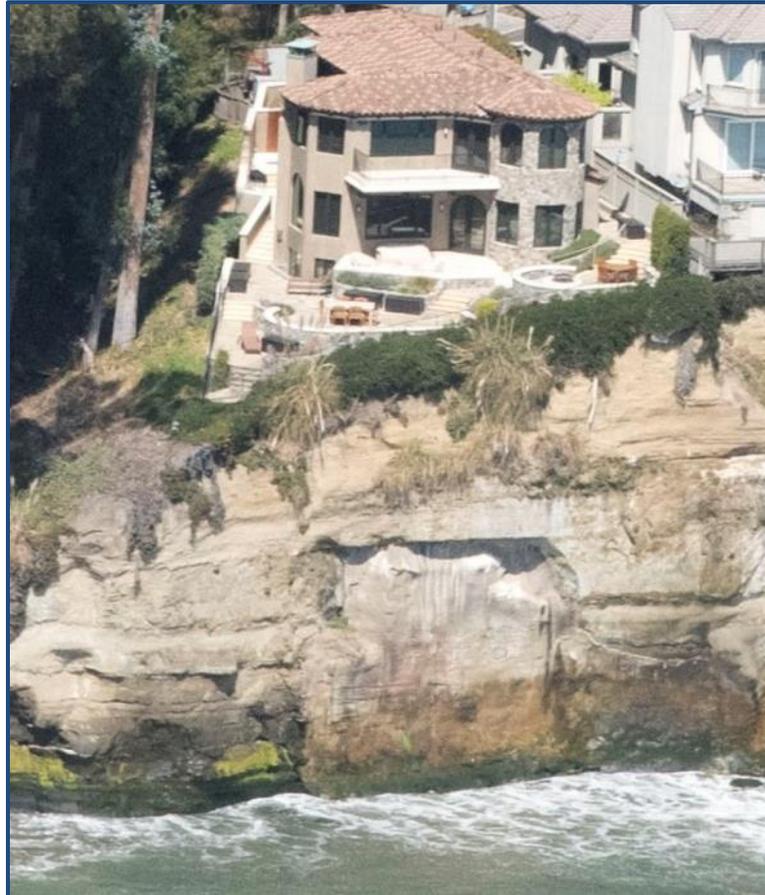




Established in 1938

**ADDENDUM TO NEGATIVE DECLARATION
LEBHERZ SEAWALL REPAIR
110 GROVE LANE, CAPITOLA, CALIFORNIA**

May 2016



CEQA Responsible Agency:
California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825

CEQA Lead Agency:
City of Capitola
420 Capitola Avenue
Capitola, CA 95010

Applicant:
Sharron and Phil Lebherz



MISSION STATEMENT

The California State Lands Commission provides the people of California with effective stewardship of the lands, waterways, and resources entrusted to its care through preservation, restoration, enhancement, responsible economic development, and the promotion of public access.

CEQA DOCUMENT WEBSITE

www.slc.ca.gov/Info/CEQA.html

Geographic Location (CSLC Lease):

Latitude: N 36°58'33.74800'
Longitude: W 121°56'35.21694'
NAD83 Datum

Cover photo courtesy of California Coastal Records Project
(www.californiacoastline.org, Image 201500195, September 2015)

**LEBHERZ SEAWALL REPAIR
TABLE OF CONTENTS**

LIST OF TABLES ii

LIST OF FIGURES ii

LIST OF ABBREVIATIONS AND ACRONYMS USED IN THIS DOCUMENT ii

1.0 INTRODUCTION..... **1-1**

 1.1 PROJECT LOCATION 1-1

 1.2 ORIGINAL PROJECT AND BACKGROUND 1-3

 1.3 CALIFORNIA STATE LANDS COMMISSION JURISDICTION 1-3

 1.4 PROJECT DESCRIPTION 1-4

 1.5 BEST MANAGEMENT PRACTICES 1-6

2.0 ENVIRONMENTAL CHECKLIST AND ANALYSIS..... **2-1**

 2.1 AESTHETICS 2-4

 2.2 AIR QUALITY 2-5

 2.3 BIOLOGICAL RESOURCES 2-6

 2.4 CULTURAL AND PALEONTOLOGICAL RESOURCES 2-9

 2.5 GREENHOUSE GAS EMISSIONS 2-10

 2.6 HYDROLOGY AND WATER QUALITY 2-12

 2.7 LAND USE AND PLANNING 2-14

 2.8 NOISE 2-15

 2.9 RECREATION 2-16

 2.10 MANDATORY FINDINGS OF SIGNIFICANCE 2-17

3.0 DETERMINATION/ADDENDUM CONCLUSION **3-1**

4.0 ADDENDUM PREPARATION SOURCES AND REFERENCES **4-1**

 4.1 ADDENDUM PREPARERS 4-1

 4.2 AGENCY STAFF CONSULTED 4-1

 4.3 REFERENCES 4-1

APPENDICES

- Appendix A. Bluff Repair Plan Sheet: Bluff Profile Detail
- Appendix B. 1986 Negative Declaration
- Appendix C. Biotic Report

LIST OF TABLES

Table 1-1. Project Equipment..... 1-4
Table 2-1. Resources Outside of CSLC Jurisdiction for this Project 2-2

LIST OF FIGURES

Figure 1. Project Location 1-1
Figure 2. Regional Location 1-2
Figure 3. Bluff Profile Showing Proposed Repair Areas (see Appendix A)..... 1-5
Figure 4. Seawall Vegetation 2-7

LIST OF ABBREVIATIONS AND ACRONYMS USED IN THIS DOCUMENT

B	BMP	Best Management Practice
C	CCC	California Coastal Commission
	CEQA	California Environmental Quality Act
	City	City of Capitola
	CNRA	California Natural Resources Agency
	CSLC	California State Lands Commission
D	dB	Decibels
	DEPM	Division of Environmental Planning and Management
I	IS	Initial Study
M	MBNMS	Monterey Bay National Marine Sanctuary
	MHTL	Mean High Tide Line
	MND	Mitigated Negative Declaration
N	NCCAP	North Central Coast Air Basin
	ND	Negative Declaration
P	PM ₁₀	particulate matter less than 10 micrometers
	Project	Lebherz Seawall Repair
S	State Parks	California Department of Parks and Recreation

1.0 INTRODUCTION

1 1.1 PROJECT LOCATION

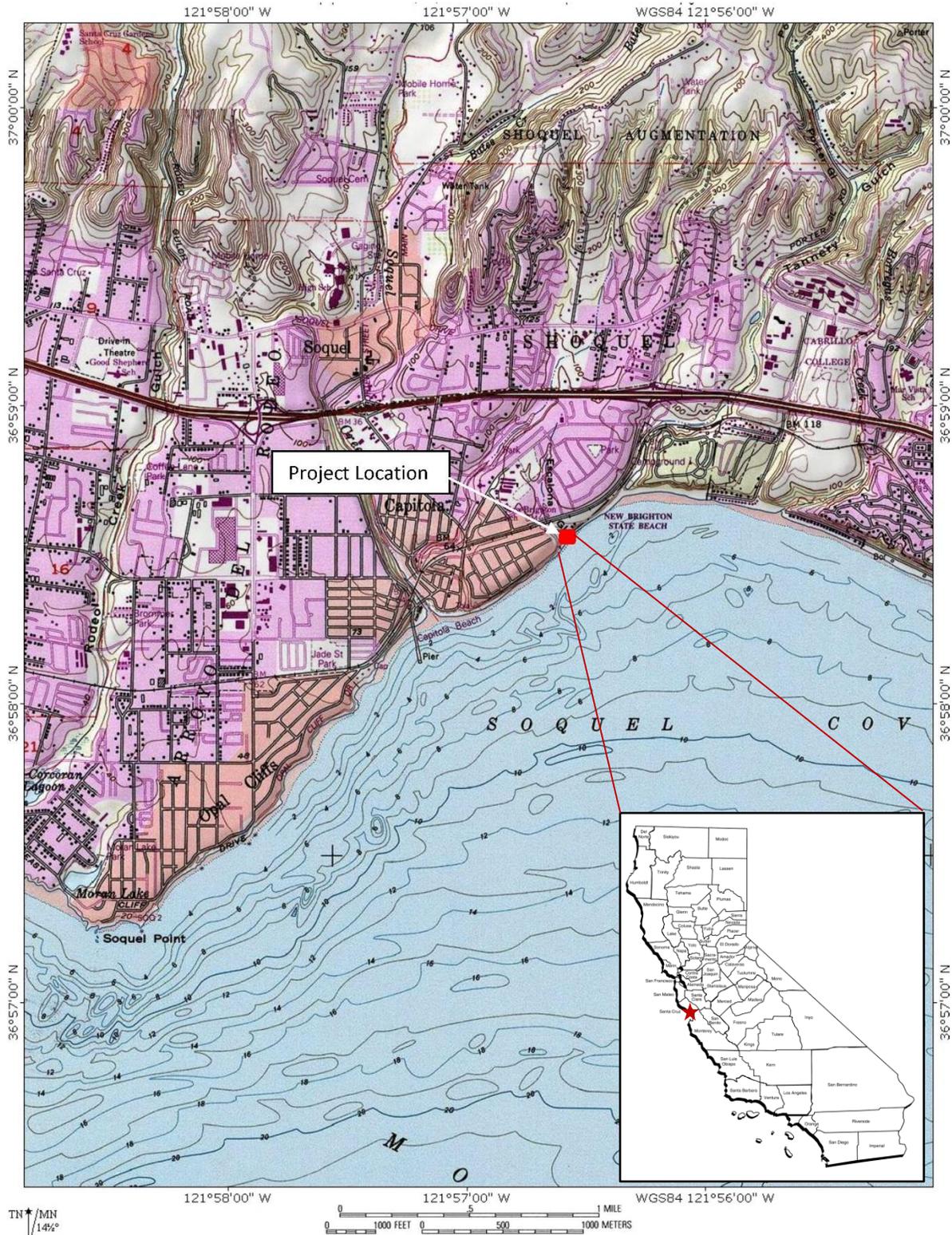
2 The Leberz Seawall Repair (Project) analyzed in this Addendum to a Negative
3 Declaration (Addendum) consists of the repair of an existing concrete seawall on an
4 oceanfront property located at 110 Grove Lane in the city of Capitola (City), Santa Cruz
5 County. The upland property (Assessor's Parcel Number 036-161-10), owned by
6 Sharron and Phil Leberz (Applicant), is located seaward of Park Avenue at the
7 terminus of Grove Lane as shown in Figures 1 and 2.

