and references the Coastal Commission Sea Level Rise Policy Guidance document. Potential impacts are discussed on pages 4.4-22 to 4.4-23. As indicated on page 4.4-23, the planned Westside Walkway would protect the west side of the Wharf and buildings, and it can be closed during severe storms and readily repaired if damaged, thus providing a buffer to the main Wharf structure that could sustain greater damage in severe storms if left unprotected. It is also indicated on the same page that review by City staff indicates that the existing Wharf deck elevation will be above sea levels that currently are projected over the next 100 years based on current sea level rise projections, as would the Westside Walkway based on conceptual description of the facility in the Master Plan and current sea level rise projections. The Westside Walkway is not a proposed near-term project. At the time, that the Westside Walkway is actually proposed and designed, review would be conducted to determine whether or not the facility would be impacted by sea level rise based on the scientific information available at the time the walkway is proposed. It should also be noted that it is staff's understanding that the Westside Walkway concept was largely developed in consultation with the Coastal Commission as another desired means to increase public access to coastal resources.

**From:** Justin Le [Justin.Le@OPR.CA.GOV]  
**Sent:** Thursday, May 14, 2020 2:13 PM  
**To:** David McCormic  
**Subject:** SCH# 2016032038

The State Clearinghouse would like to inform you that our office will be transitioning from providing a hard copy of acknowledging the close of review period on your project to electronic mail system.

**Please visit:** <https://ceganet.opr.ca.gov/2016032038/4> for full details about your project and if any state agencies submitted comments by close of review period (note: any state agencies in **bold**, submitted comments and are available).

A3-1 This email acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please email the State Clearinghouse at [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov) for any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Justin Le | Student Assistant  
**Governor's Office of Planning and Research**  
**State Clearinghouse Unit**  
1400 10th Street, Room 113  
Sacramento, CA 95814  
(916) 445-0613

## LETTER A3 – California State Clearinghouse

- A3-1      Compliance with State Clearinghouse Review. The email acknowledges that the City of Santa Cruz complied with the State Clearinghouse review requirements for review of draft environmental documents pursuant to the California Environmental Quality Act. *Response:* The comment is acknowledged; no response is necessary.

**From:** Gillian Greensite [<mailto:gilliangreensite@gmail.com>]  
**Sent:** Wednesday, May 27, 2020 3:34 PM  
**To:** David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>  
**Cc:** John Aird <[johnaird@earthlink.net](mailto:johnaird@earthlink.net)>  
**Subject:** Comments on Wharf Master Plan DEIR

Hi David,

Attached are comments on the Wharf Master Plan DEIR from *Don't Morph The Wharf!*

Would appreciate a quick email that you received the document.

Hope all is well and continues that way.

Regards,

Gillian

*Don't Morph The Wharf!*

**From: DON'T MORPH THE WHARF!**

**May 27<sup>th</sup> 2020**



**To: David McCormic, Asset and Development Manager, Economic Development Department**

**Re: SANTA CRUZ WHARF MASTER PLAN DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)**

Don't Morph the Wharf! has reviewed the DEIR for the Wharf Master Plan and submits the following comments. We appreciate your careful review and look forward to your responses.

### **Summary**

- B1-1 We are pleased that an EIR was conducted for the Wharf Master Plan to better assess the environmental impacts on this designated sensitive habitat and historical structure. We do however note significant shortcomings in the DEIR particularly under Aesthetics, Biological Resources, Traffic and Transportation. Some assertions of *No or Less Than Significant Impacts* are made without supporting evidence from the consulting experts. Some claims are made on the basis of specious comparisons. Safety issues are in some cases inadequately studied. All are detailed below under the relevant categories.
- B1-2 One of the project objectives is to increase access to the Wharf. We note at the outset that the Plan disadvantages those with lower incomes by covering up the sea lion viewing holes with no assured replacement and reconfiguring/reducing the railing fishing areas, both free and popular activities.

### **4.1 Aesthetics**

- B1-3
- According to the DEIR, *"Most (wharf) buildings are older one-story buildings to the north with one and two story buildings to the south with a height of 27 feet"*. The *"Criteria for a Design Permit include: maintaining a balance of scale form and proportion"*. However the 3 new public buildings proposed are from 40-48 feet in height with facilities on top of that. Yet the DEIR asserts that *"New development represents a minor and less than significant increase in visual obstructions"*. All photos are taken from afar. There is inadequate consideration of how the 3 large buildings will impact views **from** the Wharf. The "vantage points" used to draw conclusions are not identified. The DEIR states that the Gateway Building would be *"somewhat larger and taller than adjacent buildings on the Wharf"*. The Gateway building is in the vicinity of 40+ feet while adjacent one-story buildings are around 12 feet. The Events

Pavilion is claimed to be *“Similar in height to existing 2-story buildings.”* That suggests a 45 feet tall building is similar to 27 feet tall buildings. Comparisons with existing Wharf buildings should be recalculated and conclusions adjusted. The DEIR states *“New structures not out of scale with other larger structures in the vicinity, including the Dream Inn.”* The Dream Inn is not representative of the majority of area buildings. This section needs further work with fairer comparisons to be a more objective indication of visual impact.

- B1-4
- The historical and visual impact of the proposed Western Walkway is inadequately assessed in the DEIR. The consulting historian omitted its mention. The DEIR asserts *“The new timber support piles have the same appearance as the existing Wharf structural elements and would not adversely affect the visual quality of the surrounding area.”* There are numerous entries stating that the feel and history of the Wharf includes the pilings, as in the photograph below. Visualize the addition of a walkway on the outside of the pilings, eight feet below deck level and twelve feet wide with moving lines of people. This addition will bisect the look and feel of this historic structure. The DEIR conclusion of no impact needs re-examination. The DEIR claim that people will not be visible from the restaurant windows when their heads are a few feet below needs re-examination.
- B1-5



B1-6

- Near Term Projects

The DEIR conclusion of no visual impact regarding the new and relocated Entry Gate is based only on the narrow side view and needs to be re-assessed from other visual aspects. This structure will be 18 feet tall with a 6-8 feet tall sign on top making it the height of a streetlight. It will be the visual focus from the Wharf entrance for 540 feet, roughly a third of the length of the Wharf. It is planned on a base wider than the Wharf with steel pilings and from the sketches available in the DEIR, resembles a freeway toll station.

#### 4.2 Biological Resources

B1-7

- The DEIR includes Mitigation for potential impacts on birds and mammals to construction periods only. Outside of that time it asserts less than significant impacts. The DEIR states, *"Although removal of nesting habitat for pigeon guillemot or roosting habitat for brown pelican could represent a significant impact, the proposed Master Plan improvements would result in expansion of the Wharf and would not result in removal of habitat. Therefore, implementation of the Master Plan would not result in direct impacts to habitat for special-status nesting bird species."*

This conclusion is asserted without evaluation from consulting biologists. The DEIR acknowledges that the western walkway bringing people into the pigeon guillemots' nesting area could potentially deter the birds nesting in this location due to human presence and noise. It concludes with *"Any effect of pedestrian visual access would be minimized by the construction of a wide (28-foot) promenade on the east side of the Wharf. This would increase the ability of guillemots to nest away from the Westside Walkway, in addition to increasing the overall area available for nesting. Therefore, indirect impacts to pigeon guillemot nesting habitat would be less than significant, as project design would actually increase available habitat."*

Expansion of the Wharf does not equal expansion of habitat. The same is asserted for California brown pelicans, without evidence. The eastern expanded promenade does not increase the linear length of the Wharf. It will have many obstructions such as 10 protruding outriggers, each 27 feet long, a boat ramp capable of docking 200-foot displacement vessels plus a smaller boat dock, all of which will deter pigeon guillemots from accessing the underside of the Wharf to nest. The south end will have a lowered platform making bird access either difficult or impossible. An expert biological opinion should be obtained to evaluate these DEIR assertions.



- B1-8
- The DEIR acknowledges that western gulls favor the western side of the Wharf but claims “adequate extensive rooftop areas on the Wharf would remain available to the species.” There is no evaluation of the projected increase in rooftop dining and the impact of this use on the western gulls.
- B1-9
- Snowy egrets are a common seasonal sight perched on the western Wharf railing (pictured) much to the delight of visitors. They are referenced in the DEIR only in the list of bird species sighted at the Wharf. The western walkway will spell the end of habitat for this species and the visual treat for visitors. The eastern promenade filled with people, bikes and boats will not be an alternative site. The impact on this species warrants review.



- B1-10 • With respect to sea lions, the DEIR acknowledges they will be deterred from hauling out on the new boat landings and some existing haul-out areas will be removed. The suggestion that as compensation they may haul out on the outriggers needs analysis. Although no detail is given, the outriggers appear too high for haul out and appear to be placed vertically and therefore not wide enough for sea lions. Further analysis needed.

#### 4.5 Traffic and Transportation

- B1-11 • The DEIR states, *"A specific level of increased use cannot be accurately estimated as there are no projections of future visitor use at the Wharf. The City estimates that approximately 2.5 million visitors currently come to the Wharf annually."* A project as ambitious as the Wharf Master Plan should include an estimate of future visitor use in order to assess environmental impacts. Lacking that data throws assumptions and conclusions into doubt. In terms of motor vehicle trips, Appendix G contains some data from 2014. It states *"Trip generation to the wharf varies from average month of 2800 vehicles per day to 3500 vehicles per day during peak months."* And, *"the Wharf Master Plan at build out would generate 1,739 new trips per day."*

- B1-12 • The Wharf Master Plan and the DEIR allow for approximately 45 additional car spaces on the Wharf from current levels, achieved by re-striping current spaces. This provision is inadequate for the projected increase of over 50% of auto traffic over current levels and requires a re-thinking of the project plus a more realistic DEIR assessment of impacts.

- B1-13 • Re-striping will narrow existing vehicle spaces impacting access for those who need a little more space to exit and enter their vehicles. The DEIR is silent on this issue. The provision for bicycle parking is inadequate and not commented on in the DEIR. The shuttle, noted as a means of alternative transportation has been terminated. That correction should be made in the final EIR.

#### Near Term Projects

- B1-14 • The impact of relocating the parking kiosks to the new Wharf entrance 540 feet from the current entrance to the south is insufficiently analyzed. The DEIR statement, *"The project would not result in creation of hazards due to design of the project circulation system. Therefore, the project would result in no impact. Access to the site will be provided by existing roadways, and the proposed project does not include any design features that would result in substantially increased hazards."* needs further study for the following reasons.
1. The current kiosks serve as a "speed bump." Although the Wharf entrance is complex with the new roundabout, traffic entering and exiting are required to slow down and stop before proceeding. Without this "speed

bump” traffic will enter and exit the Wharf at a higher speed. The impact on safety of this potential increased speed needs further analysis.

2. The new proposed parking kiosks, 540 feet or almost third of the length of the Wharf will be in proximity to parked cars, which is not the case with the current kiosk location. Although the new location and automated payment is expected to speed-up exit, when back-ups do occur on busy days, the line of traffic will prevent cars reversing out of their parking spaces. This issue needs further study in the DEIR.
3. The proposed automated pay stations are to replace current parking employees. Besides removing a welcome human element plus eyes and ears on Wharf safety, there is no recognition in the DEIR that the Wharf is a different animal than a city parking lot. It is linear and long. Many wharf visitors are elderly and some physically challenged. For them to locate a nearby automated ticket station, wait in line and with sun in their eyes, figure out its use, has not been analyzed as an impact and should be.
4. The new eastern promenade has bicycles and pedestrians sharing the same space and while the space is somewhat generous, it is confined on both sides by barriers. Conflicts are to be expected. This safety impact needs further study.

B1-15

#### 4.7 Land Use

B1-16

- PR 1.7.9 states, *“Fishing access on the Municipal Wharf shall not be reduced.”* The DEIR claims that to be the case. However this claim needs further examination with specific measurements. From the renditions in the Wharf Master Plan it appears that much of the current eastern side will be occupied in future by large vessels, outriggers, lowered south platform and other features blocking access to what is currently open fishing areas.
- The current configuration is favorable for families fishing with their cars next to them, coolers and supplies at hand. These tend to be people of lower income levels who come prepared for a day fishing at the Wharf without need to spend money at restaurants whose prices will predictably rise with the Wharf makeover. The re-design with the proposed eastern promenade separates those fishing from their cars by a wide bike/pedestrian pathway and seating benches. This impact has not been recognized and needs further study including polling the opinions of those who fish, many of whom have been coming to the Wharf to fish for generations.

B1-17

- The covering up of the sea lion viewing holes removes perhaps THE most beloved activity at the Wharf. Both the DEIR and the Wharf Master Plan give it scant attention. This loss, with no guarantee of its replacement requires re-examination.

**LETTER B1 – Don't Morph the Wharf – Gillian Greensite**

- B1-1 Draft EIR Analyses. The commenter states that there are significant shortcomings in the DIER particularly under Aesthetics, Biological Resources, Traffic and Transportation that are detailed in the submitted comments. *Response*: Responses are provided to the commenter's specific comments below. The City disagrees that there are "significant shortcomings in the DEIR" as explained in specific responses to comments below.
- B1-2 Sea Lion Viewing Holes. The commenter states that one of the project objectives is to increase access to the Wharf and notes "that the Plan disadvantages those with lower incomes by covering up the sea lion viewing holes with no assured replacement and reconfiguring/reducing the railing fishing areas, both free and popular activities." *Response*: See Response to Comments B1-16 and B1-17 regarding fishing at the Wharf and the open spaces from which sea lions can be seen, respectively.
- B1-3 Aesthetics-New Buildings. The comment states that there is inadequate consideration of how three "large" buildings will impact views from the Wharf, and the vantage points used to draw conclusions are not identified. The comment states that comparisons with existing Wharf buildings should be recalculated and conclusions adjusted, and questions comparison to the Dream Inn as the Dream Inn is not representative of buildings in the area. *Response*: In accordance with State CEQA Guidelines, the DEIR addresses potential impacts to scenic views and scenic resources, conflicts with regulations governing scenic quality, and effects of light and glare. The photo simulations are taken from representative vantage points along West Cliff Drive, East Cliff Drive, the entrance to the Wharf, the entrance to the Monterey Bay National Marine Sanctuary Visitor Center, Main Beach and Cowell Beach. All photos are taken from the nearest point to the Wharf from those vantage points. Figure 4.1-10 has been added, which shows the locations the photos were taken; see "Changes to Draft EIR" section of this document.

Views from the Wharf, where a scenic viewpoint has been identified in the City's General Plan and Local Coastal Plan (LCP), is addressed on DEIR page 4.1-8, where it is indicated that the proposed Landmark Building would not substantially block scenic views of the shore and distant mountains as views would be available from the rest of the Wharf. The identified scenic view includes views seen to the north, east, south and west. Views to the east, south and west are toward the Monterey Bay and would not be affected by the Landmark Building. The DEIR text has been expanded to further explain why views from the end of the Wharf toward land would not be significantly impacted, primarily because there are no existing significant views from this vantage point and there are existing buildings that partially block views. The Landmark Building would be located adjacent to the existing buildings. Views from the end of the Wharf across the footprint of the Landmark Building are limited to the top portion of the Coconut Grove at the Boardwalk and a very limited view of the top of distant mountains. On either side of the conceptual building footprint for the Landmark Building and at the edge of the Wharf, views of the

distant Main Beach and Boardwalk on the east and Cowell Beach, Dream Inn and other development on the west would remain. The Landmark Building would not result in obstruction of ocean or shoreline views as seen from the end of the Wharf looking toward land as none exist in this location, and only a minor portion of the overall available distant mountaintop view would be obstructed. See Chapter 3, “Changes to Draft EIR” of this document for expanded text regarding views of new buildings from the Wharf. The Gateway Building nor the Events Pavilion are located in areas of mapped scenic views, and thus, would not affect scenic views.

The DEIR does evaluate the impact of the new buildings on the visual character of the Wharf on pages 4.1-12 to 4.1-14 in which it is noted that the building mass is similar to the mass of the existing row of buildings, but the buildings are taller than existing buildings on the Wharf. It is also noted that the three new buildings are proposed at up to a 45-foot height, while the Wharf Master Plan calls for remaining buildings to be at a 35-foot height; the existing Zoning Code regulations allow a 40-foot height.

Comparison to other larger buildings in area is appropriate given they are visible in the viewshed. For example, from West Cliff Drive, the northern portion of the Wharf is framed by background views of the Coconut Grove and Boardwalk rides. From East Cliff Drive, the Dream Inn is a prominent structure of the view. As shown on Figure 4.1-3A, the Gateway Building would not appear substantially taller than the adjacent existing Wharf buildings and would appear shorter and smaller than the existing Coconut Grove building and Boardwalk rides as seen from West Cliff Drive. The Events Pavilion with a tapered pavilion would not substantially exceed the height of existing buildings as seen from West Cliff Drive (Figure 4.1-3B), and as indicated in the DEIR the Landmark Building would look taller other existing buildings. From East Cliff Drive, the Gateway Building mass is somewhat diminished by the presence of other existing development in the area, especially the Dream Inn as shown on Figure 4.1-4A and the Event Pavilion blends with other buildings as seen on Figure 4.1-4B, although the Landmark Building is taller than other buildings as addressed in the DEIR. .

As explained on pages 4.1-10 to 4.1-12, the development resulting from the Project would not conflict with regulations governing scenic quality, which is the threshold of significance used in accordance with State CEQA Guidelines, and therefore, a less-than-significant impact was identified. The DEIR also reviewed the future development and whether it would substantially degrade the visual character of the Wharf and surrounding area, which the City concluded it would not as summarized above and discussed in detail on pages 4.1-12 to 4.1-13 of the DEIR. Opinions on overall aesthetics are subjective and vary among individuals. However, for the purpose of CEQA, no significant aesthetics impacts were identified based on the significance thresholds and evaluation included in the DEIR.

- B1-4 Historical Resources Impact. The comment states that the historical impact of the Westside Walkway is inadequately assessed in the DEIR, and that this addition will bisect the look and feel of this historic structure. The comment states that the DEIR conclusion of no impact needs re-examination. *Response*: The DEIR does address the effect of the Westside Walkway on the historical significance of the Wharf, specifically on pages 4.3-17, 4.3-19, and 4.3-20. As indicated on page 4.3-18, none of the planned facilities and improvements envisioned in the Master Plan would demolish, destroy, or relocate the Wharf. The character-defining features, which are the physical features that enable the structure to convey its historical significance, are limited to its location, setting, alignment, wooden materials (piers), its nearly original length of 2,745 feet long and its continued function as a wharf structure. Future improvements envisioned in the Master Plan, including the Westside Walkway would not alter the Wharf's association with the economic history of Santa Cruz nor would it change the Wharf's location. Future improvements would not adversely impact the physical characteristics that convey the historical significance of the Wharf as none of the improvements would alter the overall historic integrity of the resource. The Wharf has evolved and changed over time as uses, needs, and users have changed. These incremental alterations and improvements have not resulted in any significant physical changes that impacted the historic character of the Wharf. As indicated on page 4.3-19, future planned alterations, including the Westside Walkway would not change the overall character of the Wharf and would not impair the ability of the Wharf to convey its historic significance, but would improve public access to some of these historical features like the Wharf substructure. The DEIR did not conclude there was no impact, but taken together the improvements envisioned in the Wharf Master Plan would result in a less-than-significant impact to historical resources.
- B1-5 Views of Westside Walkway. The comment states that the DEIR "claim that people will not be visible from the restaurant windows when their heads are a few feet below needs re-examination." *Response*: The standards for determining impact significant for impacts related to aesthetics are outlined on page 4.1-6 and are focused on impacts to scenic views and scenic resources, as well as conflicts with applicable regulations regarding scenic quality and creation of substantial new sources of light and glare. Scenic views are those widely visible from a public area under CEQA. The City does not consider views from private properties and businesses to be considered as scenic views. Nonetheless, the DEIR considered the effect of the Westside Walkway on views from Restaurants on the Wharf. The Westside Walkway would be approximately eight feet below the existing deck level and the lowest end of a typical window would be approximately three feet above the deck. As indicated in the DEIR, a rendering from the Wharf Master Plan provided on Figure 3-4 in DIER shows that people walking on the Westside Walkway would not obstruct views from restaurant windows nor would people be seen walking in front of the windows that may disrupt these views.

