

# CHAPTER 2

## SUMMARY

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### 2.1 INTRODUCTION

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

### 2.2 PROJECT OVERVIEW

The proposed project consists of:

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

The Wharf Master Plan includes the following elements and recommendations.

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

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

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

## 2.3 AREAS OF CONTROVERSY OR CONCERN

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

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

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

- Aesthetics - potential impacts to scenic views and the visual character of the surrounding area as a result of Wharf expansion and new development;
- Biological impacts to San Lorenzo River habitat, including potential impacts to birds;
- Flood hazards and effects of climate change and sea level rise;

- Drainage and water quality impacts;
- Traffic and parking impacts; and
- Provision of public access.

## 2.4 SUMMARY OF ALTERNATIVES

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

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

Table 5-2 in Section 5 of this EIR presents a comparison of project impacts between the proposed project and each alternative. Alternative 1 – No Project Alternative would reduce the three significant impacts to a less-than-significant level. The other alternatives also would reduce significant impacts, but not to a less-than-significant level. Of the alternatives considered, Alternative 2 would best achieve project objectives, while also reducing the severity of identified significant impacts and therefore, is considered the environmentally superior alternative of the alternatives reviewed.

## 2.5 SUMMARY OF IMPACTS AND MITIGATION MEASURES

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

### 2.5.1 Significant Unavoidable Impacts

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

## 2.5.2 Significant Impacts

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

### Biological Resources

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Hydrology-Water Quality

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

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

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

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

### 2.5.3 Less-Than-Significant Impacts

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

#### Impacts Evaluated in EIR

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

- Impact BIO-7: Effects on Wildlife Populations.** Adoption and implementation of the Wharf Master Plan and subsequent Wharf expansion and construction would not substantially reduce the habitat of a fish or wildlife species, cause a drop in populations below self-sustaining levels, or a threaten local extirpation of a species.
- Impact CUL-1: Historic Resources.** Adoption and implementation of the Wharf Master Plan would result in future construction of new facilities and improvements that would result in alteration to the Wharf structure. However, the alterations would not materially impair the historical significance of the Wharf.
- Impact GEO-1: Geologic Hazards.** Adoption and implementation of the Wharf Master Plan and future construction of proposed facilities and improvements would result in exposure of new structural development to seismic hazards. However, with implementation of the recommendations of the Engineering Report prepared as part of the Wharf Master Plan, the project would not directly or indirectly cause potential substantial adverse effects related to seismic or geologic hazards.
- Impact HYD-1: Stormwater Drainage.** Implementation of the Wharf Master Plan and construction of proposed facilities would result in new structural development with some increase in impervious surfaces, but would not significantly increase runoff volumes or rates, exceed capacities of storm drains or result in erosion or water quality impact.
- Impact HYD-3: Coastal Flood Hazards.** Implementation of the Wharf Master Plan and future construction of proposed facilities would result in new structural development, but would not substantially increase exposure to flood hazards related to coastal storms and sea level rise or result in a risk of release of pollutants due to inundation.
- Impact TRA-1: Circulation System Impacts.** Implementation of the Wharf Master Plan and construction of recommended structures and improvements could result in increased vehicle trips to the Wharf, but would not conflict with a program, ordinance, or policy establishing the circulation system.
- Impact UTIL-1: Water Supply.** Implementation of the Wharf Master Plan and construction of recommended structures and improvements would result in construction of new buildings and enhanced public access, which could result in increased water demand for which there are sufficient supplies available to serve the project and reasonably foreseeable future development.

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

### Impacts Evaluated in Initial Study

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

## 2.5.4 No Impacts

The State CEQA Guidelines section 15128 require that an EIR contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. Through the Initial Study, NOP scoping process, and EIR, the City of Santa Cruz determined that the proposed project would have no impact on the environmental issues outlined below, and thus, are not further analyzed in the EIR. See the Initial Study in Appendix A for further discussion.

### Impacts Evaluated in EIR

- Impact BIO-2: Sensitive Habitat.** Implementation of the Wharf Master Plan would not result in direct removal or loss of or substantial adverse effect to sensitive habitat.
- Impact BIO-3: Sensitive Habitat - Wetlands.** Implementation of the Wharf Master Plan would not result in a substantial adverse effect to direct removal or loss of wetland habitat.
- Impact CUL-5: Paleontological Resources.** Adoption and implementation of the Wharf Master Plan and future development accommodated by the Wharf Master Plan, including construction of the two planned near-term projects, would be located on the Wharf that is within the Monterey Bay and would not result in excavation or impacts to unknown paleontological resources discovered during construction.
- Impact TRA-2: Conflicts with CEQA Guidelines (VMT).** The City of Santa Cruz is in the process of developing a VMT threshold, but has not yet adopted one and has until July 1, 2020 to do so. Thus, at the present time, the project would not conflict or be inconsistent with CEQA Guidelines section 15064.3. However, both policies and actions included in the Wharf Master Plan, as well as planned improvements, would support alternative transportation modes. Furthermore, the Wharf is served by the SCMTD bus stops and seasonal trolley and recreational train service. The recommendations in the Master Plan support and enhance opportunities for pedestrian and bicycle access.
- Impact TRA-3: Project Access. Project Access.** The project would not result in creation of hazards due to design of the project circulation system.
- Impact TRA-4: Emergency Access.** The project would not result in creation of hazards due to design of the project circulation system or result in inadequate emergency access.

**Impact LU-1: Conflicts with Policies and Regulations.** The proposed project will not conflict with policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect, and therefore, will result in no impact related to consistency with local plans and policies.

**Other:**

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

### Impacts Evaluated in Initial Study

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

## 2.6 ISSUES TO BE RESOLVED

CEQA Guidelines section 15123 requires the Summary to identify “issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects.” This EIR has presented mitigation measures and project alternatives, and the City Planning Commission

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

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