Figure 1. Project Location



Source: Biotic Resources Group (2015).

Figure 2. Regional Location



Source: Biotic Resources Group (2015).

1 1.2 ORIGINAL PROJECT AND BACKGROUND

2 The construction of the original seawall was conducted under a Negative Declaration
3 (ND) approved by the City on May 1, 1986, and included the fill of a sea cave with
4 concrete in order to prevent further undermining of the coastal bluff. The original project
5 was described in the City's Notice of Intent to Issue a Negative Declaration as follows:

6 *The project is to plug a sea cave at the base of a 41- 40 foot bluff at 110 Grove*
7 *Lane, Capitola, Ca. This area is between New Brighton State Park and the City of*
8 *Capitola Beach. The project will involve filling the cave with concrete held in place*
9 *with #5 hooked dowels, 4 feet on center.*

10 On November 13, 1986, the California Coastal Commission (CCC) approved Coastal
11 Development Permit No. 3-86-214 to fill a sea cave at base of coastal bluff with 200
12 cubic yards of concrete. Based on information sources reviewed for initial construction
13 of the seawall, staff of the California State Lands Commission (CSLC) determined that
14 the Project was likely not located on sovereign State lands, and so a lease from the
15 CSLC did not appear to be required at that time.

16 1.3 CALIFORNIA STATE LANDS COMMISSION JURISDICTION

17 Based on a 2013 CSLC staff review of the Project, coastal erosion since 1985, and the
18 documents identified below, staff has determined that the existing seawall and Project
19 encroach on lands under the Commission's jurisdiction and require a lease agreement
20 (Agreement) between the CSLC and the Applicant. Documents reviewed by CSLC staff
21 to assist in this determination included:

- 22 • preliminary construction plans provided by the Applicant and prepared by R.I.
23 Engineering Inc. (dated August 2012);
- 24 • two U.S. Coast Surveys dated 1910 and December 1932 to May 1933; and
- 25 • a February 1942 record of survey entitled "Record of Survey of lands in the
26 Soquel Rancho East of Capitola."

27 For purposes of this Addendum, the CSLC's jurisdiction within the Project area includes
28 a portion of the seawall and areas of the shoreline seaward of the mean high tide line
29 (MHTL). The Project site is also adjacent to New Brighton State Beach, which is under
30 the jurisdiction of the California Department of Parks and Recreation (State Parks).

31 The CSLC has prepared this Addendum to address the proposed repair activities within
32 the CSLC's jurisdiction because CSLC staff could not determine whether the Applicant's
33 currently proposed repair activities were analyzed in the original ND. The purpose of
34 this Addendum is to verify that the proposed Agreement between the Applicant and the
35 CSLC would not cause significant, adverse impacts to the environment.

1 **1.4 PROJECT DESCRIPTION**

2 The sea cliff adjacent to 110 Grove Lane in Capitola, currently supports a concrete
 3 seawall that was constructed in 1987, and extends from the edge of a natural cliff
 4 overhang down to the base of the cliff. The beach at the base of the cliff is located on
 5 State lands associated with the Monterey Bay shoreline. The Project would remove
 6 loose natural materials from damaged seawall areas to be repaired, install new rebar
 7 into the seawall/native bluff (secured with epoxy grout), place a rebar grid on the
 8 seawall surface, and apply approximately 1 cubic yard of new shotcrete (minimum
 9 depth of 1.5 inches). The new shotcrete would be feathered into the existing wall. The
 10 Project would include five repair areas on the seawall (see Figure 3; for a more detailed
 11 diagram, please refer to the Bluff Repair Plan in Appendix A).

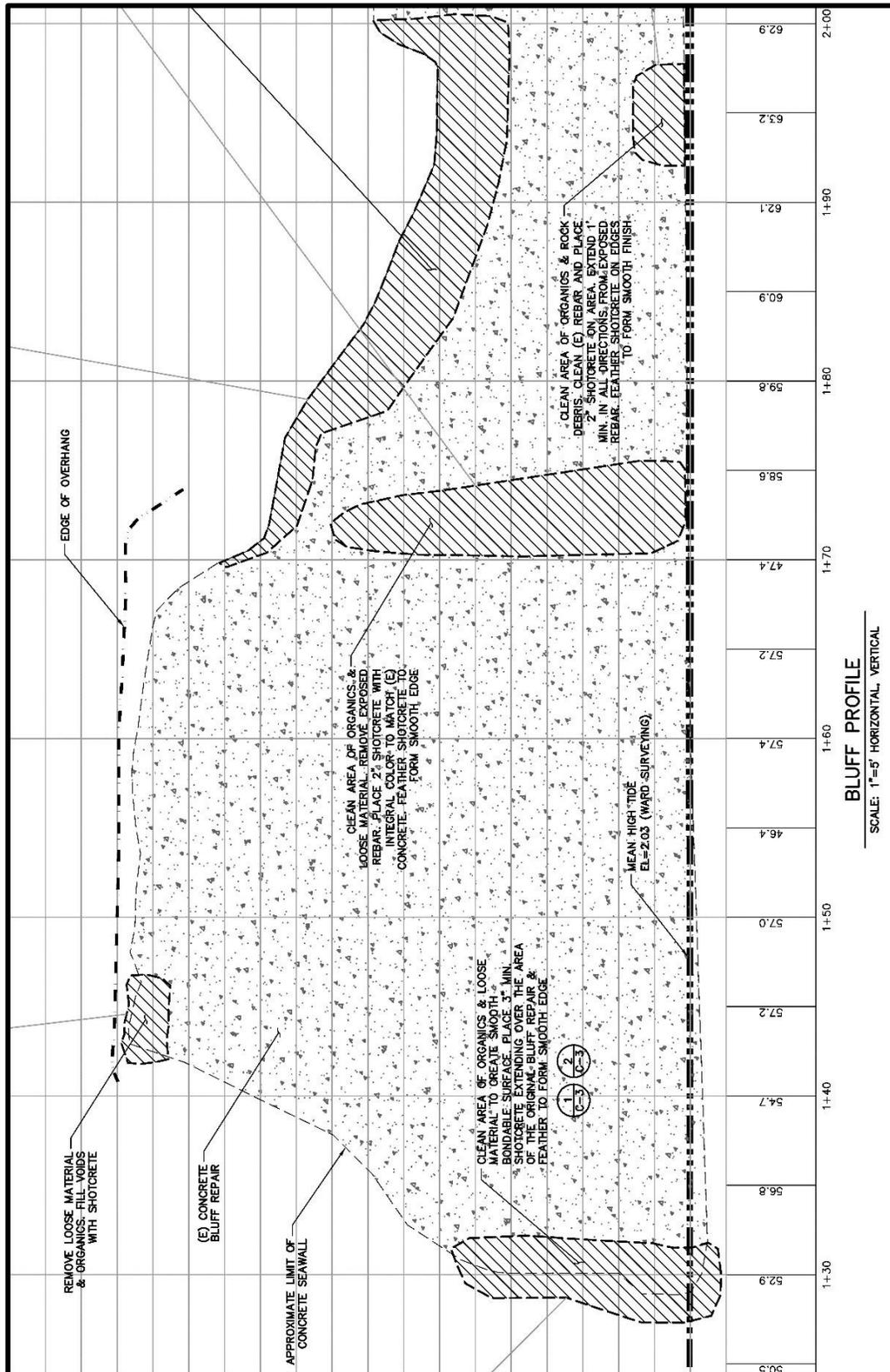
12 Work on the seawall would commence the first Tuesday after Labor Day and would be
 13 completed by October 30 (the extended schedule is to account for days when the
 14 shoreline construction zone is inaccessible). The duration of construction would be
 15 approximately 10 working days. The Project would include installation of a temporary
 16 fiber roll at the base of the seawall work area on a daily basis. All concrete washout and
 17 equipment staging would occur at the top of the cliff; however, construction access to
 18 the seawall would be along the toe of the sea cliff from New Brighton State Beach. Work
 19 at the shoreline construction zone would occur only during low tide, when the work site
 20 and construction route are completely accessible, and during daylight hours.

21 Approximately four to seven workers are anticipated to be on the Project site at any
 22 given time. Parking for these workers would be confined to either the upland areas at
 23 the Lebherz residence or the New Brighton State Beach parking lot. Table 1 lists the
 24 equipment to be used within the shoreline construction zone.

Table 1-1. Project Equipment

Beach Construction Zone
• Rubber tired backhoe equipped with hammer tip
• Light weight dump truck or pickup truck
• Rubber tired telescopic forklift with work basket
• Portable compressor
• Rubber-tired two-wheeled concrete pump
• Jack hammer
• Miscellaneous hand tools

Figure 3. Bluff Profile Showing Proposed Repair Areas (see Appendix A)



1 **1.5 BEST MANAGEMENT PRACTICES**

2 The Applicant agrees to implement the following best management practices (BMPs) to
3 further reduce potential impacts to environmental resources. These BMPs include the
4 measures previously required by the City in its 1985 ND, permit conditions imposed by
5 the CCC in Coastal Development Permit No. 3-86-214, and additional measures and
6 modifications required by the CSLC in its role as a responsible agency.