B1-6 Visual Impact of New Entrance. The comment states that the DEIR conclusion of no visual impact regarding the new and relocated Entry Gate is based only on the narrow side view and needs to be re-assessed from other visual aspects. The comment states that the structure will be the visual focus from the Wharf entrance for 540 feet, roughly a third of the length of the Wharf and resembles a freeway toll station. *Response:* The DEIR concluded that the relocated entry gate would result in no *significant* impact, but would result in a less-than-significant impact, based on the photo simulations taken from different vantage points and as explained on pages 4.1-8 and 4.1-14 to 4.1-15. The comment does not specific what “other visual aspects” should be, but a conceptual gate is shown in each vantage point that photo simulations were prepared, including from more distant East Cliff and West Cliff Drive locations, as well as at the front of the Wharf and from adjacent beaches. The structure would be largely transparent and would not be prominently visible except at the entrance to the Wharf, but it would be open with views through the gate. Furthermore, the Master Plan does not include a specific signage design, which would be developed at a later date through a public process as explained on page 3-20. See also Response to Comment A2-4.

B1-7 Biological Resources Impact Conclusion. The comment states that the DEIR conclusion that the project would not result in removal of habitat is “asserted without evaluation from consulting biologists.” The comment further states that expansion of the Wharf does not equal expansion of habitat for pigeon guillemots and California brown pelicans and that boat ramps would deter pigeon guillemots from accessing the Wharf to nest. *Response:* The DEIR Biological Resources section was prepared and reviewed by five biologists as identified in section 6.3 of the DEIR, and the cited conclusion is based on the biologists’ contributions to and review of the DEIR Biological Resources section. Specific studies conducted as part of the EIR are included in DEIR Appendices C, D, and E.

As explained on page 4.2-45 of the DEIR, the construction of the East Promenade would expand the Wharf structure by 28 feet and provide additional area for nesting underneath the Wharf that would increase the ability of pigeon guillemots to nest away from the Westside Walkway. As the addition would incorporate an underlying structure similar to that of the existing Wharf, as noted on page 3-21 of the DEIR, guillemots should be able to nest in locations under the Wharf deck that are similar to those where they currently nest.

With regards to the comment that the boat docks recommended in the Wharf Master Plan would deter pigeon guillemots from nesting, it is noted that the Wharf already has five existing boat landings as described on page 3-2 of the DEIR. There is existing boat activity on the east side of the Wharf, and the existing boat landings would be consolidated with the new Small Boating Landing. Although a second South Landing area also would be added, it is roughly in the same location as the existing Public Landing No. 2. The majority of the eastern side of the Wharf would remain open, and as explained above, with the Wharf expansion resulting from the proposed East Promenade, there

would also be expanded area under the Wharf for nesting. Thus, activity associated with the new boat landings would not affect nesting.

California brown pelicans use of the Wharf is not expected to change. This species is recorded roosting on the Wharf only occasionally, and no more than four were observed at once during surveys, as noted on pages 4.2-21 and 4.2-26 of the DEIR. Due to the high level of human disturbance above deck, the Wharf is not the site of any substantial roost of this species. Although the species is not expected to roost in higher numbers after project implementation, there is no reason to expect that it will cease roosting there on occasion.

- B1-8     Impacts to Western Gulls. The comment states that there is no evaluation of the impact of projected increase in rooftop dining and the impact of this use on western gulls. *Response:* Western gulls are not a listed or protected species. They are an abundant species the length of the California coast. However, active nests are currently protected under the Migratory Bird Treaty Act (MBTA). As explained on page 4.2-4 of the DEIR, the MBTA prohibits the “take” of any migratory bird or any part, nest, or eggs of any such bird. Under the MBTA, take is defined as pursuing, hunting, shooting, capturing, collecting, or killing, or attempting to do so.” It does not address the removal or alteration of habitat by common species. Also, loss of habitat could be considered a significant impact under CEQA only for special-status species. Thus, the existing and future human uses of the Wharf, including rooftop dining, would not be an activity that constitutes take under the MBTA, or a significant impact under any CEQA threshold.
- B1-9     Impacts to Snowy Egrets. The comment states that the impact to snowy egrets due to the new Western Walkway and visitor activities and boating at the East Promenade warrants review. *Response:* Snowy egrets are included on the Special Animals List (California Department of Fish and Wildlife [CDFW] 2020), but only for nesting colonies. They are not listed under the California Endangered Species Act or the federal Endangered Species Act, and they are not considered fully protected or a California Species of Special Concern. As with many colonial-nesting water birds, nesting locations are rare, and protection of these sites are important for conservation of the species. However, the species occurs widely while foraging and is common in the region. Although the comment states that snowy egret is only included in the DEIR as a species that has been observed there, the DEIR addresses this species in Table 4.2-4 Special Status Bird Species Observed or Potentially Occurring in the Santa Cruz Wharf Vicinity. As noted in Table 4.2-4, nesting habitat, which consists of trees or dense marsh vegetation, does not occur on the Wharf. Therefore, further discussion of this species is not necessary.
- B1-10    Sea Lion Haul-out Areas. The comment states that the DEIR indicates that sea lions will be deterred from hauling out on the new boat landings and some existing haul-out areas will, and suggests that as compensation they may haul out on the outriggers , but the outriggers appear too high for haul out and appear to be placed vertically and therefore



not wide enough for sea lions. *Response:* Existing conditions at the Wharf result in regular contact between humans and sea lions as they attempt to access the boat ramps. This existing contact is a potential violation of the Marine Mammal Protection Act and potentially harmful to both the sea lions and humans. Installing deterrents to haul-out on the boat ramps, as proposed under the project, are necessary responses to reduce and avoid the potential for violation of this federal law, and to protect public safety. The lateral outriggers proposed are shown in conceptual form on Figure 3-3 of the DEIR, and to the extent practicable would be near the water surface depending on tides. These broad beams would provide haul-out opportunities similar to the existing lateral braces between the piling bents, depending on the dimensions when designed, and would provide viewing opportunities from the Wharf perimeter and avoid human-wildlife interactions and potential violations of the Marine Mammal Protection Act.

- B1-11 Traffic and Transportation. The comment states that the Wharf Master Plan should include an estimate of future visitor use in order to assess environmental impacts and cites trip generation included in DEIR Appendix G. *Response:* See Response to Comment B3-12. Although some increase in visitor use would be expected commensurate with growth and economic trends, projections of future visitor use cannot be accurately estimated. The trip generation for the Project was estimated based on standard traffic engineering principles that account for increased building size.
- B1-12 Parking. The comment states that the Wharf Master Plan and the DEIR allow for approximately 45 additional car spaces on the Wharf from current levels, achieved by re-striping current spaces and that this is inadequate for the projected increase of over 50% of auto traffic over current levels and requires a “more realistic DEIR assessment of impacts”. The comment also states that re-striping will narrow existing vehicle spaces impacting access for those who need a little more space to exit and enter their vehicles and that the DEIR is silent on this issue. *Response:* Provision of parking is no longer a topic to be addressed pursuant to the State CEQA Guidelines, and therefore, no analysis is required in the EIR. The comment, however, is acknowledged and referred to City decision-makers for further consideration.
- B1-13 Bicycle Parking and Shuttle. The comment states that the provision for bicycle parking is inadequate and not commented on in the DEIR. The comment asks that the EIR be corrected as the shuttle, noted as a means of alternative transportation has been terminated. *Response:* The DEIR Project Description on page 3-19 indicates that the Master Plan proposes that bicycle parking and that 64 spaces could be initially provided with up to 150 bicycle parking spaces ultimately anticipated as demand warrants. Page 4.5-20 also discusses Master Plan support of alternative transportation, including increased bicycle parking. Specifically, the DEIR indicates that the Wharf Master Plan includes policies that support actions to improve alternative modes of travel, including pedestrian, bicycle, and public transit and shuttles and reduce impediments to pedestrian movement along the sidewalk. The Master Plan also includes

recommendations for increasing the supply of bicycle parking and encouraging a shuttle system. Specifically, the Master Plan proposes that bicycle parking (64 spaces) be provided along the western edge of the East Promenade in the transition area between the vehicular parking and the promenade with up to 150 bicycle parking spaces

As indicated on page 4.5-5, a Downtown Trolley service has been in operation since 2010, providing service between the Downtown and the Wharf/Beach areas between Memorial Day and Labor Day. The City of Santa Cruz received a grant from the Monterey Bay Air Resources District in 2018 to purchase two electric shuttles, that will provide service between downtown Santa Cruz and the Main Beach on weekends and holidays during the summer. Due to public health and safety conditions related to the COVID-19 pandemic, Downtown Trolley services were cancelled for the 2020 season. The City expects that trolley service as described above will resume as soon as pandemic conditions resolve, and resources permit.

- B1-14 Wharf Entrance. The comment states that the impact of relocating the parking kiosks to the new Wharf entrance 540 feet from the current entrance to the south is insufficiently analyzed and that the current kiosks serve as a “speed bump,” and the impact on safety of this potential increased speed needs further analysis. The comment also indicates that difficulty finding automated ticket stations should be analyzed. *Response:* The Wharf Master Plan does not propose changes to the travel lanes on the Wharf, and vehicles are limited to a speed limit of 15 miles per hour. Thus, the relocation of the entrance further onto the Wharf would not result in safety issues and would improve existing conditions where vehicles waiting to enter the Wharf may back up into the existing sidewalk, bike lane and/or roadway.
- B1-15 East Promenade Bicycle-Pedestrian Conflicts. The comment states that the conflicts between bicycles and pedestrians are to be expected on the new East Promenade, and this safety impact needs further study. *Response:* The East Promenade is expected to be used primarily by pedestrians and that bicyclists would use the shared Wharf travel lanes as currently exist should pedestrian congestion be an impediment to safe riding. In the event, that conflicts are observed, the City will develop measures to minimize any risk to pedestrians, such as may include walking of bikes, striping, speed limits, or restrictions. Therefore, no conflicts between the uses are expected.
- B1-16 Fishing Access. The comment references a Local Coastal Program (LCP) policy that says “fishing access on the Municipal Wharf shall not be reduced”, but states that much of the current eastern side of the Wharf will be occupied in future by large vessels, outriggers, lowered south platform and other features blocking access to what is currently open fishing areas in proximity of cars. *Response:* Although fishing access is not a CEQA issue, as shown on Figure 3-1 in the DEIR, the new boat landings would not eliminate fishing access as other areas would continue to be available, including the existing area of parking in the lower center portion of the Wharf. There are also areas

where fishing access is already limited due to existing boat ramps at the Wharf. The proposed public access improvements would also increase the overall perimeter of the Wharf, while preliminary designs for the East Promenade (Master Plan, page 17), depict seating areas along the eastern edge of the Wharf that would support fishing, gathering, and sight-seeing uses.

- B1-17     Sea Lion Viewing. The comment states that the covering up of the sea lion viewing holes would remove the most beloved activity at the Wharf, which is given “scant” attention in both the DEIR and the Wharf Master Plan and with no guarantee of its replacement, requires reexamination. *Response*: The comment is acknowledged, but is not an issue related to CEQA analyses, which are focused on potentially significant impacts on the physical environment. However, the Wharf Master Plan provides enhanced viewing opportunities with the terraced amphitheater landing. Furthermore, City staff has indicated that they realize this feature is highly appreciated and that when a project is proposed and designed, opportunities to relocate these viewing areas, which were originally developed for fishing, will be evaluated. It should be noted that these features have been relocated at times in the past.



## Santa Cruz Bird Club

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

May 26, 2020

To: David McCormic  
Asset and Development Manager  
City of Santa Cruz Economic Development Department

Re: Santa Cruz Wharf Master Plan Draft EIR

The Santa Cruz Bird Club has reviewed the Draft EIR for the Wharf Master Plan and have the following comments and concerns regarding bird habitat impact on the Wharf.

- B2-1 Due to the limited time to comment period on the Master Plan, especially with the Corona Virus Pandemic, we were unable to give a more throughout analysis and the needed public input which this large-scale project deserves. **We ask that the comment period be given a longer time frame for more public scrutiny.**
- B2-2 The Current Ebird data shows a total species count around the wharf as 131. Yet, only 27 species are noted in the report. This indicates that the survey was limited in scope and did not fully highlight all the birds which would be impacted by this project throughout an entire year. **Please provide this missing data.**
- B2-3 The proposed mitigation to nesting birds does not address **how to adequately protect active nests or what protocol will be followed during the construction phase.** The report only mentions resuming construction activities when Western Gull nests have vacated and young have fledged. **What inspection protocol and time frames are in place to prevent disturbance of all nests including nesting sites for the Pigeon Guillemot, Western Gulls, and Cormorants? If nesting sites are found to be in construction areas or expected to have more human disturbance after the construction, what other areas of the wharf have been identified which would serve these populations if nesting platforms were provided?**
- If known nesting sites are expected to be disturbed what provisions are being made to adequately provide an equal or greater than number of replacements to those nesting sites? Will nesting boxes or platforms be provided? Will ledges and overhangs be added? We would expect that if there are nine nesting sites the replacement sites would be minimally of a greater number for future nesting opportunities.**
- B2-4 Construction of a walkway below deck on the West side of the wharf, may also deter nesting birds, especially Pigeon Guillemots, from using that area due to increased human traffic on this new lower deck. **We do not see how the bird habitat will be increased by this expansion without some mitigation.**
- B2-5 The DEIR suggests there will be an overall increase in suitable nesting for Pigeon Guillemot and increased roosting habitat for California Brown Pelicans; however, with more human impacts and noise along the walkway as well as an additional boat dock, we see this as furthering the significant impact to these species.

Sincerely,

Lisa Sheridan, President, Santa Cruz Bird Club  
Jennifer Parkin, Conservation Officer, Santa Cruz Bird Club

**LETTER B2 – Santa Cruz Bird Club – Lisa Sheridan**

- B2-1 Draft EIR Public Review Period. The commenter asks that the comment period be extended due to the corona virus pandemic. *Response*: The public review period was extended two weeks beyond the required 45-day review period for a total public review period of 59 days.
- B2-2 Bird Surveys. The comment states that eBird data shows the total species recorded at the Wharf as approximately 131, but only 27 species are noted in the EIR, and that missing data should be provided. *Response*: The DEIR documents birds observed during both biological field studies conducted for the EIR, including bird studies conducted by Kittleson and Mori (2017), as well as during other studies conducted at the Wharf; see DEIR pages 4.2-7 to 4.2-9 and Appendix D. As indicated on page 4.2-7, a two-year UCSC study documented 61 bird species and also compiled data “from the online, citizen science project eBird (Cornell Lab of Ornithology and National Audubon Society 2017), a publicly accessible source where observers all around the world enter data” as indicated on pages 4.2-7 to 4.2-8 of the DEIR. A complete list of birds recorded in eBird for the Santa Cruz Municipal Wharf hotspot through 2017 is included in Appendix C, as noted on page 4.2-9 of the DEIR. The EIR also included data base searches to identify potential special-status species in the area. The criteria/thresholds for determining impact significance are identified on pages 4.2-31 to 4.2-32 and provide the basis for the impact analyses. The DEIR properly addresses potential impacts to special-status species, sensitive species and nesting birds based on the above data, and no further study is needed.
- B2-3 Nesting Bird Mitigation. The comment states that proposed mitigation for nesting birds does not address how to adequately protect active nests or what protocol will be followed during construction. *Response*: Mitigation Measure BIO-4 does identify the steps to be taken, including pre-construction surveys to determine presence/location of nests, establishment of construction buffers if active nests are found, in order to prevent disturbance to nests and nesting birds, and resuming construction only after the nest has been vacated.
- B2-4 Impacts to Nesting Birds from Westside Walkway. The comment states that construction of the walkway below the deck may deter nesting birds, particularly pigeon guillemot, and commenter does not see how the bird habitat will be increased without mitigation. The commenter further states that human activity, noise, and an additional boat dock would result in a significant impact. *Response*: Construction activities would be subject to pre-construction nesting bird surveys and mitigation as indicated in the DEIR. There are no boat docks identified on the west side of the Wharf in the Wharf Master Plan. The DEIR addresses loss of habitat and disturbance of nesting birds; see Response to Comment B1-7 regarding habitat. The comment’s reference to deterrence of nesting apparently refers to a temporary loss of nesting habitat, because birds may choose not to nest

during the period of construction. However, the CEQA threshold regarding loss of habitat for special-status species is not typically applied to a temporary loss of habitat when the same habitat will be available once the temporary disturbance has ceased. With regard to the increase in habitat available for nesting, the statement in the DEIR refers to an increase in habitat specifically for pigeon guillemot. As explained on page 4.2-45 of the DEIR, any deterrence to nesting from increased visual access from the west side of the Wharf would be offset by the expansion of the Wharf on the east side, from the addition of a 28-foot East Promenade. The underlying structure of the East Promenade will be similar to, and intergraded with, the existing Wharf, as noted on p. 3-21 of the DEIR. It will therefore provide similar habitat, creating a larger overall area suitable for nesting. See also Response to Comment B1-7 regarding impacts of new boat docks on nesting birds.

**From:** Erica Stanojevic [<mailto:ericast@gmail.com>]  
**Sent:** Wednesday, May 27, 2020 4:01 PM  
**To:** David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>  
**Subject:** Wharf Master Plan DEIR comments

Hello Mr. McCormic,

Please accept the attached comments regarding the Draft Environmental Impact Report for the Wharf Master Plan. Please confirm receipt of these comments.

Be well,  
Erica Stanojevic  
Santa Cruz Wymyn for Wild Nature

To: David McCormic and the Economic Development Division of the City of Santa Cruz

Re: Wharf Master Plan Draft Environmental Impact Report

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May 27, 2020

- B3-1 We appreciate the opportunity to comment on the Draft Environmental Impact Report for the Wharf Master Plan (WMP). Our historic wharf, reaching prominently out into our sacred Monterey Bay National Marine Sanctuary (MBNMS), has provided critical mental health support for the entire Santa Cruz community during this time of social isolation and pandemic threat. As we noted in our parallel comments on the City of Santa Cruz Parks Master Plan, many communities worldwide are centering master planning documents attention on the loss of biodiversity, increases in climate disruption, and damage to our planet. Here in the Monterey Bay Marine Sanctuary watershed, we have an even greater responsibility than most to focus our economic activities on preserving and repairing our relationship with the planet. We again wish to contextualize the gravity of the effort we are undertaking today in the greater goal of reversing damage humans are inflicting on our natural environment. The residents of Santa Cruz cherish our ability to connect with nature through the sealions, pelicans, otters, kelp and krill that rely on the Monterey Bay National Marine Sanctuary ecosystem that envelopes the wharf; thus, our community needs a robust plan that **prioritizes Environmental Stewardship, an Objective that is shockingly absent from the plan as written**. Serving the large user-groups consisting of eco-tourists, naturalists, anglers and birdwatchers must also be included as an Objective of the Wharf Master Plan.

The City of Santa Cruz Wharf Master Plan Draft Environmental Impact Report (WMP DEIR) does not take Environmental Stewardship fully into consideration as a goal of the planning effort as drafted. The Santa Cruz Municipal Wharf hosts and affects an abundance of biodiversity, due to the rich productivity of the MBNMS, due to the wharf's location in a global biodiversity hotspot, due to the deep marine canyons and upwelling, and above all due to our State and local community's wise decision to preserve the coast for the benefit of the community and the planet, even as Santa Cruz has grown as a city. The MBNMS supports thousands of kelp forest species as well as abundant migratory species that travel here from across the planet. This rich biodiversity represents a responsibility as much as a privilege, however. Although the waters of the MBNMS are relatively clean, home to the last remaining, nearly extirpated, wild populations of Steelhead, litter from our coast contributes to the giant pacific garbage patch caused by human negligence.

Many of the actions proposed in this Wharf Master plan are intended to increase human use of our vulnerable bay in louder, brighter, rougher, and more damaging ways, and mitigation measures proposed are inadequate to prevent the damage that can clearly be anticipated.

