

CITY OF SANTA CRUZ
SANTA CRUZ WHARF MASTER PLAN
Mitigated Negative Declaration / Initial Study
STATE CLEARINGHOUSE NUMBER 2016032038

Public Comments and Responses
Mitigation Monitoring and Reporting Program
August 4, 2016

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I. INTRODUCTION

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. The California State Clearinghouse (Governor’s Office of Planning and Research) sent a letter to the City upon the close of the public review period to indicate that the City had complied with the State’s environmental review process and that no state agencies submitted comments to the Clearinghouse. Comments were received by the City from the agencies and individuals listed below. The comment letters are included in ATTACHMENT A.

- California Coastal Commission
- California Department of Fish and Wildlife
- Monterey Bay Unified Air Pollution Control District (No Comments)
- Lu Erickson
- Gillian Greensite
- Mary McGranahan
- Reed Searle

Environmental issues raised in the submitted comments are summarized in Section III. The California State CEQA Guidelines (section 15074) do not require preparation of written responses to comments on a Mitigated Negative Declaration, but requires the decision-making body of the lead agency to consider the Mitigated Negative Declaration together with any comments received during the public review process. However, Section IV provides responses to comments regarding environmental analyses in the IS/MND. Minor revisions

and/or corrections to the Initial Study as result of review of the IS/MND comments are provided in the following Section II.

II. INITIAL STUDY REVISIONS AND CORRECTIONS

Page 60 Biological Resources. Add the following before the Impact Analysis paragraph.

Fully Protected Species. The California Legislature has designated “fully protected” or “protected” species as those which, with limited exceptions, may not be taken or possessed under any circumstances. Species designated as fully protected or protected may or may not be listed as endangered or threatened. The classification of fully protected was the State of California’s initial effort in the 1960s to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists for fish, amphibians and reptiles, birds, and mammals were created at this time. Most fully protected species were later listed as threatened or endangered species under more recent endangered species laws and regulations. Fully Protected species may not be taken or possessed at any time, and no licenses or permits may be issued for their take, except as a “covered species” pursuant to a Natural Community Conservation Plan (NCCP) developed under the Natural Community Conservation Planning Act.

The CDFW indicates that fully protected marine species in the Wharf area include: the Southern Sea Otter (*Enhydra lutris nereis*), Northern Elephant Seal (*Miroinga angustirostris*), Brown Pelican (*Pelecanus occidentalis californicus*), California Clapper Rail (*Rallus longirostris obsoletus*), and the California Least Tern (*Sterna antillarum browni*). The northern elephant seal moves throughout Monterey Bay during the migration to and from their breeding grounds.

Page 61 Add the following new (underlined) text to the second to the last paragraph:

The following discussion addresses: 1) impacts to benthic habitat with additional piles and during installation; 2) potential acoustical impacts to fish and marine mammals due to installation of piles; and 3) potential water quality impacts on fish due to potential leaching of treated wood piles. Future construction of projects recommended in the Wharf Master Plan, including installation of piles, would have no effect on habitat of fully protected species. Indirect impacts related to pile driving are addressed below, including marine mammals. The project would not result in take or possession of any fully protected species.

III. SUMMARY OF COMMENTS

California Coastal Commission (CCC): The letter indicates that as a whole, the Wharf Master Plan entails substantial public access improvements in accordance with Coastal Act policies and that CCC staff is supportive of the Plan. Support of the proposed stormwater improvements also is stated and that, overall, the Master Plan appears to be consistent with Coastal Act policies regarding water quality. Comments regarding environmental issues addressed in the Initial Study include potential impacts to the Westside Walkway due to sea level rise and coastal storms, visual impacts of the new entry gate and sign, and water quality issues related to use of treated piles. Responses are provided in Section IV below. The letter indicates that processing a Public Works Plan (PWP) as set forth in the Coastal Act and adopted by the Commission is an appropriate and efficient means of implementing coastal permitting requirements for the Wharf Master Plan. Due to location of the Wharf on public trust lands, any additional coverage of public trust land must be minimized and used for public access and recreational purposes and improvements only. The comments also address some of the project features and design, such as the relocated entry design, the western walkway, Wharf hours, use of oil/grease collection in the stormwater improvements, and location of commercial infill.

California Department of Fish and Wildlife (CDFW): Comments regarding environmental issues addressed in the Initial Study include adding a discussion of potential impacts to fully protected species, impacts to fish and marine mammals from pile installation, wood pile treatment and coating, and potential oil spills from equipment during pile driving. Responses are provided in Section IV below.

Monterey Bay Unified Air Pollution Control District (MBUAPCD): The MBUAPD letter did not address the IS/MND, but noted that project components such as shuttles may be eligible for grant funding, that the relocation of the pay station would minimize traffic congestion, and that removal of any old pipes that contain asbestos would be subject to compliance with Air District rules. There are no pipes with asbestos at the Wharf. Given the nearby proximity of pedestrians, the Air District recommends using cleaner construction equipment that conform to ARB's Tier 3 or Tier 4 emission standards, and whenever feasible, use alternative fuels such as compressed natural gas (CNG), propane, electricity or biodiesel for construction equipment.

Lu Erickson: The email comment letter did not address the IS/MND, but expressed concern on a new tall building at the end of the Wharf and that the Wharf should be left as it is.

Gillian Greensite: Comments regarding environmental issues addressed in the Initial Study include aesthetics (scenic views and lighting), impacts to biological resources (marine mammals and birds), cultural resources, and traffic; responses are provided in Section IV below. The comment suggests that expansion of kayaking and boat rentals will result in increased harassment of marine mammals. This is not an environmental issue that requires review under CEQA. However, the Wharf Master Plan does not propose expansion of kayak or

boat rental facilities. The letter also suggests that provision of additional parking will result in narrow parking stalls. This is not necessarily the case as reorienting parking from 60% to 90% parking is more efficient and can achieve a ten percent increase in parking spaces. This kind of redesign can also provide improved circulation in a parking facility. The East Promenade site plans show the parking space width to be essentially the same with a very slight reduction in width.

Mary McGranahan: Comments were raised regarding the project, including additional visitors to the Wharf and building heights. Comments regarding environmental issues addressed in the Initial Study include aesthetics and traffic; responses are provided in Section IV below.

Reed Searle: Comments were raised regarding the project, including whether there should be changes to the Wharf, consideration of alternatives in the Master Plan, as well as social and economic concerns, i.e., displacement of tenants, that are not required to be analyzed under CEQA. Comments regarding environmental issues addressed in the Initial Study include aesthetics and traffic; responses are provided in Section IV below. The comment references considerations listed on page 3 of the Initial Study and states that the MND does not cover these. The referenced citation is to an existing City policy that calls for preparation of a comprehensive study of the Wharf, which the Wharf Master Plan provides.

IV. RESPONSES TO ENVIRONMENTAL COMMENTS

The following section provides responses to those comments regarding the environmental issues or analyses in the Mitigated Negative Declaration/Initial Study.