- 7 1) Nationwide Permit from the U.S. Army Corps of Engineers (if required).
- 8 2) New or amended Coastal Development Permit from the CCC (if required).
- 9 3) Right-of-Entry Permit for access through New Brighton State Beach from State
10 Parks.
- 11 4) The concrete finish shall be smooth with bluff face and colored to match existing
12 rocks.
- 13 5) Construction work or equipment operations shall not be conducted below the mean
14 high tide line unless tidal waters have receded from the authorized work areas, and
15 grading of intertidal areas is prohibited.
- 16 6) Only rubber-tired construction vehicles are allowed on the beach, except that track
17 vehicles may be used if the CSLC staff, in coordination with CCC, Monterey Bay
18 National Marine Sanctuary (MBNMS) and State Parks staffs, agrees that they are
19 required to safely carry out construction. When transiting on the beach, all such
20 vehicles shall remain as high on the upper beach as possible and avoid contact
21 with ocean waters and intertidal areas.
- 22 7) All construction materials and equipment placed on the beach during daylight
23 construction hours shall be stored beyond the reach of tidal waters. All construction
24 materials and equipment shall be removed in their entirety from the beach area by
25 sunset each day that work occurs. The only other exceptions shall be for erosion
26 and sediment controls or construction area boundary fencing where such controls
27 or fencing are placed as close to the toe of the seawall as possible, and are
28 minimized in their extent.
- 29 8) Construction (including but not limited to construction activities, and materials
30 and/or equipment storage) is prohibited outside of the defined construction staging
31 and storage areas. The construction area on the beach shall be fenced with
32 temporary fencing to protect the general public during construction.
- 33 9) Work shall be limited to daylight hours. No work shall occur during weekends or
34 summer peak months (Saturday of Memorial Day weekend through Labor Day)
35 unless, due to extenuating circumstances (such as tides or other environmental
36 concerns), the CSLC staff in coordination with CCC staff authorizes such work.

- 1 10) Equipment washing, refueling, and/or servicing of equipment shall not take place
2 on the beach and shall only be allowed at a designated upland location noted on
3 the plan. Appropriate BMPs shall be used to ensure that no spills of petroleum
4 products or other chemicals take place during these activities.
- 5 11) The construction site shall maintain good construction site housekeeping controls
6 and procedures (e.g., dispose of all wastes properly; remove all construction debris
7 from the beach; etc.).
- 8 12) All erosion and sediment controls shall be in place prior to the commencement of
9 construction as well as at the end of each workday. At a minimum, silt fences, or
10 equivalent apparatus, shall be installed at the perimeter of the construction site to
11 prevent construction-related runoff and/or sediment from entering into the Pacific
12 Ocean.
- 13 13) All beach areas and all beach access points impacted by construction activities
14 shall be restored to their pre-construction condition or better within 3 days of
15 completion of construction. Any beach sand impacted shall be filtered as necessary
16 to remove all construction debris from the beach.
- 17 14) The owner(s) shall notify CSLC staff and planning staff of the CCC's Central Coast
18 District office at least 3 working days in advance of commencement of construction
19 or maintenance activities, and immediately upon completion of construction or
20 maintenance activities.
- 21 15) The contractor shall implement construction BMPs to protect the quality of waters
22 of the United States/State including: measures to minimize side casting of material
23 into undisturbed areas; confine the limits of the construction area to the minimum
24 necessary to install the repairs; and prevent fuel spills.
- 25 16) If construction is scheduled to occur between March 1 and September 1 of any
26 given year, the Applicant shall hire a qualified biologist to conduct nesting bird
27 surveys of the cliffs along the beach access route. The surveys shall be conducted
28 not more than 14 days prior to the commencement of construction. If sensitive bird
29 species are observed nesting on the cliffs and the biologist determines that
30 equipment access along the beach below the nests would significantly disturb the
31 nesting birds, resulting in loss of eggs or chicks, the construction shall be
32 postponed until the biologist determines all young have fledged or other measures
33 (such an alternative access route) can be implemented to avoid impacts to nesting
34 birds.
- 35 17) Should significant paleontological resources (e.g., vertebrate fossil remains) be
36 identified during Project construction, construction shall cease until a qualified
37 professional can provide an evaluation.

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2.0 ENVIRONMENTAL CHECKLIST AND ANALYSIS

1 This section contains the Initial Study (IS) that was completed for the proposed Lebherz
2 Seawall Repair Project (Project) in accordance with the requirements of the California
3 Environmental Quality Act (CEQA). The IS identifies site-specific conditions and impacts
4 and evaluates their potential significance. The information, analysis and conclusions
5 included in the IS provide the basis for determining the appropriate document needed to
6 comply with CEQA. For the Project, based on the analysis and information contained
7 herein, California State Lands Commission (CSLC) staff has found that the IS shows
8 that, with implementation of the Best Management Practices (BMPs) identified in
9 Section 1.5, there is substantial evidence that the Project would not have a significant
10 effect on the environment. As a result, the CSLC has concluded that the Addendum to
11 the original Negative Declaration (ND) that was prepared by the city of Capitola (City) is
12 the appropriate CEQA document for the Project. The original ND is presented in
13 Appendix B.

14 The evaluation of environmental impacts provided in this IS is based in part on the
15 impact questions contained in Appendix G of the State CEQA Guidelines; these
16 questions, which are included in an impact assessment matrix for each environmental
17 category (Aesthetics, Air Quality, Biological Resources, etc.), are “intended to
18 encourage thoughtful assessment of impacts.” Each question is followed by a check-
19 marked box with column headings that are defined below.

- 20 • **Potentially Significant Impact.** This column is checked if there is substantial
21 evidence that a Project-related environmental effect may be significant. If there
22 are one or more “Potentially Significant Impacts,” a Project Environmental Impact
23 Report (EIR) would be prepared.
- 24 • **Less than Significant with Mitigation.** This column is checked when the
25 Project may result in a significant environmental impact, but the incorporation of
26 identified Project revisions or mitigation measures would reduce the identified
27 effect(s) to a less than significant level.
- 28 • **Less than Significant Impact.** This column is checked when the Project would
29 not result in any significant effects. The Project’s impact is less than significant
30 even without the incorporation of Project-specific mitigation measures.
- 31 • **No Impact.** This column is checked when the Project would not result in any
32 impact in the category or the category does not apply.

33 The checklist evaluates the potential for impacts within lands under the jurisdiction of
34 the CSLC only, as determined in Section 1.1. The following resources (Table 2-1) would
35 either not be impacted by the Project or are located outside the CSLC’s jurisdiction and,
36 therefore, will not be addressed further in this document.

Table 2-1. Resources Outside of CSLC Jurisdiction for this Project

Resource	Discussion
Agriculture and Forest Resources	The Project would take place on a sea cliff adjacent to a residence (110 Grove Lane, Capitola, California), and the shoreline northwest of New Brighton State Beach. Since no farmland, agricultural use, or forest land occurs in the Project area, no impacts would occur to agriculture or forest resources.
Geology and Soils	<p>According to the Purcell, Rhoades & Associates (1985) report prepared for the original project, the cliff face in the Project area exposes topsoil and terrace gravels approximately overlying the Purisima formation. The terrace deposit is chiefly composed of silty sands and gravels with some clay layers. The underlying Purisima formation is chiefly composed of silty sandstone with layers of cemented shell fragments. Both earth units are susceptible to erosion. In addition, Capitola is located in a very seismically active area. Historical records of the area show that earthquakes of 6.5 to 7.0 magnitude occur periodically on the San Andreas Fault (City 2013).</p> <p>Since the Project involves the repair of an existing seawall that stabilizes a cliff face and reduces the risk of landslides and erosion, it would not have the potential to expose people or structures to potential substantial adverse effects related to seismic events. The base of the existing seawall is not located on expansive soils and the Project would not include waste water disposal systems. Therefore, the Project would not result in substantial adverse impacts to geology and soils.</p>
Hazards and Hazardous Materials	The Project would not create a significant hazard to the public or the environment or result in the release of hazardous materials with implementation of Project BMPs. The Project would not take place on a hazardous materials site and is not located near an airport or private airstrip. In addition, it would not interfere with any emergency response plan or expose people or structures to a significant risk of loss, injury, or death involving wildland fires. There would be no impacts due to hazards and/or hazardous materials from the Project.
Mineral Resources	There are no mineral resource production areas within the City and no lands designated for mineral resource production (City 2013). Therefore, the Project would have no impact on mineral resources.
Population and Housing	The Project would not result in an increase in population or housing and no impacts pertaining to housing displacement would occur. Therefore, there would be no impact to population and housing.
Public Services	The Project would not result in an increase in demands on public services; therefore, no impact would result.

Resource	Discussion
Transportation/ Traffic	The Project would not conflict with any applicable plan, ordinance or policy regarding circulation systems or applicable congestion management programs. It would not result in a change in air traffic patterns, increase traffic hazards, or result in inadequate emergency access. Parking for Project workers would be confined to either the upland areas at the Leberz residence or the New Brighton State Beach parking lot, outside of CSLC jurisdiction.
Utilities and Service Systems	Although some natural rock debris would be generated during preparation of the repair sites, the amount is anticipated to be minor. The Project would not result in an increase in the demands on utilities and service systems.

- 1 Detailed descriptions and analyses of potential impacts from Project activities and the
- 2 basis for their significance determinations are provided for each environmental factor on
- 3 the following pages, beginning with Section 2.1, Aesthetics.

4 **AGENCY STAFF DETERMINATION**

Based on the environmental impact analysis provided herein:

- I find that the proposed project COULD NOT have a significant effect on the environment, and an ADDENDUM TO A NEGATIVE DECLARATION has been prepared.



