FINAL
ENVIRONMENTAL IMPACT REPORT
Volume 2
Santa Cruz Wharf Master Plan
[SCH NO: 2016032038]



City of Santa Cruz
Economic Development Department
August 2023

FINAL

ENVIRONMENTAL IMPACT REPORT, VOLUME 2

SANTA CRUZ WHARF MASTER PLAN

SCH NO. 2016032038

PREPARED FOR

CITY OF SANTA CRUZ
Economic Development Department

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August 2023

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CHAPTER 1
INTRODUCTION

1.1 INTRODUCTION

This document constitutes Volume 2 of the Final Environmental Impact Report (FEIR, Volume 2), prepared for the Santa Cruz Wharf Master Plan (Project). This document has been prepared by the City of Santa Cruz (City), as lead agency, in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (CCR Section 15132). This Final EIR, Volume 2 contains responses to significant environmental issues raised in comments received on the Recirculated Partial Draft Environmental Impact Report (RPDEIR) during the public review period of the recirculated EIR sections. The Final EIR, Volume 2 also includes text changes and additions to the RPDEIR that were determined to be necessary after consideration of public comments.

The Wharf Master Plan Project EIR includes four volumes:

1) Draft EIR (March 2020);
2) Final EIR (September 2020);
3) Recirculated Partial Draft EIR (April 2023); and
4) Final EIR, Volume 2 (August 2023), the latter of which includes responses to comments on the recirculated Draft EIR sections.

1.2 BACKGROUND

The Project consists of the following:

- ❒ Adoption and implementation of the Santa Cruz Wharf Master Plan, and
- ❒ Construction of the two following development 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 policies and recommendations for improvements at the Santa Cruz Wharf; an overview of the Project is included in Section 1.3.

A Draft EIR was prepared for the Project and was published and circulated for public review period from March 30, 2020 through May 27, 2020. The City extended the required 45-day public review period by two weeks for a total of 59 days. After the close of the public review period, a Final EIR consisting of responses to comments and changes to the Draft EIR was completed and was released to the public on September 10, 2020.

In addition to updates provided to advisory commissions throughout the development of the Wharf Master Plan, the Project was presented to the City Parks and Recreation Commission as an informational item on September 14, 2020, and was heard by the Historic Preservation Commission on October 14, 2020 and by the Planning Commission on October 15, 2020. In its October 14, 2020 hearing, the Historical Preservation Commission recommended approval of the Wharf Master Plan and certification of the EIR, subject to additional recommendations related to Wharf projects that require a Historic Alteration Permit, incorporation of historical interpretive elements, and building heights. The Planning Commission also recommended certification of the EIR and Project approval to the Santa Cruz City Council, subject to additional recommendations related to clarifying the prohibition of ocean-liner style cruise ships, adding interpretive historic displays, and revising the exhibit for entry signage.

The City Council held public hearings on November 10, 2020 and on November 24, 2020, at the conclusion of which the Council certified the EIR and approved the Project with nine modifications to the Wharf Master Plan that are summarized in Section 1 of the RPDEIR.

Subsequent to the certification of the EIR and approval of the Project by the City Council, a lawsuit was filed by an unincorporated association called Don't Morph the Wharf, challenging the adequacy of the EIR under CEQA. On February 18, 2022, the Superior Court of the State of California for the County of Santa Cruz (hereinafter "Court") ruled that the City's determination that the Project would not result in significant environmental impacts related to "recreation activities on the Wharf" was not supported by substantial evidence and that the table regarding Project consistency with applicable land use policies did not provide a sufficient analysis of the "evidence of the Project's impacts on land use". The Court further held that the City's CEQA findings regarding the feasibility of Alternative 2 were not adequately supported by substantial evidence in the record. The Court ordered that the Project approvals and EIR certification be voided, which the City Council accomplished on October 11, 2022.

1.3 PROJECT OVERVIEW

As previously mentioned, the proposed Project consists of the following:

- ❒ Adoption and implementation of the Wharf Master Plan, and
- ❒ Construction of the two following projects recommended in the Master Plan within 2 to 5 years: Entry Gate Relocation and the East Promenade. Possible expansion of the existing Lifeguard Station may also occur within the next several years.

The Wharf Master Plan includes the following elements and recommendations.

1. *Policies and Actions*
2. *Recommendations for Expansion, New Construction and Improvements*

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

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

As indicated, there are two near-term projects that could be implemented. One is the proposed relocation of the Wharf entrance gate that would move the entrance approximately 540 feet farther south from its current location. An entrance gate would be constructed with six steel piles that span the Wharf's width with roll-down transparent gates. The East Promenade would result in an 1.5-acre expansion of the Wharf on the east, retaining the same linear form as currently exists. The expansion would result in a pedestrian facility with a hardwood deck supported by approximately 525 new 12- to 16-inch timber piles.

1.4 ENVIRONMENTAL REVIEW AND PROJECT APPROVAL PROCESS

1.4.1 Recirculation of an EIR

State CEQA Guidelines section 15088.5 requires a lead agency to recirculate an EIR when significant new information is included. As used in this section of the CEQA Guidelines, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a

substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

In the present case, a Court judgment and writ have been issued finding a lack of required analysis of potential recreational impacts and consistency with adopted land use policies relating to recreation. The RPDEIR provides the required analysis in a new recreational impacts chapter, in response to the Court's judgment. There have been no changes to the proposed Project, other than to incorporate the changes to the Draft Wharf Master Plan previously adopted by the City Council in November 2020. No other changes or conditions would warrant revisions to other sections of the EIR.

Section 15088.5 also allows the lead agency to recirculate only the chapters or portions of the Draft EIR that have been revised. The lead agency may request that reviewers limit their comments to the revised sections, and the agency need only respond to comments received during the recirculation period that relate to the revised Draft EIR sections. The City of Santa Cruz used this approach for recirculation for new EIR section and Summary of Impacts as related to recreation and land use.

1.4.2 Public Review of the Recirculated Partial Draft EIR

In accordance with State CEQA Guidelines, On April 17, 2023, the City recirculated part of the Draft EIR. The "Recirculated Partial Draft EIR" (RPDEIR) includes minor revisions to Section 3, Project Description, which describes proposed changes and clarifying statements to the Wharf Master Plan as a result of public hearings conducted on the Plan in 2020, and adds a new analytical section to the Draft EIR: 4.8, Parks and Recreation, in accordance with the Court judgment. All other sections of the Draft EIR, dated March 2020, and Final EIR, dated September 2020, remain unchanged. The new analytical section also addresses potential Project conflicts with adopted plans and policies related to recreation, in accordance with the Court judgment.

The minor revisions to Section 3, Project Description, do not change any of conclusions regarding impact significance that would require revisions to any other EIR section. Nor are any of the Project Description changes considered mitigation measures for significant environmental impacts.

In accordance with State CEQA Guidelines, the RPDEIR was available for public review for 45 days from April 17, 2023 through May 31, 2023. During this period, the City indicated that reviewers should limit written comments on the RPDEIR to the revised EIR sections included in the RPDEIR, as all other sections of the Draft EIR, dated March 2020 and Final EIR, dated September 2020, remain unchanged and were not subject to recirculation or additional public comment.

1.4.3 Final EIR / Project Approval

Upon completion of the public review period for the RPDEIR, a second volume to the Final EIR document will be completed that includes responses to comments received on the recirculated sections of the EIR. The Final EIR, Volume 2, will include written responses to any significant environmental issues raised in comments received during the public review period of the recirculated EIR sections in accordance with State CEQA Guidelines section 15088. The Final EIR, Volume 2 also will include any text changes and additions to the Recirculated Partial EIR that are determined to be necessary after the lead agency's consideration of public comments. Thus, as previously indicated, the Project EIR includes four volumes:

1) Draft EIR (March 2020);
2) Final EIR (September 2020);
3) Recirculated Partial Draft EIR (April 2023); and
4) Final EIR, Volume 2 (August 2023), the latter of which includes responses to comments on the recirculated EIR sections.

The EIR, including all four volumes, will be presented to the City Parks and Recreation and Planning Commissions, and ultimately to the City Council for independent review and consideration of certification. 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. Changes to the proposed Project may be required to be referred to the Planning Commission for recommendation.

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

(a) The public agency makes one or more of the following findings with respect to each significant effect:

1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects on the environment.

2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by such other agency.

3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

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

1.4.4 Adoption of Mitigation Monitoring & Reporting Program

CEQA requires that a program to monitor and report on mitigation measures be adopted by a lead agency as part of the project approval process. CEQA requires that such a program be adopted at the time the agency approves a project or determines to carry out a project for which an EIR has been prepared to ensure that mitigation measures identified in the EIR are implemented. The Mitigation Monitoring and Reporting Program is included in the Final EIR (September 2022) and has not been revised, as no new significant impacts warranting additional or revised mitigation measures were identified in the RPDEIR.

1.5 ORGANIZATION OF RECIRCULATED PARTIAL DRAFT EIR

This Recirculated Partial Draft EIR is organized into the following chapters:

- **Section 1, Introduction**, provides an introduction and overview of the Final EIR Volume 2, an overview of the EIR and Project approval process, and describes the organization of the Final EIR, Volume 2.
- **Section 2, Summary**, adds new text regarding impacts identified in the new Parks and Recreation section.

- **Section 3, Changes to RPDEIR**, presents revisions to the RPDEIR text made in response to comments, or by the lead agency to amplify, clarify or make minor modifications or corrections. Changes in the text are signified by ~~strikeouts~~ where text is removed and by underline where text is added.
- **Section 4, Comments and Responses,** lists all parties who submitted comments on the RPDEIR, includes copies of the comment letters received during the public review period, and provides responses to those comments.

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CHAPTER 2
SUMMARY

This Recirculated Partial Draft EIR (RPDEIR) adds a new section, 4.8-Parks and Recreation, to the Draft Environmental Impact Report (EIR) in accordance with the Santa Cruz County Superior Court judgment. As a result, only impacts evaluated in the new Section 4.8 in the RPDEIR (April 2023), are shown in this chapter.

2.5 SUMMARY OF RPDEIR IMPACTS AND MITIGATION MEASURES

This summary groups impacts of similar ranking together, beginning with significant unavoidable impacts, followed by significant impacts that can be mitigated to a less-than-significant level, followed by impacts not found to be significant.

2.5.1 Significant Unavoidable Impacts

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

2.5.2 Significant Impacts

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

Impact REC-1: **Result in Substantial Physical Impacts.** The proposed Project would not require expansion of recreational facilities which might have an adverse effect on the environment. However, the Project supports new and expanded facilities that would enhance recreational uses on the Wharf and which could result in adverse physical effects on the environment.

Mitigation Measures

Potential indirect impacts resulting from future expansion of the Wharf and other structural improvements would be reduced to a less-than-significant level with implementation of Mitigation Measures BIO-1a-1, BIO-1a-2, BIO-1a-3, BIO-4, and HYD-2a.

For reader convenience, these mitigation measures are presented below, but have not been revised from the versions presented in the 2020 Final EIR and previously approved by City Council, which were unaffected by the Superior Court's judgment.

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

- Establishment of an underwater "exclusion zone"—defined as the distance where underwater sound levels exceed 180 dB SEL_{cum} if whales are present, and 185 dB SEL_{cum} dB if seals and sea lions are present—will be established. This will be refined based on hydroacoustic measurements in the field and in consultation with NOAA Fisheries.
- Pre-construction monitoring by a qualified biologist to update information on the animals' occurrence in and near the project area, their movement patterns, and their use of any haul-out sites.
- Pre-construction training for construction crews prior to in-water construction regarding the status and sensitivity of the target species in the area and the actions to be taken to avoid or minimize impacts in the event of a target species entering the in-water work area.
- Marine mammal monitoring of the exclusion zone will be conducted prior to commencement of pile driving and underwater excavation activities.
- Pile-driving activities will not commence until marine mammals are not sighted in the exclusion zone for 15 minutes. This will avoid exposing marine mammals to sound levels in excess of the Level A criteria.
- Underwater noise will be measured with a hydrophone during pile-driving to verify sound levels and adjust the size of the exclusion zone as necessary. This measurement may be conducted once and the results applied to subsequent pile installations to determine the exclusion zone.
- In-water biological monitoring to search for target marine mammal species and halt project construction activities that could result in injury or mortality to these species.
- Prohibit disturbance or noise to encourage the movement of the target species from the work area. The City will contact USFWS and NOAA Fisheries to determine the best approach for exclusion of the target species from the in-water work area.

- Data collected during the hydroacoustic, fish and marine mammal monitoring will be reported to NOAA Fisheries in a post-construction monitoring report (usually required to be completed between 60 and 90 days after construction is complete). Observations and data will be reported more frequently, if required by NOAA Fisheries.

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

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

MITIGATION BIO-1a-3 A cushion block will be used between the pile cap and the impact hammer. Layers of heavy plywood or baywood soaked in water on top of the pile cap served to dampen the sound of the hammer striking the wood as well as to dissipate friction; plywood not soaked in water was pounded to charred splinters that became very thin and had little value in attenuating sound.

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

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

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

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

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

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

- Install a floating boom that can be placed in the water to encompass the work area. Any timber that inadvertently falls into the water will float and be captured by the boom. Any metal (hand tools or bolts) that falls into the water can be retrieved by magnet or diver if necessary.

- The crane that installs the piles and beams may have the hydraulic system fit with vegetable oil so that in the event of a hose failure, no petroleum based substance will contact the water, but rather food grade vegetable oil.
- Any fueling operations of the equipment is conducted on a containment area utilizing plastic sheeting and absorbent pad containment to contain any spills during fueling over the water.

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

2.5.3 Less-Than-Significant Impacts

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

Impact REC-2: **Increased Use of Recreational Facilities.** The proposed Project would potentially result in increased use of the Santa Cruz Wharf, which is considered a recreational facility, but not to the extent that such use would result in substantial accelerated physical deterioration of the facility.

Impact REC-3: **Conflict with Existing Recreational Facility Uses and Policies.** The proposed Project would not conflict with and/or eliminate established recreational, educational, or scientific uses at the Santa Cruz Wharf or conflict with policies protecting or encouraging recreational uses of the area.

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CHAPTER 3
CHANGES TO RECIRCULATED PARTIAL DRAFT EIR

3.1 INTRODUCTION

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

3.2 REVISIONS TO RECIRCULATED PARTIAL DRAFT EIR TEXT

3.2.1 Changes to Chapter 3, Project Description

Page 3-7 to page 3-8

Revise Overview of Master Plan Elements and Recommendations as follows:

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

1. *Policies and Actions*

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

3. *Circulation/Parking*. Improvements are proposed to more efficiently utilize the existing circulation area and encourage alternative transportation, including relocation of ~~and relocate~~ the Wharf entrance further south onto the Wharf. Other improvements include restriping of existing parking areas that would result in approximately 45-65 additional parking spaces, widening existing sidewalks for improved pedestrian access, and provision for up to 150 bicycle parking spaces.

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

Page 3-10 Revise the first bullet under Policy 4 to change the word historic to historical.

Page 3-11 Revise the fourth bullet under Policy 9 as follows to provide full text from the revised Master Plan:

Expand the lifeguard station to better accommodate service needs, accessibility requirements, and rescue craft or fire boat support facilities.

Page 3-11 Revise the sixth bullet under Policy 9 as follows to provide full text from the revised Master Plan:

- Limit anchorages on the windward west side of the Wharf and implement the west walkway not only to provide public access but also to improve safety and reduce the risk for building collapse and threat to life in the event of a large vessel or marine debris impact.

Page 3-17 Revise the third full paragraph as follows:

The Master Plan Design Standards are included in Appendix B. Revisions to the Wharf Master Plan include three revisions to the Design Standards as follows:

- Reducing the maximum height of the three new buildings from 45 to 40 feet,
- Changing the minimum below canopy glazed storefront from 12 to 8 feet in height.
- Add language regarding signage size for major identifying signage for large restaurants.

Page 3-22 Revise the third full paragraph as follows:

A sign at the top of the entry gate is recommended in the Master Plan, but a sign is not included in the current Project proposal. As previously indicated, the Master Plan proposes installation of a 6 to 8-foot tall, 70-foot long sign at the relocated entrance gate, subject to further review and design. However, the City expects that the sign would not span the entire length of the new entrance. The Master Plan

and EIR merely establish the outside envelope of potential Wharf entry signage, but are not prescriptive to the final design. The City intends to develop a future entry gate sign design through a public process, and a specific design is not included as part of the proposed Project.

3.2.2 Changes to Section 4.8 – Recreation

Page 4.8-14 Revise and expand the first sentence of the last paragraph as follows:

Sea Lion Viewing/Fishing Holes. The southern portion of the Wharf includes five "fishing holes" that were first cut through the Wharf structure in the early 1960s~~1970s~~ to expand fishing opportunities; the holes were created as part of a Wharf restoration project funded by the State Wildlife Conservation Board (WCB) in 1960. These are understood to have been relocated or modified at least once since then, but the City was unable to locate any records documenting the specific changes.

Page 4.8-15 Revise the first two sentences of the third full paragraph as follows:

Popular pier fishing locations identified by local residents include parking areas along the east side of the Wharf where people have close access to their vehicles as further discussed below. Other locations include the Commons, the Agora[1], former boat landings on the east side of the Wharf, and at the end of the Wharf. Fishing generally occurs wherever railings are exposed for public access and at the discretion of each individual fisher. In limited circumstances however, fishing is prohibited by policy to minimize conflicts between uses. Fishing is currently only restricted along much of the west side of the Wharf behind buildings, near landings, and areas reserved for Wharf and lifeguard operations.

Page 4.8-15 Revise the last sentence of the third full paragraph as follows:

Representative photos of existing fishing activity on the Wharf and one photo of fishing from installed fishing holes in the early 1960s are shown on Figure 4.8-3. The figure shows fishing on all sides of the Wharf.

Page 4.8-30 Add Policy 9 and supporting actions to the end of Table 4.8-1 regarding public access and the Westside Walkway as follows:

[1] The Agora is the open space area behind the current Boat Rentals building where the *Marcella* is currently located.

9. Improve public services and facilities and enhance a sense of safety, security, comfort and convenience on the Wharf.	▪ Improve and enlarge public restrooms in three locations at the end of the Wharf, adjacent to Wharf Headquarters and at the Events Pavilion. ▪ Limit anchorages on the windward west side of the Wharf and implement the west walkway not only to provide public access but also to improve safety and reduce the risk for building collapse and threat to life in the event of a large vessel or marine debris impact.

Page 4.8-36 Add the following expanded text after the first full paragraph:

The impact analysis anticipates that fishing could potentially occur in: 1) dedicated 7-foot fishing/seating areas alongside the East Promenade; 2) any feasible fishing area with a minimum 10-foot wide clearance; and 3) the existing fishing/sea lion viewing holes. Areas above boat landings or on sloped gangplanks have been analyzed and assumed as restricted to fishing to promote public safety, although fishing could physically occur in many of those areas as well. The minimum path of travel to comply with accessibility standards in the Americans with Disabilities Act (ADA) is 36 inches in width, or 3 feet. Although space conflicts have always been a consideration on the Wharf, the proposed 10-–12 foot-wide Westside Walkway would be 3–5 feet wider than either the existing walkway on the east side of the Wharf or the proposed dedicated 7-foot wide fishing/seating areas proposed along the East Promenade. At either width, the Westside Walkway would maintain a minimum ADA-compliant route of 3 feet in width as well as at least 7 feet of fishing, sight-seeing, or other stationary uses.

Page 4.8-36-37 Add the following expanded text to the first two sentences of the last paragraph:

Public comments suggest that much of the current eastern side of the Wharf would be occupied in future by large vessels, outriggers, lowered south platform and other features, thus blocking access to what is currently open fishing areas in proximity of cars. In total, tailgate fishing could be reduced by approximately 1,705 LF, with 822 LF or roughly 80-100 parking spaces remaining for tailgate fishing in both zones currently allowing tailgate fishing, the Near-Shore and Open Ocean zones. Thus, tailgate fishing would not be eliminated, and fishing opportunities near former areas used for tailgate fishing would remain in proximity to parking areas within a short walk. As indicated below, while the method of accessing this fishing opportunity would change to a short walk from a parked vehicle, the use itself would not be eliminated or substantially change. Proposed fishing area improvements along the East Promenade will also provide seating in lieu of tailgate opportunities. It is also noted that areas currently available for tailgate fishing are not 100 percent occupied at any given time, and thus, a reduction in available area for this type of fishing experience would not necessarily equate to a reduction in the availability of the actual recreational activity.

Page 4.8-42 Revise and expand the first sentence of the first full paragraph as follows:

Implementation of the Wharf Master Plan and expansion of the Wharf would provide enhanced public access with increased pedestrian access at the East Promenade and Westside Walkway, consistent with LCP Policy CD 3.5 to protect coastal recreational areas, ~~and~~ maintain all existing coastal access points open to the public and enhance public access and recreational enjoyment. The coastal recreational area comprised of the Wharf will be maintained and protected, and public access would be enhanced with implementation of improvements recommended in the Master Plan, as would enhancement of recreational enjoyment at the Wharf with addition of new and improved recreational facilities and areas for active and passive recreational activities, including walking, biking, nature viewing, recreational fishing, small craft boating, open water sports, and educational, cultural, and entertainment activities.

3.2.3 Changes to Chapter 6, References

Page 4.8-46 Add additional references as follows:

City of Santa Cruz.

- ❒ September 16, 2022. Notice of Preparation of a Subsequent Environmental Impact Report Santa Cruz Downtown Plan Expansion Project.
- ❒ August 2017. CEQA Initial Study/Mitigated Negative Declaration Santa Cruz Rail Trail Segment 7 Project (Phase I). Prepared by ICF.

3.2.4 Changes to Chapter 7, Figures

Figure 4.8-3: Add note under lower right-hand photo to indicate photo is from the early 1960s when the fishing holes were installed and add two new photos showing fishing from the west side of the Wharf.

Figure 4.8-4: Revise figure labels for improved readability.

Figure 4.8-8: Create two separate figures, 4.8-8A and 4.8-8B, to show concepts for relocation of existing fishing/sea lion viewing holes for improved readability.

3.2.5 Changes to DEIR Appendix B

Update DEIR Appendix B, Wharf Master Plan Design Guidelines, to reflect changes in the revised Wharf Master Plan as shown at the end of this section.

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"Tailgate" Fishing on East Side of Wharf that Encroaches into Pedestrian



Other East Side Fishing



End of Wharf Fishing



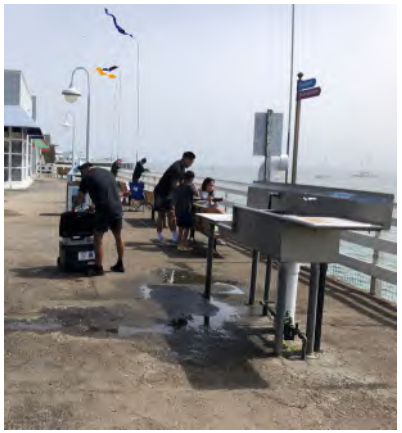
Fishing at the Commons



"Tailgate" Fishing on East Side of Wharf that Encroaches into Pedestrian



Other East Side Fishing



Fishing at the Agora



Use of the Fishing Holes when Installed in the Early 1960s

Z:\Projects\03120\1\MAP\DOCS\DOCUMENT.PDER

SOURCE: City of Santa Cruz

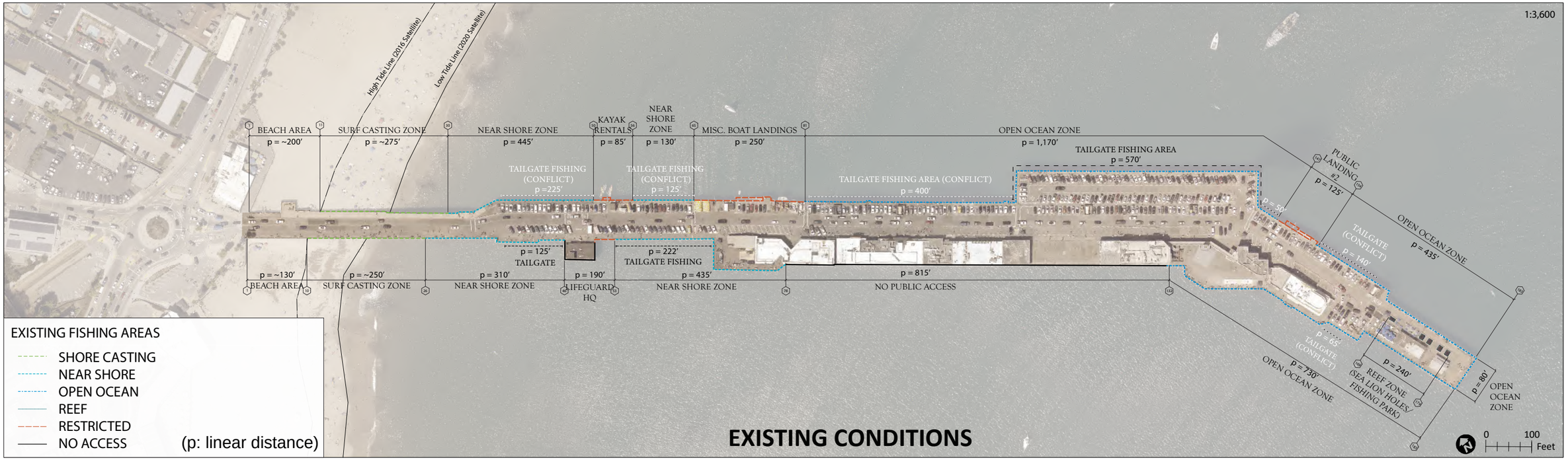
DUDEK

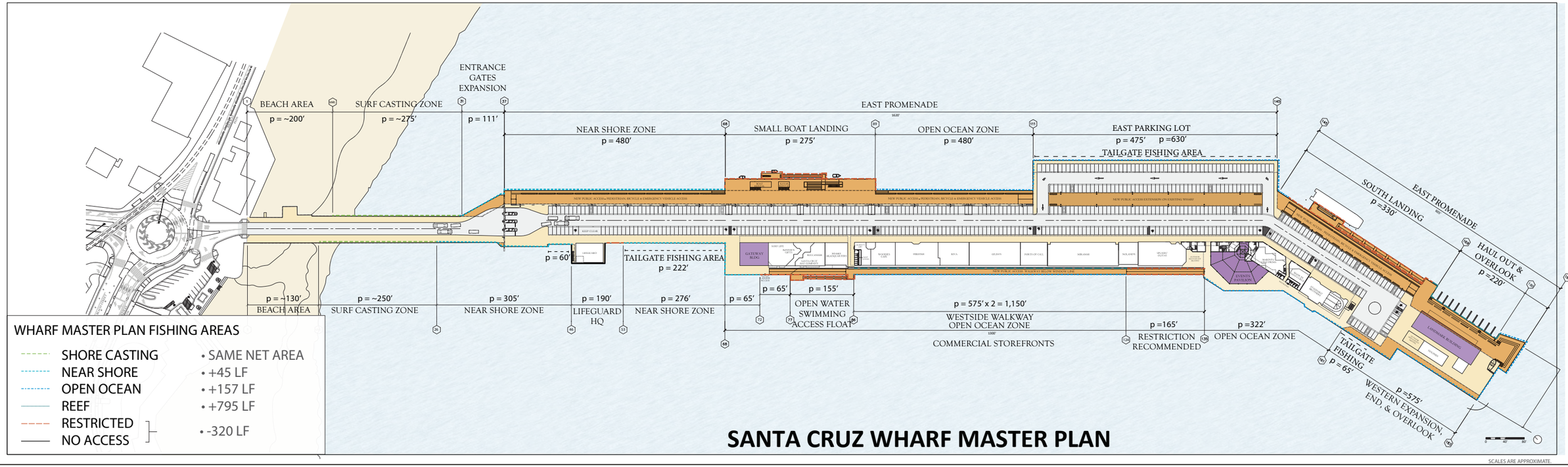
FIGURE 4.8-3

Representative Photos of Existing Wharf Fishing

Santa Cruz Wharf Master Plan Recirculated Partial Draft EIR

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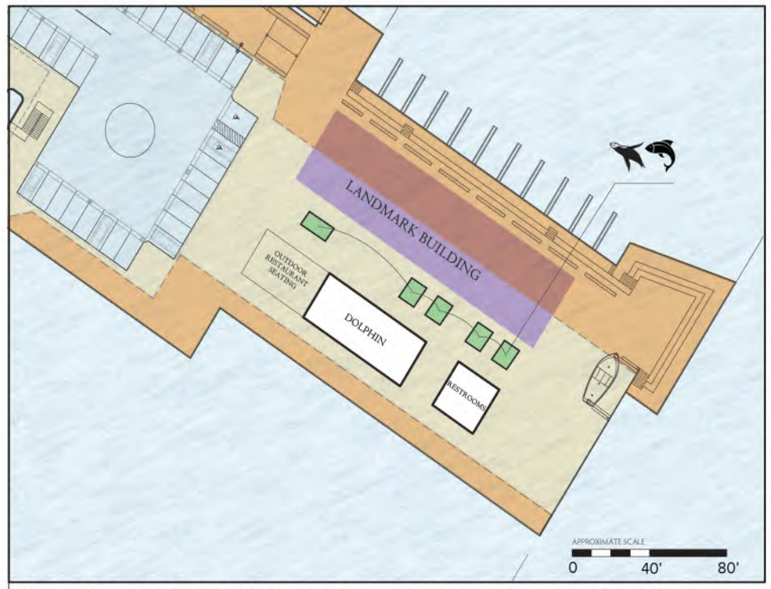
SOURCE: City of Santa Cruz

FIGURE 4.8-4

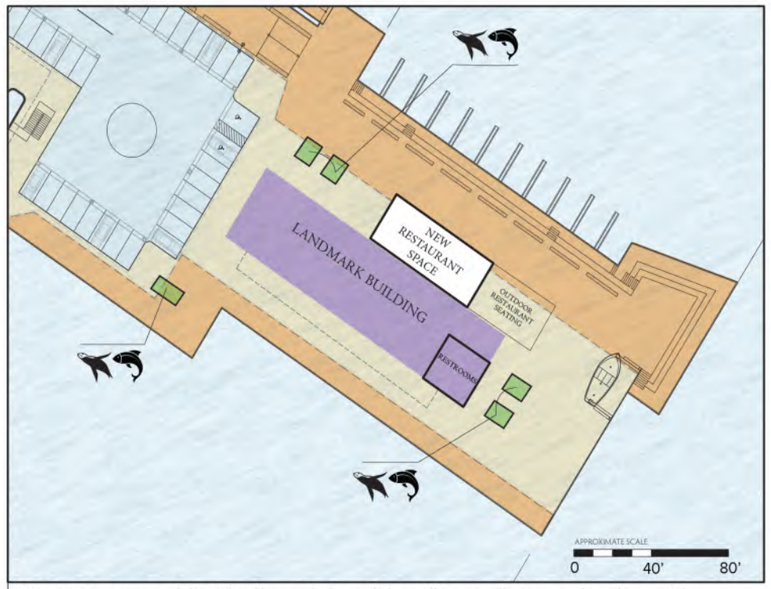
Existing and Proposed Wharf Fishing Areas

Santa Cruz Wharf Master Plan Recirculated Partial Draft EIR

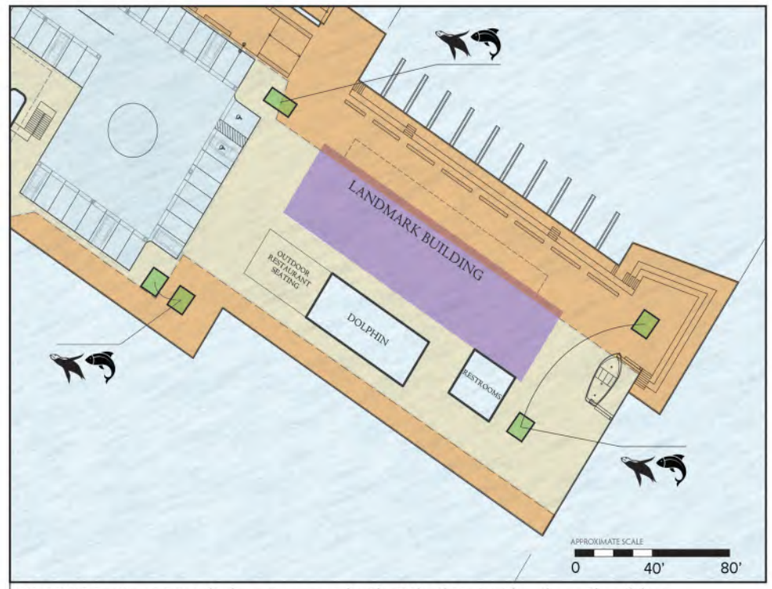
DUDEK



EXAMPLE 1 - The landmark building is moved eastward to preserve the sea lion/fishing holes At their current location. Circulation areas would be narrowed, which may require relocation or the elimination of proposed seating atop the new lowered overlook. Step seating in the amphitheater and overlook would still be available. The holes would become more sheltered from winds, but outward looking views from the holes would be greatly diminished.



EXAMPLE 2 - Repair of the Wharf beneath the Dolphin will eventually require demolition of the building. This will allow realignment and possible integration of building uses. This would free ample deck space for reconfiguration of the sea lion/fishing holes and create distinct views and experiences from each. Circulation would be maximized around the Wharf edges.



EXAMPLE 3 - Maintaining the layout proposed in the Wharf Master Plan, the sea lion/fishing holes could be relocated around the end of the Wharf creating unique perspectives and viewsheds from each. Circulation around the sea lion/fishing holes would change, although wharf widening would ensure ADA accessibility compliance and comfortable spacing similar to existing conditions. Wind exposure may sometimes exceed current levels at certain holes.