1. **Project Description.** Comments from CCC staff request clarification of whether the anticipated increase in commercial space entails any expansion of the existing commercial footprint. As discussed on page 17 of the IS/MND, the Master Plan identifies two areas of potential expansion of existing buildings that could result in a building increase of approximately 4,000 square; one of the locations is schematically shown on Figure 2-5C. As further described on page 17, the Master Plan encourages the development of second floors for uses such as rooftop dining within existing developed structures. The Plan provides a preliminary estimate that potential remodels and intensification within the existing commercial building footprint could result in a 20-30% increase in building space separate from the three new buildings. This would be approximately 12,000-18,000 square feet based on the existing approximate 60,000 square of buildings on the Wharf and would include the above specific infill locations. The Master Plan does not propose specific locations for potential intensification other than the two locations identified above, nor is it known when such expansion and intensification may occur.

2. **Aesthetics.**
 - Relocated Entry.** The Coastal Commission letter states concern with the visual impacts of the relocated entry gate height and future sign to the adjacent areas including to and from Cowell and Main Beaches. CCC staff recommends reducing the bulk and scale of

the proposed entryway and sign and suggest reducing the gate's width so that it does not completely close off pedestrian access to the Wharf. Concerns are further expressed regarding the character of a new entrance sign and that the sign should be designed to highlight the historical significance of the Wharf. As explained on pages 46-47 of the IS/MND, the entry gate height of 18 feet is less than the height of existing 22-foot tall light fixtures on the Wharf. The gate frame depth would be relatively narrow, and the structure would be transparent as shown on the elevation on Figure 3-1C. The general width and height are shown on Figure 4-2. The structure would not visually appear massive or bulky given the limited frame and roll-down gate features as seen from distant vantage points nor would the height be out of scale with overall existing heights of buildings and fixtures on the Wharf.

From either the Main Beach or Cowell Beach, the entry gate will have a slim appearance and will be transparent and would be at a height slightly below the existing light poles on the Wharf. A future sign on top of the entry gate would extend above the existing light poles depending on the ultimate design that is selected. With other development surrounding the beaches, including the Boardwalk and multiple hotels, an aesthetically designed sign would not result in degradation of the visual quality of the surrounding area given the extent and scale of surrounding development.

As indicated in the IS/MND, the entrance sign has not been designed and would be subject to additional review once designs are developed to ensure that the sign is compatible with the surrounding area. CCC staff suggests a natural design and rustic materials that blends with the overall aesthetic of the Wharf rather than a "modern, highly embellished sign" and the comment is noted. CCC staff's suggestion to reduce the gate width to allow pedestrian access is not related to an environmental issue, but the comment is noted.

It is also noted that the letter states that "the Coastal Act requires that all new development (in this case the sign, gate, and entryway) honors the unique character, history, and aesthetic of the Wharf." It appears that the reference is Coastal Act policy 30253(e) that requires new development to "where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular destination points for recreational uses." However, neither the entry gate nor the future sign would diminish the surrounding area that is characterized by significant recreational uses and commercial development including the Santa Cruz Beach Boardwalk.

- ❑ Impacts to Scenic Views and Surrounding Areas Due to Building Heights. One comment questions the impact on scenic vistas due to construction of three new buildings and states that the new buildings will significantly block scenic vistas. Locations of new buildings are noted on photos shown on Figure 4-1 that depict views from both East Cliff and West Cliff Drives. As discussed on pages 41-44, new and infill structures would not obscure or change the prominent views of the bay that are visible in the foreground and to the south of the Wharf from vantage points along West Cliff Drive . From this vantage

point, the Wharf, Boardwalk and distant mountains are prominent features in views from West Cliff Drive. At some viewpoints along East Cliff Drive, new structural development would slightly obscure distant views of the Lighthouse at Lighthouse Field due to construction of the proposed Events Pavilion. However, the distant view of the Lighthouse would be potentially blocked from a very limited viewpoint, and distant views of the Lighthouse would remain available at other locations along East Cliff Drive and in the surrounding area. Therefore, this is not be considered a substantial change as the predominant ocean views in front of the Wharf are the dominant feature of the scenic views in this location, which would not be altered.

Two other comments question building heights. As discussed on pages 41-42, the three new buildings may be up to 45 feet in height and expansion of existing buildings could be constructed up to 35 feet in height according to the Design Standards included in the Wharf Master Plan. These heights are consistent with existing zoning regulations that allow a 40-foot height in the CB zone, and an additional 20% increase in height with approval of a Planned Development Permit. Future development supported by the Wharf Master Plan would slightly increase overall structural height and massing, but would be located in areas of existing structural development and heights would be consistent with existing zoning requirements. Furthermore, the three new buildings are relatively small for commercial buildings and the total square footage of all three buildings is only 15,000 square feet. Another comment indicated that the project shouldn't be compared to the Dream Inn. The visual analysis in IS/MND notes other prominent and larger development in the area including the Boardwalk, Coconut Grove and Dream Inn, but does not use any of them as a standard for comparison for new development. The IS/MND indicates that new and expanded structures would less massive and would not out of scale with other larger structures in the vicinity, including the Coconut Grove building at the Boardwalk and the Dream Inn. Furthermore, the positioning of the buildings will break up the mass of the structures by placing the new buildings at the beginning, center and end of the Wharf. The Events Pavilion is envisioned as having tall glass doors that could be opened for combined utilization of indoor and outdoor space, which would also reduce the appearance of structural mass for this building.

- **Lighting.** One comment questions the impact conclusion regarding introduction of new lighting on the Wharf, suggesting that the new LED lights on the Wharf are improperly shielded, have added significant glare to the Wharf, and that increased lighting, as well as lighting in new buildings, may significantly aggravate that problem. As discussed on pages 48-50 of the Initial Study, new lighting along the inner edge of the proposed East Promenade would be compatible with existing Wharf lighting and is located within an area that already has extensive nighttime lighting at the Boardwalk and other developments in the area. The introduction of approximately 30 new lights to the Wharf would not be substantial in comparison to the 112 light poles that currently exist. Therefore, implementation of the Wharf Master Plan would not result in creation a new source of substantial light or glare in the area. Furthermore, the lights would be shielded and directed downward and would not be directed into the marine environment.