 Cynthia Herzog, Senior Environmental Scientist
 Division of Environmental Planning and Management
 California State Lands Commission

May 25, 2016
 Date

1 **2.1 AESTHETICS**

AESTHETICS – Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2 **a) - c). Less than Significant.** Although the City (2013) has not officially designated
 3 any scenic vistas or view corridors in Capitola, the California coastline in the Project
 4 area could be considered a scenic resource. Repair of the existing seawall would not
 5 substantially alter the visual aspects of the area; however, construction activities would
 6 temporarily alter the viewshed on the shoreline. Per the submitted Project description,
 7 repair work would be in short duration (approximately 10 days during daylight hours at
 8 low tide). In addition, BMPs have been included in the Project that address construction
 9 debris removal and the restoration of the beach area to preconstruction conditions.
 10 Therefore, impacts would be temporary and impacts would be less than significant.

11 **d). No Impact.** Per the submitted Project description and BMPs, repair work would be
 12 conducted during daylight hours at low tide, and lighting of the beach area would be
 13 prohibited; therefore, no new source of light or glare would result in impacts to the
 14 surrounding area.

1 **2.2 AIR QUALITY**

AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2 Capitola is located within the North Central Coast Air Basin (NCCAB), which consists of
 3 Santa Cruz, San Benito, and Monterey Counties. The Monterey Bay Unified Air
 4 Pollution Control District (the local agency responsible for air quality control and
 5 monitoring) shares responsibility with the California Air Resources Board for ensuring
 6 that State and national ambient air quality standards are met in Santa Cruz County and
 7 the NCCAB. The NCCAB is considered in attainment for most air pollutants; however,
 8 the NCCAB is in non-attainment for ozone and coarse particulate matter (PM₁₀).

9 **a) – b). No Impact.** Although the Project would result in temporary emissions due to the
 10 proposed construction activities, due to the relatively small amount of equipment
 11 involved and the short duration of construction (approximately 10 days during daylight
 12 hours at low tide) these emissions are not expected to be significant, and would not
 13 conflict with any air quality plan or violate an air quality standard.

14 **c) – e). Less than Significant.** The Project could temporarily cause a minor increase in
 15 ozone and PM₁₀ emissions during repair activities; however, it is unlikely to result in a
 16 cumulatively considerable net increase of criteria pollutants for which the Project region
 17 is in non-attainment. In addition, emissions are unlikely to affect sensitive receptors or
 18 create objectionable odors that would affect a substantial number of people.

1 **2.3 BIOLOGICAL RESOURCES**

BIOLOGICAL RESOURCES – Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2 According to the Biotic Report (Biotic Resources Group 2015) prepared for the Project
 3 (Appendix C) and reviewed by CSLC staff, the Project site is primarily a sheer cliff face
 4 that supports little vegetation and provides little wildlife habitat (see Figure 4). The
 5 concrete seawall is not vegetated except for bands of sea lettuce (*Ulva* sp.) within the

- 1 tidal zone; small clumps of sea cliff vegetation can also be found in small crevices or
- 2 ledges on the natural sea cliff.

Figure 4. Seawall Vegetation



- 3 The only terrestrial special-status species that may occur adjacent to the Project site is
- 4 the Monarch butterfly; however, the Project would not encroach on the eucalyptus grove
- 5 that provides potential Monarch roosting habitat. In addition, the work is scheduled for
- 6 spring and summer months, outside of the winter roosting season for Monarchs (Biotic
- 7 Resources Group 2015).
- 8 Although birds may perch in the vegetation at the top of the bluff, the report states that
- 9 the natural sea cliff at the Project site lacks ledges and crevices suitable for nesting by
- 10 seabirds. A peregrine falcon was observed perching on a cliff area east of the Project
- 11 site, and two large bird nest areas were also observed east of the Project site during the
- 12 Fall 2015 reconnaissance survey; however, the biologist was unable to determine what
- 13 bird species was using the possible nest ledges/crevices in that location (Biotic
- 14 Resources Group 2015).

1 Per the City's General Plan (2014), the southeastern portion of the City (inclusive of the
2 Project site) is fronted by the Monterey Bay. The Bay's kelp beds and its shoreline
3 provide an important habitat area for marine life of all varieties, including the
4 endangered sea otter and endangered California brown pelican. As depicted on the
5 Project plans, the seawall repair would require access from New Brighton State Beach,
6 and staging along the shoreline (see Figure 1). Approximately 1,800 linear feet of
7 beach/shoreline would be used to access the work area.

8 **a) – f). Less than Significant.** The Project would not disturb species identified as a
9 candidate, sensitive, or special-status species, as the repair would be to an existing
10 seawall that does not provide suitable habitat for nesting seabirds or other species.
11 Monarch butterfly roosting habitat may be located in a eucalyptus grove at the top of the
12 cliff adjacent to the Lebherz residence, but would also not be not be disturbed by
13 Project activities. In addition, movement of migratory wildlife would not be impaired.
14 Access to the Project would be through a State beach (and along the shoreline), which
15 would be considered a sensitive natural community. However, BMPs restricting access
16 and work staging areas have been incorporated into the Project to further reduce
17 impacts to a less-than-significant level.

18 Portions of the seawall work repair area are located below the mean high tide line, and
19 therefore, within coastal waters of the U.S./State. Project BMPs addressing these
20 resources include prohibiting the grading of intertidal areas and prohibiting construction
21 work or equipment operations below the mean high tide line unless tidal waters have
22 receded from the authorized work areas, in addition to measures that address water
23 quality.

24 The Project would not conflict with any local policies or ordinances protecting biological
25 resources. The Monterey Bay National Marine Sanctuary (MBNMS) Management Plan
26 is the only conservation-related plan that is applicable to Capitola (City 2013). The
27 MBNMS was not established in 1986, when the construction of the original seawall was
28 approved by the City and the California Coastal Commission (CCC). Prior to Project
29 implementation, the Applicant will be required to obtain an authorization permit from the
30 MBNMS; an amended coastal development permit from the CCC may also be required.
31 Coordination with the MNBMS and the CCC, in addition to the BMPs incorporated into
32 the Project, would reduce impacts on biological resources to less than significant.

1 **2.4 CULTURAL AND PALEONTOLOGICAL RESOURCES**

CULTURAL AND PALEONTOLOGICAL RESOURCES – Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource (as defined in State CEQA Guidelines, § 15064.5)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource (pursuant to State CEQA Guidelines, § 15064.5)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code section 21074?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2 **a) – c) and e). No Impact.** There are no historical resources within the Project area. In
 3 addition, the Project would not disturb any ground surface other than the sea cliff;
 4 therefore, no impacts are anticipated to historical, archaeological, or tribal cultural
 5 resources. In addition, no human remains would be disturbed.

6 **d). Less than Significant.** The City lies on a marine terrace that includes the Pliocene
 7 Purisima formation, which consists of interbedded siltstone and sandstone
 8 approximately 3 to 6 million years old. The Purisima Formation contains a fossil record
 9 and can be found along the entire coastal bluff area in Capitola. Therefore, there is a
 10 high potential for paleontological resources to occur along all the bluffs in Capitola (City
 11 2013). Page 2 of a report provided by the Applicants (Purcell, Rhoades & Associates
 12 1985) states that “The underlying Purisima formation is predominantly composed of silty
 13 sandstone with layers of cemented shell fragments;” therefore, the formation is in
 14 evidence at the Project site. The Project description indicates that work would remove
 15 loose natural materials from damaged seawall and that new rebar would be installed
 16 into the seawall/native bluff and secured with epoxy grout. Based on this description,
 17 and because the site has been previously disturbed, if installation of the rebar occurred
 18 within the Purisima formation, the disturbance would be relatively minor. With the
 19 incorporation of BMPs related to unanticipated finds of paleontological resources,
 20 impacts would be less than significant.

1 **2.5 GREENHOUSE GAS EMISSIONS**

GREENHOUSE GAS EMISSIONS – Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2 **a). Less than Significant.** Although the Project would result in temporary emissions
 3 due to the proposed construction activities and worker vehicle trips, based on the limited
 4 number of worker vehicle trips (only four to seven workers are anticipated to be on the
 5 Project site at any given time) and the short duration of construction (approximately 10
 6 days during daylight hours at low tide) these emissions are not expected to be
 7 significant. Impacts due to greenhouse gas emissions would be less than significant.

8 **b). Less than Significant.** In April 2015, Governor Brown issued Executive Order B-30-
 9 15, which established a California greenhouse gas reduction target of 40 percent below
 10 1990 levels by 2030 in order to reduce global climate change (see
 11 <https://www.gov.ca.gov/news.php?id=18938>). As analyzed above under (a), although
 12 the Project would result in temporary emissions due to the proposed construction
 13 activities and worker vehicle trips, given the limited number of worker vehicle trips and
 14 the short duration of construction, impacts due to these emissions are not expected to
 15 be significant.