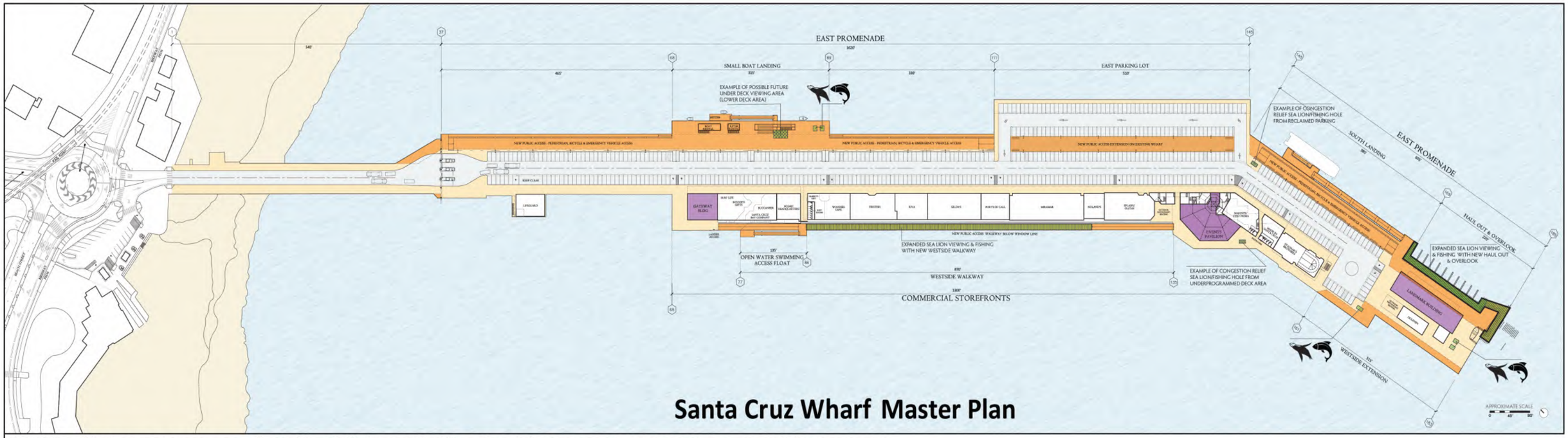
SOURCE: City of Santa Cruz

FIGURE 4.8-8A

Concepts for Fishing Hole / Sea Lion Viewing Relocation

Santa Cruz Wharf Master Plan Recirculated Partial Draft EIR

DUDEK



EXAMPLE 4 - Wharf master plan improvements like the Westside Walkway and Haul Out and overlook are anticipated to increase sea lion viewing and fishing opportunities dramatically. Existing sea lion/fishing holes could also be redistributed to areas around the Wharf to reduce congestion and redevelop the end of the Wharf. Additional opportunities to preserve or even expand the sea lion/fishing hole experience could also be integrated into projects as they progress to final design and permitting. For example, underprogrammed deck space could be converted to sea lion/fishing holes, parking spaces could be reclaimed during restriping, and even viewing areas beneath the deck could eventually be considered near the new landings. This approach could also be considered to maintain this type of recreational wildife viewing and fishing during project phasing.

SOURCE: City of Santa Cruz

FIGURE 4.8-8B

Concepts for Fishing Hole / Sea Lion Viewing Relocation

Santa Cruz Wharf Master Plan Recirculated Partial Draft EIR

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DESIGN STANDARDS

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

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

Building Height: Second floor uses and rooftop dining are encouraged within a maximum height of 35 feet for commercial in-line buildings. For the three landmark buildings, the maximum height shall be 40 feet, not including special appurtenances such as flagpoles and architectural projections.

Ground Floor Height: High bay spaces with transom windows to bring in light from above are encouraged for single story buildings. In two story buildings, the minimum ground floor height shall be 12 feet floor to floor.

Windows and Glazed Openings: The minimum below canopy glazed storefront shall be 8 feet in height. The solid base of the storefront shall be no more than 36 inches in height. No dark or mirrored glass is permit- ted anywhere. All glazing shall be tempered or safety glass on the western façade of buildings.

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

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

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

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

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

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

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

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

Signage: Pedestrian scale signage is encouraged. The principal identity signage shall be below canopy blade type heraldic signage that is no more than 7 square feet in size, located perpendicular to the path of movement, and providing for at least 8 feet of vertical clearance from the sidewalk. Identity signage on the front edge of the canopy is permitted but shall be limited to two feet in height and no more than half of the frontage length. Major identity signage is only permitted for large restaurants and only one sign per establishment with 100 feet or more of frontage including liner uses. Major identity signage shall be fabricated in metal and of high quality materials and limited in size to 1.5 square feet for each linear foot of frontage. These signs shall be no more than 7 feet by 20 feet in size and locations 15 feet above grade are encouraged.

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

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

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

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

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

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

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

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CHAPTER 4
COMMENTS AND RESPONSES

4.1 INTRODUCTION

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

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

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

In reviewing comments and providing responses on the following pages, this section of the CEQA Guidelines will be considered. The focus will be on providing responses to significant environmental issues. In addition, as set forth in the RPDEIR and clarified on the City's website, reviewers were invited to submit written comments related only to the revised EIR sections included in the RPDEIR document. All other sections of the Draft EIR (DEIR) dated March 2020 and Final EIR (FEIR) dated September 2020 remain unchanged and were not subject to recirculation or additional public comment as fully explained below in Master Response 1. When an EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or

portions of the recirculated EIR. The City will only respond to comments provided on the RPDEIR sections, which are minor revisions to Section 3, Project Description and a new analytical section: 4.8, Parks and Recreation as summarized in Section 1, Introduction, of this document. Therefore, while comments are other topics may be included in submitted public comments, the City will only respond to comments provided on the RPDEIR sections in this Final EIR Volume 2.

4.2 LIST OF COMMENT LETTERS RECEIVED

The RPDEIR was published and circulated for review and comment by the public and other interested parties, agencies, and organizations for a 45-day public review period from April 17, 2023 through May 31, 2023. Twelve letters or emails were received from organizations and individuals as outlined below; no comments were received from public agencies.

Organizations

1. Don't Morph The Wharf! – Law Office of Rachel Mansfield-Howlett
2. Don't Morph The Wharf! – Gillian Greensite and John Aird
3. Sierra Club - Michael Guth

Individuals

4. Stefan Berlinski
5. Renee Flower
6. Gillian Greensite
7. Judi Grunstra
8. Laura Lee
9. Jane Mio
10. Jane Orbuch
11. Mark Trabing
12. David Van Brink

Community Meeting, May 30, 2023

13. Transcript of Public Comments

4.3 COMMENT LETTERS AND RESPONSES

Organizations, and individuals that submitted written comments on the RPDEIR are outlined above in section 4.2. Each comment letter or email is included in this section. As indicated above, CEQA Guidelines section 15088(a) requires a lead agency to evaluate comments on environmental issues and provide a written response to all substantive comments. A response to each comment is provided immediately following each letter. As indicated in subsection 4.1 above, the emphasis of the responses will be on significant environmental issues raised by the commenters. (CEQA

Guidelines, section 15204, subd. (a).) Changes that have been made to the DEIR text based in large part on these comments and responses are provided in the Chapter 3, Changes to DEIR.

Master Responses

Many of the comments received related to the same topic or expressed similar concerns. Rather than repeat the same response to each of these comments, the City has prepared the following "master responses," which address broad issue areas or topics raised in multiple comments. If a master response was used to respond to an individual's comment, the commenter is directed to that master response in the response section corresponding to the individual's comment letter.

Master Response 1 – Scope of Revised EIR

[COMMENTS 1-1, 2-1, 2-2, 2-30, 3-2, 6-5, 8-1, 13-1, 13-2, 13-4, 13-8]

Scope of Recirculated EIR and Responses to Comments

Public Resources Code section 21168.9 governs remedies in CEQA cases and provides that where a CEQA violation has occurred, a court's order "shall include only those mandates which are necessary to achieve compliance with [CEQA] and only those specific project activities in noncompliance with [CEQA]." (Pub. Resources Code, § 21168.9, subd. (b).) In other words, remedies are to be narrowly tailored to address only the aspects of an EIR that the court determined violated CEQA. (See ibid.) The aspects of an EIR that comply with CEQA generally do not need to be revised or recirculated. (See Cal. Code Regs., tit. 14, § 15088.5, subd. (c) ("CEQA Guidelines") ["[i]f the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified"].) When an EIR has been held invalid in one or more respects, this does not mean that the lead agency must start the EIR process from scratch. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1112 [explaining that while an EIR's water resources section violated CEQA, "[t]his conclusion does not mean the [lead agency] is required to start the EIR process anew"]; *LandValue 77, LLC v. Board of Trustees of Cal. State Univ.* (2011) 193 Cal.App.4th 675, 681–682, citing Robie et al. *Cal. Civ. Practice: Environmental Litigation* (2010), § 8:33 ["'In contrast to a case where severance is proper, a situation may arise where an EIR is inadequate in some respects, but not others. This requires the local agency to set aside all project approvals and the certification of the EIR, but the writ of mandate need only require the preparation, circulation and consideration under CEQA of a legally adequate EIR on limited issues'"] (*LandValue 77*).) Rather, when an EIR is found sufficient on some issues, but insufficient on others, CEQA allows a lead agency to tailor its revised EIR to address those areas specifically found inadequate by the court. (Pub. Resources Code, § 21168.9, subd. (c) ["Nothing in this section authorizes a court to direct any public agency to exercise its discretion in any particular way"].)

The City is only required to address the specific flaws identified in the Court's ruling in its revised and recirculated EIR. (Pub. Resources Code, § 21168.9; CEQA Guidelines, § 15088.5, subd. (c).) The

Santa Cruz County Superior Court granted the Petition for Writ of Mandate challenging the City's approval of the Wharf Master Plan Project and certification of the Final Environmental Impact Report for the Project on March 8, 2022, ordering the City "to refrain from further discretionary approval of the Plan or recertification of a revised EIR absent compliance with CEQA as directed in the Judgment Granting Petition for Writ of Mandamus." (Peremptory Writ of Mandamus (Writ), p. 1:9–12.) In its ruling, the Court held that the EIR was inadequate only for several, "specifically identified" reasons related to the analysis of recreation impacts, consistency with land use policies relating to recreation, and adequacy of the findings it adopted when it approved the Project. (Statement of Decision-Final Ruling on Petition for Writ of Mandate (Ruling), p. 2:1–2.) Specifically, first, the Court determined that the City's finding that the Project—specifically the removal of the Landmark Building—would not result in a significant impact on recreation activities by removing the sea lion viewing holes or reducing fishing was not supported by substantial evidence. (Ruling, p. 4:4–12.) Second, the Court found that the EIR did not provide a sufficient analysis of the evidence of the Project's impacts on land use with regard to the Project's compatibility with recreation-related General Plan and Local Coastal Plan policies. (Id. at p. 5:3–17.) Third, the court ruled that the findings were insufficient because they were not supported by substantial evidence. (Id. at pp. 5:22–6:8.) Fourth, the court held that the City's finding that Alternative 2 is infeasible was not supported by substantial evidence because there was "no substantial evidence to suggest that the stated public safety concerns could not be attained by retrofitting the existing wharf infrastructure." (Id. at p. 8:7–9.) Specifically, there was "no citation to the record . . . suggest[ing] that regular maintenance, repairs and additional structural support to the existing structure cannot ensure the necessary public safety required of the Wharf under all the forecasted conditions to which it will be exposed," as the Engineering Report "confirms the 'Wharf structure is in good condition overall . . . .'" (Id. at pp. 6:23–7:2, 7:20–27.) Fifth, the court ruled that the EIR unlawfully deferred mitigation of "the identified adverse impacts to the sea lion viewing holes . . . ." (*Id*. at p. 9:17–19.) The court concluded that City violated CEQA "[a]s a result of the above described EIR deficiencies" (*id*. at p. 9:22.) and required that these "specifically identified CEQA deficiencies" be corrected in a revised EIR before the City can reconsider the Project approval. (*Id*. at p. 2:1–2; Writ, p. 1:9–12.)

While the Court required the City to rescind the entire EIR—which it did on October 11, 2022—this does not mean that all sections of the original EIR were deficient. A court's order that a lead agency rescind an entire EIR based on several issues that need to be revised or better addressed is different from requiring that the lead agency revise the entire EIR. Here, the court only found flaws with certain sections of the EIR and the findings, and required the entire EIR to be rescinded pending revisions of these sections of the EIR because it is generally not allowed to only partially decertify an EIR; an agency must rescind certification of the entire EIR, revise the flawed portions, and then it may certify the revised Draft EIR, plus the unchanged portions of the original DEIR that were not determined to violate CEQA, plus the original and supplemental responses to comments in the Final EIR. (See *Sierra Club v. County of Fresno* (2020) 57 Cal.App.5th 979, 987–990 [partial decertification is prohibited where the court had not made a severance finding]; *LandValue 77*, *supra*, 193 Cal.App.4th at pp. 681–682; see also State CEQA Guidelines, section 15088.5.)

The City complied with the Court's ruling by rescinding the prior Project approval and certification of the original EIR on October 11, 2022. The City is allowed to revise only the portions of the EIR that were found by the Court to be inadequate, and respond to comments only on those portions affected by the ruling and any necessary changes. (See *ibid*.) In the RPDEIR, the City provided an entirely new recreational impacts section—as the ruling clearly required—and some clarifying revisions to the Project Description and Wharf Master Plan, primarily to make those documents consistent with the prior direction of the Council (e.g., to preserve or relocate the sea lion viewing holes in the final design). The City Council will reconsider the Final EIR in its entirety, which includes the revised, recirculated RPDEIR, the portions of the original DEIR that were not revised, and the original and new responses to comments when it considers reapproving the Project. If the City decides to certify the EIR and reapprove the Project, it will also consider revised findings that address the Court's ruling.

Res Judicata

A trial court's jurisdiction under Public Resources Code section 21168.9 is limited to ensuring that the agency complied with the writ, meaning that a trial court is not allowed to "consider any newly asserted challenges arising from the same material facts in existence at the time of the judgment." (*Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 480.) This limit on the scope of the trial court's jurisdiction protects the finality of the judgment, which helps to promote judicial efficiency as well as stability and certainty in the legal system.

Relatedly, the doctrine of res judicata—the principle that a party is not allowed to relitigate causes of action that have already been adjudicated—applies to CEQA lawsuits. (See e.g., *Central Delta Water Agency v. Department of Water Resources* (2021) 69 Cal.App.5th 170, 206–209 (*Central Delta*); *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 480–481; *Silverado Modjeska Recreation & Park Dist. v. County of Orange* (2011) 197 Cal.App.4th 282, 299.) The doctrine of res judicata "seeks to curtail multiple litigation causing vexation and expense to the parties and wasted effort and expense in judicial administration" and "promotes judicial economy." (*Mycogen Corp. v. Monsanto Co.* (2002) 28 Cal.4th 888, 897.) The policy bases for res judicata are particularly appropriate in CEQA cases, which are required to be resolved promptly and recognize the public interest in finality and certainty. (See *Board of Supervisors v. Superior Court* (1994) 23 Cal.App.4th 830, 836 [CEQA evinces a "clear 'legislative determination that the public is not served unless challenges under CEQA are filed promptly'"]; see also *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1993) 6 Cal.4th 1112, 1130 [after an EIR is certified, "the interests in finality are favored over the policy of encouraging public comment"].) Under this doctrine, any issues that were—or could have been—conclusively resolved in previous litigation may not be relitigated in a subsequent lawsuit between the same parties or those with sufficiently aligned interests. (*Central Delta, supra,* at pp. 206–209; *Bernhard v. Bank of America Nat. Trust & Savings Association* (1942) 19 Cal.2d 807, 810.) Once a particular issue or finding of fact is determined by a court in a final ruling, that issue or fact is deemed settled, and the parties are generally precluded from relitigating that issue or fact. (See *ibid*.)

In adherence with these legal principles, the writ issued in the CEQA case against the Wharf Master Plan Project and EIR does not require the City to reexamine environmental issues beyond the specific concerns addressed by the court. Issues on which the court already decided—or that could have been raised in the original proceeding, but were not—cannot be litigated or relitigated at this stage. The court already rejected Don't Morph the Wharf's claims challenging several sections of the EIR, such as alleged impacts on aesthetics and historic resources, and Don't Morph the Wharf did not appeal that ruling. Therefore, those claims cannot be relitigated. Moreover, parties cannot now raise new claims against other sections of the EIR that the court did not find deficient and that were not changed from the original EIR. As stated above, the City Council will review the EIR in its entirety as it reconsiders whether to certify the EIR and readopt the Wharf Master Plan. Comments to unmodified sections of the EIR are best directed to Council at that time; references to prior responses have been included for clarity.

Responses to Individual Comments

Each comment letter is included in this section. As indicated above, CEQA Guidelines section 15088(a) requires a lead agency to evaluate comments on environmental issues and provide a written response to all substantive comments. A response to each comment is provided immediately following each letter. Responses to oral comments received at a community meeting are included at the end of the section.

From: Gillian Greensite <gilliangreensite@gmail.com>
Sent: Wednesday, May 31, 2023 4:58:49 PM
To: David McCormic <dMcCormic@santacruzca.gov>
Cc: john Aird <johnaird@earthlink.net>
Subject: Addition to comments on WMP DRAFT EIR COMMENT

Dave,

Would you please attach this letter to our comment submission?

Thanks,
Gillian
Don't Morph the Wharf!

Law Office of Rachel Mansfield-Howlett
Rhowlettlaw@gmail.com
Santa Rosa, CA 95404

To:

Mayor Fred Keely Vice, fkeeley@santacruzca.gov
Vice Mayor Renee Golder, rgolder@santacruzca.gov
Councilmembers:
Sandy Brown, sbrown@santacruzca.gov
Sonja Brunner, sbrunner@santacruzca.gov
Shebreh Kalantari-Johnson, skalantari-johnson@santacruzca.gov
Scott Newsome, snewsome@santacruzca.gov
Martine Watkins, mwatkins@santacruzca.gov

May 22, 2023

Re: Revised Draft EIR for Wharf Master Plan project does not comply with the Peremptory Writ of Mandate

Dear Mayor Keely, Vice Mayor Golder and Councilmembers:

1-1 On behalf of the public benefit community group, Don't Morph the Wharf!, I'm writing to inform you that the Draft partially revised EIR prepared for the Wharf Master Plan project that is currently being circulated for the 45-day comment period does not comport with the Court's Peremptory Writ of Mandate nor the City's Resolution concerning the required contents of the revised EIR, and therefore, must be withdrawn.

Pursuant to: the Judgment and Writ, the amended resolution withdrawing the project approvals and its environmental review, and the confirming emails between counsel representing the parties in the litigation that challenged the adequacy of the Master Plan Wharf EIR, the Court's decision required the entire EIR be rescinded — the Court did not authorize a partial revision. The current revised Draft EIR now being circulated for review only evaluated a narrow issue area and is significantly incomplete. All issue areas need to be analyzed in a redrafted and recirculated revised Draft EIR prior to the public's and decision maker's further review. Furthermore, since several issue areas intersect to inform the formulation of feasible mitigation and alternatives to the project, the portion of the revised Draft EIR currently being circulated must also be withdrawn and amended to be included in a newly drafted complete revised EIR.

The Joint Case Management Conference Statement confirmed the EIR certification would be rescinded and the Resolution would be amended:

> … the City informed the Court that it intended to schedule the rescission of the certification of the EIR for the Wharf Master Plan and Plan approvals as required by the Peremptory Writ of Mandate ("Writ") …
>
> … Earlier this week, Petitioner's counsel alerted the City Attorney to a discrepancy between the rescinding resolution title and the actions described therein, which the City Clerk and Mayor intend to and will be able to correct promptly without the full Council's re-approval. …

The title of City's resolution was amended to remove any exceptions to the components of the EIR:

> *RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ RESCINDING*
> *THE WHARF MASTER PLAN AND ENVIRONMENTAL IMPACT REPORT ~~EXCEPT FOR CERTAIN UNCONTESTED COMPONENTS~~*

The City's October 11, 2022 minutes reflect the body of the resolution was also similarly amended:

> **MOTION:** Vice Mayor Watkins moved, seconded by Councilmember Golder, to adopt Resolution No. NS-30,050 rescinding the Santa Cruz Wharf Master Plan and Environmental Impact Report in Resolution Nos. NS-29,747 and NS-29,748 with the following amendments:
>
> From:
>
> WHEREAS, the court has ordered that the City to rescind its approval of Resolution No. NS-29,747 and Resolution No. NS-29,748 as it pertains to all but the uncontested components memorialized in the Peremptory Writ of Mandamus.
>
> NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz, that Resolution Nos. NS-29,747 and NS-29,748 are hereby rescinded, but for the uncontested components memorialized in the Peremptory Writ of Mandamus which shall remain in full force and effect.
>
> To:
>
> WHEREAS, the court has ordered that the City rescind its approval of Resolution No. NS-29,747 and Resolution No. NS-29,748.
>
> NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz, that Resolution Nos. NS-29,747 and NS-29,748 are hereby rescinded.

The following email trail between all counsel confirmed that the Master Plan EIR would fully rescind the EIR in all issue areas:

> **From:** Susan Brandt-Hawley <susanbh@me.com>
> **Subject: Re: Wharf writ return/resolution**
> **Date:** October 27, 2022 at 12:26:13 PM PDT
> **To:** Anthony Condotti <tcondotti@abc-law.com>
> **Cc:** Sabrina Teller <steller@rmmenvirolaw.com>

Ok, I understand. Thanks and that's fine, just send please when available. Susan

On Oct 27, 2022, at 12:24 PM, Anthony Condotti <tcondotti@abc-law.com> wrote:

It *will* be made. The Mayor will have to re-execute the document, so I'm not positive it will be done by tomorrow.

Best,

Tony

From: Susan Brandt-Hawley <susanbh@me.com>
Sent: Thursday, October 27, 2022 12:21 PM
To: Anthony Condotti <tcondotti@abc-law.com>
Cc: Sabrina Teller <steller@rmmenvirolaw.com>
Subject: Re: Wharf writ return/resolution

Thank you Tony.

Based on this representation — that I infer to mean that the resolution title**will**be changed per your request, or perhaps has been changed already — we support the preliminary return.

Please send me a copy of the revised resolution.

Thanks again.

Best,
Susan

On Oct 27, 2022, at 11:48 AM, Anthony Condotti <tcondotti@abc-law.com> wrote:

Hi Susan,

Thanks for pointing this out. While the content of the resolution and not it's title is what is operative, I agree they should match. I've asked the City Clerk to make that change, which would not require further Council approval.

Best,

Tony
Anthony P. Condotti
Shareholder | Attorney at Law

<image001.png>

Atchison, Barisone & Condotti, APC
P.O. Box 481, Santa Cruz, CA 95061
333 Church Street,
Santa Cruz, CA 95060
T: 831-423-8383 | F: 831-576-2269
tcondotti@abc-law.com

Please consider the environment before printing this email.

CONFIDENTIALITY NOTICE: This e-mail and any attachments may contain confidential and/or legally privileged information. If you are not the intended recipient, any review or use is strictly prohibited. If you have received this e-mail in error, please notify me and permanently delete this email and its attachments.

Please consider the environment before printing this email.

From: Susan Brandt-Hawley <susanbh@me.com>
Sent: Wednesday, October 26, 2022 3:52 PM
To: Anthony Condotti <tcondotti@abc-law.com>
Cc: Sabrina Teller <steller@rmmenvirolaw.com>
Subject: Re: Wharf writ return/resolution

Hi again. Just checking in about this resolution, please let me know the status. As you know we have a CMC statement due soon. Thanks! Susan

On Oct 24, 2022, at 5:41 PM, Susan Brandt-Hawley <susanbh@me.com> wrote:

Good evening.

Thank you for amending the Santa Cruz City Council's resolution setting aside its EIR certification and approval of the Wharf Master Plan.

My clients have pointed out to me that the title of the resolution continues to incorrectly describe the resolution as if the Council did not rescind all components of the master plan and EIR. Since the actual action taken was to fully rescind the EIR certification and master plan — as we all agree is what the Court ordered and as the writ return properly states — I ask that you amend the title of the resolution so that the record is accurate.

Thanks very much.

Susan

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ RESCINDING THE WHARF MASTER PLAN AND ENVIRONMENTAL IMPACT REPORT ~~EXCEPT FOR CERTAIN UNCONTESTED COMPONENTS~~

Susan Brandt-Hawley
Brandt-Hawley Law Group
d. 707.732.0007
preservationlawyers.com

We therefore request that the hearing on the partial draft be taken off calendar and the revised Draft EIR be withdrawn, along with its public comment period, until a fully revised EIR is prepared and recirculated for comment. (The February, 2022 Judgment and Writ and the October, 2022 Case Management Conference Statement are attached.)

Thank you for your consideration,

Rachel Mansfield-Howlett
Attorney representing Don't Morph the Wharf!

Attachment

Susan Brandt-Hawley/SBN 75907
BRANDT-HAWLEY LAW GROUP
P.O. Box 1659
Glen Ellen, CA 95442
707.938.3900
susanbh@preservationlawyers.com

Attorney for Petitioner

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SANTA CRUZ

Don't Morph the Wharf!, an unincorporated association;

Petitioner;

v.

City of Santa Cruz and City Council of the City of Santa Cruz;

Respondents.

_____/

Case No. 20CV02731

proposed

Judgment Granting Petition for Writ of Mandamus

Assigned for all purposes
Hon. Paul P. Burdick

The merits of the mandamus petition filed by petitioner Don't Morph the Wharf! were heard in Department 3 on October 15 and December 17, 2021, the Honorable Paul P. Burdick presiding. Attorney Susan Brandt-Hawley of the Brandt-Hawley Law Group appeared for the petitioner. Attorneys Sabrina V. Teller and Veronika S. Morrison of Remy Moose Manley LLP and Anthony Condotti of Atchison, Barisone & Condotti, P.C., appeared for respondents City of Santa Cruz and its City Council.

The Court considered the certified administrative record of proceedings; the parties' merits briefs and pleadings; the parties' supplemental briefs following the Court's partial ruling granting the petition at the second merits hearing; the parties' stipulated form of peremptory writ; and oral arguments presented by counsel.

The Court issued its *Statement of Decision — Final Ruling on Petition for Writ of Mandate*, incorporated by reference as Exhibit A, in open court on February 18, 2022.

WHEREFORE, GOOD CAUSE APPEARING:

1. The Petition is **GRANTED** and a peremptory writ shall issue. The City failed to follow the requirements of the California Environmental Quality Act in approving the Wharf Master Plan and certifying the Wharf Master Plan EIR.

2. The Court orders the City to set aside its approvals of the Wharf Master Plan and its certification of the Master Plan EIR. The City is further ordered not to proceed with physical implementation of the projects and actions encompassed in the Master Plan, except for those certain uncontested projects and actions proposed and memorialized in the Peremptory Writ of Mandamus by stipulation of the parties. The City may proceeed with those limited projects and actions pursuant to the allowed

scope of remedy codified in Public Resources Code, section 21168.9 subdivision (b).

3. A Peremptory Writ of Mandamus shall issue in the form of Exhibit B, attached here and incorporated by reference.

4. The City shall forthwith file a preliminary Return to the Peremptory Writ upon setting aside its approvals of the Wharf Master Plan and its certification of the Master Plan EIR. The City shall file a final Return upon certification of a revised EIR and a revised Plan approval, with ten days' prior notice to petitioner. The parties must meet and confer to attempt to resolve issues, if any, as to the adequacy of the Return.

5. A Case Management Conference (CMC) shall be held on September 16, 2022, at 1:30 p.m. in Department 3. Ten days prior, the parties must file a Joint CMC Statement to address the status of the city's compliance with the writ.

6. The Court reserves jurisdiction over a claim for an award of private attorney general fees and costs by Don't Morph the Wharf! pursuant to Code of Civil Procedure section 1021.5. Don't Morph the Wharf! shall file any motion for said fees and costs within 60 days of the filing of the Notice of Entry of this Judgment.

7. Statutory costs shall be awarded to Don't Morph the Wharf! subject to a timely-filed memorandum of costs and any timely-filed motion to tax costs.

Approved as to form:

Sabrina Teller

Sabrina V. Teller
Attorney for Respondents

IT IS SO ORDERED.

Date:

_____
Honorable Paul P. Burdick
Judge of the Superior Court

EXHIBIT A

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CRUZ

FILED
FEB 18 2022
ALEX CALVO, CLERK
SANTA CRUZ COUNTY

DON'T MORPH THE WHARF!, an unincorporated association;

Petitioner

v.

CITY OF SANTA CRUZ and CITY COUNCIL of the CITY OF SANTA CRUZ;

Respondents

STATEMENT OF DECISION-FINAL RULING ON PETITION FOR WRIT OF MANDATE

I. INTRODUCTION

Petitioner challenges the City's November 24, 2020 certification of the Final EIR and related approvals for the Wharf Master Plan (hereafter "WMP"). Petitioner asserts that the City violated CEQA by failing to adequately study or acknowledge several significant Project impacts; failing to adopt feasible mitigation measures and alternatives sought by Petitioner, the Historic Preservation Society and the Coastal Commission; and approving the project as proposed despite the availability of feasible alternatives and mitigation measures which would substantially lessen the significant environmental effect of the Project.

Petitioner seeks a peremptory writ directing the City to set aside all actions and approvals related to the WMP, with the exception of the two "near-term" Plan improvements; revise the EIR to comply with CEQA by adequately studying all significant environmental impacts, identifying and adopting feasible mitigation and alternatives and making CEQA findings supported by substantial evidence; and to recirculate a revised EIR prior to any further consideration of approval of the WMP.

The Court herby grants the writ based on the following analysis for the specifically identified CEQA deficiencies detailed below.

II. PETITIONER EXHAUSTED ITS ADMINISTRATIVE REMEDIES

The Court rejects the City's assertion that Petitioner failed to exhaust administrative remedies as to two "new issues" presented in the Opening Brief: (1) that the City's findings were inconsistent as to whether the Project's environmental impacts would be significant; and (2) that the City's findings on mitigation measures and alternatives failed to provide the analytic route to decision-making and were unsupported by substantial evidence.

The Court finds that Petitioner's claim of inconsistency in the findings is an argument related to the evidence, not a new legal issue.

Topanga Assn. for a Scenic Community v County of Los Angeles (1974) 11 Cal. 3d 506 requires a public agency to provide the "analytic route" to the ultimate decision, The City presumably knows this legal mandate of CEQA, and need not be remined of its legal duty to comply. The City concedes that the essence of the exhaustion doctrine is to allow a public agency the opportunity to respond to articulated concerns, and avoid litigation, (Opp. Brief 15:15-18). The purpose of the exhaustion doctrine would not be furthered by requiring a petitioner to spell out legal duties which the agency already knows. Moreover, a CEQA petitioner need only "fairly apprise" a public agency of the group's central claims. *Santa Clarita Organization for Planning the Environment v City of Santa Clarita* (201)) 197 Cal. App. 4th 1042, 1052; *California Native Plant Society v County of El Dorado* (200(0 170 Cal. App. 4th 1026, 1056. Petitioner's challenge to the City's failure to provide the "analytic route" to its findings on mitigation measures and alternatives is subsumed in statements made in Ms. Brandt- Hawley's' November 9, 2020 letter that the findings are unsupported, and that feasible alternatives would reduce significant project impacts. These statements fairly apprise the City of Petitioner's central claims.

III. THE EIR FAILED TO ADEQUATELY ANALYZE THE POTENTIAL SIGNIFICANT IMPACTS ON RECREATION AND LAND USE

Evidence of a potentially significant impact requires an agency to "consider and resolve every fair argument that can be made about the possible significant effects of a project" and explain whether those impacts are significant. *Protect the Historic Amador Waterways v Amador Water Agency* (2004) 116 Cal. App. 4th 1099, 1109. An EIR must provide sufficient analysis "to provide decisionmakers with information which allows them to make a decision which intelligently takes account of environmental consequences". The courts have looked not to perfection, but for adequacy, completeness and a good faith effort at a full disclosure". Guidelines section 15151.

A. Standard of Judicial Review

In accordance with *Sierra Club v County of Fresno* (2018) 6 Cal. 5th 502, 514 ("*Friant Ranch*"), the Court has applied the de novo standard of review in determining the adequacy of the EIR's analyses. The substantial evidence standard of review has been utilized in evaluating the City's selection of the methodologies used to conduct these analyses and whether the City's factual findings are adequately supported by the evidence contained in the Administrative Record.

The City has addressed the adequacy of the EIR's analysis of Project impacts in terms of substantial evidence to support its determinations - not whether the analysis is sufficient as a matter of law, or whether the analysis is conducted in accordance with established CEQA standards. The City's suggested standard misses the mark as to whether the EIR's analysis of impacts is adequate.

B. Analysis of Impacts on Recreation

The Initial Study reviewed impacts to recreation using the two Appendix G checklist questions (would the project increase the use of recreational facilities so that they are damaged, or include facilities that might have an adverse effect on the environment. [AR 875]. Based on these questions the study concluded that the impacts on recreation would be less than significant and "recreation" was not included as a topic for analysis in the DEIR. While CEQA

(Appendix G checklist) does not list recreation as a required topic for consideration, Appendix G states that "substantial evidence of potential impacts that are not listed on this form must also be considered".

The City has acknowledged that a project may have a significant effect on the environment "if it reduces available recreation activities". Further, it concedes that the WMP, (specifically the construction of the Landmark Building) would "remove" the historically popular sea lion viewing holes and reduce fishing. [AR 3771]. These statements, in addition to comments from Petitioner and others, raise a fair argument of significant impacts to recreation. The Project's impact on recreation is therefore a topic that should have been adequately analyzed in the EIR but was not. The City's finding that the project would not result in a significant environmental impact relating to recreation activities on the Wharf is not supported by substantial evidence.[1]

C. **Analysis of Impacts on Land Use**

CEQA requires that projects comply with applicable land use plans, policies and regulations of an agency with jurisdiction over the project. It also requires that any inconsistency between the project and such plans, policies and regulations, must be studied in the EIR (See Appendix G, Section X, on Land Use Planning - "Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project."). The DEIR therefore studied the compatibility of the WMP with General Plan and Coastal Act/ LCP policies.

The FEIR acknowledges that the LCP includes policies that call for enhancing recreational opportunities. [AR 95]. The City further acknowledges that the LCP and General Plan include polices for improving recreational activities at the Wharf, including "not reducing fishing access". (Opposition Brief, p.25:25-26) The Coastal Commission also highlighted its policy in its comment that "with the Wharf and its proposed improvements extending over

---

!) In its Opposition brief the City acknowledges that "although these features may be temporarily removed or relocated...there would be no adverse physical impact associated with this action'. It tethers this conclusion to its claim that the City has made a "commitment" that "any potential development at the end of the Wharf, shall preserve to the greatest extent possible, or relocate to a place of greater access and viewing quality, the popular 'sea lion viewing' and 'fishing' holes at the end of the Wharf". (See, ROB 26:14- 27:2). To the extent this claim is an assertion that the removal of this recreational feature does not constitute a significant environmental impact because the "commitment" mitigates the impact to a less-than-significant level – the Court rejects this assertion for the reasons discussed in Section V., *post.*.

public lands and tidelands, the Coastal Act's requirements, that new development maximize public access and recreation, become paramount" [AR 651]

The Court has not located any discussion or analysis of the WMP's compatibility with these acknowledged policies within the excerpted pages of the Administrative Record. Instead, there is merely a chart containing conclusions as to the whether the Project is compatible with General Plan and LCP policies related to recreation:

- As to the General Plan policies to "protect coastal recreation areas, maintain all existing coastal access points open to the public and enhance public access"- the chart concludes: "NO CONFLICT. Expansion of the wharf will provide enhanced public access with increased pedestrian access at the East Promenade and Westside Walkway". [AR 302]. This conclusion appears to overlook the policy for protecting existing coastal recreation areas.
- As to the LCP policy that "fishing on the Municipal Wharf shall not be reduced", the chart concludes: "NO CONLFICT: The Wharf Plan will not result in reduced fishing access [AR 303].