3. **Biological Resources.**

- ❑ **Fully Protected Species.** The CDFW recommends including the fully protected species status in the biological discussion for species in the project area with a discussion of impacts fully protected species included in the Final IS/MND. This discussion has been added; see section II above.
- ❑ **Impacts to Fish and Marine Mammals from Pile Driving.** Comments from the CDFW indicate that the Department relies on guidance from the multiagency Fisheries Hydroacoustic Working Group for setting sound pressure level safety criteria for fish for pile driving projects and that the agreed upon criteria consists of sound pressure levels (SPL) of 206 decibels (dB) peak and 187 dB (or 183 dB for fish less than 2 grams body weight), which was used in the Initial Study analysis. The CDFW indicates that the agency prefers the use of the vibratory hammer for pile driving and recommends against using a dynamic or impact hammer. If an impact hammer is to be used, the Department recommends the use of a bubble curtain to decrease sound levels and deter sensitive marine species during construction in addition to SPL monitoring. The comments are noted. The CDFW also recommends monitoring for impacts to both marine mammals and fish during pile driving. However, as discussed on page 64, sound levels from pile driving are expected to be below the above criteria based on monitored sound levels for the size and type of piles to be used at the Wharf.
- ❑ **Marine Mammal Monitoring Plan.** Mitigation Measure 1 calls for preparation and implementation of a marine mammal monitoring plan and sets for the performance standards to be established in the plan. As indicated on page 65, the measure would be implemented as part of future approvals by NOAA of Incidental Harassment Authorizations (IHA) that would be required. The measure includes measures and monitoring that are typically included in an IHA. The details will be further refined once a construction plan and schedule is developed as an IHA is not typically issued earlier than a year before construction.
- ❑ **Sea Lions at Wharf.** Two comments ask why there is no mention that the highly popular sea lion viewing holes will be removed or that the sea lions are expected to move to the new outrigger planks on the east side. This is not an environmental issue that requires review under CEQA.
- ❑ **Impacts to Birds.** One comment states that there is no mention of impact on birds from opening up access via the new proposed walkway on the west side of the Wharf and that bird's nest under the Wharf and perch on the railings outside the Wharf restaurants. CEQA-required reviews are focused on impacts to special status species and sensitive habitat and impacts that could result in a substantial reduction in habitat or cause a species to drop below self-sustaining levels. The project will not result in removal or alteration to habitats or result in impacts to special status species. It is expected that birds that perch at the Wharf would not be deterred or prevented from

doing so in the future. There would be no significant loss or alteration of habitat that would cause a bird species to drop below self-sustaining levels.

4. **Cultural Resources.** One comment questions the conclusion that the impact to historic resources is less than significant based on the conclusion that the Wharf structure will not be demolished, destroyed or relocated. The Initial Study analysis follows the requirements established in the State CEQA Guidelines for evaluation of historic resources as explained on page 72. As indicated, a project that could “cause a substantial adverse change in the significance of an historical resource” may have a significant impact. CEQA Guidelines indicate that a “substantial adverse change in the significance of an historical resource” means “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource *would be materially impaired.*” The significance of a historical resource is *materially impaired* when a project “demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance” that justify its inclusion in or eligibility for listing in the CRHR or its inclusion in a local register. While the Initial Study notes that the project will not demolish, destroy or relocate the Wharf, the detailed analysis on pages 71 to 76 evaluates whether any component of the Master Plan would materially impair the Wharf in a way that a significant impact would occur. The analysis, conducted by a professional historian, concluded that none of the proposed Master Plan elements or future projects would impair the significance of the historic character of the Wharf.

5. **Hydrology-Water Quality.** The CCC and CDFW letters express concern regarding use of treated piles. The CDFW prefers and recommends piles composed of benign materials such as plastics, metal or concrete, but indicates that if the project proceeds with the use of treated ACZA wood piles wrapped in plastic or coated with polyurea, the CDFW recommends annual monitoring of the plastic wrap around each pile. As explained on pages 66 and 91, timber piles would have a polyurea compound coating that is designed to encapsulate treated timber products to prevent toxins from leaching into the environment and this coating has been used for encapsulating AZCA-treated piles. Concern is expressed regarding the longevity of the polyurea compound, and if it can sustain repeated and frequent abrasion.

Review by City staff and their consulting engineers indicate that polyurea coating was introduced about 15 years ago, and is currently the preferred method for encapsulating treated timber piles. Early formulations and applications of this compound in some harsh exposures did detach from the timber, including at the Wharf. Similarly, pile wraps have also have split and exposed the treated timber under similar harsh wave conditions. City Wharf maintenance staff have noted that the method of coating and the coating formulas have improved significantly since the earliest applications of coatings and that most of the separation issues occurred with use of creosote treated piles that off-gas in hot weather causing blisters in the coating that are more vulnerable to tears from waterborne storm debris.

Polyurea treated piles in the past 5-7 years have stood up well (keep adhered to the pile) at the Wharf and similar locations. All replacement piles over the past 5 to 10 years have been

coated piles. At a minimum, annual inspections have been and will continue to be performed by City staff and engineers. These inspections are performed several times a year and always after large wave events in the winter. The primary focus of these inspections is damage to the piles, and will include damage to the coatings particularly as the number of coated piles increases. Pile wraps are an alternative and final determination will be made during design.

The CDFW letter states that operation of support vessels during pile driving and construction activities can result in spillage leading to aquatic pollution, and spill contingency planning is important for protecting sensitive resources from damage and for improving cleanup strategies and methods. The City concurs that potential oil or fuel spills would be a concern, however, there are no proposed fuel stations or storage of fuel at the Wharf. There is a small building/shed that houses fuel (approximately 150 gallons±) for Santa Cruz Boat Rentals and Wharf Operations machinery. There is a contingency plan in place to handle spills. All construction in the City is subject to implementation of Best Management Practices (BMPs) in accordance with Chapter 4 of the Best Management Practices Manual for the City's Storm Water Management Program.

6. **Hydrology-Sea Level Rise and Coastal Storms.** As discussed on pages 90-92, sea level rise and effects of coastal storm wave runup were addressed based on current estimates of the National Research Council (2012) in conjunction with a committee with representatives from California, Oregon and Washington. City staff review of these sea level rise estimates indicates that proposed Wharf improvements, including the Western Walkway would be above projected sea level rise elevations.

7. **Transportation and Parking.** One comment states that the transportation section in the Initial Study is tiered from the General Plan, inadequately assesses the traffic and parking impacts of the expanded wharf, and does not identify traffic increases. The Initial Study does not tier off the City's General Plan for the traffic analysis. As indicated on page 28, The Initial Study tiers from the *General Plan 2030* EIR for the following topics: greenhouse gas emissions; public services and utilities, except for water supply; and cumulative impacts. The General Plan traffic analysis did not anticipate measurable growth on the wharf but it included a buildout scenario for the City overall. As discussed below, a traffic analysis with a trip generation estimate was provided for the Wharf Master Plan, which was added to the City buildout to provide a new cumulative traffic estimate. No significant project or cumulative traffic impacts were identified.

Several comments questioned traffic from the project. As cited in the Initial Study, a traffic analysis was conducted by Ron Marquez, traffic engineer consultant to the City, based on review of existing traffic volumes to the Wharf throughout the year. The analysis provided on pages 100-103 includes trip generation and consideration of traffic based on facilities envisioned in the Wharf Master Plan. Trip generation rates are inclusive of all trips, including employee trips. The traffic analysis prepared for the Wharf Master Plan used conservatively high projections of new traffic to provide a worst case scenario. Traffic volume with the proposed plan was estimated to be over 30% higher than existing volume during the weekday PM peak hour. With this additional volume no new circulation impacts were identified. The

alternative transportation included in the Master Plan such as shuttle, improved bicycle facilities and pedestrian walkways can be expected to reduce the effects on circulation. However the circulation system does not rely on these mode choices to be effective.

V. MITIGATION MONITORING & REPORTING PROGRAM

The Mitigation Monitoring and Reporting Program (MMRP) 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 Economic Development Office and shall be available for viewing upon request.