16 One effect of greenhouse gas-generated climate change is sea-level rise. According to
 17 the National Research Council (2012), the Project area is projected to experience sea-
 18 level rise between 0.4 to 2.0 feet (12 to 61 centimeters) above year 2000 baseline levels
 19 by 2050. According to the Safeguarding California Plan (California Natural Resources
 20 Agency [CNRA] 2014), which provides policy guidance for state decision-makers and is
 21 part of California’s continuing efforts to reduce impacts and prepare for climate risks, higher
 22 sea levels and storm surges can result in increased coastal erosion, more frequent
 23 flooding, and increased property damage. As discussed in the Oceans and Coastal
 24 Resources and Ecosystems Sector Plan of Safeguarding California (CNRA 2016):

25 *Sea-level rise is expected to exacerbate the erosion of seacliffs, bluffs, and dunes*
 26 *along the coast and lead to the losses of public beaches and recreational resources.*
 27 *For every foot that sea level rises, 50-100 feet of beach width could be lost.*
 28 *Seawalls and other coastal armoring structures worsen the impacts of sea-level rise*
 29 *by hindering ecosystems’ landward migration, which can reduce beach width and*

1 *result in beach loss. The loss of beach could decrease public access, reduce*
2 *recreational opportunities and affect local economies by disrupting the tourism and*
3 *coastal dependent industries.*

4 The CSLC is committed to incorporating sea-level rise into its decision-making
5 processes, for example, by implementing actions such as the following (CNRA 2016):

6 *Consider how to reduce the potential for adverse sea-level rise impacts to the*
7 *resources and values protected by the Public Trust Doctrine, including impacts to*
8 *public access, and the potential for hazard creation via damaged structures and/or*
9 *inundation of facilities. Decisions incorporate management practices such as*
10 *acquisition of rolling easements and boundary determinations to protect the*
11 *landward migration of the public-private property boundary.*

12 Other agencies, such as State Parks, have policies related to coastal erosion, including
13 discouraging development (including permanent new structures, facilities, and structural
14 protection) in sites that are subject to impacts such as wave erosion and seacliff retreat;
15 new projects must also consider the projected impacts of sea-level rise (CNRA 2016).

16 The existing seawall in the Project area was constructed, pursuant to a Negative
17 Declaration approved by the City in 1986 and a subsequent coastal development permit
18 issued by the CCC, to address undermining of the coastal bluff and to protect landward
19 property owners from the effects of sea-level rise and storm surge, which create risks
20 that include coastal erosion and infrastructure and property damage. The Project before
21 the Commission is to repair a small portion of a seawall located on State sovereign land
22 as part of a larger seawall repair project. Given the size of the proposed repair on State
23 sovereign land and that no other reasonable alternative approach has been identified,
24 and given that impacts related to greenhouse gas emissions associated with the repair
25 are not expected to be significant, the repair of the portion of seawall on State sovereign
26 land is not inconsistent with any current applicable plans, policies or regulations.

1 **2.6 HYDROLOGY AND WATER QUALITY**

HYDROLOGY AND WATER QUALITY – Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- 1 **a) and f). Less than Significant.** With the implementation of Project BMPs, the Project
2 would not violate water quality standards or degrade water quality.
- 3 **b) – e). No Impact.** The Project would not deplete groundwater, does not include any
4 grading or drainage modifications, or contribute to runoff.
- 5 **g) – i). No Impact.** The Project does not include placing housing or structures within a
6 100-year flood hazard area, or expose people or structures to a significant risk of loss,
7 injury, or death due to flooding.

1 **2.7 LAND USE AND PLANNING**

LAND USE AND PLANNING – Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2 **a) – b). No Impact.** The Project would not physically divide a community or conflict with
 3 any applicable land use plan.

4 **c). Less than Significant.** The MBNMS Management Plan is the only conservation-
 5 related plan that is applicable to Capitola (City 2013). The MBNMS was not established
 6 in 1986, when the construction of the original seawall was approved by the City and the
 7 CCC. Prior to Project implementation, the Applicant may be required to obtain an
 8 authorization permit from the MBNMS and an amended coastal development permit
 9 from the CCC.

1 **2.8 NOISE**

NOISE – Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2 **a) – d). Less than Significant.** The Project would not result in any new long-term
 3 mobile and stationary noise impacts. The Project does have the potential to create
 4 short-term construction-related noise impacts; however, the work would be conducted
 5 on a cliff face fronting the Pacific Ocean, and sound is unlikely to carry over the top of
 6 the cliff to affect adjacent residences on the bluff, or to recreational users of New
 7 Brighton State Beach, the terminus of which is approximately 300 feet southeast of the
 8 Project site.

9 **e) – f). No Impact.** The Project is not located in the vicinity of an airport or private
 10 airstrip, and would not expose people residing or working in the Project area to
 11 excessive noise levels.

1 **2.9 RECREATION**

RECREATION	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2 **a). Less than Significant.** The Project would not increase the use of recreational
 3 facilities; however, the Project would result in temporary impacts to portions of the
 4 shoreline seaward of the MHTL due to access of construction vehicles. However, BMPs
 5 have been incorporated into the Project to further reduce impacts to recreational users
 6 related to access to less than significant.

7 **b). No Impact.** The Project would not require the construction or expansion or existing
 8 facilities.

1 **2.10 MANDATORY FINDINGS OF SIGNIFICANCE**

2 The lead agency shall find that a project may have a significant effect on the
 3 environment and thereby require an Environmental Impact Report to be prepared for the
 4 project where there is substantial evidence, in light of the whole record, that any of the
 5 following conditions may occur. Where prior to commencement of the environmental
 6 analysis a project proponent agrees to mitigation measures or project modifications that
 7 would avoid any significant effect on the environment or would mitigate the significant
 8 environmental effect, a lead agency need not prepare an Environmental Impact Report
 9 solely because without mitigation the environmental effects would have been significant
 10 (see State CEQA Guidelines, § 15065).

MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of past, present and probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

11 **a). Less than Significant.** As described in Section 2.3, Biological Resources, the
 12 modified Project would not result in significant impacts to sensitive marine or terrestrial
 13 resources, would not have a significant effect on listed species or habitat used by those
 14 species, and would not conflict with any local policies or ordinances protecting biological

1 resources. As described in Section 2.4, Cultural and Paleontological Resources, there
2 are no historical resources within the Project area, and the modified Project would not
3 disturb any ground surface other than limited portions of the sea cliff; therefore, no
4 impacts are anticipated to historical or prehistorical resources.

5 **b). No Impact.** The modified Project will not have impacts that would be individually
6 limited, but cumulatively considerable. The modified Project would have temporary and
7 minimal less-than significant effects, but due to their limited location, size, and duration,
8 these effects are unlike to combine with past projects, the effects of other current
9 projects, and the effects of past, present and probable future projects to create
10 cumulatively considerable effects.

11 **c). No Impact.** The modified Project will not have environmental effects that would
12 cause substantial adverse effects on human beings, either directly or indirectly. Project
13 BMPs would ensure potential impacts remain less than significant. In addition, the
14 Project would not result in environmental effects related to air quality or noise, or any
15 other impacts that would cause substantial adverse effects on human beings, either
16 directly or indirectly, due to its short duration and limited Project area.

3.0 DETERMINATION/ADDENDUM CONCLUSION

1 As detailed in the analysis presented above, this Addendum to the Negative Declaration
2 (ND) adopted by the city of Capitola (City) in 1986, as lead agency under the California
3 Environmental Quality Act (CEQA), supports the conclusion that the changes to the
4 existing seawall and land within the jurisdiction of the California State Lands
5 Commission (CSLC) to repair portions of the seawall would not result in any new
6 significant environmental effects. Except for the establishment of the Monterey Bay
7 National Marine Sanctuary, on which access to the Project area encroaches, the CSLC
8 has determined, based on substantial evidence in the light of the whole record, that
9 none of the following circumstances exists:

- 10 • substantial changes proposed in the project which will require major revisions of
11 the previous ND due to the involvement of new significant environmental effects
12 or a substantial increase in the severity of previously identified significant effects
13 (State CEQA Guidelines, § 15162, subd. (a)(1)); or
- 14 • substantial changes that will occur with respect to the circumstances under which
15 the project is undertaken which will require major revisions of the previous ND
16 due to the involvement of new significant environmental effects or a substantial
17 increase in the severity of previously identified significant effects (State CEQA
18 Guidelines, § 15162, subd. (a)(2); or
- 19 • new information of substantial importance, which was not known and could not
20 have been known with the exercise of reasonable diligence at the time the
21 previous ND was adopted (State CEQA Guidelines, § 15162, subd. (a)(3).

22 The CSLC has coordinated with the Applicant to include best management practices
23 previously implemented during construction of the original seawall as approved by the
24 City and the California Coastal Commission as well as additional measures to further
25 reduce potential environmental effects to sovereign lands under the Commission's
26 jurisdiction.

27 The Project is consistent with State CEQA Guidelines section 15164 in that only minor
28 changes have been made to the Project, and none of the conditions described in State
29 CEQA Guidelines section 15162 has occurred. Therefore, the CSLC has determined
30 that no subsequent or supplemental document is required.

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4.0 ADDENDUM PREPARATION SOURCES AND REFERENCES

4.1 ADDENDUM PREPARERS

Cynthia Herzog, Senior Environmental Scientist, Division of Environmental Planning and Management (DEPM), California State Lands Commission (CSLC)

Eric Gillies, Assistant Chief, DEPM, CSLC

Cy R. Oggins, Chief, DEPM, CSLC

Lucinda Calvo, Staff Counsel, CSLC

4.2 AGENCY STAFF CONSULTED

Rainey Graeven, California Coastal Commission

Chris Spohrer, California Department of Parks and Recreation

Sophie De Beukelaer, Monterey Bay National Marine Sanctuary

4.3 REFERENCES

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R.I. Engineering, Inc. 2012. Draft Compilation Plat, Lebherz Seawall Repair, Capitola, Santa Cruz County. August 2012.

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U.S. Coast Survey. H-504. Dated 1855.