In particular, the Draft Environmental Impact Report for the Wharf Master Plan fails to adequately assess impacts on the Monterey Bay National Marine Sanctuary (MBNMS) ecosystems.



Nesting and migratory bird impacts:

B3-2 Santa Cruz is in the important Pacific Migratory Flyway that brings coastal, ocean and land migrants to the vicinity of Wharf area, where 123 bird species (and 15 other taxa) have been recorded. However, the studies used for the DEIR are far from comprehensive and do not present the full spectrum of the rich, diverse bird population of the Wharf and its vicinity. The 2017 breeding season surveys documented only approximately 22% of the recorded species for the area, and the UCSC study documented just 61 of the known bird species within its six survey plots on the 7.5 Wharf acres (Table 4.2-1). More comprehensive studies of both breeding and migratory patterns need to be included in the DEIR. The DEIR does not fully address the needs of migratory birds on the Wharf and how those needs will be addressed during the construction process.

B3-3

- Nesting season in this document is referred to as April 15 - August 30, or as determined by a qualified biologist. According to the 8/16/19 “Amendment of Lake or Streambed Alteration” agreement, written in collaboration with the California Department of Fish and Wildlife, however, nesting season in Santa Cruz extends from January 15 to September 1st. Monitoring for bird nests must be carried out throughout this full time period.

B3-4 Furthermore, simply creating a larger wharf is insufficient mitigation for lost nesting habitat. Specific attributes of nesting sites created must be quantified based on appropriate shapes and sizes of spaces for each impacted species, not just augmented wharf size. Nesting bird science presented in the document is weak or inaccurate and internally inconsistent.

Western Gulls:

- WMP DEIR (p 4.2-45): “As shown in spring 2017 surveys, *western gulls do prefer the less-disturbed western side of the Wharf, and at least two nests that produced young were in a narrow, currently inaccessible walkway [emphasis added]* most likely subject to disturbance from the new, public accessible western walkway.”

Yet on the next page:

- WMP DEIR (p 4.2-46) “... the several gulls that occur at the Wharf are *not species that would seek cover in protected areas [emphasis added]*, but are species that stay in the open, even when nesting.” (p 4.2-46)

These inconsistencies within the DEIR must be corrected, and loss of protected nesting sites must be mitigated or identified as significant.

B3-5 Pelagic Cormorants:

Evidence of nesting pelagic cormorants is downplayed. This species is documented in the WMP DEIR as nesting on the wharf in at least two seasons (2014 and 2019) out of four documented survey years.

This frequency is alluded to as “only” twice, rather than 50% of survey years. Attributes of sites used by these birds are not described adequately, and thus mitigation is inadequate.

#### Pigeon Guillemots:

- B3-6 Pigeon Guillemots are known to nest in the same site year after year. There are not appropriate nearby nesting sites as the nearby areas are highly visited tourist beaches. How does the plan guarantee that Pigeon Guillemots will not be permanently displaced once they lose this nesting habitat for a year or potentially longer?

The DEIR states, “Pigeon Guillemot nests are difficult to detect because they are located in small dark spaces under the Wharf.”

- Please quantify appropriate small dark spaces for Pigeon Guillemot nesting in the proposed wharf plan and submit the science used to develop these sites.

Further, the DEIR fails to adequately address “take” under the Migratory Bird Treaty Act (MBTA). In December 2019, the California Department of Fish and Wildlife (CDFW) and California Attorney General Xavier Becerra jointly provided an advisory to affirm that California law continues to provide robust protections for birds, including a prohibition on incidental take of migratory birds, notwithstanding the reinterpretation of the MBTA by the U.S. Department of the Interior (DOI). Thus, incidental take must be fully accounted for in the DEIR.

#### Aquatic Habitat Impact

- B3-7 The DEIR states that installation of new piles would result in a loss of approximately 650 square feet of benthic habitat and thus determines that there is no significant impact.

However this viewpoint fails to account for impact from changes in light conditions along the length of the Wharf. The Wharf spans 2,745 feet (minus the 200+ feet of City’s Main Beach) into open-water marine habitats, which is listed as one of *‘the most diverse and productive marine ecosystems in the world, including a vast diversity of marine life, etc’* (4.2-6). This area is known for its *“highest habitat diversity and highest habitat richness. The water is highly productive, a hotspot for krill,...”* (4.2-30). The impacts of light changes would potentially reduce krill proliferation and thus create an impact on species of concern. These impacts need to be assessed.

- Please quantify the temperature and photosynthetic impact of water being shaded by the 2.5 acre additional structure on the MBNMS marine ecosystems ([Pardal-Souza et al., 2016](#))?
- What is the local impact of the glass surface increase in new buildings on the wharf to the localized “Urban Heat Island” effect in the MBNMS ([Todd et al 2019](#))?

- B3-8 The Southern Sea Otter is fully protected under CA and federal law. The project would remove pilings which are *“habitat for encrusting invertebrates, including barnacles, mussels, anemones, sponges, and*

*others. Replacement of the existing pilings would remove these mature invertebrate communities and could affect the other species that depend on them such as mobile invertebrates (e.g., crabs) and fish.” (4.2-51)*

Mussels are a part of the diet of the Southern Sea Otter. What percent of mussel habitat in the nearby waters will be lost? How will this affect the Southern Sea Otter?

How will the 808 new piles impact the MBNMS marine ecosystems' currents/sediment/benthic organisms? ([Heery et al. 2017](#))

- B3-9 The DEIR states “*marine organisms would be expected to avoid the immediate construction area*” (4.2-51). However this statement does not account for the negative impacts of stress on marine species due to their need to suddenly relocate. Stress on marine mammals needs to be accounted for in the DEIR.

According to [this article](#), “...avoidance responses to pile driving may cause displacement from key habitats and/or impact foraging, nursing, and/or mating activities, and therefore the overall fitness, of a marine mammal.” ([DOSITS 2020](#))

- How does the project ensure that displacement and a reduction in overall marine mammal fitness will not happen?

#### Lighting:

- B3-10 While Appendix E appropriately acknowledges that light can have an effect on many levels of marine ecosystem biological function, its conclusion that lighting will *decrease* with buildout of the proposed plan is not plausible as described. Specifically, adding a lighted 45-foot tall glass-sided landmark building to the end of the wharf will cast light much farther and increase the light impact area of the wharf in the Monterey Bay Marine Sanctuary ecosystem and on sensitive resident and migratory species as compared to the current relatively low profile dark building. The new light cast outward and down from the building interior is not currently included in the analysis in Appendix E.

- How far will different wavelengths of light travel from the interior of the glass building to the surrounding marine environment at what times of the night in each season of the year?

- B3-11 The DEIR references the 2015 paper by Davies, Duffy, Bennie, and Gaston which provides several recommendations to reduce the impact of lighting on sensitive marine protected area ecosystems. These recommendations should be identified as mitigations in the EIR, including:

- Switching off and dimming lights
- Limiting the use of spectra known to cause ecological impacts (avoid short wavelengths by using red spectrum rather than white lights)
- Seaward shielding of lights

These mitigations must be required for the proposed plan. Without these mitigations, the proposed project will increase the wharf's light impacts on the marine ecosystem.

Improper use of existing conditions:

B3-12 Throughout the document the current existence of human activity is used to argue that impacts on wildlife of an expanded project will not be significant. This logic is indefensible. The project fully expects to substantially increase boat and recreational use of the wharf as well as the overall wharf footprint.

The first two objectives of this project MUST be quantified:

**Objective 1. Enhance opportunities for recreational use and public access.**

- How many additional people is this project expected to bring to the wharf? Where will they drive and park? At what times? How much closer will they be to the water? to marine mammal habitat? to bird nesting sites? How much more litter will they contribute? How much litter currently goes into the Bay from the wharf (what studies have been done?)

These increases will have predictable augmenting effects on the sound environment, human disturbance, garbage and litter, polluted runoff and lighting. The specific increases expected for each of these elements must be quantified. If this project functions as proposed, impacts on the local environment will be significant.

- How will increased recreational activities affect coastal biodiversity? ([Riera et al. 2016](#); [Bishop et al 2017](#); [Wyles et al 2014](#))
- How will the wildlife, such as whales, migratory birds, and endangered species, be affected by the 20% to 60% increase in public access, recreation and open space on the marine area (3.1-8)?

**Objective 2. Expand and enhance maritime activities.**

- B3-13
- How many additional boats? Of what type? How many additional paddle boarders? At what times? With what training? In what radius from the wharf and at what densities? How will they be prevented from harassing cetaceans or otters? What will be the consequences if water recreation impacts marine mammals or birds? How will interactions be monitored?
  - What will the impacts of increased boats be on the MBNMS ecosystems and wildlife such as Whales, migratory birds, and endangered species due to the sound, turbulence, water traffic boating increase? ([Sagerman et al. 2020](#); [NZ Ministry of the Environment 2020](#))

B3-14 Finally, the WMP DEIR gives only cursory attention to growth-inducing impacts and cumulative impacts. As a Master Plan, these two areas should be the focus of the environmental analysis.

- GROWTH-inducing: Increasing the footprint of coastal tourist amenities WILL increase the volume of tourists, which will increase DEMAND for tourist housing and economic opportunity, which will place increased burden on the existing housing stock, which WILL induce more

housing development and growth of the City of Santa Cruz. This impact must be carefully quantified, as the increased foot print proposed here WAS NOT anticipated in the general plan.

- B3-15
- **CUMULATIVE IMPACTS:** During the pandemic shelter in place, the City planning department has circulating dEIRs for the Parks Master Plan and it is preparing environmental documents for two very large housing developments that directly impact the San Lorenzo River corridor. The Wharf Master Plan DEIR must directly consider cumulative impacts of all these large, foreseeable projects on the MBNMS ecosystem together and on specific resource areas, including the urban heat island described above. The current document fails to address these cumulative project impacts on our watershed.
  - In addition, comprehensive data is needed to correctly evaluate the project's cumulative, long-range impacts on the MBNMS marine ecosystem. Migratory mammals and birds depend on available, abundant nourishment along their migratory route, which in turn depends on ocean health sustained by MBNMS ecosystems that support the City of Santa Cruz tourist industry.

- B3-16
- Alternatives: The Reduced Project Alternative (#1) and the Modified Project Alternative (#2) would reduce some of the impacts identified above, but both still create substantial impacts in the MBNMS. Additional feasible mitigations must be required to reduce the impacts of all these projects to less than significant. Cumulative and growth-inducing impacts of these plans must be analyzed adequately.

- B3-17
- Please address each of the foregoing questions and concerns in the Environmental Impact Report for the Wharf Master Plan.

Now is the time to acknowledge and resolve potential conflicts among human users of the wharf and between humans and the wild nature surrounding the wharf. This Wharf Master Plan is a valuable opportunity to bring stakeholders together to truly plan our post-pandemic, climate and biodiversity-supportive future. Please do not rush it through. As the lead agency and the proponent for this plan, we implore you to hold live hearings AFTER THE CITY IS OUT OF SHELTER IN PLACE and we can have a live hearing with true discourse. You have that discretion. Please use it for all our benefit.

Sincerely,  
Santa Cruz Wymyn for Wild Nature

**LETTER B3 – Santa Cruz Wymyn for Wild Nature – Erica Stanojevic**

- B3-1 Environmental Stewardship. The comment states that the DEIR does not take the Wharf Master Plan does not take environmental stewardship fully into consideration referencing the Monterey Bay National Marine Sanctuary (MBNMS), that proposed Master Plan actions are intended to “increase human use of the bay in damaging ways, and the DEIR fails to adequately assess impacts to the MBNMS. *Response*: The commenter does not provide specific references to human uses that might have impacts or in ways that DEIR is allegedly is inadequate regarding impacts to the MBNMS. However, responses are provided to the commenter’s specific comments below. See Response to Comment B3-12 and B3-13 regarding increased visitor and boating use.
- B3-2 Breeding and Migratory Birds. The comment states that “more comprehensive studies” of breeding and migratory patterns needs to be included in the DEIR and that the DEIR does not fully address the “needs of migratory birds on the Wharf.” *Response*: See Response to Comment B1-7 regarding bird studies at the Wharf. Studies of breeding and migratory patterns are not required, as suggested in the comment, to analyze impacts to nesting birds.
- B3-3 Nesting Period. The comment states that the DEIR refers to the nesting season as from April 15 to August 30 and cites an unnamed Lake and Streambed Alteration Agreement amendment issued by the California Department of Fish and Wildlife (CDFW) that specifies the nesting season in the area as January 15 to September 1. The comment also states that monitoring for bird nests must be carried out throughout the construction period. *Response*: The cited LSAA is presumably the August 6, 2019 amendment to the City’s agreement with CDFW regarding routine maintenance activities (Notification No. 1600-2013-0176-R3; CDFW 2019) on sites on specified stream channels, drainages and waterways within the City limits. This agreement changes the nesting season for which surveys would be required from February 1 through August 5 to February 1 through September 1 for maintenance activities and locations subject to the agreement. The amendment limits vegetation management, such as removal for flood control purposes to the period between September 1 and January 15.

This agreement applies to activities that often occur in a more natural environment than the environment occurring on the Wharf itself, which supports no natural habitats. Neither the Wharf nor the Monterey Bay is a specified location in the maintenance agreement.<sup>1</sup> In addition, the April 15 to August 30 nesting period cited in DEIR BIO-4 is designed to encompass nesting activities (beginning with egg-laying) for pigeon guillemots, pelagic cormorants, and western gulls, the three native species known to nest on the Wharf. While the likelihood of other native bird species nesting on the Wharf

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<sup>1</sup> California Department of Fish and Game. September 12, 2019. Notice of Determination. “City of Santa Cruz Routine Maintenance Activities (Streambed Alteration Agreement No. 1600-2013- 0176-R3).” Available online at: <https://ceqanet.opr.ca.gov/1999102083/6>.

is low, and it is extremely unlikely that any native birds would begin nesting on the Wharf in late January or February, the City acknowledges that many bird species in the region begin nesting prior to April 15. However, BIO-4 was tailored to species known at the Wharf, and the recommendation for an expanded nesting season is not needed.

With regard to monitoring bird nests throughout the nesting period, it should be noted that, once nests are no longer active and young are not dependent on the nest, monitoring of nests is not required to avoid “take” as defined in either the Migratory Bird Treaty Act or the California Fish and Game Code. Any birds nesting near the construction site once construction begins would not be subject to potential take from construction activities, assuming all activities remain within designated areas.

- B3-4 Loss of Protected Bird Nesting Sites and Contradictory Discussion of Gulls. The comment states that creating a larger Wharf is insufficient mitigation for lost nesting habitat. The comment claims inconsistencies regarding gull habitat preferences or habits. *Response:* See Response to Comments B1-7 and B2-4 regarding nesting birds and creation of additional nesting habitat. With regard to contradictory text on gulls, the cited statements are taken out of context; and in context they are not contradictory. The first quote refers to the preference of western gulls to nest in suitable areas that are less-disturbed by humans than other areas, including a relatively confined, but isolated walkway. The second quote is part of analysis related to potential bird strikes against windows on new structures that emphasizes that gulls and other species would not seek cover in *indoor* areas visible through large areas of glass. Clearly, western gulls would not choose to nest within an occupied building, which is the issue addressed in the second quote.
- B3-5 Pelagic Cormorants. The comment states that attributes of sites used by pelagic cormorants are not described adequately and mitigation is inadequate. *Response:* Impacts to nesting species protected under MBTA and the California Fish and Game Code, including common species such as pelagic cormorants, are addressed on pages 4.2-49 to 4.2-50 in the DEIR. The mitigation requires pre-construction surveys be conducted if future construction commences during the nesting season to determine whether birds are nesting, and if so, where. The mitigation requires protection of found nests during the nesting period as explained in Response to Comment B2-3. Also, pelagic cormorant meets no definition of a special-status species. While the CEQA thresholds require analysis of impacts to special-status species and their habitat, no threshold addresses habitat impacts to common species. No further analysis is required.
- B3-6 Pigeon Guillemots. The comment states that pigeon guillemots are known to return to the same site for nesting, claims that there are no other suitable nesting sites near the Wharf, asks how the Wharf Master Plan guarantees that pigeon guillemots will not be permanently displaced once they lose this nesting habitat for a year or potentially longer, and asks that nesting areas be quantified. The comment also claims that the DEIR

fails to adequately address “take” under the Migratory Bird Treaty Act (MBTA) and implies that it does not fully account for California law with regard to take of migratory birds, in light of the December 2019 advisory of the California attorney general and the California Department of Fish and Wildlife affirming the protection of migratory birds, regardless of current federal interpretation and enforcement of MBTA. *Response:* The comment incorrectly states that no other appropriate nesting sites occur nearby. The LCP (City 1994), which serves as the basis for this species being considered sensitive in the DEIR, only identifies the West Cliff Drive area (not the Wharf) as an area where the species nests. In fact, eBird data include high numbers of guillemots and many descriptions of nesting activities, at several locations along West Cliff Drive. Nesting has been observed at several other locations in the vicinity, including and Wilder Ranch State Park. In addition, as a species that ranges over many miles of ocean during the course of the year, guillemots nesting in the vicinity have many other nesting options within their range. Also, while the DEIR cannot guarantee that guillemots deterred from nesting during construction will return after project implementation, this should not be the standard for determining a potentially significant impact. Instead, the standard should be the availability of suitable habitat after implementation of the project. This is discussed further in the responses to comments B1-7 and B2-4. With regard to quantification of nesting habitat, it is sufficient to demonstrate that more such habitat will be available after project implementation, as indicated in Responses to Comments to B1-7 and B2-4. No studies to identify potential nest sites are required to support the analysis of potential impacts to nesting birds.

With regard to the MBTA, the comment alludes to the reinterpretation of MBTA by the acting solicitor of the Department of the Interior in December 2017. In this opinion, the acting solicitor argued that MBTA did not prohibit incidental “taking” or “killing” of migratory birds as a part of otherwise legal activities, but applied only to “intentional take,” that is, activities with the specific intent of taking birds. Previously, the federal government had interpreted MBTA as more widely prohibiting actions resulting in take, and the California Fish and Game Code (FGC) included provisions (principally, FGC 3503 and 3503.5) that similarly prohibited incidental take of birds and their nests or eggs. The December 2019 advisory did not include new regulations, new enforcement guidelines, or any amendment to the Fish and Game Code. Instead, it affirmed the legal protections for migratory birds in the code and that the State of California would continue to enforce these provisions.

The comment is not specific with regard to how the DEIR is deficient in addressing this issue, other than to call attention to the recent advisory by the State of California. Not only does the DEIR analyze impacts to nesting birds on the assumption that incidental take is prohibited by the Fish and Game Code, but it also assumes that the provisions of MBTA as interpreted prior to 2017 are still in place. The DEIR acknowledges this impact as “potentially significant,” without mitigation, which is evaluated on pages 4.2-49 to 4.2-50 in the DEIR. Mitigation Measure BIO-4 would require nesting bird surveys prior to



construction activities scheduled to begin during the nesting bird season. The measure further requires that, if active nests are found, construction shall be delayed or a buffer shall be established to protect the nesting birds as long as the nests remain active. See also Response to Comment B3-3 with regard to the nesting bird season described in Mitigation Measure BIO-4.

- B3-7 Aquatic Habitat Impacts. Regarding impacts to benthic habitat with installation of new piles, the comment asks that temperature and photosynthetic impacts on marine ecosystems being shaded with expansion of the Wharf be quantified and asks what the impact of the glass surface increase in new buildings on the wharf and “Urban Heat Island” effect in the MBNMS. *Response*: The thermal capacity of the Pacific Ocean would require immense amounts of energy over large areas to change the water temperature. Similarly, adding 2.5 acres of shaded area to the Pacific Ocean is a de minimis effect. The amount of water movement and exchange with the remainder of the 6,094-square mile Monterey Bay National Marine Sanctuary, as well as other parts of the Pacific Ocean via the California Current, means that any additional shading would have an unmeasurable effect on temperature. Effects on photosynthesis from the 2.5 acres of shading would be negligible as well because kelp and other macroalgal species are absent from the area surrounding the Wharf, and the fine sand generally prevents establishment of these species.