This MMRP includes mitigation measures in the Mitigation Monitoring and Reporting Matrix on the following pages that correspond to the final Mitigated Negative Declaration (MND) for the project. The matrix lists each mitigation measure or series of mitigation measures by environmental topic. For each mitigation measure, the frequency of monitoring and the responsible monitoring entity is identified. Mitigation measures may be shown in submittals and may be checked only once, or they may require monitoring periodically during and/or after construction. Once a mitigation measure is complete, the responsible monitoring entity shall date and initial the corresponding cell, and indicate how effective the mitigation measure was.

MITIGATION MONITORING PROGRAM – Santa Cruz Wharf Master Plan

Mitigation Measure	Implementation Actions	Monitoring / Reporting Responsibility	Timing Requirements	Reporting Requirements & Verification of Compliance
Biological Resources				
<p>MITIGATION MEASURE 1: Prepare and implement a marine mammal monitoring plan that identifies the specific measures to avoid exposure of marine mammals to high sound levels that could result in Level B harassment including the following:</p> <ul style="list-style-type: none"> • Pre-construction monitoring 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. • In-water construction biological monitoring to search for target marine mammal species and halt project activities that could result in injury or mortality to these species. • Establishment of an underwater “exclusion zone”—defined as the distance where underwater sound levels exceed 180 dB if whales are present, and 190 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. • 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. 	<p>Actions are specified in the measure.</p>	<p>City staff is responsible for hiring qualified biologist to prepare plan in accordance with federal requirements and prepare Incidental Harassment Authorization application.</p>	<p>Prior to installation of piles for new facilities.</p>	<p>Monitoring protocols will be established in the Plan</p>

ATTACHMENT A

Comment Letters



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

April 13, 2016

RECEIVED

APR 19 2016

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

Economic Development

Subject: Santa Cruz Wharf Master Plan
SCH#: 2016032038

Dear Norm Daly:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on April 12, 2016, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have 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.

Sincerely,

Scott Morgan
Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Bas**

SCH# 2016032038
Project Title Santa Cruz Wharf Master Plan
Lead Agency Santa Cruz, City of

Type MND Mitigated Negative Declaration
Description Project consists of adoption and implementation of the Wharf Master Plan and construction of two projects recommended in the Master Plan within the next two years. The two proposed near-term projects are relocation of the Wharf entry gate and construction of the East Promenade for pedestrian use. The Wharf Master Plan includes: policies; recommendations for expansion of the wharf for public access and construction of improvements and three new buildings; structural wharf improvements; circulation and parking improvements; and design standards for new buildings.

Lead Agency Contact

Name Norm Daly
Agency City of Santa Cruz
Phone 831-420-5109 **Fax**
email
Address 337 Locust St
City Santa Cruz **State** CA **Zip** 95060

Project Location

County Santa Cruz
City
Region
Lat / Long
Cross Streets Beach Street/Front Street
Parcel No.

Township	Range	Section	Base
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Proximity to:

Highways 1
Airports
Railways
Waterways Monterey Bay
Schools Santa Cruz High
Land Use Santa Cruz Wharf (city owned) / CB- CZO - Beach Commercial - Coastal Zone Overlay / Regional Visitor Commercial

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Flood Plain/Flooding; Geologic/Seismic; Traffic/Circulation; Water Quality; Water Supply; Wetland/Riparian; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 3; Department of Fish and Wildlife, Marine Region; California Coastal Commission; Department of Water Resources; Department of Parks and Recreation; California Highway Patrol; Caltrans, District 5; Air Resources Board; State Water Resources Control Board, Division of Water Quality; Regional Water Quality Control Board, Region 3; Native American Heritage Commission

Date Received 03/14/2016 **Start of Review** 03/14/2016 **End of Review** 04/12/2016

CALIFORNIA COASTAL COMMISSION

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April 12, 2016

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

Subject: Comments on the Santa Cruz Wharf Master Plan (Initial Study and Mitigated Negative Declaration)

Dear Norm:

Thank you for the opportunity to comment on the Initial Study/ Mitigated Negative Declaration (MND) for the Santa Cruz Wharf Master Plan (Wharf Master Plan), which proposes the following new facilities: a new public promenade on the east side of the Wharf; a new public walkway on the west side of the Wharf; three new public buildings; and two new ADA accessible boat landings. In addition, the Wharf Master Plan proposes structural and other improvements including installation of new and replacement piles, lateral bracing, and roadway and utility improvements, and improvements to the Wharf's trash collection system. As a whole, the Wharf Master Plan entails substantial public access improvements, in accordance with the Public Access and Recreation policies of the Coastal Act. Although Commission staff is supportive of the proposed Wharf Master Plan, we do have a handful of comments that, if incorporated, will ensure that the Wharf Master Plan is fully consistent with the Coastal Act's public access and recreation, visual resource protection and water quality protection policies, and will also ensure that the Wharf Master Plan aligns well with the Coastal Commission's Sea Level Rise Policy Guidance.

Jurisdiction and Permitting

The MND notes that the Wharf is located in an area where the Coastal Commission has retained jurisdiction (MND p. 1-2), which means that new development on the Wharf must be consistent with the Chapter 3 policies Coastal Act, and will require review and approval by the Coastal Commission. We have discussed the potential for processing implementation of the Wharf Master Plan through a Public Works Plan (PWP) as set forth in the Coastal Act and its implementing regulations, and we understand that the City is in the process of preparing a draft PWP for review by Coastal Commission staff. We continue to believe that this would be an appropriate and efficient means of implementing coastal permitting requirements for the Wharf Master Plan and appreciate that this process has been outlined in the MND (p. 2).

Public Trust and Maximization of Public Access and Recreation

The Wharf and proposed improvements are located on public trust land. The Coastal Act requires that new development maximize public access and recreational opportunities (Sections 30210 through 30224), and limits the placement of structural pilings to public recreational piers

that provide public access and recreational opportunities (Section 30233). For this project, maximization of public access and recreation means that any additional coverage of public trust land is minimized and used for public access and recreational purposes and improvements only.

The MND states that the new entry is designed to provide two inbound lanes and two outbound lanes with staffed kiosks at the entrance, and that the entrance will be framed with a roll down, transparent gate "so that the Wharf can be closed when not in operation" (MND p. 21-22). Staff believes that this element of the project raises significant issues with respect to public access. At a minimum, we believe the roll down gate should be limited to the vehicle entryway in order to maintain and maximize pedestrian access to the wharf. Furthermore, we note that Special Condition 1, Operational Plan of CDP 3-81-041-A5 (which provided for construction of the existing entry kiosk) states that the Wharf must continue to provide access "to vehicles, pedestrians, and bicyclists at all times except between 2:00am and 5:00am and during emergencies." Thus, per this condition, the roll down transparent gate should be limited to the hours of 2:00am to 5:00am only.

As outlined in the Wharf Master Plan, the proposed improvements would expand the Wharf by approximately 2.5 acres, which would increase the area of the Wharf dedicated to public access, recreation, and open space from 26% to 60%. These public access improvements include, but are not limited to three new buildings devoted to public access and recreation uses as well as a new promenade on the east side of the Wharf and a new walkway on the west side of the Wharf, which will provide a through walkway around the entire perimeter of the wharf. We recognize and appreciate that the footprint of existing commercial space and parking will not be increased. We further support the realignment of existing parking to create 10% to 15% more spaces without increasing the amount of space devoted to parking. On a similar note, we also support the potential infill of existing commercial space as long as the footprint of existing commercial space is not increased. However, it is unclear from the MND whether the proposed increase in commercial space (i.e.: the intended 4,000 square feet of new commercial space as well as the potential 20-30% increase through remodeling and second story expansions) entails any expansion of the footprint of existing commercial facilities. Please graphically depict and describe areas of proposed increased commercial space so that we can better understand the proposed expansion of commercial space.