This chart, with its bare conclusions, does not provide a sufficient analysis of the evidence of the Project's impacts on land use.

IV. THE CITY'S FACTUAL FINDINGS ARE NOT SUPPORTED BY SUBSTANTIAL EVIDENCE

A. Findings as to Impacts

The City's finding that the WMP will have no adverse environmental impacts is not supported by substantial evidence for the following reasons:

- There is an unexplained inconsistency in the findings as to whether there are significant impacts, in part because the Resolution which adopted the findings states the Project is approved despite "significant impacts".
- The City has acknowledged that, "conflicts with established recreational activities can constitute a significant impact, the Project will result in "removal" of the sea lion

viewing holes, and that this could be perceived as a conflict with an established recreational activity [AR 3771].

- Several of the DEIR's findings do not meet the *Topanga* test for substantial evidence, as they fail to "bridge the analytic gap" between the evidence and the ultimate decision (e.g., the land use findings on consistency with GP and LCP policies; the finding that the Westside Walkway "could impact nesting coastal birds, but would be offset by the overall increase in Wharf area for nesting and roosting" - therefore "this is considered to be a less than significant impact" and no mitigation measures are required. [AR 179].

B. Findings as to Infeasibility of Alternative 2

CEQA defines feasibility as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." Guideline 15364; Pub. Resources Code 21061.1.

The City's finding that Alternative 2 is infeasible is not supported by substantial evidence. This Alternative would eliminate the Westside Walkway and reduce the height of the Landmark Building. It was designated the environmentally superior alternative. The City found that Alternative 2 would reduce impacts, and would meet all the Project Objectives, but that it was infeasible. The finding of infeasibility was made on the basis that (1) it would not protect public safety by increasing the lateral resiliency of the Wharf and protect pilings beneath the Wharf; and (2) it could not expand public access, recreational opportunities or enhance the pedestrian environment "*as effectively*" as the full Project (emphasis in italics added).

This finding is not supported by substantial evidence for the following reasons:

- Staff comments at the approval hearing demonstrate that reduction of the height of the Landmark Building is "absolutely" possible.
- The finding does not meet the *Topanga* test for substantial evidence, as it fails to bridge the analytic gap" between the evidence and the ultimate decision. The finding does not explain why engineered infrastructure support, other than a pedestrian walkway (which

the City acknowledges would have adverse impacts on nesting coastal birds) could not be utilized to provide lateral support and protect pilings.

In its Supplemental brief on this issue the City cites to evidence in the Administrative Record which it contends establishes substantial evidence to support its finding that Alternative 2 is infeasible because: "the Western Walkway is essential to '*increasing*' the lateral resiliency of the Wharf… and eliminating it would hinder the Project's public safety goals" (AR59). It then cites to various portions of the 2014 Wharf Engineering Report and the 2014 Wharf Master Plan Report which describe how the addition of the Western Walkway will "increase resiliency of the structure"; "enhance public safety"; "increase the Wharf's ability to withstand…waves and other lateral forces"; "lessen the impact to existing piles beneath the buildings where it is far more difficult to replace piles"; and that it is designed to "enhance a sense a safety… on the Wharf". These are all factors which are said to support the conclusion in the DEIR that 'elimination of the Westside Walkway would not *'increase'* the lateral resiliency of the Wharf as would occur with the realization of the walkway in the full Project proposal" (AR322-emphasis in italics added). The City contends that this supports its ultimate finding that "elimination of the Western Walkway would not protect public safety" or expand public access or recreation '*as effectively*' as the City intended". (AR31- emphasis in italics added).

While the desired enhancements and improvements to public safety are all laudable goals, there is no citation to the record which suggests that regular maintenance, repairs and additional structural support to the existing structure cannot ensure the necessary public safety required of the Wharf under all the forecasted conditions to which it will be exposed. The portion of the 2014 Engineering Report cited by Petitioner at AR23834 demonstrates that preliminary structural analysis of the Wharf confirms the "Wharf structure is in good condition overall" and that lateral stability can be increased by the additions of piles, boltings and side plates and replacement of structural members.

The City contends that it's finding that Alternative 2 "could not expand public access, recreational opportunities or enhance the pedestrian environment '*as effectively*' as the full Project, constitutes a proper rejection of the Alternative based upon an important policy decision as permitted by Public Resource Code §21081(a)(3) and *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal. App. 4th 957. However, as that case establishes, before an environmentally superior alternative may be rejected as infeasible the record must contain substantial evidence that the rejected alternative is "truly infeasible". Here that evidence is lacking because there is no substantial evidence to suggest that the stated public safety concerns could not be attained by retrofitting the existing wharf infrastructure. Further, the record is devoid of any evidence which demonstrates that the City decisionmakers engaged in the *weighing* process required by Public Resource Code §21081(b). There is insufficient evidence to establish that the City adequately considered the environmentally superior Alternative 2, explained the considerations that led them to conclude that that Alternative was infeasible because it failed to advance the City's articulated policy decision, weighed those considerations against the environmental harm that the Project would cause and made specific findings that the benefits of those policy considerations outweighed the environmental harm.(See, *CNPS, supra,* at pp.1007- 1008).

V. DEFERRING MITIGATION OF THE IMPACTS TO THE SEA LION VIEWING HOLES IS UNLAWFUL

A public agency must consider measures that might mitigate a project's adverse environmental impacts and adopt them if feasible. *Mountain Lion Foundation v Fish and Game Commission,* supra, at 123.

The City has described the height, scale and location of the Landmark Building in sufficient detail to allow an artist to draw a rendition of the proposed building [AR 358]. The City has also identified an impact which, by its own statements, will have a significant adverse effect on this recreational activity [AR 3771]. However, the City has deferred mitigation of this impact using a program EIR to evaluate impacts caused by the Landmark Building. The City asserts that the

Landmark Building is "not yet significantly designed for project-level CEQA analysis", and therefore, "design features that may impact the 'sea lion viewing' holes cannot be fully analyzed at this point" [AR 3771]. The use of a program EIR to defer mitigation of the identified impact to the sea lion viewing holes is not authorized by CEQA.

The City contends that it has provided mitigation by a "commitment" that "any potential development at the end of the wharf shall preserve, to the greatest extent possible, or relocate to a place of greater access and viewing quality, the popular "sea lion viewing and fishing holes" at the end of the wharf"; and that any redesign of these features "must be in keeping with the intimate experience of the current viewing holes and consistent with the character of the wharf". [AR 3764, 3699, 3753, 3771]. CEQA requires that mitigation measures have objective performance standards and must be feasible. *City of San Diego v. Board of Trustees of California State University* (2011) 61 Cal. 4th 945. The City's "commitment" runs afoul of this requirement. The City claims that this is a "concrete and achievable" commitment, because "the viewing holes have been moved before" and can "easily" be reworked around any future development. [AR 5470]. The City's commitment gives no binding assurance of this.

The EIR was required to consider mitigation measures that might protect the identified adverse impacts to the sea lion viewing holes by a sufficiently described Plan improvement. The City has unlawfully deferred mitigation of this impact.

VI. VIOLATION OF CEQA'S SUBSTANTIVE MANDATE

As a result of the above described EIR deficiencies, the City has violated CEQA's substantive mandate. CEQA requires a public agency to refrain from approving a project for which there are feasible mitigations or alternatives that will avoid or reduce significant impacts. *Mountain Lion v Fish and Game Commission* (1997) 16 Cal. 4th 105, 134. This is codified in Public Resources Code §21002, and implemented by §21081, which mandate that an agency "shall not" approve a project with significant impacts unless (1) a fact based finding is made that it has (a) adopted feasible mitigation measures as to each significant impact, or (b) that

specific *economic, legal, social, technological, or other considerations"* make the mitigation measures or alternatives identified in the environmental impact report infeasible"; ***and*** (2) if significant environmental impacts remain, the agency makes a further finding that "specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment". Public Resources Code Section 21081; Guideline 15093.

The City argues that, even if the Landmark Building and Westside Walkway would have significant impacts, it may reject an alternative based on policy considerations (Opp. Brief 32). However, it may not do so unless the specific findings set forth in Section 21081 are made, and a Statement of Overriding Considerations is issued. The City did not do so.

VII. CONCLUSION

For the above reasons the Court will grant a limited writ in the form proposed by the stipulation of the parties attached hereto as Exhibit 1. Counsel for Petitioner is directed to submit a Proposed Judgment consistent with this Statement of Decision.

DATED: 2/18/2022

Judge of Superior Court

PAUL P. BURDICK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CRUZ	*For Court Use Only* **FILED** 2/18/2022 Alex Calvo, Clerk By: Sandra Gonzalez Deputy, Santa Cruz County
Don't Morph the Wharf! vs City of Santa Cruz, et al	Case Number: 20CV02731
Certificate of Mailing	

I, Alex Calvo, Clerk of the Superior Court of the State of California, County of Santa Cruz, and not a party to this action, hereby certify on the date listed below, I served copies of the Statement of Decision by depositing them in sealed envelopes, with the postage thereon fully paid, in the United States Post Office addressed as follows:

Susan Brandt-Hawley
P O Box 1659
Glen Ellen Ca 95442

Sabrina A Teller
Remy Moose Manley Llp
555 Capitol Mall Ste 800
Sacramento Ca 95814

Anthony Condotti
333 Church Street, Suite A
Santa Cruz, CA 95060

Date: 2/18/2022

Alex Calvo, Clerk of the Superior Court

By: _____
Sandra Gonzalez, Deputy Clerk

EXHIBIT B

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CRUZ

Don't Morph the Wharf!, an unincorporated association;

Petitioner;

v.

City of Santa Cruz and City Council of the City of Santa Cruz;

Respondents.
_____/

Case No. 20CV02731

Peremptory Writ of Mandamus

Action Filed: 29 January 2020
Ruling Date: 18 February 2022

Assigned for all purposes
Hon. Paul Burdick

To the Santa Cruz City Council:

Judgment having been entered in this action ordering that a Peremptory Writ of Mandamus issue from this Court:

1. YOU ARE HEREBY COMMANDED to void your actions and approvals adjudged in violation of the California Environmental Quality Act (CEQA), for reasons stated in the Judgment Granting Petition for Writ of Mandamus, including your approvals of the Santa Cruz Wharf Master Plan (the Plan) and certification of the Plan EIR in Resolution NS-29, 747 and your adoption of the Findings of Fact and the Mitigation Monitoring Program in Resolution NS-29, 748, including Exhibits A and B;

2. YOU ARE FURTHER COMMANDED to refrain from further discretionary approval of the Plan or recertification of a revised EIR absent compliance with CEQA as directed in the Judgment Granting Petition for Writ of Mandamus.

3. YOU ARE FURTHER COMMANDED to make and file a preliminary Peremptory Writ Return following your actions taken to comply with the Order in paragraph 1, and thereafter to file a final Peremptory Writ Return following your actions taken to comply with the order in paragraph 2, setting forth what you have done to fully comply. The Court will retain jurisdiction over the proceedings pending your compliance with CEQA and discharge of the writ.

4. The scope of your obligations before discharge of the writ does not require further CEQA compliance for the following Wharf Plan components:

> (1) pursuit of time-sensitive opportunities to acquire funding or further approvals for, and implementation of, relocation and construction of the entry gate; (2) replacement of 5% of Wharf piles as directed by the Plan, including those located under the demolished Miramar restaurant; (3) improvements to the asphalt pavement and substrate; (4) improvements to the trash collection system; and (5) enlargement and ADA compliance for 3 public restrooms.

Nothing in this writ shall limit the discretion legally vested in you.

_____, Clerk

by: _____, Deputy Clerk

Don't Morph the Wharf! v. City of Santa Cruz, et al.
Santa Cruz County Superior Court Case No. 20CV02731

PROOF OF SERVICE

I am a citizen of the United States and a resident of the County of Sonoma. I am over the age of eighteen years and not a party to this action. My business address is P.O. Box 1659, Glen Ellen, California 95442.

On March 4, 2022, I served one true copy of:

Proposed **Judgment Granting Petition for Writ of Mandamus**

_____By placing a true copy enclosed in a sealed envelope with prepaid postage, in the United States mail in Petaluma, California, to the persons listed below.

_____By electronic service via OneLegal on counsel as listed below.

__✓__By emailing a copy to counsel as listed below.

Sabrina Teller **steller@rmmenvirolaw.com**
Remy Moose Manley, LLP
555 Capitol Mall, Suite 800
Sacramento, CA 95814

Co-Counsel for Respondents

Anthony P. Condotti **acondotti@abc-law.com**
Atchison, Barisone & Condotti
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Santa Cruz, California 95060

Co-Counsel for Respondents

I declare under penalty of perjury that the foregoing is true and is executed on March 4, 2022, at Petaluma, California.

_____
Jeanie Stapleton

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Attorneys for Respondents
CITY OF SANTA CRUZ AND CITY COUNCIL
OF THE CITY OF SANTA CRUZ

Exempt from Filing Fees Pursuant to Government Code Section 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CRUZ

Don't Morph the Wharf!, an unincorporated association;

Petitioner;

v.

City of Santa Cruz and City Council of the City of Santa Cruz;

Respondents.

Case No. 20CV02731

FURTHER JOINT SUPPLEMENTAL CASE MANAGEMENT CONFERENCE STATEMENT

California Environmental Quality Act (CEQA)

ASSIGNED FOR ALL PURPOSES:
Judge: The Hon. Paul Burdick
Dept.: 3
CMC Date: November 4, 2022
CMC Time: 1:30 p.m.

Filing Date of Action: December 29, 2020

Petitioner Don't Morph the Wharf and Respondents City of Santa Cruz and City Council of the City of Santa Cruz (the "City") provide the following additional information to supplement their Case Management Statements filed on September 6, 7, and 30, 2022. In those statements, the City informed the Court that it intended to schedule the rescission of the certification of the EIR for the Wharf Master Plan and Plan approvals as required by the Peremptory Writ of Mandate ("Writ") later in the fall, but it did not have a specific date confirmed yet.

Since that filing, the City adopted Resolution No. NS-30,050 on October 11, 2022, which rescinded the City's certification of the Wharf Master Plan EIR and its approval of the Plan, the Findings of Fact, and the Mitigation Monitoring and Reporting Program. On October 18, 2022, pursuant to the Writ, the City filed its preliminary Return documenting the City's rescission action.

Earlier this week, Petitioner's counsel alerted the City Attorney to a discrepancy between the rescinding resolution title and the actions described therein, which the City Clerk and Mayor intend to and will be able to correct promptly without the full Council's reapproval.

The City is currently preparing the revised EIR, but has no new information regarding the target date for certification at this time.

The Parties respectfully suggest that the Court vacate or continue the November 4, 2022 CMC, as there are not currently any issues between the Parties requiring the Court's resolution.

DATED: October 28, 2022

Respectfully submitted,
REMY MOOSE MANLEY, LLP

By: Sabrina Teller

SABRINA V. TELLER
VERONIKA S. MORRISON
Attorneys for Respondents CITY OF SANTA CRUZ AND CITY COUNCIL OF THE CITY OF SANTA CRUZ

DATED: October 28, 2022

BRANDT-HAWLEY LAW GROUP

By: _____

SUSAN BRANDT-HAWLEY
Attorney for Petitioner DON'T MORPH THE WHARF

Don't Morph the Wharf! vs City of Santa Cruz, et al.
Santa Cruz County Superior Court Case No. 20CV02731

PROOF OF SERVICE

I, Megan Smith, am employed in the County of Sacramento. My business address is 555 Capitol Mall, Suite 800, Sacramento, California 95814, and email address is msmith@rmmenvirolaw.com. I am over the age of 18 years and not a party to the above-entitled action.

I am familiar with Remy Moose Manley, LLP's practice for collection and processing mail whereby mail is sealed, given the appropriate postage and placed in a designated mail collection area. Each day mail is collected and deposited in a USPS mailbox after the close of each business day.

On the date set forth below, I served the following:

FURTHER JOINT SUPPLEMENTAL CASE MANAGEMENT CONFERENCE STATEMENT

☐ **BY FIRST CLASS MAIL** by causing a true copy thereof to be placed in a sealed envelope, with postage fully prepaid, addressed to the following person(s) or representative(s) as listed below, and placed for collection and mailing following ordinary business practices.

☐ **BY OVERNIGHT DELIVERY** by causing a true copy thereof to be placed in an envelope or package designated by the express service carrier with delivery fees paid or provided for, addressed to the person(s) or representative(s) as listed below, and deposited in a dropbox or other facility regularly maintained by the express service carrier.

☐ **BY ELECTRONIC TRANSMISSION** by causing a true copy thereof to be electronically delivered to the following person(s) or representative(s) at the email address(es) listed below, via the Court's approved electronic filing service provider. I did not receive any electronic message or other indication that the transmission was unsuccessful.

☒ **BY ELECTRONIC TRANSMISSION** By submitting an electronic version of the document(s) to OneLegal, LLC, through the user interface at www.onelegal.com.

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury that the foregoing is true and correct. Executed this 28th day of October 2022, at Sacramento, California.

Megan Smith

Don't Morph the Wharf! vs City of Santa Cruz, et al.
Santa Cruz County Superior Court Case No. 20CV02731

SERVICE LIST

Susan Brandt-Hawley BRANDT-HAWLEY LAW GROUP P.O. Box 1659 Glen Ellen, CA 95442 Phone: (707) 938-3900 Email: susanbh@preservationlawyers.com	*Attorney for Petitioner* Don't Morph the Wharf!, an unincorporated association **VIA E-SERVICE**
ATCHISON, BARISONE & CONDOTTI, P.C. ANTHONY P. CONDOTTI, SBN 149886 BARBARA H. CHOI, SBN 156088 333 Church Street, Suite A Santa Cruz, CA 95060 Phone: (831) 423-8383 Fax: (831) 576-2269 Email: tcondotti@abc-law.com bchoi@abc-law.com	*Co-Counsel for Respondents* CITY OF SANTA CRUZ AND CITY COUNCIL OF THE CITY OF SANTA CRUZ **VIA E-SERVICE**

LETTER 1 – Don't Morph the Wharf – Law Office of Rachel Mansfield-Howlett

1-1 Scope of Recirculated DEIR. The commenter states that the Court's decision required the entire EIR be rescinded and did not authorize a partial revision. Commenter states that the Court ordered the entire EIR to be decertified and required the City to prepare a completely revised EIR. Commenter states that since several issue areas intersect to inform the formulation of feasible mitigation and alternatives to the Project, the revised Draft EIR currently must also be withdrawn and amended to be included in a newly drafted complete revised EIR. The comment includes emails regarding the City's rescinding of resolutions regarding the Wharf Master Plan and EIR, and requests that the hearing on the partial draft be taken off calendar and the revised Draft EIR be withdrawn, along with its public comment period, until a fully revised EIR is prepared and recirculated for comment.

Response: See Master Response 1, Scope of Revised EIR. Based on explanation provided in Master Response, the revised Draft EIR need not be withdrawn. The City believes the scope of its revised Draft EIR is appropriate given the specificity of the judgment and writ, and compliance with State CEQA Guidelines section 15088.5.

From: Gillian Greensite <gilliangreensite@gmail.com>
Sent: Wednesday, May 31, 2023 4:48 PM
To: David McCormic <dMcCormic@santacruzca.gov>
Cc: John Aird <johnaird@earthlink.net>
Subject: WHARF MASTER PLAN DRAFT EIR COMMENTS

Hi Dave,

Attached are the comments submitted on behalf of *Don't Morph the Wharf!*

Thank you,
Gillian

To: David McCormic
Economic Development
City of Santa Cruz

From: *Don't Morph the Wharf!* Contact delegates: Gillian Greensite and John Aird

Re: Recirculated Partial Draft Environmental Impact Report, Santa Cruz Municipal Wharf Master Plan

May 31st. 2023

Via Email

Dear Mr. McCormic,

Please accept the following comments on the Recirculated partial draft EIR for the Wharf Master Plan on behalf of *Don't Morph the Wharf!*

Introduction

2-1 On May 22, 2023, Mayor Keeley, Vice-Mayor Golder and City Council members received a letter from attorney Rachel Mansfield-Howlett, representing the community group, *Don't Morph the Wharf!.* The letter informed the city why the Draft partially revised EIR prepared for the Wharf Master Plan does not comport with the Court's Peremptory Writ of Mandate nor the City's Resolution concerning the required contents of the revised EIR, and therefore, must be withdrawn.

The city did not respond to the request that the partial draft be taken off the calendar and the revised Draft EIR be withdrawn. Rather, the city has opted to proceed with the partial Draft, including holding the required public meeting by zoom one day prior to the comment deadline of May 31st.

The Draft Revised EIR erroneously claims that the factors that usually govern whether subsequent environmental review is required are applicable in this circumstance. (Recirculated Draft at 1-7.) In this case, the Court ***ordered*** the entire EIR to be decertified and required the City to prepare a completely revised EIR, therefore these factors are not relevant in determining the required content and cannot curtail the issue areas that must be analyzed and considered in any legally adequate recirculated draft.

2-2 With respect to public comments, the city claims that, *"During this period, reviewers may submit written comments on the Recirculated Partial Draft EIR related only to the revised EIR sections included in this document. All other sections of the Draft EIR, dated March 2020 and Final EIR, dated September 2022, remain unchanged and are not subject to recirculation or additional public comment."*

The city cannot impose such limits on public comments as the Court required the entire EIR to be decertified and redrafted. In order to be legally adequate, the city must show how a revised draft comports with the Court's decision. The city must perform a complete analysis, including review of all proposed mitigation measures and alternatives to the project. A revised draft must correct the deficiencies in the prior mitigation measures and alternatives analysis and recirculate the WMP and EIR for public review.

With that caveat noted, we submit the following comments that comport with the outline of the Partial Draft EIR:

2-3

A. Chapter 2 Summary

2.5 Summary of Impacts and Mitigation measures

2.5.1 The city claims there are no significant unavoidable impacts. This claim is not supported by the evidence. The following are significant environmental impacts:

- The migratory Pigeon Guillemots annually return from Puget Sound and other far northern areas to their same nests under the Wharf (site fidelity). Their access to their nests will be significantly impacted and likely rendered impossible due to the additions of the lowered Western Walkway, the swimming pontoon and gangway, the lowered Terrace Overlook, the South Landing with gangway, and the 25 feet long outriggers. The issue of *access* has been ignored in the EIR despite repeated requests to have this specific issue included for evaluation. How will this impact be evaluated and mitigated?

- The three new proposed buildings, each forty feet in height, especially the Landmark building at the southern end will significantly block views from the Wharf. Such existing views are described in the Draft under 4.8-14 as *"The open panoramic views of Monterey Bay that extend to Lighthouse Point to the west and beyond San Lorenzo point to the east make the Wharf popular for wildlife and bird watching and photography. The southern end of the Wharf offers open bay views…which all make the Santa Cruz Wharf a singular destination for nature views* ***from nearly every vantage point*** *(emphasis added).* The loss of these open bay views is a significant unavoidable impact. How will the final EIR acknowledge the loss of these iconic views from the Wharf?

- The Coastal Commission staff suggested that the Coastal Act section 30251 regarding protection of scenic views and visually compatible development be included as a project objective. The city's response to their suggestion was that there are existing Local Coastal Plan policies that suffice. Clearly this is insufficient. Do you plan to add this suggested objective from the Coastal Commission staff? If not, what is the reasoning for excluding it?

- The Santa Cruz Municipal Wharf, more accurately a pier, built in 1914 is a historic structure and landmark. The consulting historian for the 2020 EIR said that the only remaining historic aspect is the Wharf's distinctive 4,528 wooden piles. However, most currently visible piles will be hidden by new pile supports for the

project's construction. New construction is shown in yellow in the rendition below.



- The current Wharf piles are Douglas Fir timber from Puget Sound. The city admits under 3.4.3 that*" new and replacement piles may vary based on project specifications and availability of suitable timber piles."* Not only will the existing historic piles be hidden but there is no guarantee the additional timber piles for the new construction will be of the same character. Will these modifications result in adverse historic impacts?

- The Westside Walkway is planned to be 8 feet below deck level, 10-12 feet wide and 870 feet long with stainless steel railings. The walkway will horizontally bisect the visible historic pilings and bring people, noise, and activity onto the west side of the Wharf. The photo below shows the current piles and character of the west side of the Wharf. The imposition of the Western Walkway with its new rows of short piles and stainless- steel railings blocks the view of the historic Wharf pilings and therefore is a significant and unavoidable impact. Will this change have historic impacts? Can it be mitigated?

2-4

- The city claims that the Western Walkway is needed for Wharf stability and to protect the existing pilings from storm waves and debris. However, as was noted

by then Wharf Supervisor Jon Bombaci, and recorded in the Writ of Mandate, there are available alternatives to achieve the same goals. Even big storm waves pass under the Wharf due to the height of the pilings. A lower Western Walkway, submerged under such waves is a potential safety hazard. As a letter writer to the Sentinel regarding this lowered walkway noted on 1/12/23 *"Imagine how a tubular steel rail would fare once submerged in storm waves and swell and pounded by the surf with five-ton-plus logs."* How will this potential safety issue be studied and mitigated for the FEIR?



- The Policy guiding the city's actions is codified in Table 3.1 and states: *"Maintain and restore the characteristics that distinguish the Wharf as a unique physical and cultural landmark..."* The Western Walkway is inconsistent with this policy. How does the Western Walkway achieve the above goals?

2-5 **2.5.2 Significant Impacts**

- Impact Rec-1 As noted before, the mitigations outlined apply only to impacts to birds and marine mammals during construction. The impact on migratory birds' ability to access their nests under the Wharf has not been studied despite the biologists' 2020 observations that the migratory Pigeon Guillemots *"often require multiple attempts at*

landing in the confined cavity spaces under the Wharf." What steps will be taken to study and mitigate this impact?

2-6 **2.5.3 Less-Than-Significant-Impacts**

- Impact Rec-2 The city claims that the increase in recreational usage of the Wharf will not result in substantial accelerated deterioration of the facility, despite the addition of 200-ton vessels, two new boat landings, three 40 feet tall new buildings, a swimming pontoon, gangways, floats, ladders, a sauna, and new open water sports all originating from the Wharf. What evidence can the city provide for the finding of "no substantial deterioration." What increased maintenance will be required to mitigate deterioration? What are the plans for increased Wharf maintenance staff?

2-7

- Impact Rec-3 The city claims the proposed project **would not conflict with and/or eliminate established recreational,** educational, or scientific uses (emphasis added). This claim is not supported by the evidence. The city documents that under the project, tailgate fishing, an **established,** popular recreational activity will be reduced by 1,705 linear feet. How can this section be amended to acknowledge that some features of the project DO conflict with an established recreational use? What mitigations can offset this loss?

B. Chapter 3 Project Description

2-8 **3.4.2 Near Term Projects**

Entry Gate Relocation:

The plan to relocate the entrance gates 540 feet south has unintended impacts on aesthetics, access, traffic, and safety that require further study.

- As Geoffrey Dunn writes in his 2016 book, Images of America, *Santa Cruz Wharf,* connecting the pier to the land in 1914 was of utmost engineering difficulty. He documents that the uniqueness of the Santa Cruz Municipal Wharf is in its length (longest wooden pier in the USA and one of five longest in the world), its timber construction, as well as its age. Therefore, to render the first 540 feet of the Wharf as little more than a gangplank to a widened platform and rename that as the Wharf entrance does a disservice to history and visual aesthetics. How will these proposed changes to the Wharf affect its historic character?

- Currently, on busy summer weekends, cars are often backed up along this initial 540-feet length of the Wharf, waiting to exit. Since there are no cars parked on either side, there is no traffic problem except a need for patience. The plan to move the entrance and the kiosks to where car parking starts, means that any future back-up in traffic trying to get off the Wharf will inevitably block parked cars in that area. This proposed change, therefore requires further study. Even with the expectation that automated parking will speed up the time it takes to exit, will there be a traffic study and further analysis to evaluate any potential problems this change may cause?

- Apparently, the kiosks may or may not be staffed. The Wharf Master Plan states there will be a new "pay on foot automated" system with 12 pay stations strung along the Wharf like downtown parking lots. Such a parking system is not user friendly for older Wharf visitors or those with mobility issues. This situation needs more study. How will the city properly assess this parking change to determine its impacts on visitor access, particularly those with mobility issues?

- The plan to implement a "demand" pricing structure appears to ignore the CA Coastal Commission comment that *"one of the most significant impediments to access and recreation along the Wharf is the high cost of parking"* (4.8-1) and *"that the issue of parking rates and fees be considered through the review process."* How will this issue be addressed?

2-9 East Promenade:

- It should be noted that the East Promenade will cover one of the current viewing sites for sea lions. Will this loss be documented and mitigated in the FEIR? (Photo on page 9 of this document).

3.5 Project Approvals:

2-10 Monterey Bay National Marine Sanctuary.
Please note that MBNMS prohibits with no exceptions, *#3 Take of any marine mammal, sea turtle or bird.* The Western Walkway combined with the other new below deck structures will block access of the migratory Guillemots to their nests under the Wharf. This constitutes a "take". How will the city respond to MBNMS regarding this impact?

2-11 According to the Draft Partial Revised EIR, *"the CA Coastal Commission staff offered some comments with regards to resource protection policies of the Coastal Act, which are not the subject of review of this section."* Will these be included in the FEIR?. If not, why not?

C. Chapter 4 Environmental Setting, Impacts, and Mitigation Measures

4.8 Recreation

Fishing:

2-12
- The CA State Lands Commission, an approval body, mandates for the Wharf the *"preservation of fishing access in perpetuity."*

- The city's Local Coastal Program under PR 1.7.9 mandates that *"Fishing access on the Municipal Wharf shall not be reduced."*

2-13
- Despite stating that the popular tailgate fishing will be reduced by 1705 linear feet due to the new East Promenade, and current fishing areas lost to boat landings and pontoons, the city claims that *"allowable fishing*

space will expand by 21% or 1000 linear feet." A close look at the city's reasoning and measurements behind this claim shows that they lack validity, as demonstrated in the following points.

- Figures 4.8-3, 4.8-4 and 4.8-9 attempt to compare existing and proposed Fishing Areas. The drawings are difficult to read due to their small size and use of similar colors in the key. The hard copy at the library is no better. The Figure for proposed fishing includes areas that will not be suitable for fishing and/or a decision whether to include fishing will be made at a later date, so their inclusion in calculating future available fishing areas is premature at best.

- The city claims the *"most pronounced expansion will enable 800 linear feet of fishing in among pilings and sheltered waters."* They name this *"reef fishing"* and cite the Western Walkway and the Terrace Overlook as these new fishing areas.

- Both the Western Walkway and the Terrace Overlook, if built, will be located in the least sheltered of waters. The former faces the weather side, prevailing winds, waves and strong west to east currents. The latter faces the exposed southern end of the Wharf. The Terrace Overlook is supposed to be, as its name suggests, a viewing platform with tiered seating within a relatively small area. To add fishing to this area is unrealistic. It should not be included in the Draft EIR as an assured activity. Will the city revise and acknowledge these limits in its calculations?

- The Western Walkway is a confined space, 10 to 12 feet wide, with restaurants and plate glass windows on one side and a railing on the other. To add people fishing, far from their vehicles, casting their lines with people trying to pass by in a confined space, is at least a safety issue and compromises views of nature from the restaurants above. Shouldn't this space more realistically be classified as a conflict zone? The Western Walkway is also planned to be seasonal, closed in winter. It is not appropriate to add it to the future available fishing areas without qualification. Will this qualification be added?

- The decision on whether to allow fishing from the Western Walkway has not yet been made. It will be a future decision from the Public Works Department. Future unknowns cannot properly be factored in an environmental document as though they are guaranteed. Shouldn't this fact be acknowledged?

- To get to its figure of 1000 linear feet, the city includes proposed fishing at the site of the ten new 25 feet outriggers on the east side as well as from the gangplank leading to the South Landing and passenger vessels. It

is doubtful that fishing will be allowed or possible from either of these sites. Wouldn't it be a more accurate assessment of future fishing areas to exclude them from the calculations?

2-14

- David McCormic, Project Manager, with respect to the above fishing calculations, stated at the zoom Community Meeting on 5/30/23 that *"future policies may modify how fishing goes."*
  If future policies may reduce the available fishing areas on the Wharf, how is this section going to be modified to reflect that fact?

2-15

- Regarding the elimination of most of the tailgate fishing areas, the Draft states, *"While the method of accessing many fishing opportunities would change to require a short walk from one's vehicle, similar to what currently exists at the end of the Wharf, this would not result in elimination or substantial change of an existing recreational use or result in a significant adverse change to the physical environment, and therefore would not be considered significant."* The reference to *"a short walk"* is misleading. That *"short walk"* will involve crossing and navigating benches, people sitting, pedestrians and bicyclists. Removing tailgate fishing is a significant change to a long-standing historical recreation activity at the Wharf.

- For the above reasons, the city's claim of "*no substantial change of an existing recreational use"* is not supported by the evidence and should be revised. How will this revision be reflected in the FEIR?

Sea Lion Viewing

2-16

- Figure 4.8-8 shows several possible relocation sites for the five, sea lion viewing holes.

- The Figure notes that the scale used is approximate. This makes public review for accuracy difficult. The scale used is not one inch which makes checking the measurements of the various structures difficult. The dimensions of the Landmark Building seem smaller than what is proposed in the Wharf Master Plan. Will the city have Dudek provide properly scaled, larger, accurate drawings for the FEIR?

2-17

- The claim that the *"layout and design of the Landmark building is not proposed at this time"* and that there are *"many potential feasible alternatives"* does not allow for accurate environmental review.

- The statement that the relocation of the sea lion viewing holes is *"to be considered in future when a development project is proposed"* is not allowed under CEQA. Will this error be corrected?

2-18

- The city's claim that *"these holes have been successfully redesigned and relocated at times in the past "*is not supported by long time locals. Where is the evidence for this claim?