The phrase “urban heat island” refers to the effect of urbanized areas on surface and air temperature compared to their rural surroundings. Buildings, roads, and other “hardscape” create an island of higher temperatures within the regional landscape. As described by the EPA, “[u]rban heat islands are caused by development and the changes in radiative and thermal properties of urban infrastructure as well as the impacts buildings can have on the local microclimate—for example tall buildings can slow the rate at which cities cool off at night. Heat islands are influenced by a city’s geographic location and by local weather patterns, and their intensity changes on a daily and seasonal basis” (U.S. Environmental Protection Agency, 2008). The term is generally used to refer to community-wide effects, particularly for large metropolitan cities. The concept is not applicable to the Wharf, which is not an urban setting and is surrounded by water.

- B3-8 Sea Otter Impacts. The comment questions impacts to southern sea otters and how replacement of piles that support invertebrates, including mussels that are part of the diet of southern sea otters. *Response*: Although the piles support species that southern sea otters would consume, the species has not been documented foraging within the Wharf pilings. There is minimal documentation of sea otters foraging at other piers, though California Department of Fish and Game (1976, as referenced in Fishery Bulletin 1980) did notice a decrease in mussel abundance on pilings in Monterey Harbor after the return of sea otters. In general, sea otters forage for benthic invertebrates and even fish within offshore kelp forests, as can be observed from the deck of the Wharf. For

other species that may forage on the Wharf pilings, the long-term effect of the project would be to increase the number of pilings, increasing the surface area for colonization and growth of invertebrate species. Increasing the number of pilings will result in an incremental reduction of benthic habitat area and localized changes in abiotic and biotic conditions in the benthic zone within and immediately adjacent to the pilings. However, these changes are not expected to affect any special-status species or protected habitat types such as kelp beds, eelgrass, surfgrass, or hard substrate. While this would be a small change to the marine environment, it would not exceed any significance thresholds for impacts to biological resources.

- B3-9     Impacts to Marine Species. The comment questions asks how the project ensures that displacement and overall reduction in marine mammal fitness will not happen. *Response*: The comment's question is in reference to temporary impacts during installation of piles. There would be no permanent impacts to marine mammals once pile installation is complete. Temporary displacement of marine mammals and fish from the action area is the desired outcome of proposed project pile installation, to avoid direct impacts to the animals. While movement away from the Wharf during pile driving may temporarily increase the energetic cost of foraging, the other behaviors noted in the comment (nursing and mating) do not occur in the action area and would not be affected, even temporarily. The City would consult with the National Oceanic and Atmospheric Administration to ensure that mitigation proposed (e.g., MM BIO-1a-1 through 1-a-3) would avoid and minimize temporary impacts to marine mammals to the extent feasible.
- B3-10    Building Lighting. The comment states that the conclusion in DEIR Appendix E that lighting will decrease does not address a lighted 45-foot tall glass-sided building at the end of the wharf that will cast light much farther and increase the light impact area of the Wharf in the Monterey Bay Marine Sanctuary ecosystem and on sensitive resident and migratory species as compared to the current relatively low profile dark building. The comments questions the distance different wave lengths of light travel from the interior of glass buildings to surrounding marine environment. *Response*: DEIR page 4.1-17 does state that the interior lighting of the three new buildings may be visible at times when there is use of the buildings at night, but interior lighting would not create a substantial source of new exterior lighting. At this time none of the buildings are proposed or designed, so details of interior lighting are not known. However, future buildings would be required to be designed with energy efficient lighting pursuant to Building Code requirements, including Title 24, and to not create reflected glare per City regulations. In addition, design would be subject to the City's "Bird-Safe Building Design Standards" that require glazing and treatment of windows. Future building designs would be subject to review and approval through the City's Design Permit process.
- B3-11    Building Lighting. The comment references the 2015 paper by Davies, Duffy, Bennie, and Gaston cited in DEIR Appendix E and recommendations that the commenter suggests be

identified in the EIR as mitigations, including: Switching off and dimming lights, limiting the use of spectra known to cause ecological impacts (avoid short wavelengths by using red spectrum rather than white lights); and seaward shielding of lights. The comment states without these mitigations, the proposed project will increase the Wharf's light impacts on the marine ecosystem. *Response:* The referenced study did not distinguish between exterior and interior lighting, but when given, references were to exterior lighting. The cited reference, indeed, in the DEIR Appendix E was part of the review of changes in exterior lighting at the Wharf as a result of the Wharf Master Plan. The review concluded that potential impacts due to lighting would be less than significant as acknowledged by the commenter in Comment B3-10. Therefore, no mitigation measures are required. However, the new lights would be shielded and directed downward, consistent with City requirements. Title 24 of the California Building Code further regulates lighting levels, in many cases requiring automated dimming, light sensors, and other energy efficiency upgrades that are likely to reduce the undesirable ambient impact of lighting from any future structures.

B3-12 Increased Recreational Use. The comment states that the project “expects to substantially increase boat and recreational use of the wharf” and asks how many additional people are expected, and how increased recreational activities will affect coastal biodiversity and wildlife *Response:* As explained on page 3-8 in the DEIR, overall visitor use at the Wharf could increase as a result of enhancement of public spaces, public and private events, expanded boating opportunities and parking, and increased commercial uses. However, although there are no projections of future visitor use at the Wharf, which cannot be accurately estimated, the City does not expect a substantial increase in visitors, but rather growth commensurate with overall City growth rates, hotel development in the Beach area, and economic conditions. See Response to Comment B3-13 regarding increased boating use. Regarding impacts to marine species due to increased recreational use on the landside portions of the Wharf, the DEIR (page 4.2-52) indicates that no significant impacts to marine mammals are anticipated to occur from potential increased recreational use at the Wharf following implementation of the Wharf Master Plan.

B3-13 Increased Boat Uses. The comment asks the number and type of increased boats and impacts on marine ecosystems. *Response:* As indicated on page 3-2 of the DEIR, the Wharf currently provides opportunities for pier fishing, as well as kayak and small fishing boat rentals. There are five active landings presently on the Wharf for boat access. Two are available to the public, two for boat and kayak rentals, and a landing is used by Wharf Staff. The Master Plan recommends the construction of two new boat landings that would consolidate existing active landing uses and provide expanded facilities for smaller recreational vessels and for Wharf operations. The “South Landing” would provide for the temporary mooring of larger vessels for whale watching, bay tours, sports fishing, and mooring of educational and scientific research vessels. Preliminary concepts for the South Landing propose a maximum vessel size of 200 tons

displacement, with 120 tons the design target. At this time, the number of boats or increases in kayaking or boating use is not known. Regarding impacts of increased boating on marine wildlife, the DEIR on page 4.2-52 indicates that no significant impacts are expected because the Wharf is located in a heavily used area. All boat operators must comply with federal regulations regarding protection of marine mammals. It is also noted that a charter fishing/whale watching business was operated on the Wharf until October 2010.

By consolidating the existing five landings to two, the size of the zone around the Wharf that experiences boat traffic would likely be reduced. Any boat traffic near the Wharf would necessarily be at slow speeds for safety reasons and to comply with existing laws, and would not pose risks of ship strike to marine mammals. It is also noted that a charter fishing/whale watching business was operated on the Wharf until October 2010, and large vessels have periodically moored to the Wharf since its creation. Finally, increases in traffic from charter vessels such as whale watching or sport fishing operations would be expected to be diverted from other locations such as Moss Landing or Monterey Harbor, and would thus not represent new traffic in adjacent open ocean areas

- B3-14 Growth Inducement. The comment states that increasing the footprint of amenities will increase tourists and demand for tourist housing, which will place an increased burden on existing housing stock and will induce more housing development and growth in the City. *Response:* As explained on pages 5-3 to 5-4, the Project would not directly or indirectly foster population growth and could indirectly foster economic growth. Neither the amount nor type of new or expanded building space is of a nature that would substantially increase visitors to the area as would, for an example, a theme park. The improvements and development envisioned in the Wharf Master Plan represent an enhancement to existing uses on the Wharf. In the Beach area, the Wharf is one of several visitor attractions. See also Response to Comment B3-12 regarding increased visitation to the Wharf.
- B3-15 Cumulative Impacts. The comment states that the Wharf Master Plan DEIR must consider cumulative impacts on the Monterey Bay National Marine Sanctuary marine ecosystem, including housing developments along San Lorenzo River and the Parks Master Plan. *Response:* The DEIR on pages 5-5 to 5-8 explains that the General Plan 2030 EIR served as the basis for the cumulative analyses, and was updated to include other cumulative projects not factored into the General Plan EIR, including a 5-year maintenance permit for the Wharf, an approved mixed-use project on West Cliff Drive, development estimated with approval of amendments to the Downtown Plan, the Parks Master Plan, and the West Cliff Drive Adaptation Plan. As indicated on page 5-7, there are no known cumulative projects that would affect the marine environment except for ongoing maintenance and replacement of damaged piles at the Wharf, which is already considered in the Wharf Master Plan. Thus, the DEIR address the issue and cumulative projects referenced in the comment.

- B3-16     Project Alternatives. The comment states that the Reduced Project Alternative (#1) and the Modified Project Alternative (#2) would reduce some of the impacts identified above, but both still create substantial impacts in the MBNMS. Additional feasible mitigations must be required to reduce the impacts of all these projects to less than significant. Cumulative and growth-inducing impacts of these plans must be analyzed adequately. *Response:* The DEIR does identify mitigation measures that reduce significant impacts to a less-than-significant level. See Response to Comments B3-14 and B3-15 regarding growth and cumulative impacts, respectively.
- B3-17     Response to Comments. The commenter asks that each of the foregoing questions and concerns in the Environmental Impact Report for the Wharf Master Plan be addressed. *Response:* All comments that apply to environmental analyses have been addressed in the responses for this comment letter.



**SANTA CRUZ COUNTY  
GROUP**

**Of The Ventana Chapter**

**P.O. Box 604, Santa Cruz, CA 95061**

<https://www.sierraclub.org/ventana/santa-cruz>

email: [sierraclubsantacruz@gmail.com](mailto:sierraclubsantacruz@gmail.com)

May 25, 2020

**City of Santa Cruz Economic Development Department**

Attn: David McCormic, Asset and Development Manager

337 Locust Street

Santa Cruz, CA 95060

**Re: Santa Cruz Wharf Master Plan Draft Environmental Impact Report (DEIR)**

B4-1

The Sierra Club has completed its review of the Draft Environmental Impact Report for the Santa Cruz Wharf Master Plan and is concerned that the document is lacking in several important respects, as discussed further below. First, the DEIR has made conclusions regarding wildlife impacts unsupported by the work of qualified personnel. Second, while this project will enhance the ability of bicyclists to access the wharf, bicycle parking is woefully inadequate. Third, there are omissions in the discussion and review of lighting and glare. And lastly, we raise concerns about the overall character of the design, in that the historic qualities of the existing wharf are subsumed by the size of the proposed structures. The Sierra Club does acknowledge the important and substantial work that has gone on in the preparation of the DEIR.

**BIO-1c Special Status Species – Coastal Birds**

B4-2

We take special exception to the assertion that “the project would result in an overall increase in suitable nesting habitat for the pigeon guillemot ... as this overall expansion of suitable habitat would offset any indirect effects from human presence.” No assertion of expansion of suitable habitat can be made without direct support from a qualified biologist. The Biological Resources section of the DEIR, at page 4.2-32, states that the “impact analysis is based on review by Dudek wildlife and marine biologists and supplemented by local biologists, Gary Kittleson and Bryan Mori, regarding nesting birds.” The DEIR does not make clear that the bird biologists were involved in anything other than the bird surveys they performed, which are referred to. If these biologists were involved in the assessments of impacts, and support the numerous assertions referred to in this paragraph, this work should be referred to specifically, and appropriate references should be cited. The analysis section begins with the bald conclusion that “the proposed Master Plan improvements would result in expansion of the Wharf and would not result in removal of habitat.” This conflation of the size of the Wharf with functional habitat is not supported by any full analysis of what factors combine to make a functional habitat. Such factors may certainly include access to nesting sites and privacy of both the nesting sites and the access flight paths. The

phrasing in the DEIR that because the pigeon guillemots currently nest in both western and eastern locations, that this “suggests that pigeon guillemots do not prefer the undisturbed western side of the Wharf over other areas, and the introduction of human disturbance here may not affect their preference for nesting locations” is explicitly conjecture, and not tied to any input by a qualified biologist. The impacts to the overall habitat area appear to be significant, and no statement to the contrary can be made without the input of qualified (with regard to this species) personnel. As discussed further below, it appears that the proposed western walkway is best removed from this proposal.

### BIO-1c Effects on Wildlife Populations

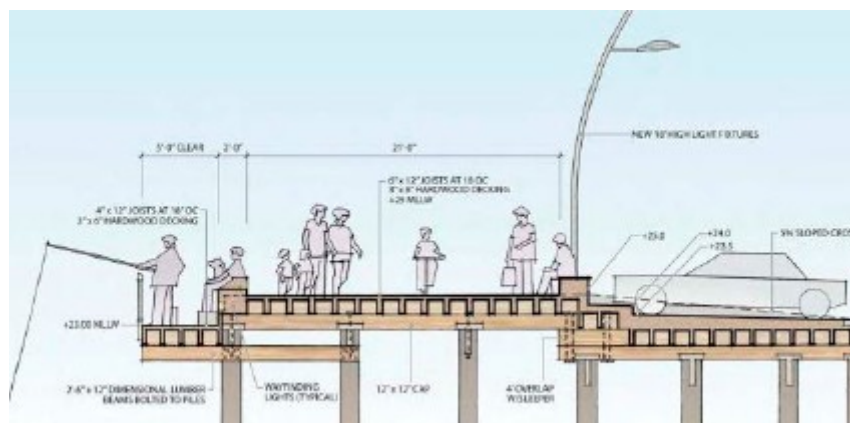
Of concern is the statement that the “Master Plan includes a new boat landing for research and visitor vessels. At this time it is not known when this facility may be developed”. Based upon this temporal ambiguity, the DEIR then appears to brush off any concerns related to increased boat traffic. As it is not known when all aspects of this plan may be developed, the statement referred to above is inappropriate. Should the Wharf, for example, seek to host tenders from cruise ships in the future, impacts from this new boat landing may indeed be significant. We request that a proposed, stated, level of boat traffic be included for this analysis, and that any increase above that level be required to trigger new environmental review. With the proposed use of this boat landing for 200 ton displacement vessels, the DEIR should include analysis of the impacts on wildlife of this use, done by qualified personnel.

### AES-4 Lighting and Glare

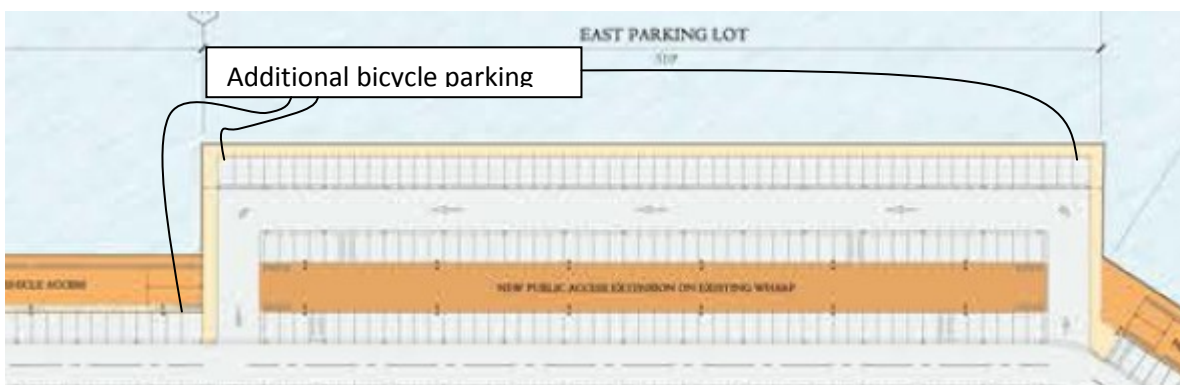
Although we appreciate the centering of the walkway lights away from the edge of the Wharf, we are concerned about an overall increase in light due to the construction of new buildings. In order not to have impact, the overall light emitted by aspects of the design, including that emitted by the new buildings, should not increase the total light emission from the Wharf. We also note that simply not increasing the light emission may not be a high enough standard, with instead a reduction in overall light being the goal.

### TRAF-1 Conflict with a Program - Bicycle

The Sierra Club appreciates and applauds the proposed design for its large bicycle and pedestrian walkway, as seen here:



This can give the impression that the Plan takes bicycle transportation seriously. Access is only a portion of visiting the Wharf by bicycle. The design fails to provide adequate bicycle parking. City of Santa Cruz Ordinance No. 2017-02 requires that public or commercial recreation uses have a number of parking spaces of at least 35% of the auto parking spaces. The design calls for 64 bicycle parking spaces yet 495 auto parking spaces – 12.9%. Although mention is made of providing more spaces in the future, how and where these spaces will be is of concern. Namely, whereas all of the auto parking spaces are designed in and indicated, the future bicycle spaces are not, and then evidently must be taken from areas already identified for pedestrian and bicycle use. A Plan without the full amount of required spaces is in conflict with the City requirements; but even if it were not the proposed 64 spaces indicates that bicycle parking is an afterthought in this Plan. We strongly recommend that all corner areas currently designated for auto parking be instead allocated for bicycle parking, so that proper accommodation of bicycles may be achieved:



B4-7

### **AES-2 and AES-3 - Scenic Resources and Visual Character**

In general, we are concerned that the scale of the proposed improvements risks losing the aesthetic flavor of the Wharf. In particular, one aspect of the scenic character of the Wharf is the experience of those on the Wharf, and the proposed 48 foot tall buildings would overwhelm those on the Wharf itself. Further, we believe that the EIR understates the visual impacts. The use of the Dream Inn as a reference does not accurately contrast the Wharf with its surroundings. The height and massing of the new proposed buildings are more than half the height of the iconic Giant Dipper roller coaster. Also, the views of the Wharf from the shore, namely from Cowell's Beach and from the adjacent West Cliff Drive, include views of the pilings. The western walkway impacts this aspect significantly. We recommend, again, that the western walkway be eliminated from this proposal.