Regarding the proposed walkway on the west side of the wharf, while we are highly supportive of fluid, unobstructed public access around the wharf, we have concerns with the proposed height of the west side walkway. The Wharf Master Plan says that the walkway will be located approximately eight feet below the existing Wharf. The Wharf Master Plan goes on to explain that this dropped-down height will allow for "undisturbed visual access from the restaurants and commercial spaces along that edge." However, because the westward walkway will be an expansion *westward*, there should be unencumbered visual access regardless of the height of the walkway. The Wharf Master Plan explains that the proposed height of the west walkway is above sea level rise projections, but does not detail the timeframe or what calculations were used to determine this, or how they were applied. Specifically, it is unclear if the sea level rise

projection used in the Wharf Master Plan evaluated the cumulative impacts associated with climate change (i.e.: increased number and intensity of storms, thermal expansion, sea level rise, and ENSO events). As witnessed by the current El Niño storm season, waves frequently reach the height of the existing wharf. As such, any expansion of the wharf closer to the water raises potential concerns. The environmental review should consider the cumulative impacts of multiple climate change-related impacts in the sea level rise projection to ensure that the proposed westward expansion will be safe and durable long term.

The Wharf Master Plan recommends improvements to the existing trash collection system for the Wharf in order to eliminate the use of centralized garbage and reliance on large garbage trucks that impact public access and are currently the greatest source of damage to the Wharf and incur the greatest amount of Wharf maintenance costs to the City (MND p. 19-20). The Wharf Master Plan suggests that consideration be given to the use of an automated vacuum collection system that has been used extensively in Scandinavian countries and more recently has been adopted for use in some areas in the United States. Our understanding is that this trash collection system would be implemented during a later implementation phase of the Wharf Master Plan. Staff is highly supportive of this new technology and would recommend that activities proposed in the first phase of implementation be designed to incorporate and allow for implementation of an automated vacuum trash collection system in the future.

Visual Resources

Coastal Act Section 30251 requires the protection of the scenic and visual qualities of coastal areas. It also requires development to protect views to and along the ocean and scenic coastal areas, and to be visually compatible with the character of the surrounding areas. This Section further requires that development restore and enhance the visual quality in visually degraded areas. In terms of visual resource protection, the proposed development appears largely consistent with Section 30251. However, there are aspects of the proposed development that raise potential visual protection consistency issues, particularly the bulk, scale, and character of the proposed gate/entryway.

In terms of the entryway, we support its proposed relocation and widening. From a traffic and circulation standpoint, the relocation will facilitate smooth egress and ingress to and from the wharf. In addition, the relocated entryway coupled with the proposed East Promenade and the Western Walkway will further facilitate safe non-vehicular public access to and around the wharf.

While we recognize that the entryway has yet to be fully envisioned, and that it will undergo a lengthy public review process, we continue to have concerns regarding the proposed entryway's aesthetic and visual resource impacts based on the visual simulation provided in the MND. Specifically, we are concerned with the gate's 18-foot height and the fact that the gate appears to span the entire width of the Wharf. The sign as currently envisioned will be between six to eight tall and 70 feet long. The entryway's 18-foot height coupled with the rather large sign will have potential visual impacts. The Wharf Master Plan explains that "the narrow profile and height of

the entrance gate would be difficult to distinguish from other surrounding development and the distant views of the Boardwalk rides.” The report goes on to explain that from East Cliff Drive, another scenic road, the entrance sign would blend in with the Dream Inn and other adjacent development. However, we remain concerned with the visual impacts to the immediately adjacent areas including to and from Cowells and Main Beaches. Therefore, we strongly recommend reducing the bulk and scale of the proposed entryway and sign.

We also have concerns with regard to the proposed roll down transparent entry gate with regard to visual resource impacts. We would suggest that the roll down gate only extend the length of the *vehicular* entryway in order to better align with the Visual Resource and Public Access policies of the Coastal Act as discussed above. Specifically, reducing the gate/ entryway to the length of the vehicular entryway will help further reduce the bulk and scale of the entryway, which will help to minimize adverse visual impacts. In addition, as discussed above, reducing the entryway/ gate’s width so that it does not completely close off pedestrian access to the wharf will better comply with Coastal Act policies in terms of maintaining and maximizing public access to the wharf.

In addition to concerns related to the bulk and scale of the proposed gate/ entryway, we also have concerns pertaining to the character of the sign, gate, and entryway. The Coastal Act requires that all new development (in this case the sign, gate, and entryway) honors the unique character, history, and aesthetic of the wharf. Though we understand the motivation to draw attention to the wharf, the Act requires the historical character and integrity of the wharf to be maintained and protected. Please consider a sign made of more natural and rustic materials that blends in with the overall aesthetic of the wharf as opposed to a modern, highly embellished sign. We believe the new entryway (including the sign) can be designed so that it will serve its function as a gate/ entryway, result in minimal adverse visual impacts, and highlight the historical significance of the Santa Cruz Wharf.

Water Quality

Coastal Act Sections 30230, 20231, 30232, and 30325 require marine resources, including water quality, to be maintained, enhanced, and restored. Section 30235 specifically requires that marine structures contributing to water stagnation, pollution, and fishkills shall be upgraded and phased out where feasible.

Overall, the Wharf Master Plan appears to be consistent with the above-cited Coastal Act sections. The Wharf Master Plan MND explains that “the Engineering Report recommends that roof downspouts direct roof runoff onto vegetated areas or into cisterns or rain barrels for reuse for all new buildings. We concur with this assessment, and highly recommend the inclusion of roof downspouts that connect to cisterns or rain barrels for reuse of stormwater for irrigation and/or other methods to limit runoff into the Monterey Bay. The Wharf Master Plan MND also identifies repaving as an opportunity to collect and treat stormwater prior to discharge into the Monterey Bay via directing runoff into designated collection areas for treatment prior to disposal. We are highly supportive of the proposed improvements to stormwater management,

Norman Daly
Santa Cruz Wharf Master Plan (Initial Study and Mitigated Negative Declaration)
April 12, 2016
Page 5

and look forward to additional refinements and implementation of these recommendations. The Wharf Master Plan MND also notes the potential implementation of oil and grease chambers, swirl chambers and media filters. We believe that implementation of these measures is necessary in order to comply with the Coastal Act's water quality requirements.

The only aspect of the Wharf Master Plan MND that raises concerns with respect to water quality is the treated piles. As currently proposed, approximately 800 treated piles will be incrementally added to the wharf or used to replace old, weathered piles. The MND states that the piles will be treated with ACZA (ammoniacal copper zinc arsenate) and coated with a polyurea compound (MND p. 61, 66, & 90). The Wharf Master plan explains that treated piles can be coated with the polyurea compound or wrapped to prevent toxins from leaching into the Monterey Bay. The MND should explain why treating the piles is preferred over wrapping the piles. We are especially concerned with the longevity of the polyurea compound, and if it can sustain repeated and frequent abrasion. However, we are open to the use of the polyurea compound if it is in fact the least environmentally damaging alternative.