- The statement that *"There is no information available **at this time** indicating that it would be infeasible to retain or relocate the viewing holes with the future design of the Landmark Building or other redevelopment at the end of the Wharf"* (emphasis added) is inappropriate in a Draft EIR. The EIR requires specificity to determine levels of significance. How will this lack of specificity be rectified?

2-19

- The photo below, taken from the Wharf shows one of the current areas available for sea lion viewing which will be lost when covered by the East Promenade. Will this fact be included in the FEIR?



2-20

- At the zoom Meeting on 5/30/23, Project Manager McCormic stated that the ten outriggers are expected to be future hauling out sites for sea lions. He showed an artist's rendition with sea lions superimposed on the outriggers. That same rendition in the revised Wharf Master Plan does not include sea lions. Jon Bombaci, then Wharf Superintendent made it clear at an earlier public meeting that the outriggers cannot be provided for sea lions. Will this error be corrected?

2-21 The court noted: "As to the General Plan policies to 'protect coastal recreation areas, maintain all existing coastal access points open to the public and enhance public access'— the [former] chart concludes: 'NO CONFLICT.' Expansion of the wharf will provide enhanced public access with increased pedestrian access at the East Promenade and Westside Walkway. This conclusion appears to overlook the policy for protecting existing coastal recreation areas." The Court further noted: "The City has acknowledged that, 'conflicts with established recreational activities can constitute a significant impact, the Project will result in 'removal' of the sea lion viewing holes, and that this could be perceived as a conflict with an established recreational activity.'" The recirculated draft again similarly opines there is no conflict with this policy without addressing the Court's concern.

Open Water Sports

2-22

- The list of water sports proposed to be added to the Wharf is extensive. Divers, scuba tours, high diving or jumping from the Wharf, open water swimming, paddleboarding, surfing, e-foils and possibly windsurfing are included. Will the record indicate that many of these sports are not safely initiated from the Wharf?

- Anyone familiar with the waters surrounding the Wharf will attest that it is not a suitable entry point for most of the listed activities due to frequent swells, prevailing wind, and a west east current. Pontoons are not stable surfaces. How does the record intend to acknowledge this problem?

2-23

- There is no assessment of the impact of adding such a variety of water sports to public access, parking, traffic, or Wharf maintenance. Nor to wildlife itself. When and how will these impacts and their mitigations be included?

2-24

- The Draft EIR states that *"pedestrian and bicycle access and ample parking will promote the Wharf as an alternate launch location to nearby surf breaks."* Apart from the unsuitability of the Wharf as a surfing launch location, according to the draft EIR, additional car parking on the Wharf is planned for only 46 spaces, achieved by restriping, which narrows the current spaces and creates access problems for less mobile visitors. Additional bicycle spaces are proposed to be in the range of 64-150. What is the evidence that these provisions are adequate for the expected increase in use and activity at the Wharf?

2-25

- Under 4.8-27 the Draft Revised EIR states that *"None of the proposed uses in the Master Plan would result in a new facility that would be considered a regional draw capable of generating substantially increased visitation to the area."* This conflicts with the entry on 4.8-38 which references the *"South Landing", (*capable of docking 200- ton vessels*) as "providing for potential regional collaborative efforts."* How will such entry conflicts be resolved?

4.8-3 Cumulative Impacts

2-26 The Draft Partial Revised EIR states that *"the indirect impact on parks and recreation facilities",* of which the Wharf is one, *"would be considered less than significant."*
That, *"any additional use of the Wharf resulting from pedestrian and bicyclists using the Monterey Bay Sanctuary Scenic Trail (MBSST) would be accommodated by the improvements recommended in the Wharf Master Plan."*

The Draft offers no study or evidence for this conclusion. The under-construction Segment 7 Phase 2 of the MBSST will connect two well-used segments of the MBSST. Given the usage of the current segments, this project is predicted to result in a substantial increase in bicycle traffic in the immediate area. There is reference in the Draft to the Wharf being an MBSST spur for bicyclists and pedestrians. The impact of this potentially significant increase in bicyclists requires analysis with respect to conflicts with other Wharf visitors and availability of bicycle parking. Will the FEIR provide sufficient data so these impacts can be realistically assessed?

2-27

- The impacts on recreational facilities from area growth references the General Plan, *"and concluded that the estimated growth would not increase use of parks or recreational facilities such that a substantial physical deterioration would occur…"*

This conclusion is outdated and needs updating with the current knowledge of substantial population growth anticipated close to the Wharf. An estimated 1600 units of housing are being proposed in 12- story developments less than a quarter mile from the Wharf entrance. This project, under review, is being dubbed *"a new neighborhood."*
The impact of this population growth on the Wharf needs to be analyzed and mitigated. Will the record be updated and impacts of such growth studied and mitigated?

2-28 **Alternatives and Mitigation Measures**

The Court found that the City's findings as to the infeasibility of Alternative 2 was not supported by substantial evidence. A complete revised draft must correct this deficiency in the former EIR's analysis and the partial revision has not done so.

2-29 The Court found that mitigation measures relative to the relocation of the sea lion viewing holes were unlawfully deferred to a future time without sufficient objective performance standards in place. The revised EIR does not address the Court's concern and mitigation remains unlawfully deferred to a future time without sufficient assurances that such mitigation will actually occur.

Summary

2-30 In summary, beyond the city having undertaken a process that violates the Court's explicit order, one that must be addressed and corrected, our comments challenge the revised draft's claim of no significant environmental impacts in several areas for which feasible mitigation or alternatives must now be considered.

LETTER 2 – Don't Morph the Wharf – Gillian Greensite

2-1 Scope of Recirculated DEIR. The commenter states that City Council members received a letter from attorney Rachel Mansfield-Howlett, representing the Organization on why the "Draft partially revised EIR" does not comply with the Court's Peremptory Writ of Mandate or the City's Resolution concerning require contents of the revised EIR, and the revised EIR must be withdrawn. The Court ordered the entire EIR to be decertified and required the City to prepare a completely revised EIR.

Response: The referenced letter from Rachel Mansfield-Howlett is included as Letter 1 and responded to above. See Master Response 1, Scope of Revised EIR.

2-2 Scope of Public Comments. The commenter references a statement in the RPDEIR that indicates that reviewers should submit comments on the RPDEIR related to sections included in the document, and claims that the City cannot impose such limits on public comments as the Court required the entire EIR to be decertified and redrafted. Commenter further states that the City must perform a complete analysis, including review of all proposed mitigation measures and alternatives, and prepare and recirculate a revised draft.

Response: See Master Response 1, Scope of Revised EIR, regarding scope of the RPDEIR. As explained in Section 4.1 above, when an EIR is revised only in part, the lead agency need only respond to comments on the revised portion of the EIR (State CEQA Guidelines section 15088.5(f)). This was indicated in the RPDEIR and was further clarified on the City's website. Reviewers were invited to submit written comments related only to the revised EIR sections included in the RPDEIR document. Therefore, while comments regarding other topics may be included in submitted public comments, the City will only respond to comments provided on the RPDEIR sections in this Final EIR Volume 2. References to prior DEIR analyses and responses to comments included in the FEIR (September 2020) are provided as a courtesy, where applicable.

2-3 Summary of Impacts and Mitigation Measures-Significant Unavoidable Impacts. The commenter references Section 2.5 of the RPDEIR and asserts that the statement that there are no significant unavoidable impacts is not supported by the evidence and suggests there are significant impacts related: to migratory birds (pigeon guillemots), loss of views, and historic impacts. The comment also references California Coastal Commission (CCC) staff recommendation to include protection of scenic views as a project objective, which has not been included.

Response: As indicated on page 2-1 of the RPDEIR, the summary only included new impacts and mitigation measures evaluated in the RPDEIR. The comment does not address analyses included in the RPDEIR. See Master Response 1, Scope of Revised EIR. However, it is noted that the potential impacts raised in the comment have been

addressed in the Wharf Master DEIR and FEIR sections that were not affected by the Court ruling. Please see DEIR pages 4.2-44 to 4.2-50 and FEIR Response to Comments A2-8, B1-7, B1-8, B1-9, B2-3, B2-4, B3-3, B3-4, B3-5, B3-6, and C3-1 regarding impacts to birds; DEIR pages 4.1-6 to 4.1-9 and FEIR Response to Comments A2-4, B1-3, B1-5, and C1-2 regarding impacts to scenic views; DEIR pages 4.3-13 to 4.3-21 and FEIR Response to Comments B1-4, C9-6, and C23-3 regarding impacts to historic resources; and DEIR page 4.7-4regarding CCC recommendations for protection of scenic views.

2-4 Westside Walkway. The commenter states that the City claims that the "Western Walkway"[1] is needed for Wharf stability and to protect the existing pilings from storm waves and debris, but the comment indicates that as noted by former Wharf Supervisor, Jon Bombaci, and recorded in the Writ of Mandate, there are available alternatives to achieve the same goals. Commenter asks how this potential safety issue will be studied and mitigated for the FEIR. The commenter further states that the walkway is inconsistent with the Wharf Master Plan's guiding policy to *"Maintain and restore the characteristics that distinguish the Wharf as a unique physical and cultural landmark..."*

Response: The comment does not address analyses included in the RPDEIR. As explained in Master Response 1, Scope of Revised EIR, responses will be provided to comments related to revised text presented in the RPDEIR. However, it is noted that the potential impacts and issues related to safety with the Westside Walkway that are raised in the comment have been addressed in the Wharf Master DEIR and FEIR sections that were not affected by the Court ruling. Please see section DEIR pages 4.4-22 to 4.4-23 and Response to Comment A2-6 in the FEIR (September 2020). See also revisions to the RPDEIR Project Description (page 11) in Section 3, Changes to RPDEIR, in this document. See also DEIR pages 4.3-13 to 4.3-21 and FEIR Response to Comments B1-4 and C23-3 regarding impacts to historic resources.

In summary, as indicated on page 4.4-23 of the DEIR, the planned Westside Walkway would protect the west side of the Wharf and buildings, and it can be closed during severe storms and readily repaired if damaged, thus providing a buffer to the main Wharf structure that could sustain greater damage in severe storms if left unprotected. Response to Comment A2-6 in the FEIR (September 2020), which explained that "the planned Westside Walkway would protect the west side of the Wharf and buildings, and it can be closed during severe storms and readily repaired if damaged, thus providing a buffer to the main Wharf structure that could sustain greater damage in severe storms if left unprotected . . . ." (Id. at page 4-16; see also DEIR, pages 4.4-22 to 4.4-23 [discussing the same].)

[1] It is noted that the comment letter uses the term "Western Walkway," which also was the term used in the Court briefing, in reference to the "Westside Walkway," which is the term used for this recommended improvement in the Wharf Mater Plan and EIR volumes.

It is also noted that section 10 of the 2014. "Santa Cruz Wharf Engineering Report," which is a source document for the DEIR, describes the protective concept and purpose of the West(side) Walkway. Page 4-9 states that "Although the west walkway will have greater exposure and resulting damage by wave forces, by absorbing these forces it will also lessen the impact to the existing piles beneath the buildings where it is far more difficult to replace piles. In addition, the walkway will serve to dissipate cresting wave energy that might otherwise strike the existing building walls and picture windows in the restaurants. This will provide increasing benefit as sea level rises." The Engineering Report further stated that "the deck material will be fiberglass grating to allow air and water movement through it and reduce wave uplift forces." Section 10 of the Engineering Report also details the increased risks to the Wharf due to climate-change-driven storms, sea level rise, tidal currents, wind, and other forces—all of which the Westside Walkway will help to mitigate. (Engineering Report, pages 10-2–10-23.) The Engineering Report accordingly recommends the construction of the Westside Walkway to "improve safety." (Id. at page 10-23 [recommendation "1" to "[w]iden the Wharf with vertical timber piles to increase its resistance to lateral wave and tsunami forces" and recommendation "5" to "[i]mplement the West Walkway as called for in the Master Plan to protect the west side of the Wharf and buildings"].)

City staff further explained at length in public hearings the resiliency, public safety, and below-deck public viewing and public access functions of the Westside Walkway. (City of Santa Cruz City Council Hearing Transcript (Nov. 24, 2020), pages 24–29 [staff discussing the resiliency benefits and overall importance of the Westside Walkway for public safety]; City of Santa Cruz Planning Commission Hearing Transcript (Oct. 15, 2020), pages 34–36 [staff discussing the same]; see, e.g., City of Santa Cruz Planning Commission Hearing Transcript (Oct. 15, 2020), page 38 [staff stating that the Westside Walkway "would itself become a barrier to marine debris, helping ensure . . . wayward redwood trees don't go knocking out pilings under [the Wharf] buildings"], 60 [staff explaining that a primary purpose of the Westside Walkway is to provide a buffer to reduce the likelihood of harm from impacts to the structures supporting buildings on the Wharf and increase the overall resiliency of the Wharf], 90–91 [staff discussing precedence for the "guard piles" proposed on the Westside Walkway as a means to protect the Wharf and mitigate damage], 93–94 [staff explaining that the widening of the Wharf for the Westside Walkway creates an opportunity to find more ideal locations for the sea lion viewing holes given the risks posed by sea level rise]; City of Santa Cruz City Council Hearing Transcript (Nov. 24, 2020), pages 22–23 [staff discussing "additional lateral stability" provided by the Westside Walkway], 28–29 [Wharf Supervisor discussing impacts of natural forces on Wharf structure, and the Westside Walkway's purpose as the "first line of defense . . . designed to . . . reduce the wave force" and act "as a disruptive measure" to break up these impacts], 59 [staff explaining Westside Walkway's purpose "to create a defense barrier" that includes "a set of guard piles to protect . . . sensitive buildings" on the Wharf]; see also City of Santa Cruz City Council Agenda Report (Nov. 11, 2020), page 23.5 [staff report explaining that the Westside

Walkway will "help provide . . . additional lateral stability" and "defend pilings under the buildings from the bombardment of waves and logs"].)

Lastly, the City disagrees with the commenter's claim that the Westside Walkway is inconsistent with the cited Wharf Master Plan guiding policy. The effects of the walkway on cultural resources are addressed in DEIR pages 4.3-19 to 4.3-20 and FEIR Response to Comment B1-4, and it was concluded that the walkway would not result in significant impacts to the historic qualities of the Wharf. The Court's ruling did not find any inadequacy in the City's analysis of aesthetic or historic resource impacts. Furthermore, the Wharf Master Plan's Policy 9 calls for improved public services and facilities and specifically calls for implementation of the Westside Walkway.

2-5 Significant Impacts-Impact REC-1. The commenter states that the mitigations outlined Impact Rec-1 apply only to impacts to birds and marine mammals during construction, and asks whether the impact on migratory birds' ability to access their nests under the Wharf will be studied and mitigated.

Response: The comment does not address analyses included in the RPDEIR. As explained in Master Response 1, Scope of Revised EIR, responses will be provided to comments related to revised text presented in the RPDEIR. However, it is noted that the potential impacts raised in the comment have been addressed in the Wharf Master DEIR and FEIR sections that were not affected by the Court ruling. Please see DEIR 4.2-44 to 4.2-50 and FEIR Response to Comments A2-8, B1-7, B1-8, B1-9, B2-3, B2-4, B3-3, B3-4, B3-5, B3-6, and C3-1 regarding impacts to birds.

2-6 Less-Than-Significant Impacts-Impact REC-2, Wharf Deterioration and Increased Recreational Use of the Wharf. The commenter states that the City claims that the increase in recreational usage of the Wharf will not result in substantial accelerated deterioration of the facility, and asks what evidence the City can provide for the finding of "no substantial deterioration" and what increased maintenance will be required to "mitigate" deterioration.

Response: As explained on pages 4.8-26 to 4.8-28 of the RPDEIR, none of the recommended improvements in the Wharf Master Plan would be of a magnitude that would create a significant new regional visitor attraction or substantial increased visitation to the Wharf, which is one of a number of attractions in the vicinity of the Wharf. Rather, as indicated in the RPDEIR, implementation of the proposed Wharf Master Plan improvements could attract visitors more frequently throughout the year and would also expand capacity of the Wharf to handle typical peak summer crowds, i.e., with expansion and creation of the East Promenade. The recommended Wharf improvements are expected to result in increased number of days with peak attendance with the addition of the proposed Events Pavilion that would enable public and private events to occur throughout the year.

However, increased visitation to the Wharf would not result in uses that would directly lead to substantial deterioration of the condition of the Wharf. Additionally, as indicated in the RPDEIR, increased visitation would lead to increased revenues for maintenance and improvements to prevent and address future deterioration, and an adopted Wharf Master Plan could help the City attract additional investment and outside grant funding that would fund implementation and support overall sustainability, maintenance, and resilience of the Wharf. Furthermore, both the proposed Wharf Master Plan and its accompanying Wharf Master Plan Engineering Report provide recommendations regarding maintenance and structural improvements to accommodate future uses and users to prevent deterioration of facilities. Thus, continued and future potential increased use of the Wharf would not lead to a level of use that would result in a substantial physical deterioration of the Wharf, resulting in a less-than-significant impact, as concluded in the RPDEIR.

2-7 Less-Than-Significant Impacts-Impact REC-3. The commenter states that the City's claims that the proposed Project would not conflict with and/or eliminate established recreational, educational, or scientific uses is not supported by the evidence. The comment references reduction of tailgate fishing and asks how the section will be amended to acknowledge that some features of the Project conflict with an established recreational use and what mitigations can offset this loss.

Response: See Response to Comment 2-15.

2-8 Project Description-Entry Gate Relocation. The commenter suggests that relocation of the entrance gates has unintended impacts on aesthetics, access, traffic, and safety that require further study or asks how these impacts will be addressed.

Response: The comment does not address analyses included in the RPDEIR. As explained in Master Response 1, Scope of Revised EIR, responses will be provided to comments related to revised text presented in the RPDEIR. However, it is noted that the potential impacts raised in the comment have been addressed in the Wharf Master DEIR and FEIR sections that were not affected by the Court ruling. Please see DEIR pages 4.1-8, 4.1-10, 4.1-14 to 4.1-15, and 4.1-18 (Aesthetics), DEIR pages 4.5-21 to 4.5-22 and FEIR pages 3-4 to 3-5 (Traffic and Transportation) and FEIR Response to Comments B1-6, B1-14, C9-2, and C26-2 regarding impacts related to the entry gate relocation.

2-9 Project Description-East Promenade. The commenter states that the East Promenade will cover one of the current "viewing sites" for sea lions and asks if the loss will be documented and mitigated in the Final EIR.

Response: See Response to Comment 2-19.

2-10 Project Description-Monterey Bay National Marine Sanctuary (MBNMS) Prohibitions. The commenter states that the "Western Walkway" (sic) combined with the other new below deck structures will block access of the migratory pigeon guillemots to their nests under the Wharf, which constitutes a "take" under MBNMS regulations and asks how the City will respond.

Response: The comment does not address analyses included in the RPDEIR. See As explained in Master Response 1, Scope of Revised EIR, responses will be provided to comments related to revised text presented in the RPDEIR. However, it is noted that the potential impacts raised in the comment have been addressed in the Wharf Master DEIR and FEIR sections that were not affected by the Court ruling. Please see DEIR pages 4.2-44 to 4.2-50 and FEIR Response to Comments A2-8, B1-7, B1-8, B1-9, B2-3, B2-4, B3-3, B3-4, B3-5, B3-6, and C3-1 regarding impacts to birds.

2-11 CCC Recommendations. The commenter quotes text in the RPDEIR (from page 4.8-43) that states that the CCC "offered some comments with regards to the resource protection policies of the Coastal Act, which are not the subject of review in this section," and commenter asks if they will be included in the FEIR.

Response: There is a footnote to the cited text that indicates that responses to those comments regarding other policies were previously provided in the Final EIR, dated September 2020. Please see FEIR pages 4-7 to 4-16. The CCC did not comment further after receiving the City's responses to its 2020 comments and did not comment on the RPDEIR. Only policies related to recreation are addressed in the cited section 4.8.

2-12 Policies Regarding Fishing. The commenter states that the California State Lands Commission (CSLC) mandates "preservation of fishing access in perpetuity," and that the City's Local Coastal Program (LCP) mandates that "fishing access on the Municipal Wharf shall not be reduced."

Response: Comment is acknowledged, but does not cite a reference for the statement from the CSLC or the LCP, and the City is not aware of and could not find record of either alleged "mandate." The act to convey certain tide and submerged lands to the City of Santa Cruz in 1969 was done in furtherance of navigation, commerce and fisheries upon certain trusts and conditions, and providing for the government, management, use, and control thereof, and reserving rights to the state. Section (f) does state that "There is hereby reserved to the people of the state the right to fish in the waters on the lands with the right of convenient access to the water over the lands for such purpose." However, there is no wording in the legislation to suggest "preservation of fishing access in perpetuity" as suggested by the commenter.[2] The City's LCP policies are identified and

[2] Granting statutes are on the California State Lands Commission website at: https://www.slc.ca.gov/granted-public-trust-lands/grantees/santa-cruz/.

discussed on pages 4.8-40 to 4.8-42, including the referenced policy on fishing. As depicted in Figure 4.8-3 and discussed in the RPDEIR, opportunities for fishing from the Wharf would not be reduced, but would largely expand. The amount of space available for tailgate fishing may be reduced somewhat, but overall the area on the Wharf available for fishing would increase, while also increasing Americans with Disabilities Act (ADA)-compliant access to accommodate a wider segment of the population than presently provided. See also Response to Comment 2-13.

2-13 Fishing. The commenter states that the popular tailgate fishing will be reduced by 1,705 linear feet due to the new East Promenade, and current fishing areas lost to boat landings and pontoons. Commenter claims that the City's reasoning and measurements that "allowable fishing space will expand by 21% or 1000 linear feet" lack validity. Commenter also states that Figures 4.8-3, 4.8-4, and 4.8-9 are difficult to read.

Response: Measurements provided in Figure 4.8-4 were taken using a geographic information system (ArcMap 10.8.2) based on future improvement modeling drawn from best available 30% concept plans. Variance from true scale is estimated at less than 3%. City responses to specific points raised in this comment are provided below. It is noted that specific comments for Figures 4.8-3 and 4.8-9 are not provided, and the City does not agree that these two figures are difficult to read.

- *Figures.* Adjustments to Figure 4.8-4 have been made to provide labels in a larger digital format for improved readability. The revised figure is included in Section 3, Changes to RPDEIR, in this document.
- *Reef Fishing.* The comment references the RPDEIR statement that Wharf expansion would enable 800 linear feet of fishing among pilings and sheltered waters provided by the Westside Walkway and the Terrace Overlook, but claims that if built, these facilities would be located in the least sheltered of waters. Commenter states that the Westside Walkway faces the weather side, prevailing winds, waves and strong west to east currents, and the Terrace Overlook faces the exposed southern end of the Wharf and is a viewing platform with tiered seating within a relatively small area. Commenter states that these added fishing areas are unrealistic and should not be included in the EIR.

  Response: The commenter's opinion on this matter is noted. Observation of current fishing activities on the Wharf, however, has found that fishing occurs all around the Wharf, including the westside and unsheltered end of Wharf. Figure 4.8-3, which shows fishing at the end of the Wharf, has been revised to also show photos of existing fishing along the west side of the Wharf in the "Agora" and the "Commons" areas; see Section 3, Changes to RPDEIR, in this document. Fishing generally occurs wherever railings are exposed for public access and at the discretion of each individual fisher. The environmental analysis anticipates that fishing could

potentially occur in: 1) dedicated 7-foot fishing/seating areas alongside the East Promenade; 2) any feasible fishing area with a minimum 10-foot wide clearance; and 3), the existing fishing/sea lion viewing holes. Areas above boat landings or on sloped gangplanks have been analyzed and assumed as restricted to fishing to promote public safety, although fishing could physically occur in many of those areas as well. The RPDEIR text has been clarified; see Section 3, Changes to RPDEIR, in this document.

- *Westside Walkway.* Commenter states that the Westside Walkway is a confined space, 10 to 12 feet wide, and suggests that fishing would conflict with pedestrians walking on the path and that due to seasonal closures in the winter and that the decision whether to allow fishing at this location has not been made, it is not appropriate to add it to the future available fishing areas without qualification.

  Response: The minimum path of travel to comply with accessibility standards in the Americans with Disabilities Act is 36 inches in width, or 3 feet. Although space conflicts have always been a consideration on the Wharf, the proposed 10–12-foot-wide Westside Walkway would be 3–5 feet wider than either the existing walkway on the east side of the Wharf or the proposed dedicated 7-foot-wide fishing/seating areas proposed along the East Promenade. At either width, the Westside Walkway would maintain a minimum ADA-compliant route of 3 feet in width as well as at least 7 feet of fishing, sightseeing, or other stationary use. As discussed above, all locations that are safe and potentially feasible for fishing have been included for analysis and are subject to City Council discretion and operational modification.

- *Other Fishing Areas*. Commenter states that the City includes proposed fishing at the site of the ten new 25-foot outriggers on the east side as well as from the gangplank leading to the South Landing and passenger vessels, but states that it is doubtful that fishing will be allowed or possible from either of these sites and suggests excluding them from the fishing area calculations to provide a more accurate assessment of future fishing areas.

  Response: The commenter's opinion on the viability of fishing areas is noted, but incorrectly states that fishing would be allowed from the gangplank to the South Landing. As shown in Figure 4.8-4, fishing is not projected to be allowed from or alongside any of the proposed gangplanks or ramps and is only evaluated as feasible from level ground. There is sufficient space in the proposed outrigger area and landing above the South Landing to allow for fishing when other uses like boarding, sight-seeing, or sea lion resting are not in conflict, similar to the way that both fishing and sea lion viewing are currently allowed from the end of Wharf fishing/sea lion viewing holes. Should City Council wish to exclude these areas from analysis, Reef Fishing would be reduced in the proposed Project by approximately 220 linear feet as stated above, but would still result in a total increase of Reef Fishing of approximately 575 linear feet.

2-14 Future Policies Regarding Fishing. The commenter states that City staff stated that future policies may modify fishing, and asks if future policies would reduce available fishing areas on the Wharf and how the RPDEIR section will be modified to reflect this.

Response: The commenter is referencing a statement City staff made at the community meeting held on May 30, 2023, in which a general statement was made that indicated that there could be future policies modifying fishing based on considerations such as people's preferences, weather conditions, and fishing regulations imposed by the State. However, the Wharf Master Plan, which is the subject of the EIR analyses, does not anticipate changes in existing policies regarding fishing, and any such future potential change would be speculative at this time without an indication of which policy might be modified and in what manner. Any future changes to adopted City policies or regulations would be subject, as applicable, to approval of amendments to adopted plans or regulations that would be subject review under CEQA at the time any such modifications may be proposed. However, at this time there are no proposed or anticipated policy modifications regarding fishing. Furthermore, as proposed, Wharf Master Plan Policy 3 and actions, as well as recommended improvements, support expanded and enhanced fishing opportunities at the Wharf.

2-15 "Tailgate" Fishing. Regarding "tailgate" fishing, the commenter states that the RPDEIR's reference to "a short walk" from parking areas to new areas is misleading as it involves navigating benches, people sitting, pedestrians and bicyclists. The commenter indicates that removing tailgate fishing is a significant change to a long-standing historical recreation activity at the Wharf, and the City's claim of "no substantial change of an existing recreational use" is not supported by the evidence and should be revised in the FEIR.

Response: The RPDEIR assesses impacts to tailgate fishing on pages 4.8-36 to 4.8-37, which indicates that tailgate fishing would be limited with proposed Wharf improvements in comparison to how some visitors currently park and fish from the Wharf from their vehicles. Based on fishing areas identified by the City in revised Figure 4.8-4 and as indicated in the RPDEIR, the area for tailgate fishing would decrease by approximately 1,700 linear feet, but about 820 linear feet, representing about 80-100 parking spaces, would remain, from which tailgate fishing could occur. Thus, tailgate fishing would not be eliminated, and fishing opportunities near former areas used for tailgate fishing would remain in proximity to parking areas within a short walk. As indicated on page 4.8-37, while the method of accessing this fishing opportunity would change to a short walk from a parked vehicle, the use itself would not be eliminated or substantially change. Proposed fishing area improvements along the East Promenade will also provide seating in lieu of tailgate opportunities. It is also noted that areas currently available for tailgate fishing are not 100 percent occupied at any given time, and thus, a reduction in available area for this type of fishing experience would not necessarily equate to a reduction in the availability of the actual recreational activity. As

discussed in the RPDEIR (page 4.8-37), approximately, 80 to 100 parking spaces would remain available for tailgate gate fishing in the same types of fishing areas currently available (Near-Shore and Open Ocean). This represents approximately 15-20% of anticipated parking capacity after implementation of Wharf Master Plan improvements. Thus, the impact was determined to be less than significant.

In addition, the overall fishing opportunities at the Wharf would not decrease with implementation of the Wharf Master Plan, but would slightly increase as explained on page 4.8-37 and shown on Figure 4.8-9. Because tailgate fishing would not be eliminated and overall fishing opportunities would increase, the RPDEIR concluded that there would be no substantial change to fishing uses at the Wharf when all users are considered. Furthermore, as indicated in the RPDEIR, existing conflicts with other Wharf users would be eliminated in areas where opportunities for tailgate fishing would be removed, and the RPDEIR indicates that tailgate fishing cannot be reasonably preserved in some areas while also complying with the American with Disabilities Act. There are no policies cited by the commenter or known to the City that prioritize tailgate fishing over all other forms of fishing or other recreational activities on the Wharf.

2-16 Sea Lion Viewing. The commenter states that Figure 4.8-8, which shows possible relocation sites for sea lion viewing holes, is hard to read and asks whether a properly scaled, larger, accurate drawing will be provided.

Response: Figure 4.8-8 was prepared by City staff and has been revised with a larger typeface and separated into two figures, 4.8-8A and 4.8-8B, for better clarity.

2-17 Landmark Building and Sea Lion Viewing Holes. The comment states that the RPDEIR's "claim" that the "layout and design of the Landmark building is not proposed at this time" and that there are "many potential feasible alternatives" does not allow for accurate environmental review. The commenter suggests that the statement that the relocation of the sea lion viewing holes is "to be considered in future when a development project is proposed" is not allowed under CEQA and asks how this error will be corrected.

Response: The EIR evaluates the direct and indirect impacts of adoption and implementation of the Wharf Master at a "program" level of analysis with a "project" level of analysis for two proposed near-term projects, the Entry Gate Relocation and East Promenade; see RPDEIR page 1-3 and page 3-7 of the DEIR. The Landmark Building is not proposed at this time and there are no site-specific development plans, although a conceptual layout was evaluated in the DEIR. The RPDEIR explains that revisions to the Wharf Master Plan require retention or relocation of these fishing holes/viewing areas, per prior City Council direction, and further indicates that any redesign of these features must be in keeping with the current viewing experience; see RPDEIR pages 3-15 to 3-16 and 4.8-35. The RPDEIR provides several conceptual examples to depict how the sea lion

viewing/fishing holes could be feasibly maintained or relocated, while allowing for future construction of the Landmark Building as shown on Figure 4.8-8. The RPDEIR indicates that these are not the only options, but merely illustrate a few examples of potentially feasible layouts if relocation were proposed in the future with a similarly sized Landmark Building. Thus, potential feasibility of relocation has been adequately assessed in the RPDEIR, which demonstrates concepts for relocation are physically available and feasible.

2-18 Redesign of Fishing Holes. The commenter states that the City's claim that the fishing holes have been successfully redesigned and relocated in the past is not supported by evidence.

Response: Evidence of prior modifications to the fishing/viewing hole can be seen by comparing the image of the fishing holes (referenced as "wells") on page 19 of public comment Letter 5 (page 4-99 of this document) with the existing sea lion viewing holes shown in Figure 4.8-2 and 4.8-3. The image from Letter 5 is excerpted from the Santa Cruz Sentinel (c. 1962), and though a bit hard to read, it shows the original fishing holes, which are generally much narrower than the current holes depicted in Figures 4.8-2 and 4.8-3 and also appear to have included more than the five existing fishing holes; the accompanying article states that "there are 11 interior wells". They appear more widely spread across the end of the Wharf and were modified at some point in time to provide support facilities such as restrooms, a bait shop (closed), and restaurant (currently the Dolphin). These modifications have all occurred in response to public demand over time and have resulted in the more regularly shaped alignment of the fishing/sea lion holes currently along the eastern of end of Wharf buildings.

2-19 Sea Lion Viewing. The commenter states that the East Promenade will cover one of the current "viewing sites" for sea lions and asks if the loss will be documented and mitigated in the Final EIR.

Response: Commenter includes a photo of Public Landing No. 2, a currently inoperable boat landing, which is believed to have suffered damage around the time of the 2011 tsunami. Following that incident, the landing has continued to deteriorate pending redevelopment into an ADA-compliant landing, as currently proposed in the Wharf Master Plan with the South Landing. Although Public Landing No. 2 is not currently in use as a boat landing and does attract sight-seers' viewing of sea lions that use the remnant landing, the primary purpose of this facility is for a boat landing, not wildlife viewing. Commenter is also correct that this facility would be removed with construction of the East Promenade, thus eliminating viewing of sea lions in this one location. However, Public Landing No. 2 would also be replaced with the ADA-compliant and universally accessible South Landing, restoring the original public access and recreational purpose of the landing. New accessible gangplanks to the South Landing, also will provide open below-deck viewing of other nearby sea lions, who often rest on ledgers

beneath the end of the Wharf. This is anticipated to occur whether viewed when boarding watercraft or during light use when the landing might be open to the viewing public, as currently exists at Public Landing No. 1. Additionally, the construction of lower bracing ledges would also create similar area for potential sea lion use and viewing.

Sea lions frequently haul out on seasonal floating docks at other existing landings, including Public Landing No. 1, particularly during periods of low use by boater and water sport enthusiasts, which attracts viewing in these areas that will be replaced with the new Small Boat Landing. The new landings, however, are not anticipated to provide haul-outs for marine mammals and haul-out deterrents are recommended to assure access for water sports and boating. Installation of deterrents to sea lion haul-out on the new boat ramps, as proposed under the Project, are necessary to reduce and avoid the potential for violation of federal laws related to harassment of marine mammals and to protect public safety.