### **Summary**

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

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

Micah Posner,  
Executive Committee Chair



**LETTER B4 – Sierra Club – Michael Guth and Micah Posner**

- B4-1     EIR Concerns. The comment states that the Sierra Club has concerns that are further discussed in their comments regarding wildlife comments, bicyclist access, lighting and glare, and overall design and acknowledges the “substantial work” that has gone into the preparation of the DEIR . *Response*: Comment is acknowledged, and specific responses to commenter’s specific comments is provided below.
- B4-2     Biological Resources Impact Conclusion. The comment states that the DEIR conclusion that the project would not result in removal of pigeon guillemot habitat is “asserted without evaluation from consulting biologists.” The comment further states that “conflation” of the size of the Wharf is not supported by a full analysis of what factors combine to make a “functional habitat,” and impacts to pigeon guillemots appear to be significant. *Response*: The comment on impacts to guillemot habitat is tied throughout to the supposed lack of participation in the analysis by qualified biologists. On this point, see response to comment B1-7. With regard to “conflating” size of the Wharf with the presence of suitable habitat, as explained in the response to comments B1-7 and B2-4, the underlying structure of the new East Promenade will be similar to, and integrated with, that of the existing Wharf. Therefore, the habitat will be the same. Re-creating nesting microhabitats based on other criteria would not only be unnecessary, it would risk failure by potentially creating habitats different from those already being used. Finally, the statement in the comment that impacts to guillemot habitat appear to be significant is not supported with any data, or with an argument stating how the impact meets the definition of “significant” under CEQA, especially for a species typically regarded as common and that nests at several other locations in the vicinity, including along West Cliff Drive and Wilder Ranch State Park. See also Response to Comment B3-6.
- B4-3     Westside Walkway. The comment states that it appears that the “western walkway is best removed from the project.” *Response*: Comment is acknowledged, but does not address analyses in the DEIR and no response is required, but is referred to City decision makers for further consideration.
- B4-4     Boat Usage. The comment expresses concern related to increased boat traffic and asks that the level of boat traffic on marine with the new boat landing be analyzed in the EIR. *Response*: There is existing boat activity on the east side of the Wharf, and existing boating uses would be consolidated with the new Small Boat Landing, although a second South Landing area would be added, but the majority of the eastern side of the Wharf would remain open. As explained in Response to Comment B1-7, with Wharf expansion resulting from the proposed East Promenade, there would also be expanded area under the Wharf for nesting. See Response to Comment B3-13 regarding impacts to the marine environment. As discussed in Response to Comment C9-4, the South Landing is not intended for cruise ships

- B4-5     Lighting and Glare. The comment states that it appears that the “western walkway is best removed from the project.” *Response*: Comment is acknowledged, but does not address analyses in the DEIR and no response is required.
- B4-6     Bicycle Parking. The comment states the design fails to provide adequate bicycle parking in accordance with City of Santa Cruz Ordinance No. 2017-02, which requires public or commercial recreation uses have a number of bicycle parking spaces of at least 35% of the auto parking spaces. Concern is also expressed regarding whether full bicycle parking can be provided, and the comment recommends that all corner areas currently designated for auto parking be allocated for bicycle parking, so that proper accommodation of bicycles may be achieved. *Response*: Provision of parking is no longer a topic to be addressed pursuant to the State CEQA Guidelines, and therefore, no analysis is required in the EIR. The comment, however, is acknowledged and referred to City decision-makers for further consideration. It is noted that the Master Plan indicates that up to 150 bicycle parking spaces would be provided, and requirements of the Santa Cruz Municipal Code will be followed for future projects implemented pursuant to the Wharf Master Plan.
- B4-7     Visual Character. The comment states that the scale of the proposed improvements risks losing the aesthetic flavor of the Wharf, that the proposed “48 foot tall buildings” would overwhelm those on the Wharf, that the EIR understates the visual impacts, that the Dream Inn as a reference does not accurately contrast the Wharf with its surroundings, and views from Cowell Beach and West Cliff Drive, including views of the Wharf pilings, would be significantly impacted by the Westside Walkway. The comment recommends that the walkway be eliminated. *Response*: See Response to Comment B1-3 regarding visual impacts and comparisons to the surrounding area. The Master Plan proposes a height of 45 feet for the three new buildings and 35 feet for the remainder of the Wharf. The Westside Walkway is a narrow, low-profile structure and is included on photo simulations in the DEIR. As shown on Figure 4.1-8, the walkway would have limited visibility from Cowell Beach, would blend with the existing Wharf structure and would not obscure Wharf piles, especially the northern end closest to the beach as the Walkway is not proposed in this area. See Response to Comment B4-3 regarding recommendation to eliminate the Westside Walkway.

**From:** John Aird [<mailto:johnaird@earthlink.net>]  
**Sent:** Wednesday, May 27, 2020 6:28 PM  
**To:** David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>  
**Subject:** [CAUTION: Verify Sender Before Opening!] Fw: DEIR Response

David -

Just in case the earlier email address was in error.

**Note that it was submitted before the 5 PM deadline.**

**Please confirm it's receipt and acceptance.**

**Thanks - John**

-----Forwarded Message-----  
From: John Aird  
Sent: May 27, 2020 4:51 PM  
To: [dmccormick@cityofsantacruz.com](mailto:dmccormick@cityofsantacruz.com)  
Subject: DEIR Response

David -

c1-1 I must say that this seems to be an unfortunate time to be required to respond on such an important community matter.

Nonetheless, I have in the **Attached** document attempted to highlight a number of items of particular concern to me which I would appreciate being addressed..

Many other important matters are addressed in the submission from the "Don't Morph The Wharf" group. Since I have been very much involved with that group, their articulated concerns and submission has my complete support.

Thank you in advance for considering these matters and responding to them in some detail.

John

## Review and Comments on Santa Cruz Wharf Master Plan EIR

John C. Aird, 303 Highland Avenue, Santa Cruz, Ca.

- C1-2 I have reviewed the EIR documents. Obviously a considerable amount of work and expense has gone into its production. Unfortunately, I found it deficient in responding to a number of concerns I had identified in my June 23, 2017 letter “Responses to JNOP for the EIR”.

Key among those were ones relative to overall size, visual impacts of buildings of greatly increased heights, and the addition of three new buildings. A word or two about each:

Overall increased size is 33%, a massive increase with a much broader footprint, which in totality will change an individual’s experience from being on a wharf jutting into Monterey Bay to enjoy the beauty of the bay and its environment to being on an entertainment and restaurant destination located on a wharf.

Building heights raised to 45’ will diminish views both on the wharf itself and certainly from West Cliff Drive. I do not feel that the EIR adequately addresses its negative effects in this regard.

- C1-3 The addition of the three new buildings described and their effects on existing community assets serving the same purposes has not been adequately studied and described. A very quick review in doing this would likely need to address these potential negative effects among others:

**The Landmark Building:** Described as a “relatively small building” at 6000 sq. ft., it’s is twice the size of our existing Civic Auditorium and being proposed despite no useful definition of proposed need or community effect.

**The Events Pavilion:** Again, it lacks a defined “market need” and would appear in many ways to be in direct competition with many events currently successfully hosted and staged at the Santa Cruz Boardwalk and elsewhere.

**The Gateway Building:** Other than serving a “welcoming purpose”, one that might be accomplished in a number of other ways (none of which are

described), its purported educational offerings about the bay and wharf would likely detract from or be duplicative of displays and events offered at The Monterey Bay National Marine Exploration Center, a 12,000 sq. ft. building at a cost of approximately \$ 15.9\_M that's located approximately one-half block from the foot of the wharf.

C1-4 Finally, I would request that a much more thorough review be done to the "No Project" and "Reduced Project (Alternative 1) options. At a time when Santa Cruz is beset with very real budget limitations and other unresolved community challenges (homelessness, economic effects of Covid-19, etc.), it seems absolutely essential that these other options be more thoroughly studied and considered.

Thank you in advance for addressing these points and I look forward to your responses to them.

**LETTER C1 – John Aird**

- C1-1     Comments. The comment references attached comments and expresses support for the matters addressed in the letter submitted from the “Don’t Morph the Wharf” group. *Response:* Comment is acknowledged; no response is required.
- C1-2     Impacts on Views. The comment states that the addition of three new buildings would increase size by 33% and be a massive increase with a much broader footprint. The comment also states the building heights to 45 feet will diminish views both on the Wharf and from West Cliff Drive, which were not adequately addressed in the DEIR. *Response:* The three new planned buildings total 15,000 feet, which represents approximately 25% of the existing building space on the Wharf. The DEIR does evaluate potential impacts to scenic views based on photo simulations of the new buildings. See DEIR page 4.1-5 for an explanation of scenic views and pages 5.1-6 to 4.1-8 regarding impacts to scenic views. Impacts from the end of the Wharf, where a scenic viewpoint has been identified, is addressed on DEIR page 4.1-8, where it is indicated that the proposed Landmark Building would not substantially block scenic views of the shore and distant mounts as views would be available from the rest of the Wharf. See Response to Comment B1-3 and Chapter 2, “Changes to Draft EIR,” of this document regarding views from the end of the Wharf.
- C1-3     New Buildings. The comment states that the addition of the three new buildings has not been adequately studied and described and would likely need to address potential negative effects that the commenter lists as: 1) the description of the 6,000 square foot Landmark Building is “twice the size” of the Civic Auditorium and there is no definition of proposed need or community effect; 2) there is no defined “market need” for the Events Pavilion that would appear to be in direct competition with many events at the Santa Cruz Boardwalk and elsewhere; and 3) educational offerings at the Gateway Building would detract from or be duplicative of displays and events offered at The Monterey Bay National Marine Exploration Center, a 12,000 square foot building located approximately one-half block from the foot of the wharf. *Response:* Comment is acknowledged, however does not address analyses in the DEIR. The concerns raised do not address environmental issues to be addressed pursuant to CEQA, which are impacts on the physical environment as explained on page 1-4 of the DEIR. Economic or social changes resulting from a project are not considered as significant effects on the environment. The comment will be considered by the City’s decision makers. It is noted that the Civic Auditorium is at least 15,000 square feet in size.
- C1-4     Alternatives. The commenter requests that “a much more thorough review be done to the No Project and Reduced Project (Alternative 1) options” especially at a time when Santa Cruz is beset with very real budget limitations and other unresolved community challenges (homelessness, economic effects of Covid-19). *Response:* The comment does not provide specific comments on how the alternatives should be addressed. The City

believes the alternatives have been adequately addressed in accordance with requirements of CEQA and the State CEQA Guidelines.

**From:** Stefan Berlinski [<mailto:coqavin@att.net>]  
**Sent:** Friday, May 22, 2020 8:27 AM  
**To:** David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>  
**Subject:** Wharf Master Plan

Dear Mr. McCormic,

C2-1            I was a resident of the City of Santa Cruz for two decades. I still own property there. My children went to city schools and two of them still live there. I currently serve as the Santa Cruz Yacht Club Regatta Chair which has had a long association with the wharf. After reviewing some elements of the Wharf Master Plan, I was dismayed to see some of the changes. The structures are out of proportion and out of character for the area and history of the wharf. Whenever I rode the waves at Steamers or sail past the wharf in season, the Pigeon Guillemots strike me with their beauty and determination. These birds are known to breed in the structure of the wharf. It is inconceivable that there is no significant impact on this structure or this species. The Draft EIR is not adequate to address these concerns. Please note my comments when the DEIR comes up for review. Thank you for your kind attention,

Stefan Berlinski



**LETTER C2 – Stefan Berlinski**

- C2-1      Wharf Structures and Pigeon Guillemots. The comment states that structures in the Master Plan are out of proportion and out of character for the area and history of the Wharf and that pigeon guillemots are known to breed at the Wharf. The comment further states that “it is inconceivable” there are no significant impacts regarding structures or this species, and the DEIR is not adequate to address these concerns. *Response:* The commenter does not specify why the DEIR is not adequate to address commenter’s concerns, and a specific response cannot be provided. See DEIR pages 4.1-5 to 4.1-18 regarding aesthetics’ impacts, pages 4.2-14 to 4.2-50 regarding impacts to nesting birds, and pages 4.3-15 to 4.3-21 regarding impacts to historical resources.

**From:** Jean Brocklebank [<mailto:jeanbean@baymoon.com>]

**Sent:** Wednesday, May 27, 2020 12:49 PM

**To:** David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>

**Subject:** Wharf DEIR comments

To Whom It May Concern ~

I submit the following comments on the City's DEIR for its Wharf Master Plan:

- C3-1 1. On pages 4.2.7 to 4.2.8 there are several surveys that show anywhere from 27 to 59 to 61 avian species that have been observed in the wharf area over a five year period. The illustration of the proposed (see attached) shows major glazing that will cause bird collisions and bird kills. This is an impact that was **not** analyzed in the DEIR. **Where is the proposed bird kill number due to the creation of more glazing in the birds' habitat?**



- C3-2 2. With an expanded wharf will come expanded busyness and its associated noise. This ambient noise will affect marine mammals as well as migratory and resident birds. I see **no baseline data on ambient noise, nor analysis of the impacts associated with increased noise generated by occupation of the wharf post-construction.**
- C3-3 3. Regarding impact during construction, the DEIR states: "*As discussed in Impact BIO-1a, the underwater sound produced during pile replacement work may cause disturbance to fish in the project vicinity, which may reduce feeding and cause a temporary reduction in the productivity of EFH during the construction period, but is not expect to result in direct harm or take of fish*

*species.* " **Where is the evidence** that temporary stress (especially to constant pile driving) results in no direct harm to marine mammals?

- C3-4 4. Regarding Pigeon guillemots and Pelagic cormorants, **where is the evidence** that a buffer of 150 feet stops disturbance caused by pile driving of the construction? (*"If active nests for pigeon guillemots or pelagic cormorants are found, establish a buffer of at least 150 feet between each nest and construction activities under the wharf deck that could disturb nesting birds, especially pile driving."*).
- C3-5 5. Sea Otters are particularly susceptible to boat strikes. **Where is the baseline data of sea otter strikes** in the project area and analysis of any potential increased number of strikes due to expanded use of the wharf for large research and commercial fishing boats? Even though other marine mammal species are not observed near the wharf, if the wharf expands to provide larger boats then these boats will soon fill the waters of Monterey Bay and head for the new wharf docking area. Therefore a **potential cumulative impact** on marine mammals in the Monterey Bay National Marine Sanctuary is a possibility and **should be addressed**.
- C3-6 6. Although on page 4.2.50 it is stated that "*Adoption and implementation of the Wharf Master Plan and subsequent Wharf expansion and construction would not substantially reduce the habitat of a fish or wildlife species ...*" that just means it will reduce to some extent. This is the problem with harm to the environment. Nature always loses when human occupation of the environment is the goal. A hundred insubstantial impacts, one at a time, make a substantial impact. Nature loses, one impact at a time, one square foot, one place, one acre at a time. There is no other way to see this.
- C3-7 7. Finally, where is a strong and creative alternative to repair, restore and rehabilitate the existing wharf without expansion?

Sincerely,  
Jean Brocklebank  
41 year resident of Santa Cruz

**LETTER C3 – Jean Brocklebank**

- C3-1     Bird Collisions. The comment indicates that windows on new buildings will cause bird collisions and bird kills and that this impact was not analyzed in the DEIR. The comment asks what the number of bird kills will be. *Response*: The DEIR does address potential bird collisions with windows in new buildings on pages 4.2-45 to 4.2-47. The analysis concluded that no significant impact would occur for a number of reasons as explained in the DEIR, including the buildings not being located near vegetation that would be reflected in the windows that is often a source of collision for birds. The bird species attracted to the Wharf mostly either fly low over the water or perch/loaf in open areas, and therefore, are unlikely to collide with glass that they perceive as providing cover resembling surrounding vegetation. The DEIR also indicates that the City’s “Bird-Safe Building Design Standards” would be applied to new construction. These standards specify window and lighting treatments for buildings located near specified habitat areas in order to ensure that new buildings provide a safe design to prevent bird collisions in areas near natural features. The standards identify window glazing and lighting treatments to ensure design of bird safe buildings.
- C3-2     Noise Increases and Impacts. The comment states that expanded activity and business will increase noise that will affect marine mammals and birds, but DEIR does not address impacts of increased noise. *Response*: Potential noise increases were addressed in the Initial Study (see reference on DEIR page 1-4). As indicated, implementation of the Wharf Master Plan and future construction of proposed improvements would increase existing ambient noise levels because the proposed expansion is for enhanced pedestrian and bicycle use, and other envisioned buildings would be similar to existing uses on the Wharf and surrounding recreational activities in the beach area. The Wharf and surrounding area are subjected to a variety of noise sources from Boardwalk rides, outdoor activities on the Wharf and adjacent beaches, vehicular traffic and sounds of the ocean. Intermittent train passage occurs on the railroad tracks along Beach Street just north of the existing Wharf entrance. Therefore, the Project would not result in a substantial increase in ambient noise levels even with increased human visits. The DEIR does address potential impacts to marine mammals related to potential increased human activity and recreational uses; see DEIR page 4.2-52.
- C3-3     Impacts of Pile Driving. The comment asks where is the evidence that temporary stress especially to pile driving results in no direct harm to marine mammals. *Response*: Thresholds for underwater noise impacts as a result of pile driving are discussed on pages 4.2-33 to 4.2-40. Sound levels have been established by NOAA Fisheries in compliance with the Marine Mammal Protection Act for marine mammals and the Fisheries Hydroacoustic Working Group for fish species.
- C3-4     Pigeon Guillemots and Pelagic Cormorants. The comment asks of evidence that a buffer of 150 feet stops disturbance caused by pile driving during construction.

*Response:* The buffer recommended in Mitigation Measure BIO-4 is a minimum based on typical buffers established for construction, and the biologist will have the discretion to adjust this buffer according to the level of activity proposed in consultation with CDFW.

- C3-5     Sea Otters. The comment asks where baseline data is on sea otter strikes in the project area and analysis of any potential increase due to expanded use of the Wharf for large research and fishing boats. *Response:* Impacts associated with potential increased boating are addressed on page 4.2-52 of the DEIR. See also Response to Comment B3-13.
- C3-6     Habitat Impacts. The comment references Impact BIO-7 that states the “Wharf Master Plan and subsequent Wharf expansion and construction would not substantially reduce the habitat of a fish or wildlife species.” The comment suggests that this statement means the project will reduce it to some extent and that “Nature always loses when human occupation of the environment is the goal.” *Response:* The comment does not address analyses in the DEIR, and no response is required. However, the impact analysis cited in the comment is explained on pages 4.2-51 to 4.2-54 with a conclusion of a less-than-significant impact.
- C3-7     Project Alternatives. The comment asks for an alternative to repair, restore and rehabilitate the existing Wharf without expansion. *Response:* The No Project Alternative, as required by CEQA, addresses the ongoing functioning and maintenance, which could include expansion of existing buildings; see DEIR pages 5-15 to 5-17. The proposed Master Plan includes recommendations for new and expanded uses at the Wharf. Existing Wharf operations already include maintenance activities. The Wharf has been expanded over time and is subject to regular maintenance, and it is not clear what restoration and rehabilitation actions would be. It is noted that the Wharf Engineering report does however suggest a number of needed infrastructure repairs totaling between \$12,750,000 and \$16,000,000 in deferred maintenance/infrastructure backlog as of 2014.

-----Original Message-----

From: will cassilly [<mailto:willcassilly1@comcast.net>]

Sent: Friday, May 22, 2020 9:28 AM

To: David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>

Subject: wharf plan

C4-1      Wharf plan is too large and needs to scaled back in size.

## LETTER C4 – Will Cassilly

- C4-1     Wharf Master Plan. The comment states that the “Wharf plan is too large and needs to scaled back in size.” *Response:* The comment is acknowledged, but does not address analyses in the DEIR and no response is required.

**From:** Trician Comings [<mailto:triciansc@mindspring.com>]  
**Sent:** Friday, May 22, 2020 8:52 AM  
**To:** David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>  
**Subject:** Wharf Draft DEIR

Dear David McCormic,

I've been meaning to write and comment for a while.  
I looked over the Wharf Master Plan but couldn't read it all.

C5-1 I think this expansion plan is overkill, too expensive and the monstrous buildings are out of place and unneeded.  
I am fine with the structural and safety improvements but for the rest I think it should go back to the drawing board and scale it down, way down.  
I believe that just upgrading and improving the existing buildings is a better idea than 45' tall buildings. No on the pavilions!  
The focus should be on public access, water activities and safety rather than more tourist shops and commercial spaces. Where would the people fishing fit in?  
The road definitely needs paving and the whole wharf should be more bicycle friendly. When I shop or go to a restaurant, I have a hard time finding a bike rack close by.

Thanks,

Trician Comings,  
longtime Santa Cruz homeowner and environmentalist



**LETTER C5 – Trician Comings**

- C5-1      Wharf Master Plan. The comment provides opinions on the Master Plan, but indicates that the Master Plan should be scaled down with a focus on access, water activities and safety, that the road needs paving, and the Wharf should be more bicycle friendly. *Response:* The comment is acknowledged, but does not address analyses in the DEIR and no response is required. See also pages 3-19, 4.5-16, and 4.5-17 to 4.5-18 in the DEIR that explain improvements to bicycle facilities as recommended in the Wharf Master Plan.

**From:** Chris Cuddihy [<mailto:ccuddihy@ceesquared.tv>]  
**Sent:** Saturday, May 23, 2020 2:01 PM  
**To:** David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>  
**Subject:** Please leave the wharf alone

C6-1 I mean renovate by all means, but taking my kids up there as a single dad at the weekends so they could watch guys fishing, peep down at the sea lions – eat breakfast perhaps or get a bowl of chowder. But please don't change what it is to so many – its one of the last charming structures the city has left – please don't destroy it

Chris Cuddihy  
[ccuddihy@ceesquared.tv](mailto:ccuddihy@ceesquared.tv)  
831 566 9000

## LETTER C6 – Chris Cuddihy

- C6-1     Wharf Changes. The comment supports renovation of the Wharf, but asks that no changes be made. *Response:* The comment is acknowledged, but does not address analyses in the DEIR and no response is required.