____. H-5393, "Soquel Cove" (1:10,000 scale hydrographic survey of Soquel Cove). Dated Dec.1932-May 1933.

____. T-443a "Soquel Cove and Vicinity" (1:10,000 scale hydrographic survey of Soquel Cove).Dated 1910.

APPENDIX A
BLUFF REPAIR PLAN SHEET:
BLUFF PROFILE DETAIL



IMAGE 1
SCALE: NTA



IMAGE 2
SCALE: NTA



IMAGE 3
SCALE: NTA



IMAGE 4
SCALE: NTA

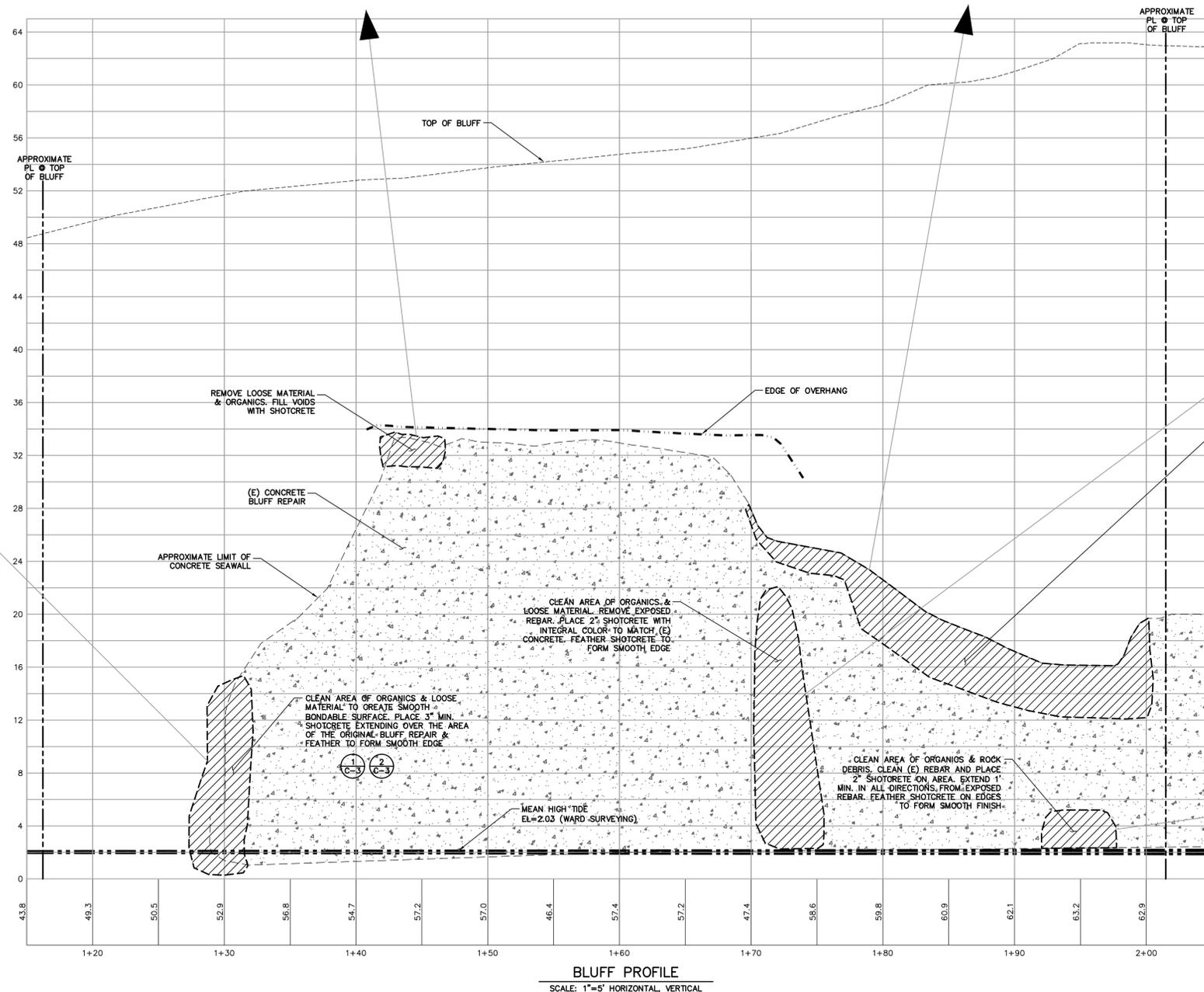


IMAGE 5
SCALE: NTA

DRAFT
FOR
INFORMATION
ONLY



RI Engineering, Inc.

303 Potrero St., Suite 42-202, Santa Cruz, CA 95060
831-425-3901 www.rengineering.com

SEAWALL MAINTENANCE PLAN
FOR
SHARON AND PHIL LEBHERZ
110 GROVE LANE
SANTA CRUZ COUNTY, CALIFORNIA
APN 036-161-10

BLUFF PROFILE

project no.
08-020-1
date
AUGUST 2012
scale
AS SHOWN
dwg name
BLUFF REPAIR CIVIL2.DWG

C-3

APPENDIX B

**NEGATIVE DECLARATION FOR
110 GROVE LANE, CAPITOLA, CALIFORNIA
(LEBHERZ SEAWALL)**

STAFF REPORT

MEETING OF: 5/1/86

APPLICATION: #CUP/85-129

APPLICANT'S NAME: STAN WEBB

OWNER: SAME

SITE: 110 GROVE LANE

APN: 36-161-10

GENERAL PLAN DESIGNATION: COASTAL BLUFF

ZONING: A-R

ENVIRONMENTAL STATUS: NEGATIVE DECLARATION

APPLICATION FOR: CONDITIONAL USE PERMIT TO PLUG A SEA CAVE

DISCUSSION:

This is an application to plug a sea cave with cement, reinforced with #5 hooked dowels to be 4 feet on center. The design for the project has been reviewed by Bowman and Williams for structural integrity.

STAFF ANALYSIS:

The review of beach erosion projects is always questionable because there are a variety of opinions regarding various approaches. The location of this particular cave should not result in bluff failure to adjacent properties if the plug fails and there should not be any further bluff damage from the installation.

Staff's major concerns would involve damage done to the area during construction. This would include damage from moving equipment close to the bluff or over the beach area. The negative declaration includes a list of mitigation measures which will be conditions of the project's approval.

The items the applicant will need to provide in his work schedule will include permission to cross the State park land; information on tides; weight of equipment; and information on how he will deal with the washout, debris and water. This permit will not allow concrete trucks or other vehicles over 4,000 lbs. within 150 feet of the bluff edge.

STAFF RECOMMENDATION:

Approve the Negative Declaration first with mitigating conditions and then approve the Conditional Use Permit, also with the following conditions and findings:

CONDITIONS:

- I. A construction plan and schedule will be prepared to include:
 - a) permit from the Army Corp of Engineers
 - b) permit from the State Lands Department
 - c) permit from the Coastal Commission
 - d) permit and permission for access from the State Department of Parks and Recreation
 - e) information on construction technique and timing, providing techniques which will be used to move equipment and materials.
 - f) no concrete truck will be allowed within 150 feet of the bluff's edge.
 - g) concrete finish shall be smooth with bluff face and colored to match existing rocks.
 - h) detailed information showing no wash out on the beach or other damage to animal or plant life.

FINDINGS:

- B. THE USE WILL NOT BE DETRIMENTAL TO THE HEALTH, WELFARE, SAFETY, PEACE, MORALS, COMFORT, OR GENERAL WELFARE OF PERSONS IN THE VICINITY OR CITY.
- E. THE APPLICATION, SUBJECT TO THE CONDITIONS IMPOSED, WILL MAINTAIN THE CHARACTER AND INTEGRITY OF THE NEIGHBORHOOD.
- F. THE APPLICATION, SUBJECT TO THE CONDITIONS IMPOSED, WILL SECURE THE GENERAL PURPOSES OF THE ZONING ORDINANCE AND THE GENERAL PLAN.

IV Environmental Questions

(by applicant)

YES	NO	MAYBE
-----	----	-------

1. Land Use

- a. Is this project a first step toward a larger project (subdivision, planned development, or a large residential, commercial, or industrial development)?
- b. Could the project result in a substantial alteration of the present or planned use of the area?
- c. Does the project provide for population growth beyond what is provided for in the existing Capitola zoning regulations?

YES	NO	MAYBE
	✓	
	✓	
	✓	

2. Housing

- a. Could the project affect existing housing, or create a demand for more housing?

YES	NO	MAYBE
	✓	

3. Utilities

- a. Could the project commit governmental agencies to subsequent land use action, such as additions or extensions to public utility facilities?

YES	NO	MAYBE
	✓	

4. Neighborhood

- a. Could the size of this project significantly change the character of the neighborhood?
- b. Could the project entail a construction period that would disrupt normal activities of the neighborhood for a period exceeding six (6) months?

YES	NO	MAYBE
	✓	
	✓	

5. Aesthetics

- a. Could the project result in the obstruction of any scenic vista or view open to the public, or could the project result in the creation of an aesthetically offensive site open to the public view?

YES	NO	MAYBE
		✓

6. Traffic/Circulation

- a. Could the project result in vehicular traffic that may not be safely accommodated by existing access roads?
- b. Could the project affect existing, or create a demand for new, parking facilities?

YES	NO	MAYBE
	✓	
	✓	

7. Natural Resources

- a. Could the proposal result in an increase in the rate of use of any natural resources or the substantial depletion of any nonrenewable natural resource?

YES	NO	MAYBE
		✓

8. Earth

- a. Could the project result in unstable earth conditions or in changes in geologic substructures?