Lateral stabilizing outriggers proposed at the end of the Wharf would extend existing ledgers beneath the Wharf beyond the deck area exposing similar resting areas popular with sea lions. Existing cross beams (ledgers) under the Wharf would remain available for haul-out as would the ten structural outriggers proposed below the East Promenade, both of which strengthen the Wharf against lateral movement of the pilings near the water surface and frequently attract resting sea lions. Depending on final dimensions, future sea level, and tidal action, it anticipated that the outriggers would provide haul-out opportunities similar to the existing lateral braces between the pilings throughout the Wharf, seasonal floats, and the remnant Public Landing No. 2. Although it is difficult to predict animal behavior or how fauna might interact with human structures, it is anticipated that the intertidal placement of the bracing outriggers would be attractive to a variety of marine animals and may provide viewing opportunities from the edge of the Wharf. At the same time, separation of wildlife viewing and landings would avoid human-wildlife interactions and potential violations of the Marine Mammal Protection Act. Furthermore, other areas would be available for viewing sea lions, including sea lion viewing holes and ledgers visible from the Westside Walkway, as well as the proposed open water swim float and new boat landings. Thus, nature viewing, specifically sea lion viewing, as one of the existing recreational uses, would not be eliminated, is likely to expand, and therefore, the impact would be considered less than significant.

2-20 Marine Mammal Haul-Out Areas. The commenter states that at the community meeting on May 30, 2023, City staff stated the ten outriggers (recommended in Wharf Master Plan) are expected to be future haul-out sites for sea lions, but former City staff have indicated that the outriggers cannot be provided for sea lions. Commenter asks if this error will be corrected.

Response: The comment does not address analyses included in the RPDEIR. As explained in Master Response 1, Scope of Revised EIR, responses will be provided to comments related to revised text presented in the RPDEIR. However, it is noted that marine mammal haul-out areas have been addressed in the Wharf Master DEIR and FEIR sections that were not affected by the Court ruling. Please see DEIR pages 4.2-52 and FEIR Response to Comments B1-10. See also Response to Comment 2-19.

2-21 Coastal Recreation Policies. The comment claims that RPEIR finds no conflict with the City's policies to "protect coastal recreation areas, maintain all existing coastal access points open to the public and enhance public access" without out addressing the policy to protect existing recreation areas and conflicts with recreational uses.

Response: The comment appears to be in reference to LCP policy CD 3.5 as outlined on page 4.8-40 of the RPDEIR, which states: " Protect coastal recreational areas, maintain all existing coastal access points open to the public, and enhance public access, open space quality, and recreational enjoyment in a manner that is consistent with the California Coastal Act." The policy addresses coastal recreational areas and enhancement of public access and enjoyment, which is discussed in the first full paragraph on page 4.8-42 of the RPDEIR. The coastal recreational element of the Wharf's multiple uses will be maintained and protected, and public access would be enhanced with construction of the East Promenade, Westside Walkway, and ADA-compliant, accessible boat ramps. Further discussion is provided in Section 3, Changes to RPDEIR, in this document. Conflicts with existing recreational uses is not addressed in any existing City policies, but is a threshold of significance for the purpose of CEQA analyses. Potential conflicts with existing recreational uses at the Wharf as a result of implementation of the Wharf Master Plan and recommended improvements are fully assessed in Impact REC-3 on pages 4.8-28 to 4.8-40 and 4.8-44 to 4.8-45.

2-22 Water Sports. In reference to potential open water sports, the commenter suggests that the "list of water sports proposed" are not safely initiated from the Wharf (divers, scuba tours, high diving or jumping from the Wharf, open water swimming, paddleboarding, surfing, e-foils and possibly windsurfing) and that the Wharf is not a suitable entry point for most activities due to frequent swells, prevailing wind and west-east current.

Response: The comment is noted, but does not specifically address analyses in the RPDEIR. However, regarding the list of water sports cited by the comment, the Wharf Master Plan provides recommendations only for boating and open water access improvements, the latter of which would be served by a seasonal gangway and float from the Westside Walkway to provide new access to open water for swimming, paddling and/or surfing. As indicated on page 4.8-38 of the RPDEIR, installation of the two new ADA-compliant boat ramps would provide access for several other open water activities, including board sports such as paddleboarding, surfing, e-foils, and possibly windsurfing. As discussed on page 4.8-3 of the RPDEIR, impact analyses have been

conducted using the broadest and most inclusive definition of "Recreation" and "Recreation Facility" found in California law. Accordingly, any recreational activity currently present or feasibly enabled by the proposed Wharf Master Plan improvements, has been considered in this analysis for the purposes of decision-making. Additionally, it is noted that many of the water sports identified already occur in the waters off the Wharf, although launched from adjacent beaches, and could reasonably occur to and from the Wharf with implementation of the physical improvements proposed in the Wharf Master Plan, even though weather and wave patterns may limit the time and frequency of some water recreational activities. The RPDEIR analysis has therefore assumed reasonable opportunities for those activities to occur as a result of improvements proposed by the Wharf Master Plan and based upon the observed presence of such recreational activities currently nearby.

2-23 Impacts of Water Sports. The comment states that there is no assessment of the impact of adding a variety of water sports to public access, parking, traffic, Wharf maintenance, or wildlife itself.

Response: As indicated in Response to Comment 2-22, the Wharf Master Plan only proposes recommendations for boating and open water swimming access improvements, which have been evaluated in the EIR. The comment does not address analyses included in the RPDEIR. As explained in Master Response 1, Scope of Revised EIR, responses will be provided to comments related to revised text presented in the RPDEIR. However, it is noted that the potential impacts raised in the comment have been addressed in the Wharf Master DEIR and FEIR sections that were not affected by the Court ruling. Please see DEIR pages 4.5-14 to 4.5-23 and FEIR and FEIR pages 3-4 to 3-5 and Response to Comments B1-11, B1-13, and C9-2 regarding traffic and transportation impacts and DEIR pages 4.2-50 to 4.2-54 and FEIR Response to Comments B3-12 and B3-13 regarding impacts to wildlife due to boat improvements and usage. Public access, parking, and Wharf maintenance are not topics that require evaluation under CEQA. However, impacts of recreational improvements on public access are discussed on RPDEIR pages 4.8-33 and 4.8-43.

2-24 Wharf Parking. The comment questions the suitability of the Wharf as a surfing launch location as suggested in the RPEIR and asks whether the additional vehicle and bicycle parking spaces are adequate for the expected increase in use and activity at the Wharf.

Response: The comment regarding suitability of the Wharf as a surfing launch is acknowledged, but does not address analyses included in the RPDEIR. As explained in Master Response 1, Scope of Revised EIR, responses will be provided to comments related to revised text presented in the RPDEIR. Furthermore, adequacy of parking is not an environmental topic that requires analysis under CEQA. However, it is noted that realignment of parking areas proposed in the Wharf Master Plan is anticipated to provide a modest increase in vehicle parking of 10-15%, roughly equivalent to the

number of free City parking spaces along West Cliff Drive at Steamers Lane/Lighthouse Point.

2-25 Wharf Visitation. The commenter states that text on page 4.8-27 of the RPDEIR that states *"None of the proposed uses in the Master Plan would result in a new facility that would be considered a regional draw capable of generating substantially increased visitation to the area"* conflict with a statement on page 4.8-38 that references the South Landing as *"providing for potential regional collaborative efforts."*

Response: The first part of the cited text on page 4.8-38, which is not quoted in the comment, references other research institutes, including Monterey Bay Aquarium Research Institute (MBARI) and University of California Santa Cruz (UCSC) that may be able to use the new South Landing, and it is these types of research institutions that the cited text is referencing when indicating a potential for "regional collaboration between Santa Cruz and regional institutions". Thus, the second cited statement is referencing the possibility of collaboration between regional research and educational institutions. The first citation in the comment is related to the discussion of potential increases in visitor use at the Wharf in the assessment of Impact REC-2. Therefore, there is no "conflict" between these statements as they are addressing different topics.

2-26 Cumulative Impacts with Monterey Bay Sanctuary Scenic Trail. The commenter states that the RPDEIR does not provide evidence for the conclusion that cumulative impacts would be less than significant and suggests that the under-construction Segment 7 Phase 2 of the Monterey Bay Sanctuary Scenic Trail (MBSST) will connect two well-used segments of the MBSST, resulting in a "substantial increase in bicycle traffic in the immediate area," which requires analysis with respect to conflicts with other Wharf visitors and availability of bicycle parking.

Response: The comment asserts that the MBSST Segment 7 project would have potential impacts on Wharf visitors and bicycle parking, implying a significant cumulative impact. The State CEQA Guidelines section 15130(a) requires that an EIR discuss cumulative impacts of a project "when the project's incremental effect is cumulatively considerable," and a cumulative impact consists of an impact that is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. As such, the review of cumulative impacts considers whether other projects, in combination with the proposed Project, would result in a significant impact on recreation pursuant to the standards of significance used in the impact assessment as stated on RPEIR page 4.8-21.

Construction of the MBSST Segment 7 and future Wharf improvements would result in physical impacts in different locations, and there are no known impacts in which the two projects would combine to result in cumulative adverse physical impacts (REC-1). As explained in the RPDEIR, any additional use of the Wharf resulting from pedestrians and

bicyclists using the MBSST would be accommodated by the planned Wharf improvements, and thus not lead to increased use of a recreational facility that would lead to substantial deterioration of the Wharf. Furthermore, MBSST pedestrian and bicycle uses are consistent with and compatible with recreational uses at the Wharf, namely pedestrian and bicycle uses supported by the Wharf Master Plan. Thus, the two projects would not combine to result in any significant cumulative impact related to recreation. Potential conflicts with Wharf visitors and availability of bicycle parking are not topics that require analysis under CEQA. However, page 19 of the Wharf Master Plan suggests several strategies to address bicycle parking demand and includes provision of a target of up to 150 bicycle parking spaces on the Wharf. The Master Plan also notes that additional bicycle parking could potentially be provided via a platform adjacent to the South Landing gangplank as well as temporary installations for expanded event parking.

It is also noted CEQA documents prepared for the MBSST Segment 7 and MBSST Master Plan concluded that Segment 7 trail serves the recreational needs of residents in the City and recreational needs in the area, would increase the effectiveness of the circulation system by adding a new bicycle connection, consistent with regional plans and goals, and would increase the performance and safety of such facilities (ICF 2013).

2-27 General Plan References to Growth. The comment cites a statement in the RPDEIR cumulative impact section that references conclusions of the General Plan EIR related to growth and recreation impacts, but states that this conclusion is outdated and needs updating with the current knowledge of substantial population growth anticipated close to the Wharf. The comment references an estimated 1,600 units of housing are proposed in less than a quarter mile from the Wharf entrance and states that impact of this population growth on the Wharf needs to be analyzed and mitigated.

Response: The comment appears to be referencing the proposed Santa Cruz Downtown Plan Expansion Project, which consists of a series of amendments to the City's Downtown Plan that would extend the boundary of the existing Downtown Plan area and incorporate new policies, development standards, and design guidelines for the expanded area that would facilitate future redevelopment of the expanded area. According to the EIR Notice of Preparation (NOP), the proposed Downtown Plan amendments could facilitate additional development as a result of various circulation, land use and infrastructure revisions, and for the purposes of environmental review, estimates that the project area could potentially accommodate 1,800 housing units and 60,000 square feet (sf) of gross commercial area (City of Santa Cruz 2022). The expanded area extends south of Laurel Street to Pacific Avenue at Depot Park north of the Wharf.

Preparation of an EIR is currently underway for the Downtown Plan Expansion Project, but a Draft EIR has not yet been released for public review, the conclusions of the environmental analyses are not yet known, and the project has not been considered or

approved by the City Council. Thus, this project is not considered probable or reasonably foreseeable under definitions in CEQA and need not be considered under the cumulative analysis. Until such time that an EIR is completed and certified in which impacts related to population growth are addressed that may change analyses in the General Plan 2030 EIR, the analyses and conclusions in the City's certified General Plan 2030 EIR remain applicable with regards to impacts of growth on recreational facilities.

2-28 CEQA Findings. The comment states that the Court found that the City's findings as to the infeasibility of Alternative 2 were not supported by substantial evidence and that a complete revised draft must correct this deficiency as the partial revision has not done so.

Response: The findings referenced by the commenter are not part of the EIR. Rather, they are prepared to support approval of the Project after conclusion of the EIR process. The findings will be revised for City Council consideration later in the City's administrative process for the Project. The Revised Findings of Fact will address deficiencies identified by the Court.

2-29 Deferral of Mitigation. The comment states that the RPDEIR does not address Court findings that mitigation measures relative to the relocation of the sea lion viewing holes were unlawfully deferred to a future time without sufficient objective performance standards in place.

Response: The RPDEIR assesses the recreational impacts of potential loss of sea lion viewing holes (originally installed as fishing areas) on pages 4.8-35 to 4.8-36 of the RPDEIR. As discussed, no significant impacts were identified that would require mitigation, primarily due to the Council's direction in November 2020 that the Project be revised so that Wharf Master Plan shall include a commitment to retaining or relocating the holes in the future, if needed, to accommodate new development at the end of the Wharf. The RPDEIR analysis provides potential locations for relocated fishing/sea lion viewing holes and demonstrates that such relocation, if proposed in the future, is feasible, while also accommodating a Landmark Building. The primary deficiency found by the Court in the previously certified EIR was a lack of analysis of potential impacts to recreational facilities and activities, which, as defined in the RPDEIR, includes nature study and wildlife viewing. This deficiency has been corrected by the analysis provided in Section 4.8 in response to the Court's ruling. Thus, there is no deferral of analysis or mitigation. See also Response to Comment 2-17, 5-1, and 5-4.

2-30 CEQA Findings. The comment indicates that the City's process "violates the Court's explicit order," and must be addressed and corrected, and that the comments in this letter challenge the "revised draft" EIR's claim of no significant environmental impacts in several areas for which feasible mitigation or alternatives must now be considered.

Response: Regarding the City's EIR process and scope, see Master Response 1, Scope of Revised EIR. See preceding comments and responses to commenter's claims regarding other significant impacts.

From: Michael Guth <mguth@guthpatents.com>
Sent: Wednesday, May 31, 2023 9:38:29 PM
To: David McCormic <dMcCormic@santacruzca.gov>
Subject: Sierra Club comments on Wharf MP Recirculated DEIR

Please see the attached comment letter on the Wharf Master Plan DEIR.

Please do acknowledge receipt.

Thank you,

Mike Guth

--
Yours Sincerely,
Michael A. Guth
Attorney at Law
(831) 462-8270

SANTA CRUZ COUNTY GROUP
Of The Ventana Chapter
P.O. Box 604, Santa Cruz, CA 95061
https://www.sierraclub.org/ventana/santa-cruz
email: sierraclubsantacruz@gmail.com

May 30, 2023

City of Santa Cruz Economic Development Department
Attn: David McCormic, Asset and Development Manager
337 Locust Street
Santa Cruz, CA 95060
dMcCormic@santacruzca.gov

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

3-1 The Sierra Club offers the following comments on the Recirculated Draft Environmental Impact Report for the Santa Cruz Wharf Master. First, the DEIR has not adequately assessed the impacts to migratory bird nest site access. Second, while this project will enhance the ability of bicyclists to access the wharf, bicycle parking is woefully inadequate. Third, there are omissions in the discussion and review of lighting and glare. And lastly, we raise concerns about the overall character of the design, in that the historic qualities of the existing wharf are subsumed by the size of the proposed structures. The Sierra Club does acknowledge but does not agree with recent
3-2 statement by the City that comments at this stage are limited only to portions of the DEIR.

3-3 **BIO-1c Special Status Species – Coastal Birds**

We take exception to the assertion that the project would result in an overall increase in suitable nesting habitat for the Pigeon Guillemot, and that an overall expansion of suitable habitat would offset any indirect effects from human presence. The conflation of the size of the Wharf with functional habitat is not supported by any full analysis of what factors combine to make a functional habitat. Such factors may certainly include access to nesting sites and privacy of both the nesting sites and the access flight paths. The impacts to the overall habitat area appear to be significant. Why does the CEIR not assess impacts to access to nesting site of the Pigeon Guillemot? How will this impact be evaluated and mitigated?

3-4 **BIO-1c Effects on Wildlife Populations**

Of concern is the impact of a new boat landing for research and visitor vessels. At this time it is not known when this facility may be developed. Based upon this temporal ambiguity, the DEIR then appears to brush off any concerns related to increased boat traffic. As it is not known when all aspects of this plan may be developed, the statement referred to above is inappropriate. Should the Wharf, for example, seek to host tenders from cruise ships in the future, impacts from this new boat landing may indeed be significant. We request that a proposed, stated, level of boat

traffic be included for this analysis, and that any increase above that level be required to trigger new environmental review. With the proposed use of this boat landing for 200 ton displacement vessels, the DEIR should include analysis of the impacts on wildlife of this use, done by qualified personnel.

What is the level of boat traffic assumed for new boat landings? How was this determined? Will any use permits be limited to this level of traffic? Will new review be required should this level be exceeded?

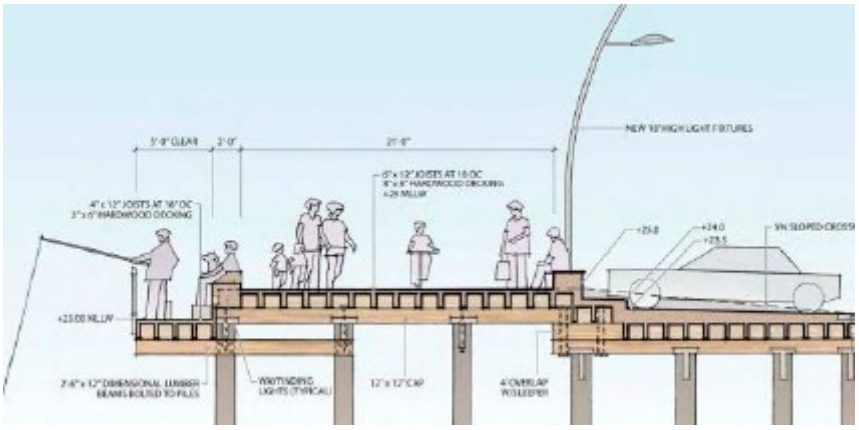
3-5 **AES-4 Lighting and Glare**

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

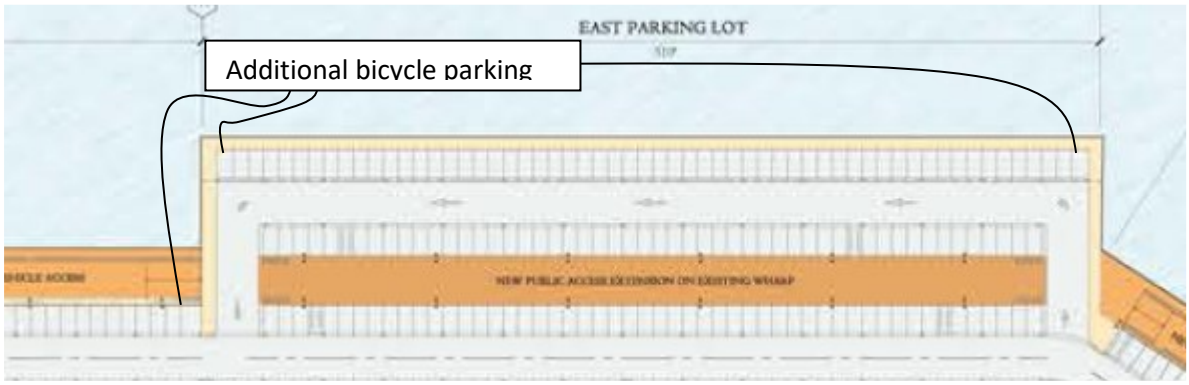
Why hasn't a reduction in overall lighting been required?

3-6 **TRAF-1 Conflict with a Program - Bicycle**

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



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



How does this limited bicycle parking proposed, in conflict with City code, meet transportation requirements, including related to but not limited to greenhouse gas emissions, alternative transportation, and equity access?

3-7 **AES-2 and AES-3 - Scenic Resources and Visual Character**

In general, we are concerned that the scale of the proposed improvements risks losing the aesthetic flavor of the Wharf. In particular, one aspect of the scenic character of the Wharf is the experience of those on the Wharf, and the proposed 40 foot tall buildings would overwhelm those on the Wharf itself. Further, we believe that the EIR understates the visual impacts. The use of the Dream Inn as a reference does not accurately contrast the Wharf with its surroundings. The height and massing of the new proposed buildings are more than half the height of the iconic Giant Dipper roller coaster. Also, the views of the Wharf from the shore, namely from Cowell's Beach and from
3-8 the adjacent West Cliff Drive, include views of the pilings. The western walkway impacts this aspect significantly. We recommend, again, that the western walkway be eliminated from this proposal.

Why isn't protection of scenic views and visually compatible development been included as a project objective?

Summary

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

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

LETTER 3 – Sierra Club – Michael Guth and Micah Posner

3-1 EIR Concerns. The comment states that the DEIR has not adequately assessed the impacts to migratory bird nest site access, that bicycle parking is inadequate, that there are omissions in the discussion and review of lighting and glare, and that there are concerns about the overall character of the design related to historic qualities.

Response: The comment does not address analyses included in the RPDEIR. As explained in Master Response 1, Scope of Revised EIR, responses will be provided to comments related to revised text presented in the RPDEIR. However, it is noted that the potential impacts raised in the comment have been addressed in the Wharf Master DEIR and FEIR sections that were not affected by the Court ruling. Please see DEIR pages 4.2-44 to 4.2-50 and FEIR Response to Comments A2-8, B1-7, B1-8, B1-9, B2-3, B2-4, B3-3, B3-4, B3-5, B3-6, and C3-1 regarding impacts to nesting birds; DEIR pages 4.1-16 to 4.1-18 and FEIR Response to Comments B3-10 and B3-11 regarding impacts to light and glare; and DEIR pages 4.3-13 to 4.3-21 and FEIR Response to Comments B1-4, C9-6, and C23-3 regarding impacts to historic resources. Commenter's opinion regarding bicycle parking is acknowledged; see also Response to Comment 2-26 and 3-6.

3-2 EIR Scope. The comment states that the Sierra Club acknowledges, but does not agree with, statement by the City that comments at this stage are limited only to portions of the DEIR.

Response: See Response to Comment 2-2 and Master Response 1, Scope of Revised EIR.

3-3 Special Status Species-Coastal Birds. The comment states that the Sierra Club takes exception to the assertion that the Project would result in an overall increase in suitable nesting habitat for the pigeon guillemot and that an overall expansion of suitable habitat would offset any indirect effects from human presence. The commenter asserts that conflation of the size of the Wharf with functional habitat is not supported by any full analysis of what factors combine to make a functional habitat, including factors such as access to nesting sites and privacy of both the nesting sites and the access flight paths. The commenter indicates that impacts to the overall habitat area appear to be significant and asks how the impact will be evaluated and mitigated.

Response: The comment does not address analyses included in the RPDEIR. As explained in Master Response 1, Scope of Revised EIR, responses will be provided to comments related to revised text presented in the RPDEIR. However, it is noted that the potential impacts raised in the comment regarding nesting habitat for the pigeon guillemot have been addressed in the Wharf Master DEIR and FEIR sections that were not affected by the Court ruling. Please see DEIR pages 4.2-44 to 4.2-50 and FEIR Response to Comments A2-8, B1-7, B1-8, B1-9, B2-3, B2-4, B3-3, B3-4, B3-5, B3-6, and C3-1 regarding impacts to nesting birds and habitat.

3-4 Boat Traffic. Regarding a new boat landing for research and visitor vessels, the comment states that the DEIR appears to brush off any concerns related to increased boat traffic, but impacts from the new boat landing may be significant, if the Wharf seeks to host tenders from cruise ships in the future. Commenter requests that the level of boat traffic be included in the analysis. The comment also states that with the proposed use of the new boat landing for 200-ton vessels, the DEIR should include analysis of the impacts on wildlife.

Response: The comment does not address analyses included in the RPDEIR. As explained in Master Response 1, Scope of Revised EIR, responses will be provided to comments related to revised text presented in the RPDEIR. However, potential impacts raised in the comment regarding impacts to wildlife related to potential increased boating from new landings have been addressed in the Wharf Master DEIR and FEIR sections that were not affected by the Court ruling. Please see DEIR pages 4.2-50 to 4.2-54 and FEIR Response to Comments B3-12 and B3-13 regarding impacts to wildlife due to boat improvements and usage. As indicated on pages 3.10 (Actions under Policy 3), 3.14 and 4.8-32 of the RPDEIR, the South Landing will not serve as a terminus for cruise ships or provide shuttle access to any type of large vessel.

3-5 Light and Glare. Commenter states concern about an overall increase in light due to the construction of new buildings. The commenter further states that the overall light emitted should not increase, and a reduction in overall light should be the goal.

Response: The comment does not address analyses included in the RPDEIR. As explained in Master Response 1, Scope of Revised EIR, responses will be provided to comments related to revised text presented in the RPDEIR. However, it is noted that the potential impacts raised in the comment regarding light and glare have been addressed in the Wharf Master DEIR and FEIR sections that were not affected by the Court ruling. Please see DEIR pages 4.1-16 to 4.1-18 and FEIR Response to Comments B3-10 and B3-11 regarding impacts related to light and glare.

3-6 Bicycle Parking. The comment states that the Sierra Club appreciates the proposed design for the bicycle and pedestrian walkway. The comment also states that the design fails to provide adequate bicycle parking and does not meet City requirements for the bicycle parking and recommends that "corner areas" designated for auto parking be allocated for bicycle parking. Commenter asks how the limited bicycle parking meet transportation requirements related to GHG emissions, alternative transportation, and equity access.

Response: The comment does not address analyses included in the RPDEIR. As explained in Master Response 1, Scope of Revised EIR, responses will be provided to comments related to revised text presented in the RPDEIR. However, as indicated on page 3-20 of

the RPDEIR, 64 bicycle spaces would be initially provided with up to 150 spaces ultimately anticipated as demand warrants; the latter capacity would achieve bicycle parking at 35% of vehicle parking, consistent with Public/Recreational uses under Santa Cruz Municipal Code section 24.12.250. Additional potential parking opportunities are also suggested at a conceptual level and could be explored as needed. The commenter's suggestion could similarly be investigated as improvements proceed toward final design. It is also noted that the potential impacts related to parking and "equity access" are not topics required for review under CEQA and that transportation impacts have been addressed in the Wharf Master DEIR and FEIR sections that were not affected by the Court ruling. Please see DEIR pages 4.5-14 to 4.5-23 and FEIR pages 3-4 to 3-5 and Response to Comments B1-11, B1-13, and C9-2 regarding traffic and transportation. As indicated on page 1-4 of the DEIR, issues not addressed in the DEIR, including GHG emissions, were evaluated in the 2016 Initial Study and no comments were received regarding this topic. The Initial Study is considered part of the administrative record for the EIR, which as the DEIR indicated 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.

3-7 Scenic Resources and Visual Characteristics. The comment states concern that the scale of the proposed improvements risks losing the aesthetic flavor of the Wharf, that the proposed 40-foot tall buildings would overwhelm those on the Wharf itself, and that the EIR understates the visual impacts.

Response: The comment does not address analyses included in the RPDEIR. As explained in Master Response 1, Scope of Revised EIR, responses will be provided to comments related to revised text presented in the RPDEIR. However, it is noted that the potential impacts raised in the comment regarding aesthetics have been addressed in the Wharf Master DEIR and FEIR sections that were not affected by the Court ruling. Please see DEIR pages 4.1-6 to 4.1-18 and FEIR Response to Comments A2-4, B1-3, B1-5, B1-6, and C1-2 regarding aesthetic impacts.

3-8 Westside Walkway. The comment states views of the Wharf from Cowell Beach and West Cliff Drive include views of pilings that would be impacted significantly by the Western (sic) Walkway and recommends it be eliminated.

Response: The comment does not address analyses included in the RPDEIR. As explained in Master Response 1, Scope of Revised EIR, responses will be provided to comments related to revised text presented in the RPDEIR. However, it is noted that the potential impacts raised in the comment regarding aesthetics, including visibility of the Westside Walkway, have been addressed in the Wharf Master DEIR and FEIR sections that were

not affected by the Court ruling. Please see DEIR pages 4.1-10 to 4.1-14 and FEIR Response to Comment B4-7.

From: Norm Daly <ndaly@santacruzca.gov>
Sent: Wednesday, May 31, 2023 11:01 AM
To: Stefan Berlinski <coqavin@att.net>
Cc: David McCormic <dMcCormic@santacruzca.gov>
Subject: FW: Wharf stakeholder questionnaire

Hi Stefan,

I'm forwarding this to David McCormic, who is the person handling the Wharf Master Plan.

Thanks, Norm



SANTA CRUZ ECONOMIC DEVELOPMENT

Norman F. Daly
Development Manager
City of Santa Cruz Economic Development and Housing Department
ndaly@santacruzca.gov
(please note new email address directly above)

From: Stefan Berlinski <coqavin@att.net>
Sent: Wednesday, May 31, 2023 10:14 AM
To: Norm Daly <ndaly@santacruzca.gov>
Subject: Wharf stakeholder questionnaire

SANTA CRUZ WHARF

ROMA

Santa Cruz Wharf Master Plan and Engineering Report
Marine-Related Stakeholders Questionnaire

Name/Organization: Stefan Berlinski

Email: coqavin@att.net

4-1

1. Could you please summarize what you/your group do/does - the activities and programs that you run, when they occur (i.e. what time of day/time of year) and where they take place. Please add why they take place at that location.

   Local resident and sailor in the City of Santa Cruz

2. From a marine-related stand-point, what activities do you see to be missing at the Wharf, and what activities could feasibly take place from this location? Are there activities that you would not want to see/or that would be a conflict with your use of the Wharf? Why?

   A landing for dinghies and a dock for visiting boats such as the ones at Monterey Municipal wharf are missing. Would not like a large pier for vessels over 70 feet as this would detract from the character of the present wharf. The Small Craft Harbor can better serve this need.

3. As part of our work, we are assessing the optimal location for construction of a new landing capable of handling a 100 ton research and visitor serving vessel. What specific opportunities do you see for this new landing?

   There is no call for such a landing at the Municipal wharf. Another, new, dedicated wharf would serve this function much better as the MBARI and Moss Landing Marine Lab wharf does at Moss Landing.

4. Commercial fisheries played a historic role on the Wharf. How could we enhance this kind of activity in the future?

   Restore the ability for fishing vessels to off load catch at the wharf. Good for the restaurants; good for a sea to table experience for visitors to witness.

5. How can recreational fishing be enhanced from the Wharf? Including party boats and day fishermen from the Wharf?

I suggest the parties responsible for the planning actually ask the fishermen along the wharf railing. To my knowledge, there has been no actual outreach to users. They are expected to follow a complex planning process if they are to have a say. This is unfair to ordinary people who don't have lawyers and consultants on retainer as do the developers driving many of the changes unwanted by the long time local tax payers.

6. Would it be beneficial to enhance the linkage with the harbor and activities that take place there and, if so, how?

See above comments on landing facilities.

7. How could marine-related activities be better integrated with the Wharf and with the scientific, educational and recreational role the Wharf can play within the community?

I would suggest asking Sea Odyssey about their long term activities in this regard. A wealth of institutional knowledge may be accessed from this organization. If your kids went to 6th grade in this city, you would have a great appreciation for their research, knowledge base and execution of learning activities. Maybe give them a space on the wharf itself.

8. From a marine-related point of view, are there any missing groups or interests that you think should be included in a discussion of existing conditions and future potentials?

The local yacht club, which used to be headquartered on the wharf. The aforementioned Sea Odyssey. The Natural History Museum.

9. The Wharf is entering its 100th year. What is your vision for the Wharf in the next 100 years?

Keep the wharf maintained so the local people and visitors can experience the charm we have cherished for decades. Keep all businesses on the wharf local. We don't need a shopping mall out there. Find a way to have public transit access the wharf. What we have now is pitiful. Driving a car is the only way to visit unless you are lucky enough to live in walking distance. People don't come

10. Are there any resources (monetary or other) that you know of that can be brought to the Wharf to facilitate implementation?

Obviously there are many grants available on the Federal, State, County and local levels. There are many coastal organizations that have excellent grant writers. Tap into that expertise instead of some merchandising consultant firm. The wharf is about a connection between the land and the sea. Let's not forget that.

11. There are other piers and wharves in Monterey Bay and elsewhere in the state. Are there any that you can think of as setting a model for what the Santa Cruz Wharf can become?

The Municipal Wharf #2 in Monterey strikes a nice balance between visitor serving and a working wharf. It serves sailors, fisherman, visitors and locals without the glitzy atmosphere of Disneyland. Very rare to see a frown on anyone using that facility.

SUBMIT

If the SUBMIT button doesn't work for you, save your completed questionnaire to a local drive on your computer and send an email with the questionnaire attached to: ndaly@cityofsantacruz.com.

LETTER 4 – Stefan Berlinski

4-1 Wharf Stakeholder Questionnaire. The comment consists of responses to a questionnaire entitled " Santa Cruz Wharf Master Plan and Engineering Report Marine-Related Stakeholders Questionnaire."

Response: The commenter does not provide comments on the RPDEIR. As explained in Master Response 1, Scope of Revised EIR, responses will be provided to comments related to revised text presented in the RPDEIR. The submitted questionnaire is acknowledged, which appears to have been taken from the City's Project website. This questionnaire was originally circulated among the Marine Related Stakeholder group, which was part of the initial public outreach conducted to inform the preparation of the Wharf Master Plan process. .

From: Renee Flower <renee@reneeflower.com>
Sent: Thursday, May 25, 2023 1:37:54 PM
To: David McCormic <dMcCormic@santacruzca.gov>
Subject: Comments to Santa Cruz Wharf Master Plan Recirculated Partial Draft EIR

Hi Dave,

I am submitting my comments to the following documents in the attached (PDF):

- Santa Cruz Wharf Master Plan Recirculated Partial Draft EIR
- Santa Cruz Wharf Master Plan Recirculated Partial Draft EIR – Chapter 7, Figures
- Santa Cruz Wharf Master Plan Report, Revised 2023

To: City of Santa Cruz, Economic Development Department
From: Renée Flower
Date: May 25, 2023

Project Title: Santa Cruz Wharf Master Plan

Comments to the following documents:
• Santa Cruz Wharf Master Plan Recirculated Partial Draft EIR
• Santa Cruz Wharf Master Plan Recirculated Partial Draft EIR – Chapter 7, Figures
• Santa Cruz Wharf Master Plan Report, Revised 2023

5-1 These comments are in response to revised or new text and figures related to the proposed "Landmark Building" and the "fishing/viewing holes" included in the "Santa Cruz Wharf Master Plan Recirculated Partial Draft EIR," "Partial Draft EIR Chapter 7, Figures," and the "Santa Cruz Wharf Master Plan Report, Revised 2023."