**From:** [dmccormic@cityofsantacruz.com](mailto:dmccormic@cityofsantacruz.com) [<mailto:dmccormic@cityofsantacruz.com>]  
**Sent:** Monday, May 18, 2020 11:14 AM  
**To:** David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>  
**Subject:** Wharf Master Plan Draft EIR Question/Comment Received

A new entry to a form/survey has been submitted.

**Form Name:** Wharf Master Plan Draft EIR  
**Date & Time:** 05/18/2020 11:14 AM  
**Response #:** 4  
**Submitter ID:** 49190  
**IP address:** 2600:1700:87f0:8910:b5ff:920c:c5a2:950d  
**Time to complete:** 13 min. , 56 sec.

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#### Survey Details

Page 1

Thank you for reviewing the Wharf Master Plan Draft EIR. Please write your questions or comment in the fields provided. Your comment/question will be automatically directed to David McCormic. Please note that questions and/or comments entered here are public information and subject to release in accordance with the Public Records Act.

**1. Question/Comment:**

I heard that there is a proposed building at the end of the wharf. I hope this is only rumor and will not happen. I'm also concerned for the pinnipeds and hope the landing opposite Stagnaros will be repaired.

**2. Contact Information: If you would like us to contact you regarding your comment or question, please provide us the following information:**

**First Name:** Gayle  
**Last Name:** Fitzsimmons  
**Phone Number:** Not answered  
**Email Address:** [Msfitz@pacbell.net](mailto:Msfitz@pacbell.net)

Thank you,  
**City of Santa Cruz**

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**LETTER C7 – Gayle Fitzsimmons**

- C7-1      Wharf Structures. The commenter does not want to see a new building at the end of the Wharf and also states concern about the pinnipeds and if the landing opposite Stagnaros will be repaired. *Response:* The comment is acknowledged, but does not address analyses in the DEIR and no response is required. The commenter is referred to DEIR Section 4.2, which addresses marine biological resources, including pinnipeds. The current Public Landing No. 2, opposite Stagnaro Bros., does not comply with Americans with Disabilities Act (ADA) and has been effectively decommissioned following damage from the 2011 tsunami and subsequent storms. Staff has explored opportunities to repair the landing, but has been limited by resources and regulatory hurdles. The Master Plan proposes to replace Public Landing No. 2 with a new public ADA-accessible “South Landing” at roughly the same location as the existing landing.

**From:** jaime garfield [<mailto:jaimegarfield@gmail.com>]

**Sent:** Friday, May 22, 2020 12:21 PM

**To:** David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>

**Subject:** The new wharf plan is not bird or local working class person friendly.

C8-1 The city claims the migratory Pigeon Guillemots can find new nesting sites from the south or east side of the wharf even though their access is blocked from the west by the new lowered west walkway.

The south and east sides will be packed with people, boats, outriggers...not conducive to the easily disturbed Pigeon Guillemot after it flies from Puget Sound to the wharf each spring. People who want to fish can now have their car parked with them for a pleasant afternoon of inexpensive family outing.

C8-2 The disappearance of the sea lion viewing platforms with plenty of square footage of open air viewing, is a real loss.

C8-3 I, like so so many like the wharf like it is. Some affordable restaurants, relatively low structures, lots of open air areas, nice open area for community concerts and events. Please don't make the wharf another example of the city putting tourists dollars above local, nature loving interests.

Thanks,

Jaime Garfield

**LETTER C8 – Jaime Garfield**

- C8-1     Pigeon Guillemots. The comment states that the City “claims pigeon guillemots can find new nesting sites” even when their access is blocked by the new west walkway and people, boats, outriggers on the south and east side are not conducive to the easily disturbed birds. *Response*: See Response to Comment B1-7 and B2-4.
- C8-2     Sea Lion Viewing. The comment states that the disappearance of sea lion viewing platforms would be a loss to the community and would impact the Wharf’s character. *Response*: The comment is acknowledged, but does not address analyses in the DEIR and no response is required. See Response to Comment B1-17 regarding sea lion viewing.
- C8-3     Opinion of Wharf. The comment asks that the Wharf not be made “another example of the city putting tourists’ dollars above local, nature loving interests.” *Response*: The comment is acknowledged, but does not address analyses in the DEIR and no response is required.

5/09/2020

Comments on 2020 DEIR  
David McCormic  
Asset and Development Manager SC Wharf Master Plan

Dear Mr. McCormic

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

- C9-1 1. The Plan eliminates the sea lion viewing ports. *This is a major coastal related benefit and attraction for visitors*
- C9-2 2. The Plan adds 10% more parking, thereby increasing impacts to the coastal area from traffic, air and noise pollution.
- C9-3 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.
- C9-4 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 on both the Marine Sanctuary and the coastal environment . Theses impacts should be thoroughly studied .
- C9-5 5. Mesh should be installed on the edge railings to prevent trash from blowing into the marine sanctuary.
- C9-6 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.
- C9-7 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  
136 Swift St.  
Santa Cruz 95060  
Fredjgeiger@yahoo.com



**LETTER C9 – Fred J. Geiger**

- C9-1     Sea Lion Viewing. The comment states that the Wharf Master Plan would eliminate “sea lion viewing ports”, which is a major draw and would greatly impact coastal benefit and attraction for visitors . *Response*: The comment is acknowledged, but does not address analyses in the DEIR and no response is required. See also Response to Comment B1-17 regarding sea lion viewing.
- C9-2     Traffic and Parking. The comment states that the Plan would add 10% more parking, hence increasing impacts to traffic, air, and noise pollution. *Response*: The comment suggests additional impacts would arise from additional parking. However, typically it is the uses that would generate parking demand and traffic, not the parking spaces themselves, although additional parking spaces in combination with other planned uses could result in increased traffic. See DEIR section 4.5 regarding transportation and traffic impacts.

With regards to air quality impacts, the issue was evaluated in an Initial Study and the Project was found to result in a less-than-significant impact; see Notice of Preparation in Appendix A of the DEIR. The Monterey Bay Air Resources District’s (MBARD) CEQA Guidelines identify thresholds for various land uses under which potential impacts on ozone levels might be affected. There is no specific use that matches the proposed improvements and uses at the Wharf, which are a combination of Visitor Center-type public and quasi-public uses, recreational uses, and commercial uses. The Guidelines indicate that a regional shopping center of less than 120,000 square feet would typically be below thresholds of significance for emissions of criteria pollutants. Existing commercial structures on the Wharf total approximately 60,000 square feet, and new and expanded development could add approximately 35,000 square feet of new and expanded building area, although it is not known when future development would occur. Even assuming all new facilities would be similar to a commercial shopping center, the size of the proposed facilities, including infill and expansion of existing buildings, would be substantially below the MBUAPCD screening level for potential significant impacts. Furthermore, the Master Plan’s policies seek to improve alternative modes of travel, including pedestrian, bicycle, and public transit and shuttles. Implementation of these policies and actions and accompanying Improvement of bicycle and pedestrian facilities, including installation of 65-150 new bicycle parking spaces, would reduce or offset automobile trips and associated emissions.

Implementation of the Wharf Master Plan and future construction of proposed improvements including the two near-term planned projects – relocation of the Entry Gate and construction of the East Promenade – would not result in new uses that would increase existing ambient noise levels. The Wharf expansion is for enhanced pedestrian and bicycle use, and other envisioned buildings also would be primarily publicly-oriented with some potential for in-fill expansion of commercial buildings. These uses would be similar to existing uses on the Wharf and surrounding recreational activities in the beach area.

- C9-3     Wharf Structures and Viewsheds. The comment states that the heights of the new proposed buildings, especially the one at the end of the Wharf, would negatively impact the viewsheds from the pier and the shoreline. *Response*: See Response to Comment B1-3 regarding views from the Wharf. See DEIR pages 4.1-12 to 4.1-14 regarding impacts to views from Main Beach and Cowell Beach.
- C9-4     Boat Dock Impacts. The comment states that the large boat dock could accommodate “tenders” from cruise ships and would result in an increase of visitors, which would result in adverse impact to the marine sanctuary and coastal environment, which should be studied. *Response*: As indicated on page 3-13 of the DEIR, the proposed South Landing is not intended as a terminus for cruise ships of any tonnage, to provide moorings for extended periods of time, or to provide shuttle access for any type of large vessel. Santa Cruz is not an existing nor intended destination for cruise ships. This text has been clarified; see “Changes to Draft EIR” section of this document. It is the City’s understanding that the cruise line industry and destination ports are heavily regulated by a variety of national and international agencies, including the U.S. Coast Guard, Centers for Disease Control, Environmental Protection Agency, Customs and Border Control, U.S. Department of Transportation, and the International Maritime Organization. The City has no plans nor resources to explore or initiate permitting cruise ships at this time and none are proposed under either the Master Plan or the EIR. See Response to Comment B3-12 and B3-13 regarding increased visitor, recreational and boating uses.
- C9-5     Trash Mitigation. The comment states that mesh should be installed on the edge of railings to prevent trash from blowing into the marine sanctuary. *Response*: The comment is acknowledged, but does not address analyses in the DEIR and no response is required. The City’s Wharf Maintenance Crew, has been working to install such mesh along the first 1 to 2 feet of railings, as resources permit. Installations have been prioritized with scheduled railing replacements and in high traffic areas where frequent refuse has been witnessed.
- C9-6     Historical Qualities of the Wharf. The comment states that the historical qualities of the Wharf would be negatively and permanently impacted by new construction. *Response*: Comment is acknowledged. However, the impact to historical resources resulting from implementation of the Wharf Master Plan are evaluated on pages 4.3-16 to 4.3-21 and was found to be less than significant as explained in the text.
- C9-7     Expenditures. The comment provides opinion about the financial impacts of the Wharf Master Plan. *Response*: The comment is acknowledged, but does not address analyses in the DEIR and no response is required.

**From:** Josh Goldberg [<mailto:josh@3io.com>]  
**Sent:** Saturday, May 23, 2020 4:38 PM  
**To:** David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>  
**Subject:** wharf master plan comments

Hello,

- C10-1 The wharf master plan DEIR fails to adequately study the impacts of the Plan and therefore the claim of no significant impact is incorrect. The city claims the tall new buildings have no aesthetic impact, however photos are taken from a far distance. The city claims the migratory Pigeon
- C10-2 Guillemots can find new nesting sites from the south or east side of the wharf even though their access is blocked from the west by the new lowered west walkway. In the Plan, the south and east sides are packed with people, boats, outriggers and not at all conducive to the easily
- C10-3 disturbed Pigeon Guillemot after it flies from Puget Sound to the wharf each spring. The impact of reduced light on the resting harbor seals is inadequately studied.

Thank you for considering this feedback.

Josh

**LETTER C10 – Josh Goldberg**

- C10-1    Wharf Structures. The comment states that the DEIR fails to adequately study the impacts of the Plan and the claim of no significant impact is incorrect. The comment states that “the City claims the tall new buildings have no aesthetic impact”, but that photos are taken from a fair distance. *Response:* The DEIR concludes that impacts related to aesthetics would be less-than-significant. See Response to Comment B1-3.
- C10-2    Pigeon Guillemots. The comment states that the City “claims” pigeon guillemots can find new nesting sites” from the south and east side of the Wharf even when their access is blocked by the new west walkway, but people, boats, outriggers on the south and east side are not conducive to the easily disturbed birds. *Response:* See Responses to Comments B1-7 and B2-4.
- C10-3    Effects of Lighting. The comment states that the impact of reduced light on resting harbor seals is inadequately studied. *Response:* Improvements implemented as a result of the Wharf Master Plan would not change light conditions. If the reference is to the holes in the Wharf deck, there are other areas beneath the Wharf where harbor seals rest that are not under these five areas. See also Response to Comment B1-17.

**From:** [dmccormic@cityofsantacruz.com](mailto:dmccormic@cityofsantacruz.com) [<mailto:dmccormic@cityofsantacruz.com>]  
**Sent:** Sunday, April 26, 2020 6:28 PM  
**To:** David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>  
**Subject:** Wharf Master Plan Draft EIR Question/Comment Received

A new entry to a form/survey has been submitted.

**Form Name:** Wharf Master Plan Draft EIR  
**Date & Time:** 04/26/2020 6:27 PM  
**Response #:** 2  
**Submitter ID:** 47192  
**IP address:** 142.254.101.242  
**Time to complete:** 18 min. , 8 sec.

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**Survey Details**

**Page 1**

Thank you for reviewing the Wharf Master Plan Draft EIR. Please write your questions or comment in the fields provided. Your comment/question will be automatically directed to David McCormic. Please note that questions and/or comments entered here are public information and subject to release in accordance with the Public Records Act.

**1. Question/Comment:**

Please postpone this project till post crisis with our pandemic. Totally inappropriate to be considering these plans at this time. It is not realistic to expect citizens to be able to focus on the wharf development or inform themselves of the details of the plans at this time. It is unimaginable that this project as envisioned will be relevant to the city and its effort to recover economically In the near future.

**2. Contact Information: If you would like us to contact you regarding your comment or question, please provide us the following information:**

**First Name:** Margaret  
**Last Name:** gorman  
**Phone Number:** 8314251200  
**Email Address:** [gormanpeg@gmail.com](mailto:gormanpeg@gmail.com)

Thank you,  
City of Santa Cruz

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C11-1

**LETTER C11 – Margaret Gorman**

- C11-1 Wharf Master Plan Schedule. The comment asks that the Project be postponed due to the economic impacts of Covid-19 and that it is unimaginable that the project will be relevant to the City and its effort to recover economically in the near future. *Response:* The comment is acknowledged, but does not address analyses in the DEIR and no response is required. However, it is noted that the Project is the Wharf Master Plan that would be implemented over time. Except for the entry gate relocation and the East Promenade, none of the other buildings or improvements recommended in the Master Plan are proposed or planned at this time. It is noted that the City has experienced budgetary impacts as a result of the COVID-19 pandemic with expected cuts to the Wharf maintenance and operations budget. In order to offset the City's budget impacts, the City will need to seek outside funding in the form of state and federal grants.

Projects proposed in the Master Plan, contingent on outside funding, could nevertheless aid in local economic recovery through immediate design and construction jobs. Completed public access improvements are also expected to help attract more locals and visitors to businesses that have struggled through the Pandemic. Investments in the boat landings and commercial infill would create opportunities for new businesses like fishing charters, retail, and whale watches. It's also important to note that the Wharf was home to more than 400 jobs prior to the pandemic, including roughly 10% of the City's restaurant workforce, many of these jobs have been lost. Among their workers, many are from disadvantaged neighborhoods, including minorities, families, and students, who have suffered deeply during the pandemic with ongoing implications. The Wharf Master Plan will help attract reinvestment to the Wharf aiding the recovery of those who remain as well as helping the City's economic base more broadly.

From: Kathy Haber [<mailto:dannynor@cruzio.com>]  
Sent: Friday, May 22, 2020 4:30 PM  
To: David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>  
Subject: SC Wharf project

C12-1 I would like to register my reaction to the planned Wharf Improvement” project.

I do not see the need to change the pier in the way planned.

C12-2 -- Increasing commercial space and adding a special events venue without adding parking is completely irresponsible. I live 1/2 mile from the wharf and on some special events days, there are cars parked in my neighborhood, including in our complex’s private lot. Woodies on the Wharf may be fun for some, but it’s a headache for me.

C12-3 —There are several large empty spaces now in the commercial row, with no tenants in sight. Additional space is not needed.

C12-4 — The planned west walkway would have passing walkers looking in at the diners in the restaurants. This is not what patrons expect when asking for a table with a view of the water!!!

C12-5 —The huge building planned for the end of the pier is a monstrosity. It completely blocks the view of the ocean, which is what tourists have come to see. I attended a community information meeting and asked what such a huge, hollow space would be used for. I was told “special events” and “maybe boat building”. If people want to rent a large space at the Beach for an event, I can suggest The Coconut Grove. It certainly has many empty dates on it’s calendar.

C12-6 —I have no objection to using the Federal funds available to strengthen and stabilize the structure. This is prudent and needed and there appears to be money for it. But in the time of huge city budget deficits, the rest of the project should not be funded. The various taxes levied on tourists are going to be very scant for some years to come and this expansion is not needed.

Sincerely  
Kathy Haber

**LETTER C12 – Kathy Haber**

- C12-1 Changes to Wharf. The commenter does not “see the need to change the pier in the way planned.”. *Response*: The comment is acknowledged, but does not address analyses in the DEIR and no response is required.
- C12-2 Parking. The comment states that increasing commercial space and adding a special events venue without adding parking is irresponsible and there are cars parking in commenter’s neighborhood during special events. The comment states that existing commercial spaces in commercial row are vacant and additional commercial space is not needed. *Response*: See Response to Comment B1-12 regarding parking. Comment on need for additional commercial space is acknowledged.
- C12-3 Wharf Buildings. The comment states that existing commercial spaces are vacant and additional commercial space is not needed. *Response*: The comment is acknowledged, but does not address analyses in the DEIR and no response is required.
- C12-4 Pedestrian West Walkway. The comment states the walkers on the planned west walkway would be seen by diners in restaurants, which is not what patrons expect when asking for a table with a view of the water. *Response*: The comment is acknowledged, but does not address analyses in the DEIR and no response is required. See also Response to Comment B1-5.
- C12-5 Impacts of New Building at End of Wharf. The comment states that the proposed building at the end of the Wharf would block ocean views and suggest that the Coconut Grove be used for events. *Response*: See Response to Comment B1-3 regarding view impacts at the end of the Wharf. Commenter’s suggestion about use of Coconut Grove for events is acknowledged.
- C12-6 Expenditures and City Budget. The comment does not object to federal funding to strengthen and stabilize the Wharf structure, but states that the rest the project should not be funded. *Response*: The comment is acknowledged, but does not address analyses in the DEIR and no response is required.



From: John Harker [<mailto:jharker@sbcglobal.net>]

Sent: Tuesday, May 26, 2020 6:19 PM

To: David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>; City Council  
<[citycouncil@cityofsantacruz.com](mailto:citycouncil@cityofsantacruz.com)>

Subject: Wharf Master Plan DEIR (Draft Environmental Impact Report) is bad idea

C13-1 The proposed wharf expansion will seriously diminish an important community resource.

C13-2 In addition to becoming an eyesore in the local bay, someone not familiar with local storms designed it. In medium big storms it is common for waves to brush the underside of the wharf. Any lowered side extension would be in the middle of the waves and the solid detritus coming down the river. Nothing with any wood content would survive long. How attractive is solid steel? And the big buildings look like blimp hangers. And the sea lion viewing hole is one of the best parts of the wharf, particularly for children.

John Harker

Santa Cruz

**LETTER C13 – John Harker**

- C13-1    Wharf Expansion. The comments states that the proposed wharf expansion will “seriously diminish an important community resource.” *Response*: The comment is acknowledged, but does not address analyses in the DEIR and no response is required.
- C13-2    Storm Impacts. The comment states concern regarding impacts to a lowered side extension from large storms and options about the aesthetics of new buildings and that the sea viewing hole is one of best parts of the Wharf. *Response*: The comment is acknowledged, but does not address analyses in the DEIR and no response is required. See Response to Comment A2-6 regarding impacts to the Westside Walkway from large storms. The Comment that the new buildings look like “blimp hangers” is acknowledged. See Response to Comment B1-17 regarding sea lion viewing.