Overall staff is very supportive of the Wharf Master Plan, especially the substantial proposed public access improvements. We look forward to continuing to work with you as future phases of the Wharf Master Plan unfold.

Sincerely,

A handwritten signature in cursive script that reads "Rainey Graeven".

Rainey Graeven
Coastal Planner
Central Coast District Office



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Marine Region
1933 Cliff Drive, Suite 9
Santa Barbara, CA 93109
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



April 8, 2016

Norm Daly
City of Santa Cruz
Economic Development Department
337 Locust Street
Santa Cruz, CA, 95060
ndaly@cityofsantacruz.com

Subject: Initial Study/Mitigated Negative Declaration – Santa Cruz Wharf Master Plan

Dear Mr. Norm Daly:

The California Department of Fish and Wildlife (Department) has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the Santa Cruz Wharf Master Plan (Project). The Project consists of adoption and implementation of the Wharf Master Plan and construction of two near-term projects recommended in the Master Plan. The proposed near-term projects are the relocation of the wharf entry gate and construction of the East Promenade for pedestrian use. The Wharf Master Plan includes the following elements and recommendations: a new walkway on the west side of the wharf; three new buildings; and two new ADA accessible boat landings. The Master Plan also considers remodeling and intensified use of existing structures. Structural wharf improvements considered as part of the Project include installation of new and replacement piles for lateral bracing, and roadway and utility improvements including improvements to the wharf's trash collection system. The proposed new facilities would require installation of approximately 700 new timber piles in order to support new improvements and to increase the lateral stability of the wharf. Approximately 225 existing piles will require replacement over time. New and replacement piles are proposed to be 12-inch diameter timber (Douglas fir) treated with ACZA (ammoniacal copper zinc arsenate) and coated with a polyurea compound. A total of six piles are proposed to be 14-inch steel piles for the relocated wharf entrance. The piles are to be placed in water depths 0-35 feet and approximately 20 feet into the sand or until refusal is met. An 1800 pound drop (impact) hammer and a 400 pound follower block are proposed to be used for driving the piles into the sea floor.

As a trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, and habitat necessary for biologically sustainable populations of those species. In this capacity, the Department administers the California Endangered Species Act, the Native Plant

Conserving California's Wildlife Since 1870

Protection Act, and other provisions of the California Fish and Game Code that afford protection to the State's fish and wildlife trust resources. The Department is the State's fish and wildlife "Trustee Agency" under the California Environmental Quality Act (CEQA guidelines §15386). The Department is also responsible for marine biodiversity protection under the Marine Life Protection Act (MLPA) in coastal marine waters of California. Pursuant to our jurisdiction, the Department has the following comments and recommendations regarding the Project.

Fully Protected Species:

The Department has jurisdiction over fully protected species pursuant to Fish and Game Code Sections 3511, 505, 4700, and 5515. Fully Protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and certain relocation situations. Therefore "take" of any fully protected animal species is prohibited and must be avoided by the Project. Fully protected marine species in the Project area include: the Southern Sea Otter (*Enhydra lutris nereis*), Northern Elephant Seal (*Miroinga angustirostris*), Brown Pelican (*Pelecanus occidentalis californicus*), California Clapper Rail (*Rallus longirostris obsoletus*), and the California Least Tern (*Sterna antillarum browni*). The Department recommends including the fully protected species status in the biological discussion for species in the Project area. Additionally, the Department recommends discussing the potential impacts fully protected species in the Final IS/MND. The Department maintains a list of fully protected species that can be found on the Department's web site:

http://www.dfg.ca.gov/wildlife/nongame/t_e_spp/fully_pro.html

Sound Level Impacts for Fish:

The Department has reviewed IS/MND section regarding potential impacts from pile driving activities. The Department relies on guidance from the multiagency Fisheries Hydroacoustic Working Group for setting sound pressure level safety criteria for fish resources, in particular for pile driving projects. The agreed upon criteria consists of sound pressure levels (SPL) of 206 decibels (dB) peak and 187 dB (or 183 dB for fish less than 2grams body weight) accumulated sound exposure level (SEL) for all listed fish within a project area. Impacts to marine organisms from underwater sound are influenced by the SELs, SPLs, sound frequency, and depth and distance from the sound output source. The Department prefers the use of the vibratory hammer for pile driving and recommends against using a dynamic or impact hammer. It is the Department's understanding from the IS/MND that an 1800 lb. drop (impact) hammer and a 400 lb. follower block are proposed for driving the piles into the sea floor. If an impact hammer is to be used, the Department recommends the use of a bubble curtain to decrease sound levels and deter sensitive marine species during construction in addition to SPL monitoring. In addition, the Department recommends monitoring for impacts to both marine mammals and fish during pile driving.

Wood Pile Treatment and Coating

The Project proposes the use of over 700 new Douglas fir timber piles treated with ACZA and coated with a liquid polyurea compound. California Fish and Game Code (FGC §5650) states that it is unlawful to deposit into, permit to pass into, or place where it can pass into waters of the state any of the following:

- (1) any petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum, or carbonaceous materials or substance.
- (2) any refuse, liquid or solid, from any refinery, gas house, tannery, distillery, chemical works, mill or factory of any kind.
- (3) any sawdust, shavings, slabs, edgings.
- (4) any factory refuse, lime, or slag.
- (5) any cocculus indicus.
- (6) any substance or material deleterious to fish, plant life, or bird life.

The Department prefers and recommends piles composed of benign materials such as plastics, metal or concrete. Pressure treated woods such as ACZA, CCA, ACQ are not recommended. There is potential for the materials to leach into the water and cause harm to fish, plants, and/or birds (FGC 5650, Item (6)). The Department recommends use of plastic wrapped treated wood products under the following specific conditions and situations:

1. For repair of existing projects constructed using wood products.
2. Where the use of plastic-wrapped treated pilings is restricted to marine waters.
3. Where measures are taken to prevent damage to plastic wrap from boat use. Measures may include installation of rub strips or bumpers.
4. Where the plastic wrapping is sealed at all joints to prevent leakage.
5. Where the plastic material is expected to maintain its integrity for at least ten years, and where plastic wrappings that develop holes or leaks are repaired or replaced in a timely manner.

In addition, should the Project proceed with the use of treated ACZA wood piles wrapped in plastic or coated with polyurea, the Department recommends annual monitoring of the plastic wrap around each pile. Annual monitoring and reporting will help insure that harmful materials do not leach into the water.

Hazards and Spills

The operation of support vessels during pile driving and construction activities can result in spillage leading to aquatic pollution. Spill contingency planning is important for protecting sensitive resources from damage and for improving cleanup strategies and methods. The Project should discuss and plan the prevention of spills that could impact important aquatic and wildlife resources. The Project should consult with the US Coast Guard and the Department's Office of Spill Prevention and Response (OSPR) regarding

Mr. Norm Daly
City of Santa Cruz
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federal and State protocols that exist for these types of projects. In addition, the Department recommends the use of Best Management Practices (BMPs) for all hazardous materials that may be used during the proposed Project and the creation of a Spill Response Plan prior to any construction activities. If any spills or leaks occur during the construction activities, the Department recommends immediately contacting the Governor's Office of Emergency Services, California State Warning Center, at 1-800-852-7550.