The history of the Santa Cruz Municipal Wharf is essential to a thorough understanding of its present circumstances and to inform any plans for its future. The Draft EIR provides some of the Wharf's history, including several mentions of the former municipal warehouse that was previously located on the end of the Wharf and the Wharf's fishing/viewing holes. However, the Draft EIR only briefly explains why the warehouse was demolished and doesn't appear to connect the warehouse's history to the creation of the fishing/viewing holes.

The fishing/viewing holes at the end of the Wharf were created as part of a Wharf restoration project funded by the State Wildlife Conservation Board (WCB) in 1960. That project provided funding for fishing "wells" for public use. In my opinion, relocating the existing "wells" or creating equivalent or improved opportunities for fishing and viewing wildlife from the Wharf would be consistent with the original intent of the 1960 restoration plan funded by the WCB. The plan is described in WCB meeting minutes from June and September 1960. Those minutes are available on the WCB's website.

I have included links to the State of California Wildlife Conservation Board documents and the complete text from the meeting minutes of June and September 1960 related to the Santa Cruz Wharf project.

State of California Wildlife Conservation Board.
Minutes of Board Meeting June 17, 1960.
Agenda Item number 9: Santa Cruz Pier, pages 9-10.
Wildlife Conservation Board; 6/1960. [Cited 2023 May 21]. Available from:
https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=98141
WCB_Minutes_6-17-1960.pdf

WILDLIFE CONSERVATION BOARD, STATE OF CALIFORNIA
MINUTES, MEETING OF JUNE 17, 1960
Item No. 9. Santa Cruz Pier, Page No. 9-10

9. Santa Cruz Pier

Mr. Nesbit introduced Senator Donald L. Grunsky, 23rd District, relative to a request by the City of Santa Cruz for a feasibility study on their plan to rebuild the municipal pier for sportsfishermen's use.

Senator Grunsky introduced Mr. Peter Tedesco, City Manager; Dr. Enrico Raffanti, Chairman, Parks and Recreation Commission; and Carl Bengston, Superintendent, Parks and Recreation, all of Santa Cruz. He asked the Board's consideration of this request for a feasibility study at this opportune time when the city is in the process of reconstructing the municipal pier. He informed the Board that at the present time people from the city as well as out of town visitors are fishing between parked cars because the city does not have facilities to accommodate them.

In answer to Chairman Elser's question as to the appropriateness of Board participation in this project, Senator Grunsky and Mr. Tedesco replied that the feasibility study should give the answer and that reconstruction of the pier would be a joint venture by City and State. Cost estimates for the proposed project were discussed and the Board was informed that $300,000 for reconstruction of the pier and approximately $50,000 for that portion dedicated to fishing use would be required.

IT WAS MOVED BY SENATOR BROWN, SECONDED BY SENATOR JOHNSON, AS A JOINT MOTION, THAT THE WILDLIFE CONSERVATION BOARD HEREBY AUTHORIZE THE STAFF TO MAKE A FEASIBILITY STUDY OF THAT PART OF THE RECONSTRUCTION OF THE SANTA CRUZ PIER AS IT RELATES TO USE BY SPORTSFISHERMEN.

PASSED UNANIMOUSLY.

The City has agreed to do the construction under Section 1350 of the Fish and Game Code. In addition, they will provide engineering services estimated at $11,000 as well as additional construction of such items as benches for the fishermen at an estimated cost of $3,500. This, of course, is in addition to the annual maintenance cost provided by the City.

The Department of Fish and Game endorses this project and points out that a sustained fishery is available with jacksmelt, perch, cod, cabezon, crokers, flatfish, as well as skates, rays, and sharks being the common species caught.

State of California Wildlife Conservation Board.
Minutes of Board Meeting September 19, 1960.
Agenda Item number 7: Santa Cruz Public Fishing Pier, pages 7-8.
Wildlife Conservation Board; 9/1960. [Cited 2023 May 21]. Available from:
https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=98142
WCB_Minutes_9-19-1960.pdf

State of California
WILDLIFE CONSERVATION BOARD
Minutes, Meeting of September 19, 1960
Item No. 7. Santa Cruz Public Fishing Pier, Page No. 7-8

7. Santa Cruz Public Fishing Pier – Santa Cruz County, Proj. No. 139 $49,550.00

Mr. Nesbit stated that at the June 17, 1960, meeting, the Board staff was instructed to study the feasibility of a plan to rebuild a portion of the municipal pier at Santa Cruz to be used by sportsfishermen. This study has been made, and a report was supplied to each member.

The Santa Cruz pier was built in 1913-14 to provide shipping facilities for the then thriving lumber and fishing industries. Other businesses later were located along this 80-foot-wide pier. The farthest end of the pier was occupied largely by a warehouse. This building has recently been removed as this portion of the pier is structurally unsafe.

The proposal is to rebuild the end 230 feet of pier and retain this portion for exclusive use by fishermen. It would contain "fishing wells" or openings through the decking for fishing. This portion with access thereto would be leased to the State for a 25-year period. Maintenance would be by the City.

In the report the City officials state: "Surely a more lucrative facility, financially speaking of course, might be the leasing of the end portion to such a commercial venture as a restaurant; however, there are many who feel strongly about the opportunity to provide for the residents and visitors to the community an easy access to ocean fishing. Santa Cruz, while actually a community of some 27,000, may swell to 75,000 during many of the weekends and through the summer months. Many of these recreation seeking visitors are from as far away points as the central valleys of our state."

Cost estimates are as follows:

Demolition	$6,750.00
Piling replacement, including caps	$8,500.00
Stringers	$7,000.00
Decking and paving	$13,500.00
Restrooms, Fish Cleaning Table, inc. plumbing and wiring	$6,800.00
Hand Rails	$2,500.00
Subtotal	$45,050.00
Contingencies, inc. title report, signs, etc.	$4,500.00
Total	$49,550.00

The City has agreed to do the construction under Section 1350 of the Fish and Game Code. In addition, they will provide engineering services estimated at $11,000 as well as additional construction of such items as benches for the fishermen at an estimated cost of $3,500. This, of course, is in addition to the annual maintenance cost provided by the City.

The Department of Fish and Game endorses this project and points out that a sustained fishery is available with jacksmelt, perch, cod, cabezon, crokers, flatfish, as well as skates, rays, and sharks being the common species caught.

The Board has received numerous endorsements from individuals and organizations in support of this project, in the vicinity and from as far away as Fresno.

The cost per lineal foot available for fishing approximately that of the very successful project at the Berkeley Pier, i.e., $40.00 per lineal foot. Mr. Nesbit believed that per dollar of capital outlay this promises to be one of the Board's most intensively used project. It is also in line with the policy just adopted, he added.

Mr. Peter Tedesco, City Manager of Santa Cruz, informed the Board that the City simply does not have the funds to develop this kind of project and requested the Board seriously consider the approval of the project, otherwise, the pier, no doubt, would be committed to a commercial venture.

Mr. Belotti observed that there was much enthusiasm for pier fishing and wondered if it stemmed from the fact

that no fishing license was required. Mr. Nesbit informed the Board that a survey of Berkeley Pier users indicated 70% had fishing licenses or did not require licenses.

Mr. Nesbit clarified the point that since proprietary interest by the State would be held in the outer portion of the pier as well as access thereto, maintenance of the completed project by the City of Santa Cruz would include the access also. Therefore, there would be no fear that the project would be made useless because of failure to keep up the landward portion of the pier.

IT WAS MOVED BY ASSEMBLYMAN BELOTTI, SECONDED BY SENATOR BEARD, THAT THE JOINT INTERIM COMMITTEE RECOMMEND THE WILDLIFE CONSERVATION BOARD APPROVE THE SANTA CRUZ PUBLIC FISHING PIER, PROJECT NO. 139; ALLOCATE $49,550.00 TO THE DEPARTMENT OF FISH AND GAME FROM THE WILDLIFE RESTORATION FUND FOR REHABILITATION OF THIS PIER SUBSTANTIALLY AS PRESENTED; AND AUTHORIZE THE DEPARTMENT OF FISH AND GAME TO EXECUTE THE NECESSARY LEASE, OPERATING AND CONSTRUCTION AGREEMENTS.

PASSED UNANIMOUSLY.

IT WAS MOVED BY MR. SHANNON, SECONDED BY MR. ELSER, THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE SANTA CRUZ PUBLIC FISHING PIER, PROJECT NO. 139; ALLOCATE $49,550.00 TO THE DEPARTMENT OF FISH AND GAME FROM THE WILDLIFE RESTORATION FUND FOR REHABILITATION OF THIS PIER SUBSTANTIALLY AS PRESENTED; AND AUTHORIZE THE DEPARTMENT OF FISH AND GAME TO EXECUTE THE NECESSARY LEASE, OPERATING AND CONSTRUCTION AGREEMENTS.

PASSED UNANIMOUSLY.

Mr. Tedesco thanked the Board for its cooperation and extended an invitation in behalf of the City of Santa Cruz to visit Santa Cruz and make a first-hand inspection of the completed project.

Santa Cruz Wharf Master Plan, Recirculated Partial Draft EIR

5-2 • Page 3-10: "Future development at the end of the Wharf shall preserve or relocate to a place of greater access and viewing quality, the popular "sea lion viewing" and "fishing" holes at the end of the Wharf."

• Pages 3-15, 3-16: "The Wharf Master Plan revisions include a new action under Policy 4 that states that any potential development at the end of the Wharf shall preserve to the greatest extent possible, or relocate to a place of greater access and viewing quality, the popular "sea lion viewing" and "fishing" holes at the end of the Wharf. Any redesign of these features must seek to preserve the intimate experience of the current viewing holes and be consistent with the character of the Wharf, as determined through community engagement. Several alternative possible layouts are included in the Wharf Master Plan as part of the Master Plan revisions and are shown on Figure 4.8-8 in Section 4.8 of this document."

• Page 4.8-14: "The southern portion of the Wharf includes five "fishing holes" that were first cut through the Wharf structure in the early 1970s to expand fishing opportunities; these have been relocated or modified at least once since then. Although originally designed for fishing, these holes have become popular with visitors who can view sea lions that haul out on the ledger beams spanning pilings beneath the Wharf. This is recognized as a popular recreational pastime on the Wharf, and these areas are highly appreciated by members of the public."

Comment: Although the text excerpt from page 4.8-14 is not new and has not been revised, the subject addressed – "sea lion viewing" and "fishing" holes – is inextricably connected to the new text that appears on pages 3-15, 3-16. The history of the Wharf's "fishing holes" is much more complicated than what is presented on page 4.8-14: "…Wharf includes five 'fishing holes' cut through the Wharf structure in the early 1970s." The reference to the "early 1970s" in relation to the history of the fishing holes appears twice in the Draft EIR without supporting sources. The original fishing holes at the end of the Wharf were created in the early 1960s as part of a project funded by the State of California Wildlife Conservation Board (see Wildlife Conservation Board Minutes included above, and the newspaper article chronology appended below). Wharf Master Plan policies related to the preservation or relocation of the fishing holes must be informed by the historical record.

5-3 **Santa Cruz Wharf Master Plan Recirculated Partial Draft EIR – Chapter 7, Figures**

• Figure 4.8-2: NEW- Representative Photos of Nature and Wildlife Viewing at the Wharf
• Figure 4.8-3: NEW- Representative Photos of Existing Wharf Fishing

Comment: The upper right-hand photo in Figure 4.8-2 shows an existing "fishing/viewing hole," but the lower right-hand photo included in Figure 4.8-3 appears to be a photo showing two of the original Wharf "fishing holes" from the early 1960s when the holes were first created, and is therefore not a representative photo of existing Wharf fishing in 2023.

5-4 • Figure 4.8-8: NEW- Concepts for Fishing Hole / Sea Lion Viewing Relocation

Comment: Because the original 1963 fishing holes, or "wells," were not specifically designed for "sea lion viewing," relocating and redesigning this aspect of the Wharf could provide improved sea lion viewing opportunities and an enhanced experience.

5-5 **Santa Cruz Wharf Master Plan Report, Revised 2023**

• Page 11: <u>"Ensure new buildings are designed in a manner that helps restore the historical character of the Wharf without creating a false historical narrative. The three new cultural buildings and entrance signage should be developed through early consultation with the Historic Preservation Commission to establish objective project goals and to ensure the buildings align with the Secretary of Interior Standards for Rehabilitation of historic resources such as the Wharf structure. Consistent with the City's Historic Preservation Ordinance, Historic Alteration Permits may be required for modifications to the Wharf and associated non-historic structures."</u>

Comment: In relation to the historic warehouse building and the proposed new "Landmark Building," the history of surfing at Cowell Beach should be examined as part of the Wharf's historical narrative. The Harry Mayo Surfing Photography Collection includes photos of surfers on Cowell Beach that show iconic views of the wharf with the historic municipal warehouse located on the end of the wharf in the background. The warehouse building was a distinctive element of the view from Cowell Beach, Main Beach, the Boardwalk and Pleasure Pier, and West Cliff Drive in that era (1930s -1940s), and up until it was demolished in 1960. The Harry Mayo Surfing Photography Collection is available at:

University of California, Calisphere
Digital Collections
Harry Mayo Surfing Photography Collection
https://calisphere.org/collections/27156/

University of California, Santa Cruz
University Library, Digital Collections
Harry Mayo Surfing Photography Collection
https://digitalcollections.library.ucsc.edu/collections/2n49t173w

5-6 • Page 12: "Any potential development at the end of the Wharf, shall preserve to the greatest extent possible, or relocate to a place of greater access and viewing quality, the popular "sea lion viewing" and "fishing" holes at the end of the Wharf. Any redesign of these features must seek to preserve the intimate experience of the current viewing holes and be consistent with the character of the Wharf, as determined through community engagement."

Comment: The revised section on page 12 should include consideration of the historical origins of the "fishing holes" at the end of the Wharf. The original "fishing holes" were created in relation to funding provided by the state in 1960 to restore the damaged end of the Wharf. Because the original fishing holes, or "wells," were not designed for "sea lion viewing," relocating and redesigning this aspect of the Wharf could provide improved sea lion viewing opportunities and an enhanced experience. Informed community engagement around this feature of the Wharf would include benefit from a review of the full history of the origin of the "fishing holes" and their relation to the demolition of the historic warehouse building at the end of the Wharf.

5-7 There is an inseparable connection between the "large landmark building" that was located at the end of the Wharf and the creation of the popular fishing/viewing holes. Stories published by the Santa Cruz Sentinel in the late 1950s and early 1960s confirm that funding for the Wharf and its maintenance is not a new problem. In fact, an ongoing severe revenue shortage apparently contributed to the transformation of the end of the Wharf into a public fishing area with fishing wells. In 1959, the City searched everywhere to find a source of funding to make critical repairs to the damaged Wharf. Funding was ultimately provided by the State of California Wildlife Conservation Board in 1960, but that funding was provided only to repair the Wharf to create a public fishing area. There was no funding provided to rebuild the Wharf's original warehouse. The damaged Wharf could not be repaired without demolishing the warehouse building and the City did not have its own funds to complete the work required to save the end of the Wharf. Prior to the grant of funds from the state, the City had explored the idea of removing the damaged end of the Wharf. This history is documented in Santa Cruz Sentinel archives.

Newspaper article chronology

Newspaper stories provide a helpful chronicle of history as it relates to the revised sections of the Santa Cruz Wharf Master Plan Recirculated Partial Draft EIR and the Santa Cruz Wharf Master Plan Report. Here is a chronological selection of newspaper articles to support my comments about the Wharf's historic warehouse building and the fishing wells, along with a few additional interesting articles related to the Wharf's history.

October 12, 1914. Santa Cruz Evening News, Volume 14, Number 149. Page 1.
The Last Piles in Pier Tomorrow
"The last pile driving in the construction of the municipal wharf will occur tomorrow, according to Superintendent Charles F. Brower. The last seventeen piles arrived today, after being delayed at Watsonville Junction, due to needed repairs on the Southern Pacific cars on which they were loaded. Work will now be rushed on the completion of the pier. The warehouse is yet to be built, painting is to be done, new fishhouse constructed. The decking on the outer end is not yet completed. It will be another month before the pier is actually completed as to the Mesmer & Rice contract."

November 21, 1914. Santa Cruz Evening News, Volume 15, Number 18, Page 4.
Wharf Celebration Date Is December 5; Steamer Roanoke To Participate
"The chamber of commerce committee in charge of the wharf celebration affair has definitely decided on Saturday, December fifth as the day of dedication. Through the kindly interest of President C. P. Doe, of the North Pacific Steamship company, the steamer Roanoke will arrive in Santa Cruz early Saturday morning en route to Los Angeles, and by special arrangement will remain here all day, giving a portion of the time to discharging the freight that will have been sent here through the orders of local merchants. The Roanoke will leave Seattle, Washington,

for San Francisco, twenty-four hours in advance of her regular schedule in order to accommodate the demands of Santa Cruz and remain here for a whole day. The passengers on the Roanoke have been specially invited by the local committee to participate in the festivities of the day here, including the big fish feed that is to be provided by the local fishermen. Any freight to be consigned to the boat for shipment to Santa Cruz should be delivered to Pier Seventeen, San Francisco, before the evening of the fourth of December. Among the attractive events planned for the fifth along the front will be an afternoon dance in the warehouse, musical concerts during the entire day, an enormous fish dinner, to which many outsiders will be invited, and a general good time on the pier. President Odell, of the Producers' Association, stated to the wharf committee this morning that the members of his organization desired to distribute fruit free of charge on the day of the celebration to the visitors at the festivities. There will be a meeting of the celebration committee at the chamber of commerce rooms Monday morning at nine o'clock for the purpose of perfecting the details of the day's events. The directors of the chamber will meet this afternoon and formally send invitations to the citizens of surrounding cities and towns to attend the big event."

November 24, 1914. Santa Cruz Evening News, Volume 15, Number 20, Page 1.
City Accepts New Wharf; Bill For Moving Fish Houses Still Unsettled
"The city council this morning formally accepted the new municipal wharf under the terms of the contract just completed by Mesmer & Rice. This afternoon at 3 o'clock the council met with Engineer H. J. Brunnier, Mr. Rice, representing his firm, and Superintendent Gilbert for the purpose of adjusting the claim of $1612.17, alleged to be due Mesmer & Rice for the extra cost of constructing the fish houses on the pier on the west side of the structure, instead of the east side, as originally planned. This is the last detail to be attended to in the municipal wharf job. Mayor Drullard and some of the councilmen take the stand that there was no warrant in law for the extra work in constructing the fish houses on the west side of the pier, on account of the council not formally ordering the work done, Engineer Brunnier having instructed Mesmer & Rice to go ahead after coming to an informal understanding with the city fathers. The council, however, does not challenge the fairness of the bill, as far as the amount is concerned. City Attorney Johnston is prepared to give a legal ruling on the matter. Two smaller bills, one of $13.48 for some extra drift bolting done by the contracting firm, and $36.25, the cost of driving mooring piles for the last Fourth of July celebration, are still to be paid by the city and are not contested. Mr. Brunnier announced this morning that Mesmer & Rice have agreed to withdraw their claim against the city for loss of time due to the non-arrival of a load of piles in the early stages of the work. Mr. Brunnier explained to the council that the additional cost to the city over the contract of the 'soft spot' found in the early stages of the construction was approximately $1000. In reality the city, though, has not lost any money by this incident, because when the bids were originally asked for the city was enabled through having taken soundings to give the length of every pile in the proposed structure, a big advantage to the contractors. If this had not been done, all of the bidders would have added probably $10,000 to each bid as protection against loss in case of having expensive driving during the process of the job. There are thirty-nine piles on the beach that still belong to the city, valued at $724.98."

December 4, 1914. Santa Cruz Evening News, Volume 15, Number 29. Page 6.
Fast Work on Wharf Recently
"The decoration of the new warehouse at the end of the pier for the wharf celebration is about completed and the interior of the building presents a very pleasing effect, there being thirty-two large American flags suspended from the beams overhead. The decoration is under the direction of John C. Geyer. The work of laying the water mains under the direction of Superintendent Robert Tait is also progressing rapidly, the mains now being laid as far as the wholesale fish houses, from where they will have to be laid under the floor of the wharf, making the work necessarily slower."

September 27, 1932. Santa Cruz Sentinel, Volume 86, Number 72, Page 2.
Notes Gathered on Waterfront
Excerpt: "The yachts of Frank Wilson and P. Nicolai of the Santa Cruz Yacht club were taken from their moorings on Sunday, lifted by the davits to the municipal wharf and then hauled to the warehouse on the wharf to remain there for the winter months. Two more yachts remain in the bay. The large fishing launch 'Billie,' owned by Sunday Faraola, is in the drydock in the municipal warehouse. It is undergoing a thorough over hauling, especially the engine, under William Nagle. It will be in use again for fishing purposes on the first of October."

October 24, 1940. Santa Cruz Sentinel, Volume 106, Number 99. Page 5.
Ernest Otto's Waterfront
"The drydock in the municipal wharf warehouse is filled to overflowing. The boats, yachts, rafts, etc., are stored in such quantities that applicants to store their craft had to be refused."

June 10, 1942. Santa Cruz Sentinel, Volume 87, Number 115. Edition 02. Page 2.
Ernest Otto's Waterfront
"Never since the municipal wharf warehouse was constructed has there been as many boats in the drydock at this time of the year. There are fishing launches, several yachts, skiffs and other craft. Only three of the 20 boats there belong to alien fishermen. The Santa Cruz Yacht club boats are there and some of the boat owners are away doing national defense work."

August 31, 1945. Santa Cruz Sentinel, Volume 90, Number 208. Edition 02. Page 4.
Waterfront News Notes, Gathered by Ernest Otto
"Carl Walton has arrived from Los Angeles with the blueprints for the refrigeration plant for the General Fish Corporation, Johnny Loero manager. The work was started yesterday afternoon and this refrigeration plans in the rear of the municipal wharf warehouse will be 43x50 feet and 11 feet high. Over a carload of cork blocks have arrived and are used between the walls, ceiling and beneath the floor. The walls are to be eight and six inches thick."

December 12, 1951. Santa Cruz Sentinel, Volume 96, Number 294. Page 6.
Ernest Otto's Waterfront News Notes
"The General Fish corporation has frozen and packed 80,000 pounds of squid: 25,000 pounds, 35,000 pounds and 20,000 pounds in consecutive days. Twelve workers came from Monterey to help with the work. The squid were shipped to Honolulu, New York City, Chicago and Boston. Three tons of mackerel and black cod also were brought in to this company. A new freezing plant has arrived and a new automatic glazing and washing machine to do quicker work. J. Alioto. head of the General Fish Corporation, came from San Francisco yesterday. This firm, which occupies practically the entire municipal warehouse, has plans to enlarge and double the capacity of the local freezing plant."

January 5, 1955. Santa Cruz Sentinel, Volume 100, Number 4. Page 4.
Ernst Otto's Waterfront News Notes
"Another wharf improvement is on at the present time at the municipal wharf warehouse at the end in the General Fish Corporation section. In this building the Granite Rock company is engaged in laying an entire new flooring known as Vita Seal. This adheres to the concrete flooring and includes a mixture in which there is some tar. This paving gives with the movement of the wharf, when at times, owing to heavy swells, the pilings move. If this new flooring should crack, salesman say it can be ironed out with hot irons. A hot iron with the flames above is being used in the laying of this new material."

March 4, 1959. Santa Cruz Sentinel, Volume 103, Number 53. Page 1.
City Planning Quick Action On Muni Wharf
"Positive recommendations to end the critical safety problem at the city wharf will be made to councilmen immediately, City Manager Pete Tedesco assured The Sentinel today. Tedesco, members of the council and city department heads yesterday made a boat tour around the pilings and lower section of the municipal wharf and came to a unanimous conclusion. Something has to be done and done soon to prevent possible tragedy or loss of property caused by collapse of part of the wharf. The problem is caused by the loss of a score of pilings through storm damage and by rot in uncounted other creosoted timbers holding up the wharf and city-owned buildings. Presumably should any part of the wharf collapse, the city would be liable for damage caused to person and property. Tedesco indicated his recommendations must wait in part on figures and engineering possibilities compiled by the city engineer's office. Replacing rotted and missing pilings beneath buildings on the wharf requires either getting a pile driver into the building or dismantling enough of the structure so the big machine can be wheeled into place."

March 29, 1959. Santa Cruz Sentinel, Volume 103, Number 74. Page 6.
Like A Fading Hollywood Star, Wharf Needs Major Facelifting
Excerpt: "Santa Cruz's creaking, decaying municipal wharf is something like fast fading Hollywood beauty. She is still one of our chief attractions but she needs surgical face lifting in the worst sort of way. In this case surgery may run something over $500,000 which the city simply doesn't have in its bank account. The generally run-down condition at the wharf has been caused by too many years of storms, rot, and the depredations of the teredo worm, water-borne termite. During this year's January storm, nearly a score of the heavy, creosote-covered pilings were bashed from under the wharf and washed up on nearby benches. In the comprehensive inspection which followed, city hall officials found dozens more of the timbers in danger of following the same path to the beach in some future storm. But worse, the General Fish Corporation's heavy freezers and the building itself were in immediate danger of collapsing into the bay. A study is under way at city hall to determine just how the financing of repairs and rehabilitation can be accomplished."

May 14, 1959. Santa Cruz Sentinel, Volume 103, Number 114. Page 1.
It's The End At Wharf's End
"Acting Harbor Master Howard Bethel pauses with his tape measure before he takes dimensions for barricades blocking the end of the wharf to fishermen and sightseers. Bethel today served notice to vacate to the Ship Cafe and Doc's Bait shop and a registered letter is on its way to the San Francisco office of General Fish corporation telling the firms to be out of the building by June 1. The drastic move was made necessary because of critical structural conditions under the hulking General Fish building, and official city fears that the structure may collapse at any time. After the businesses leave the premises, the city will begin repair of the wharf, if feasible, George Scontriano of the Ship Cafe and Mrs. William Coomes of the bait shop refused to sign acceptance of the notices until they meet with their attorneys. Although Scontriano denied his business was in drastic danger, Mrs. Coomes, wife of the former council candidate, said there was no question as to the seriousness of the condition. 'It just catches my business at the wrong time of the year,' she lamented. For a complete story of the wharf's problems, see Page 4 in today's Sentinel."

May 14, 1959. Santa Cruz Sentinel, Volume 103, Number 114. Page 4.
General Fish Corp. Ordered To Vacate Its End Of Wharf Building By June 1
By John Wheeler
"General Fish corporation was ordered to vacate its end-of-the-wharf building by June 1 in an official notification today from City Manager Pete Tedesco. The unsafe condition of the wharf at that point was given as the reason. The move marked low tide in the history of the 43-year-old municipal wharf which suffered from the ravages of rot, storm and the voracious teredo worm. The notice also came as members of the mayor's wharf committee were scheduled to hold first hearing today on just what the wharf needs in the way of repairs, how much the work may cost and, toughest of all, how the construction can be financed. Tedesco said the notice was issued, 'On the strength of City Engineer Alex Russell's and structural Engineer H. J. Brunnier's warning that the far end of the wharf could collapse at any time. Such a catastrophe could carry fishermen, sightseers, General Fish employees and anyone else on the spot into the water.' Since the danger at the end of the wharf and the generally poor condition of pilings running under much of the remainder of the structure were discovered early this year, city officials have discussed several plans but made no recommendations pending a report from the wharf committee. Off-the-cuff suggestions have included moving the new buildings in from the end of the wharf and shortening it to allow for cheaper maintenance and better access by foot traffic. Another would be to widen the wharf to allow for more parking, including repair of the wharf under General Fish and make that area a parking lot. This would aid solving one of the wharf businessmen's worst problems. How to get customers into the stores or restaurants with a maximum of ease and convenience. How would any of this be paid for? Brainstorming at city hall includes doubling parking meter rates to a dime and drastically increasing wharf rents, a solution to which businessmen have taken strong exception. Although no actual engineering surveys have been made, City Engineer Alex Russell opined that 85 per cent of the wharf's pilings might have to be replaced. This in turn caused speculation that a new and much smaller structure suited for tourists rather than cement shipping might be built. Chief villain of the piece is a silent, voracious armada of teredo worms which has chewed its way through wharf pilings to such an extent that in some places whole sections of timber are missing or only a shell remains. The worm long has had a bad reputation with sea-going men. In 1917-'21 an estimated $25 million in damage to San Francisco Bay wharves, jetty and the like was caused by a particularly bad outbreak of the 'shipworm.' After being weakened and in some cases severed, timbers are bashed

loose during winter storms and in turn act as wild battering rams against their brothers as waves pound them toward the shore. During last January's storm, nearly a score of pilings was lost this way. As a result of this and earlier losses, the wharf's water line resembles a dentist's dilemma of rotting and missing teeth. The damage particularly was severe below the General Fish building, which in addition to structural weight includes several giant freezers. Part of the building already has torn away from the wharf and been jerry-rigged to stave off further damage until repair can be made. To repair the wharf at this point will require a virtual demolition of the General Fish building to allow pile drivers to be moved into place."

May 20, 1959. Santa Cruz Sentinel, Volume 103, Number 119. Page 1.
City Reiterates Stand On Wharf
"All business operations at the end of the municipal wharf will end June 1 because of dangerous structural conditions, City Manager Pete Tedesco reaffirmed today. The decision ended speculation that the city might allow General Fish corporation to remain in operation if the city were legally excused from liability in case of collapse of the wharf's end. Businesses affected by the decision are General Fish, Ship Cafe and Doc's Bait Shop. All are included in the barn-like building squatting at the wharf's terminus which Mayor Dr. Ted Foster said, 'would be condemned structurally if it were anywhere in the city.' Tedesco said this morning the building will be torn down as soon as vacated. Then the wharf pilings below would be repaired, if possible, he added."

May 22, 1959. Santa Cruz Sentinel, Volume 103, Number 121. Page 1.
Wharf Closing May Bring On Legal Battle
"The first legal battle over the city's closing of wharf's end businesses appeared ready to break into the open today. Harry Lucas, representing George Scontriano of the Ship Cafe, said he would ask the city to relocate the business to a new site on the wharf, allow it to stay with structural modifications or face legal action. The cafe has been ordered to vacate the General Food [sic] Corporation's building by June 1, along with that firm and Doc's Bait shop. The bait shop, operated by Mrs. William Coomes, is expected to be relocated. General Fish and the cafe have both been told by city officials there is no new place for them to go on the wharf. The order to vacate was issued by City Manager Pete Tedesco recently because of serious structural weaknesses below the big building. The remainder of the wharf still is termed safe by city inspectors. Lucas said that termination of the lease appeared to be without due cause since his client is not located over the area where the structural weaknesses exist. He added he felt the city could not terminate the lease legally under present conditions. The attorney stated his client would leave by the June 1 date if no agreement could be reached by that time. Court action would follow, he added. General Fish has not indicated what course it will follow and has not acknowledged the city's order, according to Tedesco."

June 2, 1959. Santa Cruz Sentinel, Volume 103, Number 130. Page 1.
Legal Levers Sought For End Of Wharf
"Legal levers to pry loose stand-pat, end-of-the-wharf businessmen will be proposed to councilmen tomorrow by City Attorney John Barber. Object of the action will be General Fish Corporation and Ship Cafe, both of which have been ordered to vacate the end of the wharf because of unsafe structural conditions. The date to leave passed yesterday, with both firms doing business very much as usual. City Manager Pete Tedesco said he will advise the council to press aggressively for action so the General Fish building can be torn down and the end of the wharf be repaired, if possible, before the advent of the winter storm season. Tedesco said present plans call for an inventory and short-range solution for the end of the wharf due to the danger to the structure because of missing pilings and generally weakened structural conditions. The possibility has been raised that should the end of the wharf be bested by wind and wave; it might carry a large portion of the rest of the structure with it on the way to the water. 'Our primary concern is to protect the city from liability problems and the lives and property involved,' Tedesco claimed this morning. After a temporary end of the wharf solution is agreed upon, the remainder of the structure will undergo a survey designed to find out if it is worth repairing and how much the job might cost. Engineer Henry Brunnier will be contacted this week to discuss his $250-a-day consulting contract with the city on the wharf he designed in 1914. 'But there is not much he can do until we clear the General Fish building off,' Tedesco stated. Yesterday, both businesses in the building indicated they would remain as long as possible to take advantage of the summer tourist and salmon season. Mrs. William Coomes, manager of Doc's Bait Shop, already has left the building as walkways along both sides of the structure were barricaded by the city."

July 6, 1959. Santa Cruz Sentinel, Volume 103, Number 159. Page 12.
Future Of Wharf To Be Studied At SF Meeting
"City officials and an expert structural engineer will ponder the future of Santa Cruz' aging, sagging municipal wharf tomorrow in a meeting at San Francisco. City Manager Pete Tedesco said he and City Engineer Alex Russell will meet with H. J. Brunnier, who originally designed the municipal wharf when it was built primarily to serve coastal shipping. Tedesco said part of the discussion would center around how best to utilize divers who will survey the structure's decaying pilings. Brunnier has been retained as a consultant by the city council to aid in drawing up a master plan for the wharf, or to tell it that a new structure is needed if he decides the 1914 structure cannot be saved. Currently City Attorney John Barber is attempting to oust General Fish Corporation and the Ship Cafe from the wharf's end where the most critical structural conditions exist. City officials hope to raze the warehouse building and attempt to save the wharf below. If the underpinnings prove too rotted, that portion of the wharf will be destroyed before winter's storms begin, Tedesco has stated."

July 8, 1959. Santa Cruz Sentinel, Volume 103, Number 161. Page 1.
City Reaffirms Need For State Funds For Wharf
"Leaving no stone unturned in the quest for funds for rehabilitation of the aging municipal wharf, City Manager Tedesco has restated the city's desire for monetary assistance in a letter to the state Wildlife Conservation Board. Tedesco said the letter was simply a restatement of a request made earlier this year when the infirmities of the pier first caused alarm. 'We just want them to know that we want to be first in line if they should get any more funds for this use,' Tedesco said. He said the City of Berkeley has received over $150,000 to rejuvenate its wharf. The state agency informed Tedesco after his first application, that it had no more funds available. The city has instituted two suits to remove business establishments from the tip of the wharf, considered most dangerous. A proposed meeting with Henry J. Brunnier, consulting engineer who built the wharf in 1914, failed to materialize yesterday, Tedesco said, due to conflicting schedules of city officials."