YES	NO	MAYBE
		✓

YES	NO	MAYBE
-----	----	-------

- b. Could the project result in disruptions, displacements, compaction, or the overcovering of the soil? _____
- c. Could the project result in change in topography or ground surface relief features? _____ ✓
- d. Could the project result in wind or water erosion of soils, on or off the site? _____ ✓
- e. Could the project result in the destruction, covering, or modification of any unique geologic or physical features? _____ ✓
- f. Could the project possibly affect, or be affected by, the slopes upon which it would exist; or could the project be jeopardized, or in some way jeopardize, the stability of a cliff near to where the project is to be located? _____ ✓
- g. Could the project involve grading in excess of 50 cubic yards? If so, could such grading result in a hazard to adjacent properties, unstable slopes, or uncompacted fill? _____ ✓

9. Animal Life/Vegetation

- a. Could the project cause a change in the diversity of species, or numbers of any species of animals? _____
- b. Could the project result in a significant reduction in the vegetation that is currently relied upon by the wildlife using the site? _____ ✓

10. Hydrology

- a. Could the project significantly alter a stream, creek, or drainage course? The considerations should include channel size, channel location, water quantity, water quality, and vegetation bordering the stream? _____ ✓
- b. Could the project be affected by, or in some way affect, the unprotected floodways within the City? _____ ✓

11. Fire Hazard

- a. Could the project be affected by, or in some way affect, fire hazard areas within the City? _____ ✓

12. Pollutants

- a. Could the project produce noticeable or harmful air or odor pollutants? _____ ✓
- b. Could the project be affected by, or in some way produce, sustained high noise levels? _____ ✓

13. Cultural Resources

- a. Will the proposal result in the alteration or the destruction of a prehistoric or historic archaeological site? _____ ✓
- b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object? _____ ✓

YES	NO	MAYBE
-----	----	-------

c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values? ✓

14. Health

a. Could the project result in the creation of any health hazard, potential health hazard (excluding mental health), or the exposure of people to potential health hazards? ✓

b. Could the project result in relocation or displacement of people? If so, how many? ✓

15. Recreation

a. Could the project result in an impact upon the quality or quantity of existing or planned recreational opportunities? ✓

16. Energy

a. Could the project result in the use of substantial amounts of fuel or energy, a substantial increase in demand upon existing sources of energy, or require the development of new sources of energy? ✓

Applicants' Signature: Prepared by the Date: 7/7/86

*City of Capitola
Susan Supper
Planning Dept.*

NOTICE OF DETERMINATION

Upon approval

TO: Secretary for Resources
1416 9th Street, Room 1311
Sacramento, California 95814
or
County Clerk
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

FROM: Capitola Planning
Department, 420
Capitola Avenue,
Capitola, CA 95010

SUBJECT: Filing of Notice of Determination in compliance with
Section 21106 or 21152 of the Public Resources Code

Full Sea Cave with concrete
Project Title

State Clearinghouse Number
(If submitted to State Clearinghouse)

Susan Jupper
Contact Person Telephone Number 408-475-1500

110 Grove Lane
Project Location

Full Sea Cave approximately 15' x 25'
Project Description with concrete.

This is to advise that the City of Capitola
(Lead Agency or Responsible Agency)
has approved the above described project on _____ and has made the
following determinations regarding the above described project.

1. The Project will, will not, have a significant effect on the environment.
2. An Environmental Impact Report was prepared for the project pursuant to the provisions of CEQA.

A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
The EIR or Negative Declaration and record of project approval may be examined at: 420 Capitola Ave
Capitola Ca 95010

3. Mitigation measures were, were not, made a condition of the approval of the project.
4. A statement of Overriding Consideration was, was not, adopted for this project.

Filed by _____
Date Received for Filing _____

Date _____
Signature _____
Title _____

May 1, 1986

Commissioner Dysle indicated that he would like to see the dormer eliminated and skylights utilized, but has no problem in granting the applicant a variance.

Commissioner Fisher suggested that the dormers be reduced from two to only one.

A MOTION WAS MADE BY COMMISSIONER FISHER AND SECONDED BY COMMISSIONER KRIEGE TO CONTINUE APPLICATION #AS/V/86-66 TO THE PLANNING COMMISSION MEETING OF MAY 15, 1986, FOR REDESIGN.

MOTION WAS PASSED BY VOICE VOTE AND WAS SO ORDERED.

8. APPLICATION #AS/CUP/86-167 - Modification of approved application to add 2-13 ft. radio antennas on the AAA Building on Capitola Avenue, Doug Messini, Applicant. Categorically exempt.
Planner Tupper summarized the staff report.
Chairperson Karleen opened the public hearing.
Applicant's representative was present and advised the commissioners that the building needs the height on the antenna in order to receive emergency radio signals.
Chairperson Karleen closed the public hearing.
Commissioner Fisher suggested approval with modifications to the tripod so that it would be no higher than the parapet wall and not be visible and so that the whip would be no higher than 12 feet above the top of the parapet.
A MOTION WAS MADE BY COMMISSIONER FISHER AND SECONDED BY COMMISSIONER ELSTAD TO APPROVE MODIFICATION TO APPLICATION #AS/CUP/86-167 WITH THE CONDITION THAT THE TRIPOD BE NO HIGHER THAN THE PARAPET WALL AND THAT IT NOT BE VISIBLE; AND THAT THE WHIP IS TO BE NO HIGHER THAN 12 FEET ABOVE THE TOP OF THE PARAPET.
MOTION WAS PASSED BY VOICE VOTE, WITH CHAIRPERSON KARLEEN ABSTAINING.
9. APPLICATION #AS/SUB/85-221 - Architectural and Site Review and subdivision of a 6 unit condominium townhouse development on the west side of 38th Avenue approximately 300 feet north of the 38th Avenue Brommer Street intersection in the R-MM Multi-Family Residential District. Rainbow Bay Properties, Applicant.
APN 34-181-20
Planner Tupper advised the commissioners that since this application had been continued for redesign, and she has received no new plans from the applicant, she would suggest that the application be continued indefinitely.
Chairperson Karleen opened the public hearing.
No one spoke. Chairperson Karleen closed the public hearing.
A MOTION WAS MADE BY COMMISSIONER KRIEGE AND SECONDED BY COMMISSIONER DYSLE TO CONTINUE APPLICATION #AS/SUB/85-221 INDEFINITELY.
MOTION WAS PASSED BY VOICE VOTE AND WAS SO ORDERED.
10. APPLICATION #CUP/85-129 - Conditional Use Permit to plug a sea cave on 110 Grove Lane in the A-R Coastal Bluff Zoning District. Stan Webb, Applicant. APN-36-161-10. Negative Declaration.
Planner Tupper summarized the staff report.
Commissioner Dysle stated that he believed the applicant has a right to protect his own property and should be allowed to seal the cave.
Chairperson Karleen opened the public hearing.
Applicant Stan Webb was not present and no one else spoke.
Planner Tupper stated that she would get in touch with the applicant after the meeting.
Chairperson Karleen closed the public hearing.
A MOTION WAS MADE BY COMMISSIONER FISHER AND SECONDED BY COMMISSIONER ELSTAD TO APPROVE THE NEGATIVE DECLARATION FOR APPLICATION #CUP/85-129 WITH MITIGATING CONDITIONS AND FINDINGS, AS FOLLOWS:

May 1, 1986

CONDITIONS:

1. A construction plan and schedule will be prepared to include:
 - a) permit from the Army Corp of Engineers.
 - b) permit from the State Lands Department
 - c) permit from the Coastal Commission
 - d) permit and permission for access from the State Department of Parks and Recreation
 - e) information on construction technique and timing, providing techniques which will be used to move equipment and materials.
 - f) no concrete truck will be allowed within 150 feet of the bluff's edge.
 - g) concrete finish shall be smooth with bluff face and colored to match existing rocks.
 - h) detailed information showing no wash out on the beach or other damage to animal or plant life.

FINDINGS:

- B. THE USE WILL NOT BE DETRIMENTAL TO THE HEALTH, WELFARE, SAFETY, PEACE, MORALS, COMFORT, OR GENERAL WELFARE OF PERSONS IN THE VICINITY OR CITY.
- E. THE APPLICATION, SUBJECT TO THE CONDITIONS IMPOSED, WILL MAINTAIN THE CHARACTER AND INTEGRITY OF THE NEIGHBORHOOD.
- F. THE APPLICATION, SUBJECT TO THE CONDITIONS IMPOSED, WILL SECURE THE GENERAL PURPOSES OF THE ZONING ORDINANCE AND THE GENERAL PLAN.

MOTION WAS PASSED BY VOICE VOTE AND WAS SO ORDERED.

A MOTION WAS MADE BY COMMISSIONER FISHER AND SECONDED BY COMMISSIONER KRIEGE TO APPROVE APPLICATION #CUP/85-129 FOR A CONDITIONAL USE PERMIT TO PLUG A SEA CAVE LOCATED AT 110 GROVE LANE, WITH THE SAME MITIGATING CONDITIONS AND FINDINGS THAT APPLY TO THE NEGATIVE DECLARATION. MOTION WAS PASSED BY VOICE VOTE AND WAS SO ORDERED.

REGULAR MEETING

A. UNFINISHED BUSINESS

None.

B. NEW BUSINESS

1. APPLICATION #AS/86-71 - Arch & Site Review of a new entry deck at 316 Capitola Avenue, Captain Guido's restaurant, in the C-V Central Village District. Al Martin, Applicant. APN 35-172-17. Categorically exempt.
Planner Tupper summarized the staff report.
Applicant Al Martin was present but did not speak.
Commissioner Dysle suggested that a condition be added to review the application upon complaint.
Commissioner Kriege questioned as to where handicapped access to the restaurant is located.
Planner Tupper advised that it is in the back because there is no possible access in the front due to slopes.
A MOTION WAS MADE BY COMMISSIONER ELSTAD AND SECONDED BY COMMISSIONER FISHER TO APPROVE APPLICATION #AS/86-71 WITH CONDITIONS 1, 2, AND 3, AND WITH THE ADDITION OF CONDITION 4; AND WITH FINDINGS, AS FOLLOWS:

CONDITIONS:

1. THE DECK SHALL NOT BE USED FOR SEATING OR FOR SERVING FOOD.
2. THE DECK SHALL BE KEPT FREE OF TRASH.
3. THE CANVAS COLOR SHALL MATCH THE EXISTING AWNING AND SHALL BE REPLACED IF IT IS DETERMINED BY THE PLANNING DIRECTOR TO BE IN A DILAPIDATED CONDITION.
4. APPLICATION SHALL BE REVIEWED UPON COMPLAINT.