**From:** Debbie Hencke [<mailto:dhencke@gmail.com>]

**Sent:** Wednesday, May 13, 2020 1:46 AM

**To:** David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>; Justin Cummings <[jcummings@cityofsantacruz.com](mailto:jcumplings@cityofsantacruz.com)>; Donna Meyers <[dmeyers@cityofsantacruz.com](mailto:dmeyers@cityofsantacruz.com)>; Katherine Beiers <[kbeiers@cityofsantacruz.com](mailto:kbeiers@cityofsantacruz.com)>; Sandy Brown <[sbrown@cityofsantacruz.com](mailto:sbrown@cityofsantacruz.com)>; Renee Golder <[rgolder@cityofsantacruz.com](mailto:rgolder@cityofsantacruz.com)>; Cynthia Mathews <[CMathews@cityofsantacruz.com](mailto:CMathews@cityofsantacruz.com)>; Martine Watkins <[mwatkins@cityofsantacruz.com](mailto:mwatkins@cityofsantacruz.com)>

**Subject:** Wharf master plan

C14-1 As a resident of Santa Cruz County, I am opposed to the new plans of the wharf that increase the heights of the buildings to 3 stories. There is no reason for this as there is no demand for services especially from September to May, the wharf has functioned just fine with 1 and 2 story buildings for the 45 years that I've lived here.

In addition, paving over the unique areas of the wharf (visual areas for sea lion viewing - it's a hit in San Francisco at Pier 39! <https://www.pier39.com/sealions/>), fishing areas, and destroying habitat for unique bird nesting is unacceptable to the preservation of certain species. It is not necessary for Santa Cruz to demolish species. We are a no nuclear zone - let's act like it.

I know that you do not often value the input of the average person in the community, (at least not in the last 5-7 years of my involvement with the city council) but this just goes way beyond what is needed in the area. It strongly appears to service the greed of developers and Santa Cruz is so much more than that. Let people experience the unique area. We don't have to look like San Francisco or Hong Kong to have visitors and earn money.

You can update the area - but trust me, the truth of how you are obtaining the money will come out. It was not damaged like the harbor from the tsunami. Do we want to cater to cruise ships that may now be a dying form of tourism due to the spread of disease? Just build an access to our local sight seeing catamarans and it will suffice for the tenders if they will still exist after Covid-19. Maybe consider a set of stairs and a dock, but no need to take away the uniqueness of the wharf as it is today. And make parking spaces narrower? Not likely a benefit to anyone! Especially as the population ages and the catering goes to a wealthier crowd with more expensive vehicles!

PS I'm disappointed that Gilda's does not exist for the people of this county. You went from non-negotiating rent because you wanted more to no rent now. No, it wouldn't fit the image of Pier 39 in SF. But it did fit this community.

Thank you,

Debbie Hencke  
831-359-9391 cell  
831-423-7964 messages

Loneliness is the poverty of self; solitude is the richness of self. ~ May Sarton

## LETTER C15 – Debbie Hencke

- C14-1    Wharf Structures. The comment opposition to the new plans of the Wharf. *Response:* The comment is acknowledged. The comment expresses opposition to the Wharf Master Plan, but does not address analyses in the DEIR and no response is required.

From: Bill Malone [<mailto:billmalone@pacbell.net>]  
Sent: Friday, May 22, 2020 11:09 AM  
To: David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>  
Cc: bmpn <[billmalone@pacbell.net](mailto:billmalone@pacbell.net)>  
Subject: Wharf Master Plan -- You must do a full EIR.

C15-1 It is almost laughable to state that the proposed Wharf Master Plan has "no significant impact"!

It will drastically transform Santa Cruz's wonderful, relaxing bay area, but not for the better.

You must do a full EIR.

Bill Malone

**LETTER C15 – Bill Malone**

- C15-1     Wharf Master Plan. The comment suggests that it is “almost laughable” that the Wharf Master Plan has no significant impacts and states that a full EIR is required. *Response:* See DEIR pages 1-3 to 1-5 regarding the how the scope of the EIR was determined; issues not addressed in the DEIR were not found to be potentially significant and did not require further analysis. See DEIR pages 2-4 through 2-7 for a summary of significant impacts identified in the EIR, all of which can be mitigated to a less-than-significant level.

**From:** Knitsnpaints [<mailto:knitsnpaints@gmail.com>]  
**Sent:** Friday, May 8, 2020 3:43 PM  
**To:** David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>  
**Subject:** Comments on 2020 Wharf Master Plan DEIR

5/8/2020

Comments on 2020 Wharf Master Plan DEIR

David McCormic  
 Asset and Development Manager SC Wharf Master Plan  
 Economic Development Department

Dear Mr. McCormic

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

C16-1 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, 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:

- C16-2 1. 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.
- C16-3
- C16-4 2. The height of the building at the far end of the wharf is too high! 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.

- C16-5 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.
- C16-6 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 undoubtedly be large numbers of people movement on and off these boats.
- C16-7 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.
- C16-8 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.
- C16-9 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.

Regards,

Susan Martinez

1517 Delaware Ave.  
Santa Cruz 95060

[Knitsnpaints@gmail.com](mailto:Knitsnpaints@gmail.com)



## LETTER C16 – Susan Martinez

- C16-1 Opposition to Plan. The commenter is “not in favor of this plan as written,” and states that 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”. The comment “advocates” for an alternative that would not change the main size of the Wharf. *Response*: The comment expresses opinions on the Wharf Master Plan, but does not address analyses in the DEIR. The comment advocating for no change in the size of the Wharf is acknowledged. The DEIR includes a Reduced Project Alternative (Alternative 1), which is analyzed on pages 5-17 to 5-18 of the DEIR, and the No Project Alternative, required by CEQA, which discusses impacts without the proposed Wharf Master Plan.
- C16-2 Wharf Piles. The comment states that chemically-treated piles will be added to accommodate increased width areas and that the environmental impact to wildlife and water quality will have to be thoroughly evaluated. *Response*: The comment does not address analyses in the DEIR. However, the EIR does address potential biological resource and water quality impacts related to installation of new piles; see DEIR pages 4.2-40 to 4.2-43 and 4.4-18 to 4.4-22.
- C16-3 Sand Movement and Tidal Change. The comment states that studies should be done to evaluate sand movement and tidal impacts that may affect the Wharf. *Response*: The DEIR does address this issue; see DEIR page 4.4-23. As indicated, the City’s consulting marine engineers concluded that construction of the East Promenade and additional piles would have no effect on swell patterns or sand movement. The additional piles may result in a minor (1-2%) decrease in wave heights locally at the Main Beach, but it would be minor and limited in area.
- C16-4 Wharf Structures. The comment states that the proposed building at the end of the Wharf is too high and would impact viewsheds from the beach, Boardwalk, and West Cliff Drive. The commenter suggests story poles to get an idea of the height. *Response*: See Response to Comment B1-3. The DEIR included photo simulations based on models and renderings included in the Wharf Master Plan and preliminary plans for the entry gate relocation and the East Promenade. Therefore, story poles are not required to assess potential impacts pursuant to CEQA.
- C16-5 Pedestrian Walkways. The comment states that the pedestrian walkways may be impacted by tidal activity and storm drainage. *Response*: See Response to Comment A2-6.
- C16-6 Wharf Stability. The comment states concerns about the Wharf’s stability during strong tidal events. *Response*: See Response to Comment A2-6.

- C16-7    Cruise Ships. The comment states concerns about cruise ship tenders and the associate impacts of increased visitors to the community. *Response:* See Response to Comment C9-4.
- C16-8    Sea Lion Views. The comment states concerns about the loss of sea lion views at the Wharf. *Response:* See Response to Comment B1-17.
- C16-9    Walkway and Viewshed. The comment states that the lowered walkway would impact views at restaurants. *Response:* See Response to Comment B1-5.

From: nancy maynard [<mailto:scrippsmom@gmail.com>]  
Sent: Saturday, May 23, 2020 7:34 PM  
To: David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>  
Subject: Warf plan..... not representative of Santa Cruz ...

C17-1 The new warf plan is so generic.... why bother if this is the future The scale and design are way off base  
Actually it is hideous...  
What's next.... have Disney build their own warf as a reproduction of yesteryear...  
This plan needs to be scraped... and much local input considered Thanks Nancy Maynard

## LETTER C17 – Nancy Maynard

- C17-1     Wharf Master Plan. The comment provides an opinion about the Wharf Master Plan, state that the scale and designed are off base and that the plan “needs to be scrapped.” The comment is acknowledged, but does not address analyses in the DEIR and no response is required.

**From:** Satya Orion [<mailto:lightspirit16@gmail.com>]  
**Sent:** Friday, May 22, 2020 7:55 AM  
**To:** David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>  
**Subject:** Santa Cruz Wharf Master Plan

C18-1 I am not in favor of this plan as it will destroy the character of the wharf, and the many reasons why those of us who live here love the wharf as it currently exists.

There are many people who make a living, feed their families from the fishing that occurs along the wharf now. Will this still be possible? What about the open viewing areas for watching sea lions? Will this now be gone too? This is a favorite tourist attraction as well.

There is currently a friendly quiet atmosphere at the wharf - especially at the far end of the wharf. Will this all be gone now?

How will the sea lions and other wildlife - pelicans, seagulls and other birds be affected by this massive construction project?

I am aware that this project has been in the works for a long time, but this is not what the community wants. Who is this project benefitting? I understand that over 2,000 people have already signed a petition in opposition. I have not seen the petition, but would gladly sign it.

Before the wharf was closed to parking, I was saddened by the fenced off area at the end of the wharf and felt the loss of a place where I frequently visited - gone forever.

I moved to Santa Cruz 20 years ago, when it was a much friendlier, community minded town. With every passing year, I see that Santa Cruz fading away and I feel deeply saddened.

Please put a hold on this project until all the current restrictions are lifted, and full community participation is possible.

thank you,  
Satya Orion

## LETTER C18 – Satya Orion

- C18-1    Opposes Plan. The comment states opposition to the proposed plan. *Response:* The comment is acknowledged, but does not address analyses in the DEIR and no response is required.

From: BOB PEARSON [<mailto:arrowsurf@aol.com>]  
Sent: Wednesday, April 1, 2020 3:28 PM  
To: David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>  
Subject: Wharf

Hi Dave

C19-1

Wow ! Great plans for the Wharf.  
Please keep me informed and if I can help, let me know.  
Thanks,  
Bob Pearson  
President of Sant Cruz Surf Club Preservation Society Arrow Surfboards.

Sent from my iPhone

## LETTER C19 – Bob Pearson

- C19-1    Wharf Master Plan Support. The comment states support for the project. *Response:* The comment is acknowledged, but does not address analyses in the DEIR and no response is required.



**From:** Richard Popchak [<mailto:rich@ventanawild.org>]  
**Sent:** Saturday, May 23, 2020 1:10 PM  
**To:** David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>  
**Subject:** Please do not ruin the Municipal Wharf

Dear City of Santa Cruz,

C20-1 I am quite opposed to the new Wharf Master Plan. It is OUR MUNICIPAL wharf. Not a development tool for the city and those who would gain even more wealth from ruining the current user-friendly wharf.

The new wharf would be unfair to the working class people who use it year round.

The new wharf would be detrimental to wildlife and the health of the Monterey Bay.

The new wharf would be unfair to the residents of the city who live in that neighborhood. Increased capacity would result in nightmarish traffic issues for people who live in that part of the city.

Yes, the MUNICIPAL wharf needs upgrades that benefit the community and the businesses that make a living on it ... while protecting natural resources. But the new plan is overreach by the greedy and **I vehemently oppose it.**

Regards,

Richard Popchak  
346 Getchell Street  
Santa Cruz CA 95060

Richard Popchak (he/him/his)  
Communications and Development Director  
Ventana Wilderness Alliance  
CELL is 831-818-6255  
[rich@ventanawild.org](mailto:rich@ventanawild.org)  
[ventanawild.org](http://ventanawild.org)

## LETTER C20 – Richard Popchak

- C20-1    Wharf Master Plan. The comment indicates opposition to the Wharf Master Plan.  
*Response:* The comment is acknowledged, but does not address analyses in the DEIR and no response is required.

**From:** [dean@cruzio.com](mailto:dean@cruzio.com) [<mailto:dean@cruzio.com>]  
**Sent:** Friday, May 22, 2020 9:24 AM  
**To:** David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>  
**Subject:** Opposed to Draft EIR Wharf Master Plan

- C21-1 The Santa Cruz Wharf Draft Master Plan does not address many vital environmental issues in the current version. This Draft Master Plan will cause permanent, long-term damage to the existing, vitally important migratory Pigeon Guillemot breeding grounds by eliminating the most important access point to their nests, and by encouraging / adding new human interference by access walkways that will disrupt and drive off the important remaining nesting pairs of this vanishing wild animal species.

Please reconsider and Do Not approve the current Wharf Master Plan; it lacks any real consideration or protections for the Pigeon Guillemot's existing or future population and breeding grounds, that are historically established on the existing Santa Cruz Wharf.

Best regards,  
Dean Quarnstrom  
728 Darwin St.  
Santa Cruz, CA 95062

## LETTER C21 – Dean Quarnstorm

- C21-1 Pigeon Guillemot. The comment states that the proposed plan would cause long-term damage to the migratory pigeon guillemot breeding grounds by eliminating important access point to their nests and through use of new access walkways. The comment asks that current Master Plan not be approved due to lack of protection for the pigeon guillemot. *Response:* See Response to Comment B1-7 and B2-4.

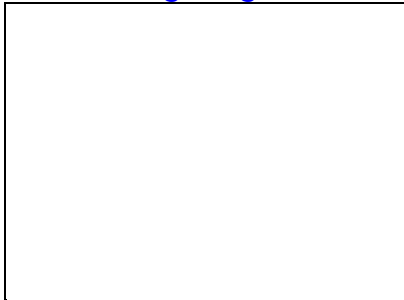
**From:** Ron Sandidge [mailto:[ronsandidge@gmail.com](mailto:ronsandidge@gmail.com)]  
**Sent:** Friday, May 22, 2020 4:09 PM  
**To:** David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>  
**Subject:** Wharf Master Plan DEIR

- C22-1 Having studied the Santa Cruz Wharf Master Plan Draft Environmental Impact Report, I determine that it unsuccessfully is able to competently investigate the shock of the plan and therefore the city has failed in its claim of "no significant impact."  
You have heard from many people who are in opposition to the plan. There is no crowd of residents or visitors clambering for changing the wharf from the way it is now. Public money is precious and it would be folly to spend it the way the it is being proposed.

*Ron Sandidge*

*phone: (831) 684-1134*

*[ronsandidge@gmail.com](mailto:ronsandidge@gmail.com)*



## LETTER C22 – Ron Sandidge

- C22-1    Wharf Master Plan. The comment states that the City “has failed in its claim of no significant impact” and also states that the community opposes the project. *Response:* The comment is acknowledged, but does not address analyses in the DEIR and no response is required. However, the DEIR identifies significant impacts that can be mitigated to a less-than-significant level, as well as less-than-significant impacts. See DEIR Chapter 2, Summary.

**From:** Mark Trabing [<mailto:mrtrabing@gmail.com>]  
**Sent:** Sunday, May 24, 2020 12:56 PM  
**To:** David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>  
**Cc:** [kbeiers135@gmail.com](mailto:kbeiers135@gmail.com)  
**Subject:** COMMENTS ON THE WHARF EIR

Mr. McCormic,

I understand you are in charge of the Wharf Master Plan and assume you will be making recommendations to the City Council regarding the EIR. During this public comment period on the Wharf's Environmental Review, I would like to add a few observations. I am no expert, but I have reviewed the sections on the Cultural and Aesthetic impacts.

- C23-1 First, I heard that the author of the Environmental Review commented on Gilda's Family Restaurant, that "we can do better than this." Does this comment set the stage for the EIR author's attitude towards the wharf? Although this restaurant may look a little plain compared to chain restaurants up and down the California coast, it and a few other businesses at the wharf are beloved institutions. I don't know about you, but when I travel in this country and abroad, I bring my business to a local coffee shop/restaurant or a local market rather than a chain store or mall in order to absorb the local culture. I don't know what to recommend here other than (if the Master Plan is approved), the City be sensitive to what the community loves about the wharf. For example, when you work at "improving the commercial buildings, the storefronts and enhancement of the quality of the pedestrian experience, such as "enhancing curb appeal" etc., hopefully you can somehow maintain the historic appeal of some of the old businesses.
- C23-2 I do acknowledge and like what you say on page 4.3-18 - the "new structures or amenities proposed are of similar type, scale, massing and materials as those already in existence on the Wharf. ..modifications would not impair the historic character, feeling ..and will be designed to be compatible with the current and past elements ..." I hope so.
- C23-3 On page 4.3 -10, the study states that the wharf may be eligible for listing in the California Register of Historical Resources and the National Register of Historic Places. Why not seek approval of these agencies now, before the proposed "improvements." This would help assure that the wharf's historic elements are not compromised.
- C23-4 This study states that it is not the "intent" of the proposed boat landing at the wharf to accommodate cruise ship shuttles. I am requesting that you change "intent" to something stronger, such as "will not". In your role as Assett and Development Manager, in the City's Economic Development Department, it is understandable that the dollars flowing in from cruise ships to the local businesses is beneficial. However, please consider the downside of periodic overflow of tourists to the Main Beach area.

I'm not going to hold it against you that you have only worked in Santa Cruz for a couple years, and your previous job was in San Jose, where the culture and aesthetics differ from Santa Cruz. I'm saying this tongue in check and don't mean to jostle your professional integrity. Heck, I have a local bias that may blind me to economic development concerns. There are many harbors, marinas and wharfs along the California coast, that have compromised their

historical and cultural integrity for income producing chain restaurants and bars. Let us not be afraid to let Santa Cruz be ourselves.

C23-5 In conclusion, I think that the EIR is overall a good, comprehensive report and we will cross our fingers that the City do a great job with “improving” the wharf.

Mark Trabing, on behalf of the Trabing Family  
831.566.5718





**LETTER C23 – Mark Trabing**

- C23-1    Wharf Business. The comment makes reference to hearing a comment that the author of the EIR made about Gilda’s Restaurant, and that the City should maintain the historic appeal of some of the old businesses on the Wharf. *Response*: The comment is acknowledged, but does not address analyses in the DEIR, and no response is required. It is noted that none of the DEIR authors (City or consultant staff) are aware of the referenced comment.
- C23-2    Historic Impacts. The commenter acknowledges and concurs with the DEIR statement on page 4.3-18 that modifications would not impair the historic character, feeling ..and will be designed to be compatible with the current and past elements. *Response*: Comment is acknowledged; no response is required.
- C23-3    Historic Resource Listing. Regarding the Wharf’s potential eligibility for listing in the California Register of Historical Resources and the National Register of Historic Places, the comment suggest seeking listing now to assure that the Wharf’s historic elements are not compromised. *Response*: Comment recommending seeking listing is acknowledged. It is noted, however, that the DEIR analysis of potential impacts to historic resources did not identify a significant impact, and the Wharf’s historic significant would not be altered.
- C23-4    Cruise Ship Shuttles. Regarding The comment requests that DEIR language be changed to indicate that the proposed boat landing at the Wharf will not accommodate cruise ship shuttles. *Response*: The DEIR does indicate on page 3-13 that the South Landing is not intended to provide a terminus for cruise ships or shuttle access to any large vessel. The text has been clarified to also include cruise ship shuttle; see “Changes to Draft EIR” section of this document. See also Response to Comment C9-4.
- C23-5    EIR and Project Comments. The commenter thinks that “the EIR is overall a good, comprehensive report” and “will cross our fingers that the City do a great job with “improving” the wharf.” *Response*: Comment is acknowledged; no response is necessary.

**From:** david van brink [<mailto:david.van.brink@gmail.com>]  
**Sent:** Sunday, May 24, 2020 1:57 PM  
**To:** David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>  
**Subject:** Wharf Design.

## Wharf Design

I'll keep this short and to the point.

- C24-1 Please provide Sea Lion Holes like the ones we have now. Everyone loves those. You know if you ask any member of the public, "Should we keep the sea lion holes" what their answer will be. You know it!

The environmental considerations are all well-appreciated, and the fact that wildlife including Sea Lions are accounted for is wonderful. Top notch. We expect nothing less from our most excellent local planning agencies here in enlightened Santa Cruz. Truly!

But the sea lion holes. Please include some!!

// David Van Brink / Santa Cruz resident since 1988.