July 14, 1959. Santa Cruz Sentinel, Volume 103, Number 166. Page 1.
Wildlife Funds Can't Be Used To Repair Wharf
"State wildlife conservation funds are not available for rejuvenation of the Santa Cruz municipal wharf, City Manager Peter Tedesco was informed today in a letter from the conservation board. The board has made funds available for rehabilitation of piers, but only when the state is given sole proprietary interest in the structure. This is considered impracticable here, Tedesco said. He said that Assemblyman Glenn E. Coolidge (R-Felton) is continuing an investigation of possible sources of state revenue for the municipal wharf. The city, fearful over the condition of pilings destroyed or weakened through the years, has instituted two suits to remove business establishments from the tip of the wharf. Rebuilding and widening of the entire structure has been suggested."

September 17, 1959. Santa Cruz Sentinel, Volume 103, Number 221. Page 1.
General Fish Plans For Leaving Wharf
"City Manager Peter Tedesco said this morning he is 'confident General Fish Corporation will finalize its plans to leave the municipal wharf by next week.' The statement followed a telephone conversation with Joseph Flannigan, president of the firm. Tedesco was told the firm was holding meetings tonight and tomorrow night in an attempt to settle terms of its relocation elsewhere in the Monterey Bay area. Tedesco yesterday issued a 'last warning' to the firm to vacate the dangerous wharf-end premises or face legal action. However, after the talk with Flannigan absent from San Francisco officers of the firm yesterday the city manager said, 'It appears that one more week of patience may obviate the necessity of long and arduous litigation.' He said that if there is no definite action by the firm next week, the city attorney will be asked to consider revival of pending suits against General Fish. The city on June 1 ordered the corporation to cease operations in the city-owned structure at the end of the pier. Pilings underneath the building have been described as in 'critical' condition. An injunction action was filed in municipal court. It later was transferred to superior court, but the city has not pressed the suit there. Tedesco said the city has attempted to let General Fish relocate peaceably. At present, a pair of San Jose divers is beginning removal of about 10 defective pilings from beneath the wharf. Tedesco said they have about 45 hours of work remaining. Then they will inventory the remainder of the structure, built in 1914. Results will determine if the structure is to be replaced or rejuvenated."

November 2, 1959. Santa Cruz Sentinel, Volume 103, Number 260. Page 4.
End Of Wharf Removal Proposed
"A recommendation that the last 160 feet of the Santa Cruz municipal wharf be removed as soon as possible, will be made to the city council, it was decided Friday evening at a meeting of the Wharf Improvement and Rehabilitation committee. The area is that now occupied by the General Fish Company warehouse. The firm is in process of moving as the wharf at that point is dangerous because of storm-damaged pilings, officials said. The committee is checking into the possibility of having the section and pilings removed without cost by someone wanting it for the salvage involved, said City Manager Pete Tedesco. The committee also decided to make a preliminary survey of the rest of the wharf to locate defective pilings for possible replacement, Tedesco said. He reported that the remaining portion of the wharf is 'structurally sound.' The city council meets again a week from Tuesday, and the report should be prepared by that time, Tedesco said."

November 8, 1959. Santa Cruz Sentinel, Volume 103, Number 265. Page 1.
Review Of Wharf Revenue And Leases Will Be Asked
"A review of municipal wharf revenues and leases will be requested Tuesday night at the regular city council meeting, beginning at 7:30 o'clock. City Manager Peter Tedesco said Friday he will ask the mayor to have the committee on wharf improvements and rehabilitation prepare recommendations especially in reference to future capital outlays. Recent recommendation of the committee that the last 160 feet of the pier be removed as soon as possible also will be offered for council consideration. Tedesco said his request is related to the apparent need for rehabilitation or improvement of other portions of the wharf, generally 'without repair since it was built in 1913. At present, our primary sources of revenue are parking meters, rents, and general fund contributions,' Tedesco said. 'These barely meet operating expenses.' He said operations costs for the current fiscal year are estimated at $50,000. Tedesco said that improvements on the pier rent for nine cents a square foot."

November 11, 1959. Santa Cruz Sentinel, Volume 103, Number 268. Page 5.
Council Authorizes Removal Of 160 Feet From Wharf End
"Santa Cruz city council last night authorized City Manager Peter Tedesco to negotiate for removal of 160 feet of the southerly, or tip, end of the municipal wharf. The mayor's wharf rehabilitation and improvement committee also was charged with responsibility for an immediate review of the financial structure of the venerable pier. City Engineer Alex Russell told the council that about 40 per cent of the pilings under the present General Fishing corporation building at the end of the pier are no longer present or are inadequate. 'Probably the only reason the section has stood as long as it has is that it was originally designed for a much heavier load than has been on it,' Russell said. He pointed out that most of the piles have been in the water for 45 years. 'We have been doing well to get as long a life out of them as we have,' Russell said. Tedesco said it might be possible to have the end section removed for salvage value. Councilman Robert Burton questioned removal of the 60 per cent of piles which might be serviceable. 'If nothing else, they might act as buffers,' he said. Councilman Bert Snyder pointed out that these eventually would be nothing more than battering rams. The wharf committee was asked to study wharf rentals, parking meter rates and other revenue sources which might put the wharf on a self-sustaining basis. Tedesco has suggested that the committee might investigate the possibility of providing for capital improvements by wharf tenants. Once constructed, these would be conveyed to the city and would be leased back on a long-term basis with allowance for amortization. 'This would obviate the need for public financing of building improvements and place the burden on present or prospective wharf tenants, Tedesco said.' "

March 2, 1960. Santa Cruz Sentinel, Volume 104, Number 52. Page 1.
Fishing Exec Plans Fight To Save Wharf
"Fishing executive Malio Stagnaro raised storm warnings today over city council action yesterday morning reaffirming an earlier decision to have the 'tip' of the municipal pier removed. 'It's our life and I can't stand by and let the city cut it down,' said Stagnaro, president of the Cottardo Stagnaro Fishing corporation. The outspoken wharf lessee threatened an injunction to stop any razing of the end of the wharf; challenged engineering surveys conducted by the city and figures which have been quoted in discussion of removal or rehabilitation of the end section. City Manager Peter Tedesco said earlier this morning he feels much of the dissension among wharf lessees is due to misunderstanding. 'I would like to make it clear that at no time has the council talked about 'scrapping' the wharf. It has been concerned exclusively with the portion presently covered by the General Fish Corporation warehouse,' Tedesco said. The city manager added that the council is looking for 'concrete suggestions' from the

Santa Cruz of Tomorrow committee on how best to integrate the wharf with the total recreational development of the area. Controversy arose after the city council in a breakfast session yesterday reaffirmed a decision made last November to have the portion presently covered by the warehouse removed. An inventory last fall had shown about 40 per cent of pilings to be missing or inadequate. Since the original council action, wharf lessees have protested removal of any of the structure. They have suggested the section be reinforced to provide a parking area. Tedesco explained that the council action yesterday was based on two points: Money for rehabilitation of the section could better be spent elsewhere on the wharf. There is no assurance the added parking would be a material improvement for the wharf. Stagnaro said today he will discuss an injunction with his attorney, Donald Younger, as soon as the latter recovers from illness. 'They say they are just going to cut off this end piece, but what's to stop them from coming down closer and closer to shore,' Stagnaro said. He pointed out that the end section was a prime recreational fishing area before it was closed, General Fish warehouse. 'We out on the wharf feel the end section is the anchor,' Stagnaro said. 'If it is removed the whole thing might go.' He said that he would challenge the inventory made on the pilings last fall. 'The men that were used were incompetent to give a thorough analysis. They were two skin divers, and that's it!' He pointed out that $146,000 quoted as replacement cost for the end section refers to total replacement. 'It would not take nearly this amount to put it in shape for parking,' he suggested."

March 8, 1960. Santa Cruz Sentinel, Volume 104, Number 57. Page 5
Save the Wharf
Excerpt: "We, the undersigned Santa Cruz Municipal Pier lessees, are naturally concerned over the future and disposition of the wharf. We have had many inquiries from interested people locally and nation-wide. We hereby submit a few of the facts and viewpoints relative to this vital issue."

April 11, 1960. Santa Cruz Sentinel, Volume 104, Number 86. Page 1.
Tedesco Unhappy Over Wharf Bids
"We're just going to have to do it ourselves, one way or another," City Manager Peter Tedesco said this morning after a startling look at the sole, $7000 bid on demolition of the warehouse at the end of the municipal wharf. City crews have stripped the former General Fish warehouse to its framework, but it was felt the final razing should be handled by fully insured and experienced workmen. The bid of Granite Construction company was opened Friday. Tedesco said he asked for bids on the basis of an informal proposal of about $2600. However, that party had 'difficulties' in respect of bonding and insurance he said. 'It appears we are going to have to hire someone and take the liability ourselves,' Tedesco said. General Fish Corporation was ordered from the facility last spring after it was found that the huge storage boxes were pushing through the decking of the wharf, weakened by storm damage to pilings."

May 4, 1960. Santa Cruz Sentinel, Volume 104, Number 106. Page 1.
[Note: the photo included with this article shows men standing in front of a partially demolished wharf warehouse, holding a drawing of a proposed fishing area at the end of the wharf.]
Possible Design For Wharf Turnaround
Photo caption: "City and state officials and wharf lessees scan a sketch proposal for recreational fishing and vehicle turnaround areas on the tip portion of the municipal wharf presently covered by a warehouse. The structure, being razed by a two-man city crew, looms in the background. Holding the artistic drawing are, left to right, Giovanni Stagnaro, State Sen. Donald Grunsky, City Manager Peter Tedesco and Malio Stagnaro. Ralph Gray, a city park commissioner, is visible in the background and Parks Director Carl Bengston is in foreground. The turnaround proposal has been drawn up by Gray as a park commission recommendation for use of the seaward wharf section. Informal response of wharf including the two Stagnaro firms, has been favorable. Bengston pointed out that the plan at present is merely conceptual. No cost figures can be determined until condition of the wharf sections is determined. Provision for recreational fishing away from parking areas is an integral part of the proposal. Tedesco pointed out the recreational fishing aspect of the plan might qualify the city for some state financial assistance. Grunsky has offered to set up a meeting of city and state wildlife conservation board representatives to explore this possibility, Tedesco said. Such a plan might require giving the state a proprietary interest in the wharf section, he pointed out."



Possible Design For Wharf Turnaround

City and state officials and wharf lessees scan a sketch proposal for recreational fishing and vehicle turnaround areas on the tip portion of the municipal wharf, presently covered by a warehouse. The structure, being razed by a two-man city crew, looms in the background. Holding the artistic drawing are, left to right, Giovanni Stagnaro, State Sen. Donald Grunsky, City Manager Peter Tedesco and Malio Stagnaro. Ralph Gray, a city park commissioner, is visible in the background and Parks Director Carl Bengston is in foreground. The turnaround proposal has been drawn up by Gray as a park commission recommendation for use of the seaward wharf section. Informal response of wharf including the two Stagnaro firms, has been favorable. Bengston pointed out that the plan at present is merely conceptual. No cost figures can be determined until condition of the wharf sections is determined. Provision for recreational fishing away from parking areas is an integral part of the proposal. Tedesco pointed out the recreational fishing aspect oft he plan might qualify the city for some state financial assistance. Grunsky has offered to set up a meetitng of city and state wildlife conservation board representatives to explore this possibility, Tedesco said. Such a plan might require giving the state a proprietary interest in the wharf section, he pointed out.

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Image: Santa Cruz Sentinel, Volume 104, Number 106. May 4, 1960. Page 1.

May 22, 1960. Santa Cruz Sentinel, Volume 104, Number 121. Page 7.
Nesbit To Meet With SC Officials On Muni Wharf
"Ray Nesbit executive secretary of the California Wildlife Conservation Board will meet Thursday with city officials concerning possible state financing of a recreational fishing pavilion at the end of the municipal wharf. State Senator Donald L. Grunsky (R-.Wat.), Nesbit, City Manager Peter Tedesco, councilman Harold E. Carriger, parks and recreation superintendent Carl R. Bengston, and recreation commission chairman Dr. Enrico Raffanti will take part in the discussions. In announcing the conference, Grunsky said, 'while it is not assured that the fishing pavilion will qualify for wildlife financing, there is a precedent for this use of the board's funds.' The wildlife board rehabilitated the Oakland fishing pier after leasing it for 25 years."

May 24, 1960. Santa Cruz Sentinel, Volume 104, Number 123. Page 1.
Recreation Use Of Muni Wharf To Be Discussed
"Does the municipal wharf qualify for state financial assistance for recreational fishing? This will be the theme of discussion tomorrow by city officials and Ray Nesbitt, assistant coordinator of the Wildlife Conservation board. The state board has funds available for promotion of recreational fishing. Whether the partially commercial Santa Cruz wharf can qualify for these is the primary question. City Manager Peter Tedesco said tentative plans for large recreational fishing and auto turnaround at the end of the wharf will be a central topic of the discussions."

August 1, 1960. Santa Cruz Sentinel, Volume 104, Number 180. Page 1.
Better'n The Good Old Days
"Hundreds of leisure fishermen enjoyed reopening of the end of the municipal wharf to the public Saturday. The tip portion had been closed since condemnation of the erstwhile General Fish Corporation warehouse in May, 1959. City crews Friday installed pipe railing for 290 feet along the westerly side and end of the wharf. The easterly side of the seaward section also will be opened within a few days, according to Carl Bengston, recreational director. Benches are being constructed and water pipes have been extended for drinking fountains, Bengston said. 'This will be the extent of improvements for the time being. We wanted to get immediate use of this area for recreational fishing this summer,' he added. The interior of the end portion bared with razing of the warehouse this spring has been fenced off, leaving a 16-foot walkway. This is a decided improvement over the narrow shelf which existed next to the old warehouse. Bengston said long range plans call for development of fenced fishing wells for youngsters through the decking. All work has been done with city funds. Bengston said possibility of state assistance still is being pursued. This photo was taken from pile driver which is fortifying the end section."


Better'n The Good Old Days

Hundreds of leisure fisher- few days, according to Carl leaving a 16-foot walkway. This

Image: Santa Cruz Sentinel, Volume 104, Number 180. August 1, 1960. Page 1

August 16, 1960. Santa Cruz Sentinel, Volume 104, Number 193. Page 1.
Public Support Sought For State Aid To Wharf
"Public support of the request for state wildlife conservation funds for development of improved public fishing facilities on the municipal wharf is being sought by the city. City Manager Peter Tedesco, in a letter to about 100 private citizens, civic groups, and organizations with a particular interest in the wharf, has suggested that they submit letters supporting the program to the wildlife conservation board. 'We are in need of the endorsement of the organization or body which you represent in order to demonstrate area-wide interest and support,' the letter said. These must be in the hands of the city parks and recreation department no later than Thursday. They also may be mailed directly to the Wildlife Conservation Board, Department of Fish and Game, 722 Capitol Avenue, Sacramento, 14, Calif. The city is seeking a state grant to assist in redecking and reinforcing the seaward 250 feet of the wharf and to provide adequate railing and other facilities to insure use of the area as a prime recreational fishing facility. Justification for the funds would be statewide interest."

September 11, 1960. Santa Cruz Sentinel, Volume 104, Number 214. Page 28.
"A year of testing, structural analysis, and planning have shown that our Municipal Wharf is adaptable or rehabilitation. Further development such as improved recreational fishing facilities and new businesses will make this charming landmark an even more valuable community asset."
[Note: Page 28, part of a special newspaper section titled, "Santa Cruz, Its People, Its Progress," includes a photo of the end of the wharf showing a pile driver working in the area where the warehouse had been demolished, and a drawing of a plan for the proposed fishing area to be funded by the state. The drawing indicates the locations of fishing wells, a bait shop, a snack bar, and restrooms.]

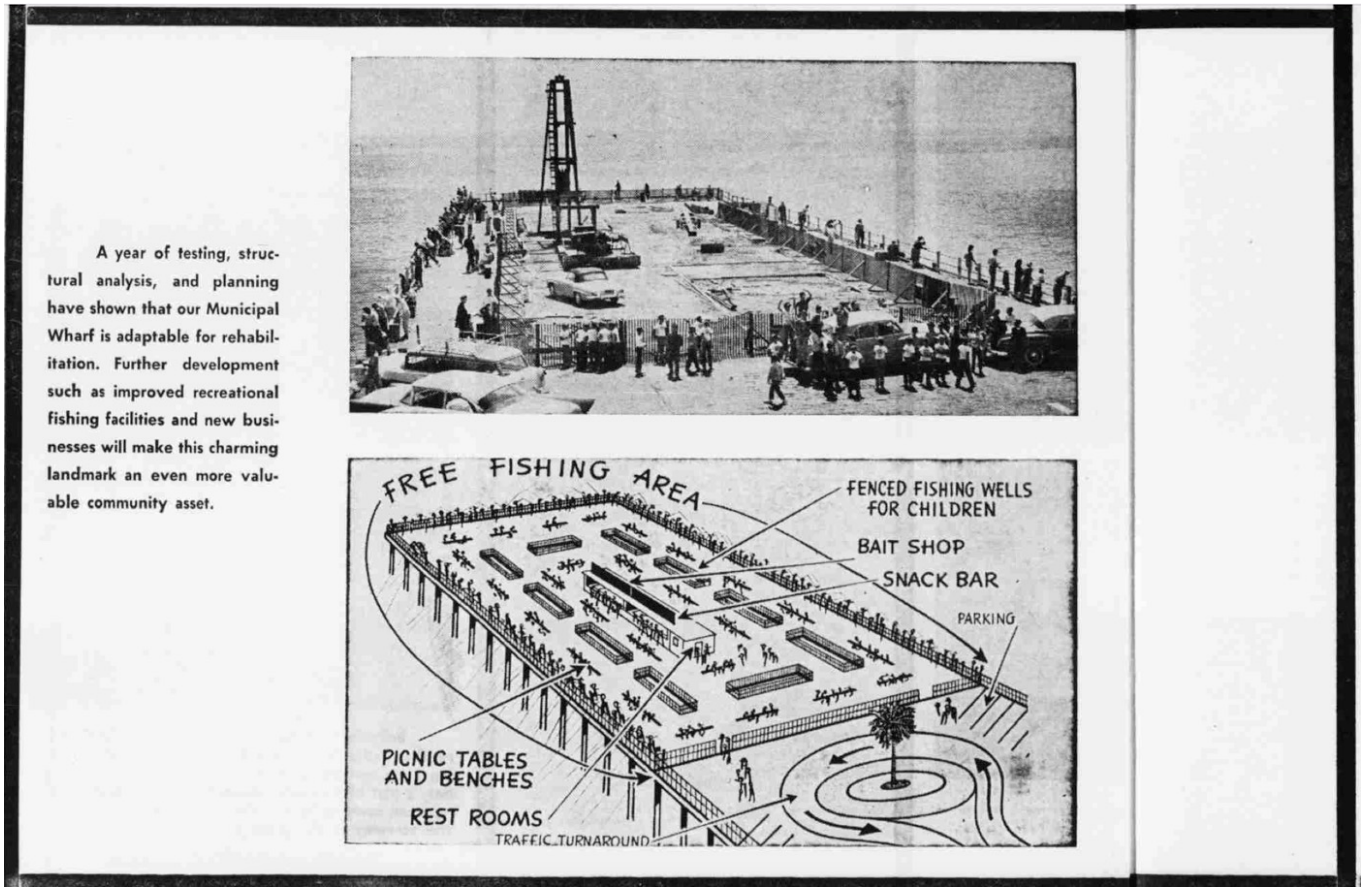


Image: Santa Cruz Sentinel, Volume 104, Number 214. September 11, 1960. Page 28.

September 12, 1960. Santa Cruz Sentinel, Volume 104, Number 215. Page 12.
State Wildlife Board To Hear Wharf Aid Plea
"Request for a $50,000 recreational fishing grant for the end of the Santa Cruz municipal wharf will be heard by the state wildlife conservation board Monday, September 19, in Eureka city council chambers. […] The funds for the municipal pier would be for rebuilding the end section and providing it with railing and other facilities for safe fishing. Studies are being completed showing a statewide interest in the fishing area and outlining plans and estimated costs. The grant would be conditioned on the city granting the state a proprietary interest in the rehabilitated area."

January 12, 1961. Santa Cruz Sentinel, Volume 105, Number 10. Page 14.
Wharf Program Go-Ahead Given To Tedesco
"The city manager was authorized Tuesday to execute a contract for engineering services in connection with recreational development of the seaward end of the municipal wharf. Consulting engineer H. N. Krull of Palo Alto has submitted a proposal for a three-phase program to implement site plans prepared by the city park and recreation department. A maximum contract of $2500 is specified. The engineering services will be covered by a $50,000 grant recently approved by the state Wildlife Conservation Board for the Santa Cruz project. The three phases of study outlined by Krull include use of existing data to determine condition of the wharf and load criteria, preparation of structural plans for necessary renovation and rest room facilities, and consulting inspection necessary for completion of the work."

January 31, 1961. Santa Cruz Sentinel, Volume 105, Number 26. Page 12.
Quitclaim On Wharf Land To Be Asked By City
"The state lands commission will be asked to convey all rights and interest in land under the municipal wharf to the city of Santa Cruz, City Manager Peter Tedesco said today. This quit claim action is necessary to clear the way for a $50,000 state wildlife conservation board grant for conversion of the seaward tip of the pier into a modern recreational fishing area. 'The wildlife board wants to make sure that we own the wharf before they release any funds,' Tedesco said. He said he could foresee no stumbling blocks in this requirement. H. N. Krull, a Palo Alto consulting civil engineer, has been hired by the city to prepare structural plans and specifications for use in the reconstruction, including accessory restroom structures."

March 1, 1961. Santa Cruz Sentinel, Volume 105, Number 51. Page 3.
Views From the Waterfront by Malio J. Stagnaro - HAPPY DAYS ARE HERE AGAIN
"An early start is expected on the recreational fishing area at the end of the famous Santa Cruz Municipal Wharf. The plans are complete and have been forwarded to the State Wildlife Conservation Board for approval since that body is to provide the funds. It is expected the area will be completed by June 1. The Wharf is gradually being reconditioned under strict safety standards under the efficient wharf maintenance crew headed by Wharfinger Howard Bethel, under the direction of Carl Bengston, city recreation director. Close cooperation to this rehabilitation program is being given by every tenant on the Wharf. Marvelous improvements are being made daily."

July 27, 1961. Santa Cruz Sentinel, Volume 105, Number 176. Page 1.
Clearance Is Granted For Wharf Work
"Final clearance has been granted for the $50,000 recreational fishing development at the tip of the Santa Cruz municipal wharf. Work will begin after the summer season, according to Carl Bengston, city parks and recreation director. The rehabilitation program will include replacement of piling and installation of new decking and more than 1550 lineal feet of railed and fenced fishing space. Restrooms, benches and wind screens also will be provided. Costs are to be met by a $49,550 grant from the state Wildlife Conservation Board. This was approved as a pilot project in development of accessible recreational fishing areas. Facilities must be provided to the public free of charge and commercial concessions will be limited from the area. The seaward 230 feet, cleared of a warehouse last year, will be affected. The grant was approved in September. Engineer H. N. Krull of Palo Alto drew up work specifications last winter. Final clearance was delayed in processing by the fish and game and state finance offices. Notification of the go-ahead came today in a letter from John Alden, fiscal officer of the state department of Fish and Game. City Manager Peter Tedesco said the city will have to support the development and then claim

reimbursement from the state. Portions will be bid and portions will be handled by force account, Bengston said. The fishing space of 1567 lineal feet includes 10 unique fishing wells. These will permit drop line fishing through the deck. The wells and perimeter will be surrounded by chain-link fences, Bengston said. He said about 60 pilings under the storm battered end section will be replaced. The new decking will be given an armor coating of gravel and blacktop. 'We hope to complete the project during the fall and winter,' Bengston said."

October 22, 1961. Santa Cruz Sentinel, Volume 105, Number 249. Page 5.
Wharf Reconstruction Off to Thumping Start
Photo caption: "Work has begun on rebuilding and refitting the seaward 230 feet of Santa Cruz municipal wharf for recreational fishing purposes. In upper photo, bystanders watch city crews drive a replacement pile on the easterly side of the wharf. In lower photo, city and state officials get a closer view. They include, left to right, Ralph Gray and Chairman Ralph Castro of the city parks and recreation commission; Ray Nesbit, coordinator for the state wildlife conservation board; State Senator Donald Grunsky, Malio Stagnaro, wharf businessman; Carl Bengtson, parks and recreation director; and Alvin Rutsch, state civil engineering associate. The Wildlife Conservation Board has granted $49,550 for the project, being handled by city crews. New underpinnings, decking, railing, restrooms, benches and wind screens will be provided."



Image: Santa Cruz Sentinel, Volume 105, Number 249. October 22, 1961. Page 5

December 2, 1962. Santa Cruz Sentinel, Volume 106, Number 283. Page 1.
Municipal Wharf Fishing Area Open - Wells And All
Photo headline & caption: *A Safe Fishing Area*. "First visitors 'discover' the newly completed fishing area at the end of the Santa Cruz municipal wharf. A joint project of the city and the State Wildlife Conservation board, it marks the first use of novel interior fishing 'wells,' designed for not so serious fishermen who use drop-lines. Attendance by the whole family is further encouraged by the thorough use of protective fencing."


A Safe Fishing Area

NO PARKING

First visitors "discover" the newly completed fishing area at the end of the Santa Cruz municipal wharf. A joint project of the city and the State Wildlife Conservation board, it marks the first use of novel interior fishing "wells," designed for not-so-serious fishermen who use drop-lines. Attendance by the whole family is further encouraged by the thorough use of protective fencing.

Credit Abuse

Re-Vote Due

Municipal Wharf Fishing Area Open–Wells And All

By Sy Berg

The recreational fishing area ... each foot of space available for fishing, according to Parks and

Image: Santa Cruz Sentinel, Volume 106, Number 283. December 2, 1962. Page 1.

Municipal Wharf Fishing Area Open - Wells And All
By Sy Berg
"The recreational fishing area at the end of Santa Cruz wharf, under construction for the past year, has opened for use by the public. The 250-foot-long area contains a novel pilot project of the State Wildlife Conservation board. In addition to fishing space on the outside for the fully equipped, veteran anglers, there are 11 interior 'wells' that may be fished with drop-lines by youngsters and less dedicated devotees of Izaak Walton. In both cases, fishermen are protected by chain-link, corrosion-resistant, aluminum fencing. Yet to come are benches and wind screens for the comfort of the fishing public. Also planned for the center of the area is building housing a snack bar, a bait shop, and public restrooms. The project has been a joint effort of the state and the city. The state wildlife board contributed on the basis of $3.50 for each foot of space available for fishing, according to Parks and Recreation Director Carl Bengston. This included the 'length' provided by the interior fishing wells, making a $49,500 appropriation from the state. Reconstruction of the wharf underpinning began about a year ago. Almost 100 new pilings were driven into the ocean floor. All defective timbers were replaced with new, chemically treated wood

plus an 'armor-coat' surface on the deck. The regular city wharf crew did all the work except the fencing. The city was reimbursed by the state for man-hours of labor by the city crew. This precedent-setting project is being closely observed by the wildlife conservation board. If it becomes as popular as anticipated, similar fishing areas will be started along the entire coastline of California."

January 18, 1963. Santa Cruz Sentinel, Volume 107, Number 15. Page 1.
Wharf Fishing Area Dedication Tomorrow
"Formal presentation to the city of the new end-of-the-wharf fishing facilities will be made tomorrow at 3 p.m. by the State Wildlife Conservation Board. The unique $49,500 project, completed by the city with state funds, is a pilot project to test feasibility of such family-type recreation unities. It will be presented to Mayor Bert Snyder. Other city, state and federal officials and the Santa Cruz High school band will participate in the ceremonies. About 1180 lineal feet of fishing space is provided. The wharf perimeter is for the veteran fisherman. Eleven 'wells' are included on the inside for the use of drop-line enthusiasts, young and old. Emphasis is on safety and fun for the whole family. Yet to come are benches and wind screens. Also planned is a building housing a snack bar, bait shop and public restrooms. Featured speaker of the dedication ceremony will be A. Heaton Underhill. U.S. Department of Interior official and former longtime chief of New Jersey fish and game department. Underhill is here for the Associated Sportsmen of California 'little convention' this weekend (See sports page). Sam McNeely, newly elected president of the Greater Santa Cruz Chamber of Commerce, will serve as master of ceremonies. He has promised a fast-moving schedule. Among the notables appearing will be State Sen. Donald Grunsky, Assemblyman Alan Pattee and Ray Nesbitt coordinator of Wildlife Conservation Board, who will make the presentation to the mayor. Also expected are W. T. Shannon, director of the state fish and game department and Sen. Aaron Quick (Imperial), a member of the Wildlife Conservation Board."

January 20, 1963. Santa Cruz Sentinel, Volume 107, Number 16. Page 1.
Wharf Fishing Area Dedication
Note: This article includes a photo of the dedication ceremony.
"A. Heaton Underhill, department of the interior official, yesterday told a crowd of about 150 persons at Santa Cruz wharf fishing area dedication that California must continue to set aside public recreation facilities while they are still available. Ray Nesbit, coordinator of the state Wildlife Conservation Board, formally turned the $50,000 fishing area over to the city of Santa Cruz. Mayor Bert Snyder accepted. Cottardo Peter Stagnaro represented the youth of Santa Cruz who will use some of the 1180 lineal feet of improved, protected fishing space provided in the pilot program."

February 3, 1963. Santa Cruz Sentinel, Volume 107, Number 28. Page 2.
Views From the Waterfront
C. Stagnaro Fishing Corp., Malio J. Stagnaro, President
By Estrella Stagnaro, Center of Municipal Wharf, Santa Cruz Beach
"— oOo — MAD! MAD! MAD! MAD SEA ... BUT BEAUTIFUL!
"Weather" or not, the popularity of the world famous Santa Cruz Municipal Wharf, is always in evidence, day in, day out, as throngs of people swarm to the wharf to thrill to the sea At Santa Cruz ... It was a mad sea . . . but beautiful! REMINISCING! DEDICATION DAY ON THE SANTA CRUZ MUNICIPAL WHARF. . . Jan. 19, 1963! THIS WAS THE DAY . . . long awaited by many of us who have watched the many months of work to complete the beautiful fishing area at the end of the Santa Cruz Municipal Wharf.
THE CALIFORNIA WILDLIFE CONSERVATION BOARD'S COOPERATION . . .with the City of Santa Cruz . . . affords one of the finest fishing facilities in the State of California for all to enjoy."

August 4, 1963. Santa Cruz Sentinel, Volume 107, Number 183. Page 13.
EYE . . . OPENER.
"NEWS . . . . .THE DOLPHIN . . . NEW RESTAURANT . . . . IS OPEN ON THE further end of our Municipal wharf ... same kind faces . . . new building and more and better food . . . ALSO OUT THERE . . . BRAND NEW IS WALT'S BAIT SHOP . . . along with the here-to-for mentioned REHABILITATED fisherman's wharf . . . now it is really different out there !!! ... "on the further end". . . good luck out there, we'll be a seein' ya!"

LETTER 5 – Renee Flower

5-1 History of Fishing Holes. The comment states that the Draft EIR only briefly explains why the former warehouse on the Wharf was demolished and doesn't appear to connect the warehouse's history to the creation of the fishing/viewing holes at the end of the Wharf. Commenter states that the fishing/viewing holes were created as part of a Wharf restoration project funded by the State Wildlife Conservation Board (WCB) in 1960, and provides excerpts from WCB meetings. The comment further states that it is the commenter's opinion that relocating the existing "wells" or creating equivalent or improved opportunities for fishing and viewing wildlife from the Wharf would be consistent with the original intent of the 1960 restoration plan funded by the WCB. Commenter provides excerpts from WCB meetings.

Response: Comment is acknowledged, and text on page 4.8-14 regarding history of the fishing holes has been revised based on WCB meeting information provided by the commenter; see Section 3, Changes to RPDEIR, in this document.

5-2 History of Fishing Holes. Commenter references pages in the RPDEIR and indicates that the history of the Wharf's "fishing holes" is much more complicated than what is presented on page 4.8-14, and reference to creation in 1970s is without supporting sources. The original fishing holes at the end of the Wharf were created in the early 1960s as part of a project funded by the State of California WCB as indicated in Comment 5-1. Wharf Master Plan policies related to the preservation or relocation of the fishing holes must be informed by the historical record.

Response: Comment is acknowledged; and text on page 4.8-14 has been corrected regarding history of the installation of the "fishing holes" at the end of the Wharf. See Section 3, Changes to RPDEIR, in this document.

5-3 Figure 4.8-3. Commenter states that the upper right-hand photo in Figure 4.8-3 shows an existing "fishing/viewing hole," but the lower right-hand photo included in Figure 4.8-3 appears to be a photo showing two of the original Wharf "fishing holes" from the early 1960s when the holes were first created, and is therefore not a representative photo of existing Wharf fishing in 2023.

Response: Text and Figure 4.8-3 have been revised to clarify that the lower right-hand photo is not an example of an existing representative fishing use, but depicts fishing use of the fishing holes when installed in the early 1960s.

5-4 Figure 4.8-8-Relocation of Fishing Holes. With reference to Figure 4.8-8, commenter states that because the original fishing holes (c. 1963) or "wells" were not specifically designed for "sea lion viewing," relocating and redesigning this aspect of the Wharf could provide improved sea lion viewing opportunities and an enhanced experience.

Response: The comment is acknowledged but does not address analyses in the RPDEIR; no further response is necessary.

5-5 Revised Wharf Master Plan - Historic Warehouse Building. The commenter asserts that with regards to revisions to the Santa Cruz Wharf Master Plan and in relation to the historic warehouse building and the proposed new "Landmark Building," the history of surfing at Cowell Beach should be examined as part of the Wharf's historical narrative. The warehouse building was a distinctive element of the view from Cowell Beach, Main Beach, the Boardwalk and Pleasure Pier, and West Cliff Drive in that era (1930s -1940s), and up until it was demolished in 1960.

Response: The comment is acknowledged, but addresses the Wharf Master Plan and not the analyses included in the RPDEIR. The comment on visibility and distinctive element of the former warehouse building is noted. No further response is necessary. However, it is noted that the Wharf Master Plan envisioned the Landmark Building as a reimagining of the historic warehouse building. The Master Plan also includes recommendations for a Wharf Interpretive Plan and that it should be developed through public engagement to identify compelling narratives like that recommended, as well as environmental, scientific, and cultural aspects of the Wharf.

5-6 Revised Wharf Master Plan – Sea Lion Viewing and Fishing Holes. The commenter states that the revised section on page 12 of the Wharf Master Plan should include consideration of the historical origins of the "fishing holes" at the end of the Wharf that were created in relation to funding provided by the state in 1960 to restore the damaged end of the Wharf. Because the original fishing holes, or "wells," were not designed for "sea lion viewing," relocating and redesigning this aspect of the Wharf could provide improved sea lion viewing opportunities and an enhanced experience. Informed community engagement would benefit from a review of the full history of the origin of the "fishing holes" and their relation to the demolition of the historic warehouse building at the end of the Wharf.