Conclusion

The Department appreciates the opportunity to provide comments on the Initial Study/Mitigated Negative Declaration for the Santa Cruz Wharf Master Plan. If you require additional information, please contact Mr. Eric Wilkins, Senior Environmental Scientist Specialist, at (831) 649-2813 or via e-mail at Eric.Wilkins@Wildlife.ca.gov.

Sincerely,



Craig Shuman, D Env.
Regional Manager
Marine Region

ec: Becky Ota, Program Manager
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cc: Brian M. Meux
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777 Sonoma Ave. Room 325
Santa Rosa, CA 95404

Mr. Norm Daly
City of Santa Cruz
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April 8, 2016

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April 11, 2016

Norm Daly
City of Santa Cruz
Economic Development Department
337 Locust St., Santa Cruz, CA 95060
Santa Cruz, CA 95060

NDaly@cityofsantacruz.com

Re: IS/MND for Santa Cruz Wharf Master Plan

Dear Mr. Daly:

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

1. Construction, Page 53 - Given the nearby proximity of pedestrians, the Air District recommends using cleaner construction equipment that conform to ARB's Tier 3 or Tier 4 emission standards. We further recommend that, whenever feasible, construction equipment use alternative fuels such as compressed natural gas (CNG), propane, electricity or biodiesel.
2. Offsite Shuttles, Page 53 - Please note, project components such as shuttles which are designed to reduce the volume of cars driving directly to the wharf may be eligible for supplemental grant funding through the Air District's [AB2766 Motor Vehicle Emission Reduction Grant Program](#). Please contact Alan Romero, Air Quality Planner III at 831-647-9411 x241 for details.
3. Hazardous Materials, Page 85 - Please note, if older asbestos containing pipes need to be removed during the renovation, 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 Mike Sheehan, District Compliance Program Coordinator, at (831) 647-9411 x217.
4. Relocation of Pay Station, Figure 2-6 - The relocation of the pay station and inclusion of a pay on foot system should help alleviate back-up of vehicles into the roundabout, thus minimizing congestion and excess motor vehicle exhaust emissions.

Best Regards,



Robert Nunes
Air Quality Planner

cc: David Frisbey, Air Quality Planner
Alan Romero, Air Quality Planner
Mike Sheehan, Compliance Program Coordinator

From: luerickson@comcast.net
To: [Norman Daly](#)
Subject: Wharf revitalization
Date: Monday, April 11, 2016 6:15:48 PM

I read a letter in the Sunday Sentinel regarding the wharf proposed changes. The letter was from Mary McGranahan and I think she really hit the nail on the head. Every point she made was well taken. Why on earth would you build such a tall building at the end of the wharf? What is wrong with the Coastal Commission? I cannot believe they would even consider this proposed building. How are we going to pay for all the maintenance on these new promenades? Leave the wharf alone. It is fine as it is. Pretty soon it won't even be recognizable to us old-timers any more. Just like when everybody used to tear down all the lovely old victorian homes and replace them with modern eyesores which look terrible. Or the old McHugh-Bianchi building. That was a real gem only to be replaced with the unattractive building with no personality that is there now.

The wharf is fine. Please leave it alone. Many people agree with Ms. McGranahan.

Thanks.

Lu Erickson

To: Norm Daly
From: Gillian Greensite
Re: **Wharf Master Plan (WMP) Mitigated Negative Declaration (MND) Initial Study (IS)**
Date: April 11th, 2016

This project is arguably one of the largest ever planned makeovers of a Santa Cruz historical landmark. Where previous changes to the municipal wharf were deliberately kept modest in response to the community's preference to retain the character of the wharf, the current project if approved and developed will transform the wharf almost beyond recognition. At such a scale and impact, an EIR should have been prepared. Since the decision by the city was to prepare only a MND, such document should have thoroughly evaluated the impacts and their significance. If a MND is not capable of such detailed evaluation, an EIR should be prepared. The inadequacies in the MND are listed below.

1. There is no mention in the MND, the IS nor in the WMP, that the highly popular sea lion viewing holes will be covered over under this project. Nor any mention that they are expected to move to the 8 new outrigger planks proposed for the eastside. We read about this in the daily press. Why is the document silent on this issue? What if the sea lions refuse to move? This should have been evaluated under *Recreation*.
2. On the impact on *Biological Resources*, the MND asserts under BIO-1 that a marine mammal monitoring plan **will** be prepared to mitigate the potential Level B harassment during construction. Under Mitigation, the MND states that 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 (emphasis added). Those agencies should have been contacted as part of the MND process and the detailed plan included in the document so the public has a chance to evaluate and comment. Such inclusion is missing.
3. There is no mention of impact on birds from opening up access to the piling area via the new proposed walkway on the westside of the wharf. Birds nest under the wharf. Families of snowy egrets perch on the railings outside the wharf restaurants. These areas are currently closed to the public. The new walkway opens this area up to the public. This impact should have been included and evaluated under *Biological Resources*.
4. The WMP proposes expansion of kayaking and boat rentals. I have documentation of kayakers and boats harassing otters and whales. There is no evaluation under *Biological Resources* of the significance level of increased recreational activity on these marine mammals in the IS.

5. Under *Cultural Resources*, the IS asserts less than significance to this makeover because the wharf will not be “demolished, destroyed or relocated.” That is a very low bar for evaluating the proposed changes to this cultural icon.
6. Under *Aesthetics*, The IS states that there will be a less than significant impact on a scenic vista and less than significant impact in degrading the existing visual character of the site. With 3 new buildings of up to 45 in height plus architectural features, this conclusion is untenable. Each of these new buildings will significantly block a current vista. The IS states other vistas will be available. That fact does not negate the significant loss of view due to the cumulative effect of the 3 new large buildings plus infilling with the aim of doubling the number of commercial establishments, boat docks and second story additions which are all proposed. The view of the wharf from West Cliff Drive and the beaches will be significantly altered. The west side proposed walkway will significantly degrade the unique view of the wharf and pilings where the end of the wharf takes a bend in a southerly direction. Under the project, lines of people will replace the current uninterrupted vista. The impact of the lowered western walkway on views of the wharf from land should have been included and assessed.
7. The *Transportation and Traffic* category is tiered from the General Plan. This section inadequately assesses the traffic and parking impacts of the expanded wharf and asserts a less than significant impact. Entries in the WMP and MND on how much increased traffic is expected after completion of the project are filled with vague statements that profess no idea how much traffic will increase. This, despite the stated aim of the project to increase economic development via increased wharf usage. The project includes no expansion in total area devoted to parking, nor to wharf operations. Where will the wharf heavy equipment be housed under the new project? With respect to parking, the possible addition of 44 parking spaces to the current 440 can be implemented via new striping, according to the IS. This means narrower spaces. Narrowed parking spaces negatively impact accessibility for older wharf patrons. An environmental document should include a realistic traffic projection for this project, which has unique characteristics distinct from those examined under the General Plan EIR. It should not have been tiered from the GP. The inclusion of bicycle parking spaces and possibly a shuttle are inadequate to mitigate the impact of traffic and parking given that both are at capacity at peak periods now, prior to any development. The replacement of staff at the kiosks with twelve walk and pay parking stations will add to confusion, visual clutter and impact the elderly disproportionately. The wharf is not a typical parking lot. The WMP states that wharf employees will not be allowed to park on the wharf under the project but city staff will have reserved parking spots. This arrangement will negatively impact wharf businesses. The IS makes no mention of where wharf employees are expected to park. Many are unable to ride bicycles. Will this discriminate

against the older workers and female workers for whom walking to and from their wharf business at night may be unsafe?