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david van brink / [david.van.brink@gmail.com](mailto:david.van.brink@gmail.com) / 831.332.6077  
I am large, my inbox contains multitudes.  
Let the [TOPIC] start your subject: line.

## LETTER C24 – David Van Brink

- C24-1    Sea Lion Views. The comment states that the proposed plans should include sea lion holes. *Response*: The comment is acknowledged, but does not address analyses in the DEIR and is referred to City decision-makers for further consideration. See also Response to Comment B1-17.

**From:** [dmccormic@cityofsantacruz.com](mailto:dmccormic@cityofsantacruz.com) [<mailto:dmccormic@cityofsantacruz.com>]  
**Sent:** Sunday, May 17, 2020 6:44 PM  
**To:** David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>  
**Subject:** Wharf Master Plan Draft EIR Question/Comment Received

A new entry to a form/survey has been submitted.

**Form Name:** Wharf Master Plan Draft EIR  
**Date & Time:** 05/17/2020 6:44 PM  
**Response #:** 3  
**Submitter ID:** 49122  
**IP address:** 50.1.51.119  
**Time to complete:** 9 min. , 28 sec.

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#### Survey Details

##### Page 1

Thank you for reviewing the Wharf Master Plan Draft EIR. Please write your questions or comment in the fields provided. Your comment/question will be automatically directed to David McCormic. Please note that questions and/or comments entered here are public information and subject to release in accordance with the Public Records Act.

#### 1. Question/Comment:

Where exactly is the funding coming from to build this project?  
 What is the total cost of project expected to be?  
 Are city Bonds involved - if so, at what terms, and is that borrowing cost factored into cost of project?

#### 2. Contact Information: If you would like us to contact you regarding your comment or question, please provide us the following information:

**First Name:** A  
**Last Name:** Webb  
**Phone Number:** Not answered  
**Email Address:** [webbheart@gmail.com](mailto:webbheart@gmail.com)

Thank you,  
 City of Santa Cruz

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This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.

C25-1

**LETTER C25 – A. Webb**

- C25-1 Costs. The comment asks where funds for the proposed project are from, the expected total cost of the project, and whether City bonds are involved, and if so at what terms and has the borrowing cost factored into the cost of the project. *Response*: The comment is acknowledged, but does not address analyses in the DEIR and no response is required. However, it is noted that a preliminary estimate of project costs (in 2014 dollars) can be found in the Master Plan, beginning on page 54. At that time, the total project cost was estimated at roughly \$29,000,000, as compared to the range of \$12,750,000 to \$15,900,000 for repairing the Wharf as is. The City anticipates that projects recommended in the Master Plan will be supported through leveraging limited existing redevelopment bond funds, public-private partnerships, and state and federal grants or loans. The City does not currently have any plans for new bond or tax measures for the Wharf Master Plan and is unable to anticipate what terms or rates may be available at such time that the public might request such a measure.

----- Forwarded message -----

From: **Linda Wilshusen** <[liveoaklinda@gmail.com](mailto:liveoaklinda@gmail.com)>

Date: Wed, May 27, 2020 at 3:13 PM

Subject: Wharf Master Plan Draft EIR Comments from Linda Wilshusen

To: <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>

Dear Mr. McCormic:

- C26-1 Thank you for the opportunity to comment on the Santa Cruz Wharf Master Plan DEIR. I visit the Wharf often - probably more often than anywhere else in Santa Cruz - and very much appreciate its eclectic character, its spaciousness, its diversity, its fisherfamilies, its scenic views, its sealife, its food, its open air quietness, and the feeling of being a 1/2 mile out in the breezy and beautiful Monterey Bay. It's important to me that these Wharf qualities remain, and are enhanced, by the proposed Master Plan.

I love all the pathways and am 100% in support of those. Thank you for the site plans and the figures showing before and after - they were very helpful in understanding the Master Plan proposal. My detailed comments pertain to aesthetics and parking.

#### Aesthetics

- C26-2 1. The proposed new entry to the Wharf will be the first striking change to the Wharf as the Plan is implemented. With this first phase of this project, visitors will approach a 65' wide, 4-lane Toll Plaza with a 105' wide, 18' high structure. (Thankfully, the sign design, which is proposed to sit atop this structure, is not yet decided; I recommend that it not be added to this already large structure.) While I understand the need to improve the Wharf entrance and fee collection system, it doesn't seem to me that this Toll Plaza proposal falls below the threshold of "significant impact" for aesthetics.
- C26-3 2. Regarding the Landmark Building proposed for the end of the Wharf: the text notes on p.13 of this same chapter, "Construction of the new Landmark Building reminiscent in scale and industrial form of the large warehouse structure that once was located at the bayward end of the Wharf, which is consistent with existing LCP Design Guidelines...." Just because a warehouse was there at some point in our history doesn't mean it's a good idea to replicate a warehouse in one of the most visited and unique open-air locations accessible to anybody who can traverse the 1/2 mile out into the Bay. Is it OK to improve the functionality in the area at the end of the Wharf, and it's buildings too? Yes, but not with a warehouse.
- C26-4 3. The height exceptions for the new Gateway and Landmark buildings will cause them to look out of place from non-Wharf viewpoints. It doesn't seem right to me that this isn't a significant impact just because the Boardwalk and Dream Inn happen to be nearby.

#### Parking

- C26-5 1. I find two mentions of parking that note parking restriping (to perpendicular from angled) will result in 10-15% increase in parking spaces. The DEIR discusses (p.17-18 of the Transportation chapter) that the Master Plan will result in 37,000 square feet of new

public and commercial use buildings. What is the mitigation for a likely increase in parking demand caused by new Wharf development? The DEIR notes that "The *General Plan 2030* includes goals, policies and actions that set forth comprehensive measures to reduce vehicle trips, increase vehicle occupancy, encourage use of alternative transportation modes, and promote alternative-sustainable land use patterns, all of which would help reduce vehicle trips, and avoid and minimize adverse impacts related to traffic...The *General Plan 2030* also encourages passenger rail transit or other alternative transportation options along the existing rail corridor via the continued support, acquisition, and expansion of railroad rights-of-way." Therefore, it appears that the DEIR does not provide for direct mitigation of likely-increased parking demand (and of course, there's no room for more parking anyway). Is this acceptable?

- C26-6      2. In light of this, and in light of the convenient location of the public rail line and probable future Wharf/Boardwalk transit stop right at the entrance of the Wharf, the above assumption that General Plan objectives will solve the problem could be valid. It will be important for the City to increase its leadership and activism in this regard in the coming months and years in order to ensure that a public transit and trail system along the rail line serves the Wharf as the Master Plan intended.

Thank you very much for considering my comments.

Sincerely,

Linda Wilshusen

**LETTER C26 – Linda Wilshusen**

- C26-1 Wharf Master Plan. The commenter visits the Wharf often and expresses opinion that qualities of the Wharf remain and are enhanced by the proposed Master Plan and also states approval of the proposed walkways. *Response*: The comment is acknowledged, but does not address analyses in the DEIR and no response is required.
- C26-2 Entry Gate Aesthetics Impacts. The commenter does not believe that the entry gate (referenced as “Toll Plaza”) relocation falls below the threshold of “significant Impact” for aesthetics. *Response*: Commenter’s opinion on the impact conclusion for aesthetic impacts of the entry gate relocation is acknowledged, but comment does not provide specific comments on DEIR analyses. The thresholds of significance for aesthetics impacts are identified on page 4.1-6 of the DEIR. See Responses to Comments A2-4 and B1-6 regarding aesthetic impacts of the entry gate relocation.
- C26-3 Landmark Building. The comment cites a statement on page 4.1-13 of the DEIR that the Landmark Building is “reminiscent in scale and industrial form of the large warehouse structure that once was located at the bayward end of the Wharf, which is consistent with existing LCP Design Guidelines....” and questions whether it is a good idea to replicate a warehouse in one of the most visited and unique open-air locations. Comment indications support to improve the functionality in the area at the end of the Wharf, but not with a warehouse. *Response*: Comment is noted and will be considered by City decision-makers. It is noted that the statement cited in the DEIR is an action in the Wharf Master Plan (page 11) that states “Construct a new Landmark Building on axis with the main vehicular circulation drive that is reminiscent in scale and industrial form of the large warehouse structure that once was located at the bayward end of the Wharf.”
- C26-4 Building Height. The comment states that the height exceptions for the new Gateway and Landmark buildings “will cause them to look out of place from non-Wharf viewpoints” and that it doesn't seem right that this isn't a significant impact just because the Boardwalk and Dream Inn happen to be nearby. *Response*: The comment is acknowledged, but does not provide a specific comment. The thresholds of significance for aesthetics impacts are identified on page 4.1-6 of the DEIR. See Response to Comment B1-3 regarding aesthetics impacts of new buildings.
- C26-5 Parking Demand. The comment states notes that the DEIR discusses additional parking by restriping and asks what mitigation will be for likely increase in parking demand caused by new development on the Wharf. *Response*: See Response to Comment B1-12 regarding parking.
- C27-6 Parking. The comment states that the City should continue to ensure public transit and trail system along the rail line which would serve the Wharf as the Master Plan intended.



*Response:* The comment is acknowledged, but does not address analyses in the DEIR and is referred to City decision-makers for further consideration. However, it is noted that the City views the improvement of these trails as essential to expanding public access to the Wharf, Boardwalk, and beach area. Status of these trails is currently as follows:

- Segment 7-Phase 1 of the Monterey Bay Sanctuary Scenic Trail running from Wilder Ranch to California Street is currently under construction.
- Segment 7-Phase 2 from California Street to the Wharf is at 95% complete construction plans. This project is grant-ready and awaiting award of funds for construction.
- Segment 8 and 9 from the Wharf to 17<sup>th</sup> Avenue has been included in the City's FY20/21 Capital Improvement Plan for design and engineering. Public Works staff are planning to conduct public outreach for this project in FY20/21.

From: shawn grona [<mailto:shawngrona@gmail.com>]  
Sent: Friday, May 29, 2020 10:57 AM  
To: David McCormic <[dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com)>  
Subject: Wharf Plan

C27-1 I support the proposed changes to the wharf, looks great!

Thanks,  
Shawn  
N Branciforte Santa Cruz

## LETTER C27 (Received After Close of Public Review Period)– Shawn Grona

- C27-1    Support for Wharf Master Plan. The commenter supports the proposed to the Wharf.  
*Response:* The comment is acknowledged, but does not address analyses in the DEIR and no response is required.

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## APPENDIX A

### Mitigation Monitoring and Reporting Program

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## **MITIGATION MONITORING AND REPORTING PROGRAM**

This Mitigation Monitoring and Reporting Program (MMRP) for the City of Santa Cruz Wharf Master Plan 2030 has been prepared pursuant to the California Environmental Quality Act (CEQA – Public Resources Code, Section 21000 *et seq.*), the CEQA Guidelines (Cal. Code Regs., Title 14, Chapter 3, Sections 15074 and 15097). A master copy of this MMRP shall be kept in the office of the City of Santa Cruz Economic Development Department and shall be available for viewing upon request.

Mitigation Measure	Implementation Actions	Monitoring / Reporting Responsibility	Timing Requirements	Reporting Requirements	Verification of Compliance
<b>Biological Resources</b>					
<p><b>MITIGATION BIO-1a-1.</b> Prepare and implement a hydroacoustic, fish and marine mammal monitoring plan that implements measures to avoid exposure of marine mammals to high sound levels that could result in Level B harassment. Measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Establishment of an underwater “exclusion zone”—defined as the distance where underwater sound levels exceed 180 dB SEL<sub>cum</sub> if whales are present, and 185 dB SEL<sub>cum</sub> dB if seals and sea lions are present—will be established. This will be refined based on hydroacoustic measurements in the field and in consultation with NOAA Fisheries.</li> <li>• Pre-construction monitoring by a qualified biologist to update information on the animals’ occurrence in and near the project area, their movement patterns, and their use of any haul-out sites.</li> <li>• Pre-construction training for construction crews prior to in-water construction regarding the status and sensitivity of the target species in the area and the actions to be taken to avoid or minimize impacts in the event of a target species entering the in-water work area.</li> <li>• Marine mammal monitoring of the exclusion zone will be conducted prior to commencement of pile driving and underwater excavation activities.</li> <li>• Pile-driving activities will not commence until marine mammals are not sighted in the exclusion zone for 15 minutes. This will avoid exposing marine mammals to sound levels in excess of the Level A criteria.</li> <li>• Underwater noise will be measured with a hydrophone during pile-driving to verify sound levels and adjust the size of the exclusion zone as necessary. This measurement may be conducted once and the results applied to subsequent pile installations to determine the exclusion zone.</li> <li>• In-water biological monitoring to search for target marine mammal species and halt project construction activities that could result in injury or mortality to these species.</li> <li>• Prohibit disturbance or noise to encourage the movement of the target species from the work area. The City will contact USFWS and NOAA</li> </ul>	Implementation actions are specified in the mitigation measure.	The City Economic Development Department staff are responsible for hiring a qualified consultant to prepare the monitoring plan and for hiring a qualified biologist to implement the monitoring measures during installation of new piles.	<p>Prior to initiation of construction activities that require installation of new pilings:</p> <ul style="list-style-type: none"> <li>• Relocated Entry</li> <li>• East Promenade</li> <li>• Small Boat Landing</li> <li>• South Landing</li> <li>• Lifeguard Headquarters Expansion</li> </ul>	City Economic Development staff shall require a complete monitoring report with results from the construction monitor to document compliance with provisions of the monitoring plan..	



Mitigation Measure	Implementation Actions	Monitoring / Reporting Responsibility	Timing Requirements	Reporting Requirements	Verification of Compliance
<p>Fisheries to determine the best approach for exclusion of the target species from the in-water work area.</p> <ul style="list-style-type: none"> <li>Data collected during the hydroacoustic, fish and marine mammal monitoring will be reported to NOAA Fisheries in a post-construction monitoring report (usually required to be completed between 60 and 90 days after construction is complete). Observations and data will be reported more frequently, if required by NOAA Fisheries.</li> </ul>					
<p><b>MITIGATION BIO-1a-2.</b> A soft-start procedure will be used for impact pile driving at the beginning of each day's in-water pile driving or any time pile driving has ceased for more than 1 hour. The following soft-start procedures will be conducted:</p> <ul style="list-style-type: none"> <li>If a bubble curtain is used for impact pile driving, the contractor will start the bubble curtain prior to the initiation of impact pile driving to flush fish from the zone near the pile where sound pressure levels are highest.</li> <li>If an impact hammer is used, the soft start requires an initial set of three strikes from the impact hammer at 40 percent energy, followed by a one minute waiting period, then two subsequent 3 strike sets. The reduced energy of an individual hammer cannot be quantified because they vary by individual drivers. Also, the number of strikes will vary at reduced energy because raising the hammer at less than full power and then releasing it results in the hammer "bouncing" as it strikes the pile resulting in multiple "strikes".</li> </ul>	Implementation actions are specified in the mitigation measure.	The City Economic Development Department staff are responsible incorporating measure into future construction specifications for projects that include installation of new piles for new facilities. (This does not include maintenance and replacement of existing piles.)	<p>Measure to be included in construction specifications for the following projects to be implemented during pile driving activities:</p> <ul style="list-style-type: none"> <li>Relocated Entry</li> <li>East Promenade</li> <li>Small Boat Landing</li> <li>South Landing</li> <li>Lifeguard Headquarters Expansion</li> </ul>	None required.	
<p><b>MITIGATION BIO-1a-3.</b> A cushion block will be used between the pile cap and the impact hammer. Layers of heavy plywood or baywood soaked in water on top of the pile cap served to dampen the sound of the hammer striking the wood as well as to dissipate friction; plywood not soaked in water was pounded to charred splinters that became very thin and had little value in attenuating sound.</p>					
<p><b>Mitigation BIO-4.</b> Conduct a pre-construction survey for any construction that would occur during the nesting season. No more than seven days prior to initiation of construction activities, including pile-driving, scheduled to begin during the nesting season for pigeon guillemot, western gull, or other species potentially nesting on the Wharf (April 15 through August 30, or as</p>	Implementation actions are specified in the mitigation measure.	The City Economic Development Department staff are responsible for hiring a qualified biologist to conduct pre-construction nesting	Prior to construction of projects recommended in the Wharf Master Plan if construction is initiated	A report of the findings of the survey and measures implemented shall	

Mitigation Measure	Implementation Actions	Monitoring / Reporting Responsibility	Timing Requirements	Reporting Requirements	Verification of Compliance
<p>determined by a qualified biologist), the City shall have a nesting bird survey conducted by a qualified biologist to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the disturbance zone or within 150 feet of the disturbance zone.</p> <p>Pre-construction surveys for pigeon guillemots and pelagic cormorants shall include inspection of areas underneath the Wharf for indications of nesting (by kayak or other method adequate for examining remote crevices and pilings). Because pigeon guillemot are difficult to detect, adequate surveys will require surveyors to observe for multiple hours before forming conclusions about occupancy.</p> <p>If active nests for pigeon guillemots or pelagic cormorants are found, establish a buffer zone of 150 feet between each nest and construction activities under the wharf deck that could disturb nesting birds, especially pile driving. Construction activities likely to disturb nesting western gull can be resumed when the nest is vacated and young have fledged, as determined by the biologist, and if there is no evidence of a second attempt at nesting.</p> <p>If active nests for western gull or other species protected under the Migratory Bird Treaty Act and/or the California Fish and Game Code are found, establish a buffer of 100 feet between each nest and construction activities that could disturb nesting birds. Examples of such activities include pile-driving, use of power tools, and above-deck construction activities identified by a qualified biologist as likely to disturb the nesting western gulls. Construction activities likely to disturb nesting western gull can be resumed when the nest is vacated and young have fledged, as determined by the biologist, and if there is no evidence of a second attempt at nesting.</p> <p>The nesting disturbance buffer for any species may be reduced if a qualified biologist, in consultation with CDFW, determines that the proposed construction is unlikely to disturb the nesting birds, considering factors including, but not limited to, level of existing ongoing disturbance, the temporary level of disturbance from construction, and visual and sound obstructions between the birds and the disturbance, such as rows of piles or existing buildings.</p>		survey prior to construction of projects recommended in the Wharf Master Plan if construction is initiated during the bird nesting period.	during the nesting period.	be prepared by the biologist conducting the survey and submitted to the City Economic Development Department.	

Mitigation Measure	Implementation Actions	Monitoring / Reporting Responsibility	Timing Requirements	Reporting Requirements	Verification of Compliance
<b>Hydrology and Water Quality</b>					
<b>MITIGATION HYD-2a.</b> Implement the following measures during construction of the Wharf substructure (piles, beams and decking): <ul style="list-style-type: none"> <li>▪ Install a floating boom can be placed in the water to encompass the work area. Any timber that inadvertently falls into the water will float and be captured by the boom. Any metal (hand tools or bolts) that falls into the water can be retrieved by magnet or diver if necessary.</li> <li>▪ The crane that installs the piles and beams may have the hydraulic system fit with vegetable oil so that in the event of a hose failure, no petroleum based substance will contact the water, but rather food grade vegetable oil.</li> <li>▪ Any fueling operations of the equipment is conducted on a containment area utilizing plastic sheeting and absorbent pad containment to contain any spills during fueling over the water.</li> </ul>	Implementation actions are specified in the mitigation measure.	The City Economic Development Department staff are responsible incorporating measure into future construction specifications for improvements to the Wharf substructure recommended in the Wharf Master Plan.	During construction.	None are required.	
<b>MITIGATION HYD-2a</b> If visual evidence of contamination is observed (e.g., oily sheen) during in-water construction, all work shall stop and appropriate containment measures shall be used to identify the source of the contamination (e.g., buried creosote piles), contain, and/or remove the material; regulatory agencies with authority over the area shall be notified, i.e., the Santa Cruz County Environmental Health Services or Department of Toxic Substances Control. Any hazardous materials needing to be removed shall be handled and disposed of in accordance with the requirements of federal and state regulations.	Implementation actions are specified in the plan.	The City Economic Development Department staff are responsible incorporating measure into future construction specifications for improvements to the Wharf substructure recommended in the Wharf Master Plan.	During construction.	None are required.	

