

# 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 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 and bicycle 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 this EIR.

## 1.3 SCOPE OF THE EIR

The City has 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). This EIR evaluates potential impacts for these 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 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. 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.

In analyzing the proposed project, the City may consider whether existing environmental documents already provide an adequate analysis of potential environmental impacts. An earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA provisions, if it can be determined that one or more effects have been adequately analyzed in an earlier EIR or negative declaration (State CEQA Guidelines section 15063(c)(3)(D)).

## 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, which is included in Appendix A. These letters are included in Appendix A. 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. Comments received during the scoping period regarding environmental issues generally include the following concerns, which are further described and discussed in the 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.

### 1.4.3 Public Review of Draft EIR

The Draft EIR will be 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. Written comments on the Draft EIR may be submitted to the David McCormic at the address below or may be submitted by email to David McCormic at [dMcCormic@cityofsantacruz.com](mailto:dMcCormic@cityofsantacruz.com), by 5:00 pm on May 27, 2020.

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

The Draft EIR will be available for public review during the comment period at the following locations:

- ❑ Reference Desk of the Downtown Public Library, located at 224 Church Street.
- ❑ City of Santa Cruz Economic Development Office, located at 337 Locust Street.
- ❑ Online at: <http://www.cityofsantacruz.com/wharfmasterplan> and <http://www.cityofsantacruz.com/government/city-departments/planning-and-community-development/environmental-documents>.

The City of Santa Cruz encourages public agencies, organizations, community groups, and all other interested persons to provide written comments on the Draft EIR prior to the end of the 45-day 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.”

#### 1.4.4 Final EIR / Project Approval

Following the close of the public and agency comment period on this Draft EIR, responses will be prepared for all comments received during the public review period that raise CEQA-related environmental issues regarding the project. The responses will be published in the Final EIR document. The Final EIR will include written responses to any significant environmental issues raised in comments received during the public review period in accordance with State CEQA Guidelines section 15088. The Final EIR document also will include Draft EIR text changes and additions that become necessary after consideration of public comments.

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 will be included in the Final EIR, although it is not required to be included in the Draft EIR.

## **1.5 ORGANIZATION OF DRAFT EIR**

The content and format of this Draft EIR are designed to meet the requirements of CEQA and the CEQA Guidelines (sections 15122 through 15132). This Draft 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, Project Description**, provides information about the location, setting, and background for the project; identifies project-specific objectives; provides a detailed description of the project elements and components; and lists the likely approvals for the project.
- **Chapter 4, Environmental Setting, Impacts, and Mitigation Measures**, explains the approach to the environmental analysis for this Draft EIR, and provides environmental setting, impacts, and mitigation measures for the topics identified for inclusion in the Draft EIR. Each topical section in this Draft EIR presents information in three parts. The “Environmental Setting” section provides an overview of the existing conditions on and adjacent to the project site. Local, State and federal regulations also are identified and discussed, when relevant.

The “Impacts and Mitigation Measures” section provides an outline of the criteria used to evaluate whether an impact is considered significant based on standards identified in the CEQA Guidelines. Agency policies or regulations and/or professional judgment also are used to further define what actions may cause significant effects. Any project feature or element that may cause impacts, as well as project features that may serve to eliminate or reduce impacts, will be identified and addressed for both direct and reasonably foreseeable indirect impacts. Mitigation measures that would reduce significant impacts are identified. The significance of the impact after mitigation also is identified. For impacts found to be less-than-significant, mitigation measures are not required, but where relevant, the EIR recommends project modifications or appropriate conditions of approval.

- **Chapter 5, Other CEQA Considerations**, This section evaluates the topics required to be included in an EIR, including significant unavoidable impacts, irreversible impacts growth inducement, cumulative impacts, and project alternatives.
- **Chapter 6, References and EIR Preparation**, identifies all agencies contacted during the preparation of the Draft EIR, all references that were cited or utilized in preparation of the Draft EIR and individuals who were involved in preparing this Draft EIR and the individuals who provided information.
- **Chapter 7 Figures**, includes all figures referenced in the Draft EIR.
- **Appendices** contain additional information used in preparing this Draft EIR. Appendix A contains the NOP and comment letters that were submitted in response to the NOP. Appendix B includes the Wharf Master Plan Design Guidelines. Appendices C, D, and E contain biological reviews, including a nesting bird survey, bird species list, and assessment

of effects of lighting on marine species. Appendix F provides an evaluation of potential impacts to historical resources. Appendix G includes a traffic impact review memo prepared for this EIR