8. Under *Lighting and Glare*, the IS claims no significant impact from the additional wharf lighting and lighting of wharf businesses. The IS states that the wharf is in an already developed and lighted area, citing the Boardwalk as the yardstick. The wharf projects half a mile into Monterey Bay. Current versus projected new lighting on the wharf, not lights on land, should be the yardstick by which to measure light and glare impacts. The IS should also assess how the new wharf will impact nighttime views of the wharf from the land. The new LED lights on the wharf, improperly shielded, already have added significant glare to the wharf. The project's increased lighting may significantly aggravate that problem. The new large multi-story buildings will mean not only more lights but lights at a higher elevation. The wharf development impacts the Monterey Bay National Marine Sanctuary. The IS has a responsibility to assess the ecological impact of this increased light pollution on marine mammals and birds.

From: [Mary](#)
To: [Norman Daly](#)
Cc: gumtree@pacbell.net
Subject: Wharf renovation concerns
Date: Thursday, April 07, 2016 10:04:31 AM

Mr. Daly,

I am just becoming aware of the details for the proposed wharf "renewal" project through the Sentinel News articles this past weekend. I have serious concerns about the proposal's intention of hosting several thousands more visitors on the wharf. The retail space will increase from the present 19 up to 35 businesses. Parking spaces will increase by 40 simply by making existing spaces smaller. Three additional buildings 45 ft in height will be added to existing structures.

1. Downtown Santa Cruz has a three - story height limit. Going even higher than that out in one of the most beautiful seascapes on the California coast is preposterous. Has the Coastal Commission weighed in on this? If retail space is in demand, please check out all the available space on the Pacific Garden Mall where you will find ample parking.
2. Traffic in and around Santa Cruz has become a nightmare. There are no provisions in your plan to mitigate the additional traffic that comes with the "thousands of additional visitors." And, they don't all drive compact cars, which are the only vehicles that will fit into your new, condensed parking spaces.
3. To use the Dream Inn for "comparable size" equation is ludicrous. Roma designers should look into the history of the construction of the Dream Inn in the 1960's. Construction was brought to a halt by objections to it's size/height, and the design was altered in height. Also, Santa Cruzans are very anti-BigBox stores, and you are proposing to put three of them out in our bay?
4. Our wharf has always been a part of our local family history, if you will. We are more closely aligned to the wharf in Monterey, not the mega-mercantilism of the Pier 39 variety, although I don't believe there are four-story buildings on the San Francisco piers either. I assume this "renovation" will increase the rents for the existing 19 businesses. Doubling the amount of retail space without provision for the additional traffic on and around the beach area is going to be a disaster to our local wharf businesses.
5. The last of our Redevelopment funds from the state was used to build the Exploratorium across from the entrance to the wharf. Though admission is free, I rarely see anyone there. Perhaps because of the lack of parking. The Surfing Museum is just up West Cliff Drive, and it was planned and built by local surfers. The IS calls for a duplication of these venues in one of the proposed 4-story buildings in our bay. Really?

Please extend the period for public input, as I believe this important factor has only been brought to light through the recent articles in the Sentinel News. We, the people who have lived, and paid property taxes here for generations, deserve a say in this horrific proposed desecration of our bay.

Thank you,
Mary McGranahan

From: [Henry Searle](#)
To: [Norman Daly](#)
Subject: revised comment on MND wharf plan
Date: Monday, April 11, 2016 6:12:34 PM

Norm, I hope this is an improvement, and sorry for the error yesterday:

The bottom line here is whether our City wants to change and enlarge our wharf substantially and irreversibly. The next to bottom line is whether the mitigated neg dec (MND) provides adequate information for the City Council to make an informed decision. We all agree that the Wharf is a very important part of the Santa Cruz image. It is also clear that this image would be permanently altered by the Wharf reconfiguration. This decision may and must not be taken lightly.

Changes in the Wharf are not required for safety or environmental concerns. They are proposed in order to increase use of the wharf, to make it into a larger (and different) element of our ocean front, to increase business. The wharf has been existence in substantially its present form for many years. To change it would surely be growth, but is this the kind of growth we want? And is this growth something the visitors to the Wharf will enjoy more than what is already there. For whose benefit are these changes intended, and why do people visit the Wharf??

The MND contains many estimates, approximations and suppositions about the effects of the project. Traffic may increase but not substantially (MND page 100, all references to numbers are to pages in the MND), bicycle use may reduce auto traffic and increased traffic will not reduce LOS (100), water use (109) will increase but not by a significant amount, global warming emissions will increase but this is with accepted parameters (82-83) etc. Views from the Wharf towards the ocean, from East and West Cliff will be impacted, but these may not be overly significant (40,41,42), the new buildings

will not be out of scale with the rest of the Wharf, although substantially higher (45). In particular, the visual impacts of the Landmark building from the Wharf, East Cliff, West Cliff and the Boardwalk/beaches have not been thoroughly analyzed. I don't believe a story pole has been erected to show the height of this or other 3 story proposed buildings. Aesthetics are of course highly subjective but the assertions of minimal adverse effects is not justified. These are all estimates (or perhaps guesstimates) that should be subject to more rigid quantification.

With the information available, the MND could not be more specific. It is a valiant effort. But do we want to change the character of the Wharf based on probabilities and estimates or do we want to be sure we have all reasonably obtainable evidence before making this very substantial, expensive and permanent change.

Then too there are areas that are not covered at all, e.g. apparently the square "holes" at the end of the wharf that are very popular for looking at the sea lions will be closed. There is no discussion of whether the light that will be substantially reduced will make the area less attractive for the sea lions. or for the visiting public, for whom the views and sounds of these lions are major attractions. Nor is there any showing that the process and result of construction will not cause the sea lions permanently to leave the wharf (61). I could find no discussion of the effects of displacing long term tenants, either on economic or more personal considerations for the existing tenants. We don't know whether new or replacement businesses will be local or will have similar ambiance to those presently occupying the Wharf. And which do we want?

There is no consideration of possible alternatives to the draft master plan.

Some of these may not be appropriate to discuss in the CEQA process, but they are areas among many others that would be covered in an EIR. Surely we should have whatever information may be obtained about these and related issues. I understand that the cost of a full EIR could be very

high and it is a cost we would like to avoid. But is it reasonably avoidable here and with a project of this magnitude ?

The MND cites a series of factors that should be considered. I quote them from page 3 of the MND:

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

I do not see that the draft neg dec covers these in adequate detail. In particular I do not see consideration of the last 3 criteria.

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