Response: The comment is acknowledged, but addresses the Wharf Master Plan and not the RPDEIR. The comment regarding relocation of the fishing holes is noted. No further response is necessary.

5-7 Revised Wharf Master Plan – Sea Lion Viewing and Fishing Holes. The commenter states that there is a connection between the former warehouse building at the end of the Wharf and creation of the fishing holes related to maintenance and funding issues at the Wharf; the commenter includes excerpts from newspaper articles regarding funding at the Wharf.

Response: The comment is acknowledged, but addresses the Wharf Master Plan and not the RPDEIR. The comment regarding relocation of the fishing holes is noted and provides valuable historical context. No further response is necessary.

From: Gillian Greensite <gilliangreensite@gmail.com>
Date: May 8, 2023 at 12:28:15 PM PDT
To: dMcCormic@santacruzca.gov
Subject: Clarification re Recirculated Draft EIR for Wharf Master Plan

Hello Dave,

6-1 A couple of items in the draft are unclear or are different from the former EIR. The original EIR for the relocated entrance gate said that the kiosks would be automated with 12 pay stations along the Wharf. The current entry says the kiosks will be staffed and there is no mention of pay stations. I'd appreciate a clarification on what is being proposed.

6-2 And, the original EIR for the Western Walkway said it was for pedestrians. The revision includes fishing on the WW. Is that accurate?

Thanks for clarification on these two points.

Regards,
Gillian

From: Gillian Greensite <gilliangreensite@gmail.com>
Sent: Thursday, May 11, 2023 9:21 AM
To: David McCormic <dMcCormic@santacruzca.gov>
Cc: Fred Keeley <fkeeley@santacruzca.gov>
Subject: Fwd: Clarification re Recirculated Draft EIR for Wharf Master Plan

Dave,

Would you please respond to the email below which I sent on Monday? The information requested is needed before comments on the draft revised EIR can be submitted.

Thank you,
Gillian

From: David McCormic <dMcCormic@santacruzca.gov>
Sent: Thursday, May 11, 2023 2:12 PM
To: 'Gillian Greensite' <gilliangreensite@gmail.com>
Cc: Fred Keeley <fkeeley@santacruzca.gov>
Subject: RE: Clarification re Recirculated Draft EIR for Wharf Master Plan

Hi Gillian,

Thank you for reaching out and sorry for the delayed response. I wanted to confirm the best approach to respond, as questions/comments are typically addressed comprehensively in the Final EIR.

Page 37 in the revised Wharf Master Plan (Pg. 35 in Original) states that "...ADA accessible staff booths can be provided as well as ticket readers and/or dispensers." Based on this statement, it is

anticipated that the parking gates could provide for staff, automated ticketing, or both. The Original Draft EIR and Rescinded FEIR are believed to be consistent with this statement. Please feel free to include any citations you feel are inaccurate when you submit your comments on the Partially Recirculated Draft EIR.

Fishing from the Westside Walkway is discussed in the Wharf Master Plan (Pg. 19 in Original), where it states that "It will add space to for recreational activities that are not currently available, providing for walking, viewing, *fishing* and open water swimming as well as for discovery of the unique marine environment of the bay." The Revised EIR studies the potential for fishing in areas where there are not clear conflicts with other activities, like boat launches, ADA access, or buildings, and includes the Westside Walkway as stated in the WMP. Whether or not fishing will ultimately be allowed on the Westside Walkway is more of a policy or operational consideration, outside the scope of CEQA.

Let me know if there is anything else you need to complete your review.

Best,

Dave
Asset and Development Manager
City of Santa Cruz Economic Development
(831) 420-5156 | dmccormic@cityofsantacruz.com
ChooseSantaCruz.com #ChooseSantaCruz

From: Gillian Greensite <gilliangreensite@gmail.com>
Sent: Friday, May 12, 2023 12:13:24 PM
To: David McCormic <dMcCormic@santacruzca.gov>
Cc: Fred Keeley <fkeeley@santacruzca.gov>
Subject: Re: Clarification re Recirculated Draft EIR for Wharf Master Plan

Hi Dave,

6-3 Thank you for these helpful clarifications. It appears that in addition to the staff booths at the new entrance, at least 12 pay stations or kiosks would also be provided along the length of the parking spine, so I'll base dEIR comments on that Wharf Master Plan entry.

6-4 Regarding the Western Walkway…that one word "fishing" is not included in the draft EIR so I did miss it. Appreciate your pointing it out.

6-5 There is one item that needs reassessment. For the public, the following statement accompanies the recirculated dEIR:

During this period, reviewers may submit written comments on the Recirculated Partial Draft EIR related only to the revised EIR sections included in this document. All other sections of the Draft EIR, dated March 2020 and Final EIR, dated September 2022, remain unchanged and are not subject to recirculation or additional public comment.

I don’t believe this limiting of public comment is allowed. You can decide to not respond to comments submitted however the public can comment on any part of the revised/recirculated dEIR in its entirety. A re-write and recirculation might be in order.

Best,
Gillian

LETTER 6 – Gillian Greensite

6-1 Relocated Entrance Gates and Kiosks. The comment asks for clarification on the relocated entrance as the original EIR indicated that the kiosks would be automated with 12 pay stations along the Wharf, and the current entry says the kiosks will be staffed and there is no mention of pay stations.

Response: City staff responded that page 37 in the revised Wharf Master Plan (Pg. 35 in original version) states that "...ADA accessible staff booths can be provided as well as ticket readers and/or dispensers." Further clarification of parking related questions can be found on pages 41-42 of the Wharf Master Plan, which includes a discussion of the proposed Pay on Foot Parking System. This section states that at least 12 remote pay parking stations will be located along the Wharf and that "…some or all of the booths on each of the islands at the parking gates can be staffed, if demand warrants or if required…" Based on these statements, it is anticipated that the parking gates could provide for staff, automated ticketing, or both. A parking office is also proposed in the vicinity of the Gateway building for customer service needs. The RPDEIR does not include changes to the Project Description regarding the relocated entry gate from what was included in the DEIR; see pages 3-20 and 3-21 to 3-22 in the RPDEIR that show no revisions have been made.

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6-2 Westside Walkway. The comment indicates that the "original" EIR for the "Western Walkway" indicated it was for pedestrians, and asks if the revised EIR that includes fishing on the walkway is accurate.

Response: City staff responded that fishing from the Westside Walkway is discussed in the Wharf Master Plan (page 19 in the original version), where it states that "It will add space to for recreational activities that are not currently available, providing for walking, viewing, *fishing* and open water swimming as well as for discovery of the unique marine environment of the bay." The RPDEIR studies the potential for fishing in areas where there are not clear conflicts with other activities, such boat launches, ADA-compliant access, or buildings, and includes the Westside Walkway as stated in the Wharf Master Plan. Whether or not fishing will ultimately be allowed on the Westside Walkway is more of a policy or operational consideration for the City Council or Coastal Commission and is outside the scope of CEQA.

6-3 Entry Gate Relocation. The commenter thanks City staff for clarification of the entry gate relocation kiosks and/or pay stations.

Response: comment is acknowledged; no response is necessary. See also Response to Comment 6-1.

6-4 Westside Walkway. The commenter thanks City staff for clarification of potential fishing from the Westside Walkway.

Response: Comment is acknowledged; no response is necessary. See also Response to Comment 6-2.

6-5 RPDEIR Public Comments. With regards to statement in RPDEIR that "reviewers may submit written comments on the Recirculated Partial Draft EIR related only to the revised EIR sections included in this document," commenter does not believe this limiting of public comment is allowed and suggests a "re-write and recirculation."

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Response: See Response to Comment 2-2 and Master Response 1, Scope of Revised EIR.

From: Judi Grunstra <judiriva@hotmail.com>
Sent: Tuesday, May 30, 2023 6:08:33 PM
To: David McCormic <dMcCormic@santacruzca.gov>
Subject: Wharf Master Plan Comment

Mr. McCormic:

7-1 Please add my comments to the record regarding the Revised Wharf Master Plan. I have not addressed specific areas pertaining to the impacts of the project on birds, fish, sea mammals, etc. There are others more qualified than I am who no doubt will address those concerns. I also am not well versed enough to comment on whether the proposed changes will impact the fishing opportunities for low-income fishermen/women. When there is much talk of "equity," this should be considered. Improvements to parking circulation seem a reasonable goal. The popular sea lion viewing holes should NOT be tampered with.

7-2 I do have reservations about the addition of a broad promenade, and care should be taken that diners in restaurants on that side should not have to see people walking along, or even just their heads, interfering with the view of the bay or shoreline. I also wonder about the safety of people on that side during stormy weather conditions.

7-3 These two goals are worthy of support:

1. Maintain and restore the characteristics that distinguish the Wharf as a unique physical and cultural landmark during its period of historic significance, when its role was closely related to the bay and maritime and commercial fishing activities.
2. Strengthen the Wharf and increase its resiliency to extreme weather conditions, seismic events and sea level rise. Continue regular maintenance…

The following statements, however, smack of "gentrification" and have the potential to replace whatever remains of the wharf's authenticity with a slick look that is likely to diminish and even ruin the experience in the name of "marketability."

Utilize the new recreation, public access and open space improvements to enhance the identity of the Wharf, expand its market appeal and focus its messaging for branding and marketing purposes.

4. Provide public oriented activities and a built form that gives structure and orientation to the visitor experience, expresses the unique characteristics of the Wharf and provides a more diverse and varied dimension to its venues and offerings.

The wharf already has a "built form that gives structure and orientation to the visitor experience," and has attracted residents and visitors for decades, whether to special city events or just to feel the fresh air and open sky. The only people calling for a "more diverse and varied dimension to its venues and offerings" are those with dollar signs in their eyes.

7-4 The worst of the proposed aspects is the unacceptable height and mass of the so-called "Landmark Building" at the end of the wharf. This met with much community opposition, and yet it remains in the Master Plan.

"LANDMARK" BUILDING
The building should be somewhat taller than commercial buildings, ***to gain in stature and prominence within the visual setting. It should be up to 40 feet in height*** *with a high-bay internal volume, an exposed wood truss roof and clerestory windows recommended to create a dramatic lighting effect that conveys an airy open feel both inside and outside of the space.*

This MUST be removed from the Wharf Master Plan! It is an affront to the overall aesthetics of our beloved Wharf. It violates the viewer's experience of the Monterey Bay and waters beyond. No matter how the Plan envisions educational or other events or exhibits, conferences, etc., in such a cavernous space (maybe weddings too?), such events could easily be scheduled in the nearby Coconut Grove ballroom, without impinging on the one-of-a-kind Santa Cruz Wharf.

As an aside, it seems the city has difficulty maintaining the facilities it currently has, let along constructing another one to maintain (or let deteriorate).

Thank you.

Judi Grunstra

LETTER 7 – Judi Grunstra

7-1 Wharf Master Plan. Regarding the Wharf Master Plan, the commenter states the impact the fishing opportunities for low-income fishermen/women should be considered, improvements to parking circulation seem a reasonable goal, and the popular sea lion viewing holes should not be tampered with.

Response: Potential impacts to recreational fishing uses are assessed on pages 4.8-36 to 4.8-37 of the RPDEIR, and impacts related to removal of the sea lion viewing holes are evaluated on pages 4.8-35 to 4.8-36. Social and economic impacts, i.e., opportunities for low-income people, are not topics that require evaluation under CEQA.

7-2 Wharf Master Plan. Regarding the Wharf Master Plan, the commenter states "reservations" about the addition of the broad promenade, that diners in restaurants should not see people walking along, and questions the safety of people on side during stormy weather conditions.

Response: Comment is acknowledged, but does not address analyses in the RPDEIR, and no response is necessary. However, potential impacts related to the Westside Walkway, which appears to be the reference in the comment, are addressed in DEIR and FEIR sections that were not affected by the court ruling. Please see DEIR pages 4.1-10 to 4.1-14 and in FEIR Response to Comment B1-5. It is anticipated that the Westside Walkway would be closed during extreme weather events and possibly "winterized" for seasonal closure, depending on design and safety needs.

7-3 Wharf Master Plan Goals. The comment states two Wharf Master Plan goals are worthy of support, but cites another Wharf Master Plan policy and action that commenter suggests would lead to "gentrification" and diminish the experience at the Wharf in the name of marketability.

Response: Comment is acknowledged, but does not address analyses in the RPDEIR, and no response is necessary.

7-4 Landmark Building. Commenter expresses opposition to the Landmark Building and indicates that it must be removed from the Wharf Master Plan.

Response: Comment is acknowledged, but does not address analyses in the RPDEIR, and no response is necessary.

From: Laura Lee <lcl9@hotmail.com>
Sent: Saturday, May 20, 2023 6:07 PM
To: David McCormic <dMcCormic@santacruzca.gov>
Subject: Master Plan RE: Wharf

Hello Mr. McCormic,

8-1 I've become aware of the plans to overhaul the Santa Cruz Wharf. Since I live in downtown and frequently walk the Wharf, I find the plans to upgrade this important place requires a more thorough examination. I do not appreciate your limiting our comments to only the revised master plan when we should be able to comment on the entire revised EIR. Not all of us citizens knew about the first EIR plan.

8-2 The Santa Cruz Municipal Wharf stands as a landmark providing attractive views from various parts of the bay as well as leisure activities for fisherman and strollers. People come to Santa Cruz to appreciate the views. The intended plans for three 40' high structures completely alter the views from all angles of the scenic areas overlooking the bay. Such tall structures will prohibit views from both sides of the pier which is currently a big advantage as it facilitates staying power. Providing places for people to linger is one of the aspects of successful city economic planning.

8-3 As it is now, this historical landmark is scaled in proportion to the adjacent beaches. The city's over-bearing plans completely alter the character of this area. Therefore, a more thoughtful and careful study needs to be done to assess the price the city is willing to pay with increased inflationary costs.

8-4 Adequate maintenance and care of the Wharf is an essential need of the pier to thrive. However, shortchanging visitors by narrowing the parking lanes will make it more difficult to get in and out of vehicles, especially because many parking on the pier are elderly and a lot drive SUVs or trucks.

8-5 Increasing commercial space is the goal of your team. However, many aspects of your plan need more study to fully understand their impact. In so doing, please consider how these 40' commercial buildings are OUT OF SCALE to Main and Cowell Beaches. If your intent is making our Wharf a highly commercialized pier like PIER 39, or even Fisherman's Wharf, we say NO. More is not better! Character, charm, and accessibility to a diverse population including low-income families has value and appeal. Catering to the higher income strata exacerbates the inequalities in our society. Many who live here do not wish to further this cultural phenomena and prefer being part of the solution in which a variety of interests are equally served.

Thank you for your consideration,
Laura C. Lee

Sent from Mail for Windows

LETTER 8 – Laura C. Lee

8-1 Wharf Master Plan. The comment indicates that comments should not be limited to only the revised master plan.

Response: See Response to Comment 2-2 and Master Response 1, Scope of Revised EIR.

8-2 Wharf Views. The comment indicates that the Wharf stands as a landmark providing attractive views, and the plans for three 40-foot high structures would completely alter the views from scenic areas overlooking the bay and alter the character of this area.

Response: Response: The comment does not address analyses included in the RPDEIR. As explained in Master Response 1, Scope of Revised EIR, responses will be provided to comments related to revised text presented in the RPDEIR. However, it is noted that the potential impacts raised in the comment have been addressed in the Wharf Master DEIR and FEIR sections that were not affected by the Court ruling. Please see DEIR pages 4.1-6 to 4.1-18 and FEIR Response to Comments A2-4, B1-3, B1-5, B1-6, and C1-2 regarding impacts to scenic views and impacts related to aesthetics.

8-3 Wharf Costs. The comment suggests a "more thoughtful and careful study needs to be done to assess the price the city is willing to pay with increased inflationary costs."

. *Response:* Comment is acknowledged, but does not address analyses in the RPDEIR, and no response is necessary.

8-4 Wharf Maintenance. The comment indicates adequate maintenance and care of the Wharf is essential, however, shortchanging visitors by narrowing the parking lanes will make it more difficult to get in and out of vehicles.

Response: Comment is acknowledged, but does not address analyses in the RPDEIR, and no response is necessary. However, proposed language in the Revised Master Plan recommends that "With any restriping, consider a variety of parking space sizes to accommodate a diversity of vehicle sizes including large SUVs and compact vehicles."

8-5 Wharf Character. The comment states many aspects of the Wharf Master Plan need more study regarding impacts and indicates that 40-foot tall buildings are out of scale with adjacent beaches. Comment further suggests opposition to making the Wharf highly commercialized like Pier 39 (in San Francisco).

Response: Comment is acknowledged, but does not address analyses in the RPDEIR, and no response is necessary.

-----Original Message-----
From: Jane Mio <jmio@earthlink.net>
Sent: Wednesday, May 31, 2023 4:35 PM
To: David McCormic <dMcCormic@santacruzca.gov>
Subject: RECIRCULATED PARTIAL DRAFT ENVIRONMENTAL IMPACT REPORT SANTA CRUZ WHARF MASTER PLAN

Good afternoon David,

Thank you for the possibility to submit my comments & the confirmation of their receipt.

9-1 The recirculated partial draft of the Wharf Master Plan EIR is strong with the mitigations for construction phases. Yet there are no mitigations listed for preventing long term accumulative impacts due to increase of human activities on the wildlife in a environment sensitive location.
Without mitigations in place for these events how will the City project lead assure the protection of the biodiverse integrity of this Natural Resource for the future generations?

9-2 It stands to reason that the design focus is on safeguarding the sensitive environment since the natural setting with its wildlife population is the City's acknowledged main Wharf attractions.
Therefore the pg. 3-20 light direction is an ill fit for the General Plan Light Pollution directions: Included in Chapter 8, Hazards, Safety and Noise p. 89/91/96 HZ5.1-HZ5.1.3.
p. 3-20 Quote from recirculated partial draft EIR:
"These letters could also be outlined to create a more vivid and arresting visual quality in the daytime as well as in the evening."

Sincerely,
jane mio

LETTER 9 – Jane Mio

9-1 Wildlife Mitigation. The comment states that recirculated partial draft of the Wharf Master Plan EIR is strong with the mitigations for construction phases, but there are no mitigations listed for preventing long-term accumulative impacts to the wildlife due to increase of human activities.

Response: The comment is acknowledged, but does not address analyses in the RPDEIR. As explained in Master Response 1, Scope of Revised EIR, responses will be provided to comments related to revised text presented in the RPDEIR. However, it is noted that the potential impacts to wildlife raised in the comment, including potential impacts from increased human use, have been addressed in the Wharf Master DEIR and FEIR sections that were not affected by the Court ruling. Please see DEIR pages 4.2-44 to 4.2-47 and 4.2-50 to 4.2-54 and FEIR Response to Comments B3-12 and B3-13 regarding impacts to wildlife due to human activities.

9-2 Wharf Lighting. The comment states that page 3-20 light direction is an ill fit for the General Plan Light Pollution direction included in Chapter 8, Hazards, Safety and Noise p. 89/91/96 HZ5.1-HZ5.1.3.

Response: The comment references revisions to the Wharf Master Plan on page 3-20 of the RPDEIR regarding signage at the Wharf. Comment is acknowledged, but does not address analyses in the RPDEIR. As explained in Master Response 1, Scope of Revised EIR, responses will be provided to comments related to revised text presented in the RPDEIR. However, it is noted that the potential impacts related light and glare and aesthetics of new signs raised in the comment have been addressed in the Wharf Master DEIR and FEIR sections that were not affected by the Court ruling. Please see DEIR pages 4.1-16 to 4.1-18 and FEIR Response to Comments B3-10 and B3-11 regarding light and glare.

From: Jane Orbuch <jorbuch@comcast.net>
Sent: Tuesday, May 30, 2023 5:05 PM
To: David McCormic <dMcCormic@santacruzca.gov>
Subject: WMP DRAFT EIR comment

To Sarah Easley Perez,

Thanks for the opportunity to comment on the partial draft EIR. Also thanks for your zoom presentation—hopefully that will be posted on line.

I have a few suggestions and comments:

10-1 1. I frequently bike out on the wharf—separating bikes from pedestrians, fisher people and vehicles would be very helpful. Also more bike parking is needed and most importantly the surface of the deck is really dangerous for pedestrians, vehicles and bikes—ie cracked and fissured asphalt. I believe a wood surface as exhibited by the Santa Barbara's Stearns wharf (see photo below) would be most helpful and probably require less maintenance. Also, we need to reduce fossil fuel vehicles visiting the wharf and Santa Cruz in general to support the City's Climate Change goals. Why are we increasing parking? We

10-2 should be encouraging walking, biking and shuttles? I also see no additional electric vehicle charging either—I only currently see one charger.



10-3 2. I appreciate that the plan advocates more recreational opportunities and ADA compliant features. However, as in Judge Burdick's ruling—there is no recognition of nesting birds—ie Pigeon Guillemots and their requirements for nesting which is not addressed by your revision. How will you address this?

10-4 3. Finally, today I visited the wharf and really enjoyed the new open area with Humble Sea Taps, seating, vibes and views. This is great—and really expands the opportunities to see and enjoy the ocean. Please maintain this open area!

I appreciate your response and inclusion in draft EIR comments.

Sincerely,

Jane Orbuch
2105 Branciforte Dr, Santa Cruz, CA 95065
831-458-1377

LETTER 10 – Jane Orbuch

10-1 Wharf Deck. The commenter states that the surface of the Wharf deck is dangerous for pedestrians, vehicles, and bikes and believes a wood surface would be helpful.

Response: The comment is acknowledged. The comment addresses condition of the Wharf's surface, but does not address analyses included in the RPDEIR, and no response is necessary.

10-2 Parking. The commenter questions addition of parking when walking, biking and shuttles should be encouraged and does not see electric vehicle charging.

Response: The comment is acknowledged, but does not address analyses included in the RPDEIR, and no response is necessary.

10-3 Nesting Birds. The comment states that there is no recognition of nesting birds, i.e., pigeon guillemots and their requirements for nesting which is not addressed by the EIR revisions.

Response: Comment is acknowledged, but does not address analyses included in the RPDEIR. As explained in Master Response 1, Scope of Revised EIR, responses will be provided to comments related to revised text presented in the RPDEIR. However, it is noted that the potential impacts raised in the comment have been addressed in the Wharf Master DEIR and FEIR sections that were not affected by the Court ruling. Please see DEIR pages 4.2-44 to 4.2-50 and FEIR Response to Comments A2-8, B1-7, B1-8, B1-9, B2-3, B2-4, B3-3, B3-4, B3-5, and B3-6 regarding impacts to nesting birds.

10-4 Wharf Conditions. The commenter states that that she visited Wharf and enjoyed the new open area with Humble Sea Taps seating and vibes and asks that this open area be maintained.

Response: Comment is acknowledged, but does not address analyses included in the RPDEIR, and no response is necessary.

From: Mark Trabing <mrtrabing@gmail.com>
Sent: Wednesday, May 31, 2023 10:24 PM
To: David McCormic <dMcCormic@santacruzca.gov>
Subject: Fwd: WMP DRAFT EIR COMMENT

To the City's Economic Development Department:

11-1 I have reviewed the Santa Cruz Wharf Plan (Plan) and EiRs, and attended the 5/30/23 Zoom Public Hearing. My comments range a little wider than the EIR. I understand the Economic Development Department's concern that the wharf doesn't pay for itself, wants to address an infrastructure backlog and impose development standards. But a balanced budget in this department, is not enough justification to take a chance of poorly redeveloping the historic wharf. As you stated, you should pursue outside funding to pay for improvements, including the County which benefits from the indirect tourist dollars, generated by the wharf. In addition, not all of the benefits that the wharf brings to the community, have been assigned a value or considered here, when it is said that the wharf does not pay for itself.

The City, of course, has good intentions to redevelop the wharf. But, look at how unsuccessful the nearby cities of Monterey and San Francisco have been in redeveloping Cannery Row and Pier 39. If these famous cities can't get it right, what chance does the small City of Santa Cruz staff have? The historic water fronts of Monterey and San Francisco are described in beloved fiction, then get morphed into cheesy commercial ventures, in exchange for the wharf generating more dollars. From an Economic Development Department's perspective, maybe these city projects are successful .. if they pay for themselves.

We all agree the wharf must be properly maintained. But implementing the current Wharf Plan (if they are anything like the graphics in the Wharf Plan), does not do enough to honor the history and traditions of this area. You can't replace the historic essence of the wharf, with more foot traffic and public art. That's what every other city does. Be bold, and just leave it alone.

11-2 The most egregious part of the Plan is extending the wharf to accommodate a Landmark Building. Along with the proposed boat landings, you are changing the old wharf into more of an entertainment park. Is the City lacking facilities to rent for weddings? Please don't destroy the old wharf to balance the budget.

11-3 The timing of approving a wharf development plan, is not good. There have been so many, recent, unfortunate changes to the community - closing the iconic West Cliff Drive, the sinking of the Aptos Cement Ship, the destruction of the Capitola wharf, the Bonny Door/Big Basin wild fires, the flooding of the Pajaro River. Leave us something to hang on to.

Thank you for the opportunity to comment on the Wharf Master Plan.

Mark Trabing
15 Saint Francis Drive
Watsonville

LETTER 11 – Mark Trabing

11-1 Wharf Funding and Redevelopment. The commenter states that concern that the Wharf pay for itself is not enough justification for redeveloping the Wharf and cites unsuccessful attempts in cities of Monterey and San Francisco. Comment agrees that Wharf must be properly maintained but states that the Wharf Master Plan does not do enough to honor the history and traditions of the area.

Response: The comment is acknowledged, but does not address analyses in the RPDEIR, no response is required.

11-2 Landmark Building. The commenter indicates that the Landmark Building along with the proposed boat landings would change the Wharf into an entertainment park and ask that the Wharf not be destroyed to balance the budget.

Response: The comment is acknowledged, but does not address analyses in the RPDEIR, no response is required.

11-3 Wharf Master Plan Approval. The commenter indicates that the timing of the approval of the Wharf Master Plan is not good given recent unfortunate changes in community related to winter storms, flooding, and fires.

Response: The comment is acknowledged, but does not address analyses in the RPDEIR, no response is required.

From: david van brink <david.van.brink@gmail.com>
Sent: Tuesday, May 30, 2023 11:49 AM
To: Economic Development <economicdevelopment@santacruzca.gov>
Subject: Wharf Master Plan question/comment

Hello!

I'm david van brink, west side resident for 35 years now.

The new updates for the Wharf are very exciting! I visit it often, and of course I love the worn down maritime feel, but nonetheless look forward to its next incarnation, which brings back some of its history as well.

Two comments.

12-1 1. Parking. Many developments are trending AWAY from car parking, in various ways. This is a good thing. There is mention of reducing vehicle conflicts (with nonvehicles). But I and many would love to see an overall reduction in parking and personal automobile access. A brief mention is made of shuttles from offsite parking... can we go further?

Let's get rid of half the parking. Or all of it. Or some of it?

12-2 2. The sea lion "viewing holes" are magical. I know there's no shortage of sea lions and chances to see them, no matter what. But consider creating these magical viewing portals if possible. They are a HIT with all visitors! Any survey would confirm this.

Thank you for efforts, great stuff ahead! // David Van Brink

_____
david van brink / david.van.brink@gmail.com / 831.332.6077

LETTER 12 – David van Brink

12-1 Parking. Commenter states preference for reducing parking and personal automobile access and suggests mention of shuttles from offsite parking areas and getting rid of most or all parking.

Response: The comment is acknowledged, but does not address analyses in the RPDEIR and is referred to City decision-makers for further consideration.

12-1 Sea Lion Views. The commenter states that the sea lion "viewing holes" are magical and creation of more viewing portals should be considered.

Response: The comment is acknowledged, but does not address analyses in the RPDEIR. However, pursuant to revisions in the Wharf Master Plan, these viewing holes will be retained or relocated as discussed in the RPDEIR. Per the Revised Master Plan, any proposal to modify or relocate the viewing holes, will be developed "through community engagement." Ideas for further enhancement of the viewing holes or additional viewing portals are welcomed by the City at any time, but could most effectively be considered at the design stage when public engagement will be solicited for future projects.

Community Meeting , May 30, 2023 Oral Public Comments

A City Staff presentation on the Santa Cruz Wharf Master Plan and EIR was provided prior to asking for questions or comments from the public. Oral public comments are provided below.

13-1 Gillian Greensite: Thank you very much. I have a couple of corrections, and a clarifying question. On the correction side, you said that the court ruling was to correct a number of aspects. However, that wasn't the court ruling. The court ordered that the entire EIR to be decertified and required the City to prepare a completely revised EIR that needs to be done.

13-2 And secondly, you said that the City Council rejected the alternative that removed the Landmark Building and the Western walkway. But the City Council voted to accept the 2020 EIR and Wharf Master Plan, but they didn't specifically call out the alternative. The court ordered the City to explain why it hadn't accepted the alternative, which was environmentally superior.

13-3 My clarifying question is you had said that all the money generated from the Wharf goes back into it. My understanding is a percentage of parking fees does not go back into the Wharf, it either goes into the General Fund or it goes to Public Works. Would you please clarify that? And, you said that the boats on the dock at the end, the south dock, that they're not particularly large. Well, they are. Both have capacity for boats up to 200 tons, which is around 120 feet.

13-4 Why isn’t the City following the court order that set to set aside the EIR and Wharf Master Plan and to prepare a completely revised EIR?

13-5 Mark Trabing: I think this is a regional issue, and what’s driving the Wharf Master Plan seems to be the City wants it to pay for itself.

13-6 2,500 citizens signed a petition concerned about the development and the direction the Wharf Mater Plan was going. The fear is the Wharf would be destroyed with the so-called improvements to this historic landmark. San Francisco and Monterey, in my opinion, messed up their opportunities with Peer 39 and Cannery Row. There's a fear that once you open the door to what I might call gentrification, you may have the best intentions, but decision-makers in the future could make irreversibly bad decisions.

13-7 John Aird: It seems to be a narrow view of the asset that the Wharf provides to the entire community. I don't think it should be driving a benefit both to the culture and to the economy of Santa Cruz. So why should it have to support itself? It's an asset that's bringing people to Santa Cruz. I don't argue with the fact that the City has fiscal challenges. But that’s not where I'd look for improvements in this kind of a restrictive notion of the financing of it.

13-8 It doesn't seem to be an accurate interpretation of what the judge did. He rescinded the whole EIR. The City has left out other concerns and decided to restrict the public's ability to comment on the totality once again. I don't think that was responsive to what the judge said, and I don't think it's responsive to what the community expects.

13-9 Linda Wilshusen: As I said in my letter on the original EIR, I really appreciate the Wharf, and I agree with some of the comments from the other speakers. I was not party to the to the lawsuit, but I was a little concerned that as somebody who commented on the EIR and the Wharf Mater Plan, I didn't receive any notification about this presentation or the tomorrow's deadline for comments until today. When there are aspects of the project that the public will be able to have input in at a future time, I encourage the City to really make an effort to let people know and keep people informed who have been engaged in this process as the project moves ahead.

13 Community Meeting Oral Comments

13-1 Scope of Revised EIR. The commenter states that the Court ordered the entire EIR to be decertified and required the City to prepare a completely revised EIR.

Response: See Master Response 1, Scope of Revised EIR.

13-2 Alternatives. The commenter states that the Court ordered the City to explain why it hadn't accepted the alternative that removed the Landmark Building and Western Walkway.

Response: See Master Response 1, Scope of Revised EIR, and Response to Comment 2-28.

13-3 Wharf Funds and Boat Size. The commenter asks whether money generated at the Wharf goes to Wharf maintenance or into the General Fund. The commenter also wanted to clarify that the south dock would have capacity for boats up to 200 tons and around 120 feet.

Response: The questions do not address analyses in the RPDEIR, and City staff provided clarifications to the questions at the community meeting. In summary, all revenues generated by the Wharf are assigned to the Municipal Wharf Fund within the City's General Fund. The Municipal Wharf Fund typically pays for expenses related to Wharf maintenance and operations, parking enforcement, and lifeguards Any shortfall of revenues to Wharf operating expenses is typically covered through a transfer of funds from the General Fund.

Commenter is correct that the South Landing will be designed to provide for the transient mooring of vessels up to 200 tons and approximately 120 feet in length as indicated on page 3-14 of the Project Description in the RPDEIR.

13-4 Scope of Revised EIR. The commenter asks the City why it isn't following the Court order to set aside the EIR and prepare a completely revised EIR.

Response: See Master Response 1, Scope of Revised EIR.

13-5 Wharf Funding. The commenter asks what is driving the Wharf Master Plan, and City can't continue to pay for Wharf improvements from other sources, such as development.

Response: The comment does not address analyses in the RPDEIR. See Master Response 1, Scope of Revised EIR.

13-6 Wharf Master Plan. The commenter states that a signed petition expresses concern about the development and direction presented in the Wharf Master Plan, and improvements may lead to "gentrification" despite the best intentions.

Response: Comment is acknowledged, but addresses the Wharf Master Plan and not analyses in the RPDEIR, and no response is required.

13-7 Wharf Funding. The commenter states that Wharf is an asset to the community and asks why it should have to support itself.

Response: Comment is acknowledged, but does not address analyses in the RPDEIR, and no response is required.

13-8 Scope of Revised EIR. The commenter refers to the Court order on the EIR and asserts that the City's interpretation is not accurate as the Court rescinded the EIR. The commenter also states that the City has decided to restrict the public's ability to comment on the totality of the EIR, and expresses concern about the extent of public involvement.

Response: See Master Response 1, Scope of Revised EIR, and Response to Comment 2-2 regarding public comments.

13-9 Public Notice. The commenter states agreement with the comments of other speakers, and was concerned that as somebody who commented on the EIR and plan, she did not receive notification about the community meeting or RPDEIR comment deadline until the day of the meeting. She encourages the City to make an effort to keep people informed who have been engaged in the process.

Response: Comment is acknowledged, but does not address analyses in the RPDEIR. However, it is noted that the City distributed the Notice of Availability (NOA) of the RPDEIR, which identified how to access the document and deadline for comments, to all agencies, organizations and individuals on the City's distribution list for the EIR as well as those who provided comments on the 2020 DEIR. As a commenter on the DEIR, the speaker was emailed the NOA, and the City did not receive notice that it was undeliverable. The community meeting was advertised on the Project website, the City's Press Release Newsroom, Facebook, Instagram, and LinkedIn. Nonetheless, the City appreciates the comment and will continue its efforts to inform and engage the community.

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