420 CAPITOLA AVENUE
CAPITOLA, CALIFORNIA 95010
TELEPHONE (408) 475-7300

PUBLIC NOTICE

NOTICE OF INTENT TO ISSUE A
NEGATIVE DECLARATION

The Planning Commission of the City of Capitola has prepared a negative declaration for the following project:

CUP/85-129 - Fill an existing sea cave with concrete at 110 Grove Lane, Capitola, CA 95010, Stan Webb, applicant. APN 36-161-10:

The project is to plug a sea cave at the base of a +/- 40 foot bluff at 110 Grove Lane, Capitola, Ca. This area is between New Brighton State Park and the City of Capitola Beach. The project will involve filling the cave with concrete held in place with #5 hooked dowels, 4 feet on center. The negative declaration includes the following conditions on the project:

1. A construction plan and schedule will be prepared to include:
 - a) permit from the Army Corp of Engineers
 - b) permit from the State Lands Department
 - c) permit from the Coastal Commission
 - d) permit and permission for access from the State Department of Parks and Recreation
 - e) information on construction technique and timing, providing techniques which will be used to move equipment and materials.
 - f) no concrete truck will be allowed within 150 feet of the bluff's edge.
 - g) concrete finish shall be smooth with bluff face and colored to match existing rocks.
 - h) detailed information showing no wash out on the beach or other damage to animal or plant life.

The Planning Commission will consider the afore-mentioned project and negative declaration at its meeting of May 1, 1986, beginning after the hour of 7:00 p.m. at the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Comments: A copy of the negative declaration is available for review at the Planning Department, 420 Capitola Avenue, Capitola, California. Comments on the negative declaration should be submitted in writing from April 8, 1986 to May 1, 1986.

Planning Department
City of Capitola

APPENDIX C
BIOTIC REPORT

**SEAWALL MAINTENANCE PROJECT
110 GROVE LANE, CAPITOLA**

BIOTIC REPORT



Biotic Resources Group

Biotic Assessments ♦ Resource Management ♦ Permitting

SEAWALL MAINTENANCE PROJECT 110 GROVE LANE, CAPITOLA

BIOTIC REPORT

Prepared for:

Sharon and Phil Lebherz
c/o Matson Britton Architects
Attn: Cove Britton

Prepared by:

Biotic Resources Group
Kathleen Lyons
With
Dana Bland, Wildlife Biologist
Dana Bland & Associates

November 13, 2015

SEAWALL MAINTENANCE PROJECT 110 GROVE LANE, CAPITOLA

BIOTIC REPORT

1.0 INTRODUCTION

The sea cliff on the property at 110 Grove Lane is proposed for repair and maintenance. The property is located seaward of Park Avenue at the terminus of Grove Lane within the City of Capitola (Figure 1). The sea cliff currently supports a concrete seawall that extends from the edge of a natural cliff overhang down to the base of the cliff. The sea cliff is located on lands owned by Sharon and Phil Lebherz. The beach at the base of the cliff occurs on State Lands associated with the Monterey Bay shoreline.

The proposed project is the maintenance of the existing seawall, as depicted in plans prepared by R.I. Engineering, Inc. (plans dated August 2012). The work involves removing loose natural materials from damaged seawall areas and applying new shotcrete. The treated areas will include new rebar installed into the seawall/native bluff (secured with epoxy grout), placement of a rebar grid on the seawall surface and applying new shotcrete (minimum depth of 1.5 inches). The new shotcrete will be feathered into the existing wall. The plan depicts five repair areas on the sea wall. One work repair area will occur below the mean high tide line; all of the other repair areas are located above the mean high tide line. The project includes installation of a temporary fiber roll at the base of the seawall work area each working day. All concrete washout and equipment staging will occur at the top of the cliff; however, construction access to the seawall will be along the toe of the sea cliff from nearby New Brighton State Beach. Figure 2 shows the location of the project and the construction access on an aerial image.

The Biotic Resources Group and Dana Bland & Associates assessed the biotic resources of the proposed seawall maintenance area, including proposed construction access areas. The focus of the assessment was to identify sensitive biotic resources within the project area and evaluate the proposed activities relative to such resources.

Specific tasks conducted for this study include:

- Characterize and map the major plant communities within the proposed work area;
- Identify sensitive biotic resources, including plant and wildlife species of concern, within areas proposed for repair, including temporary construction features;
- Evaluate the potential effects of the proposed project on sensitive biotic resources and recommend measures to avoid or reduce such impacts.

Intended Use of this Report

The findings presented in this biological report are intended for the sole use of Sharon and Phil Lebherz, the City of Capitola, and other regulating agencies in evaluating the proposed repair work. The findings presented by the Biotic Resources Group in this report are for information purposes only; they are not intended to represent the interpretation of any State, Federal or City law or ordinance pertaining to permitting actions within sensitive habitat or endangered species. The interpretation of such laws and/or

ordinances is the responsibility of the applicable governing body.

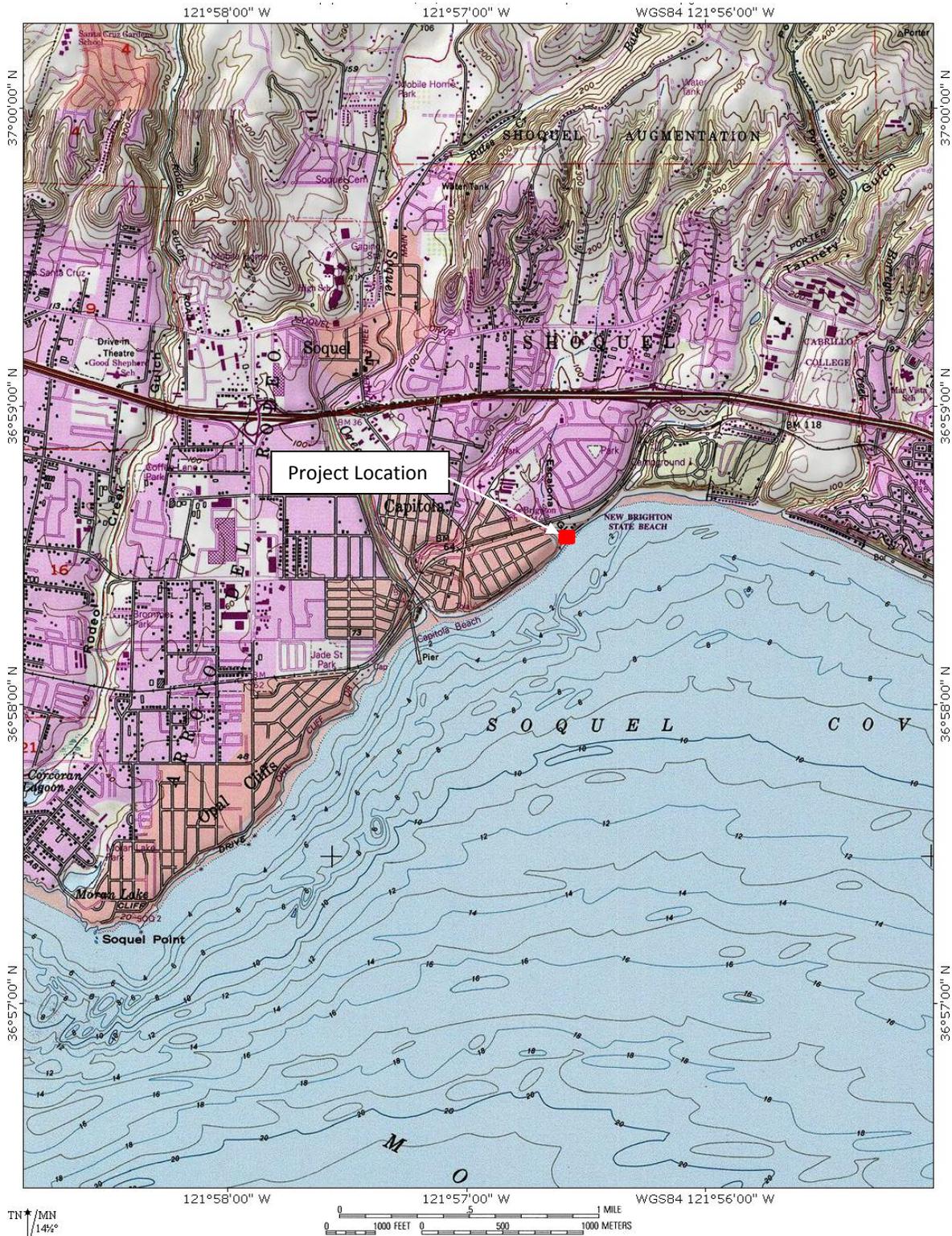


Figure 1. Project Location on USGS Soquel Topographic Map.



Figure 2. Project Location on Aerial (Google aerial dated 3/28/15)

2.0 METHODOLOGY

A survey to document site conditions and biotic resources in the project area was conducted by Kathleen Lyons (plant ecologist) and Dana Bland (wildlife biologist) in September 2015. Study methodology included a field reconnaissance survey on September 29th, aerial photograph interpretation, and accessing electronic databases. Database searches were conducted; the California Natural Diversity Data Base (CNDDB) “RareFind 5” (2015) and the California Native Plant Society (CNPS) Rare Plant Electronic Inventory (2015) for the Soquel and surrounding quadrangles were accessed.

Prior to conducting the September field survey, a potential list of special status or sensitive species was reviewed, utilizing species recognized by California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS). The shoreline below the existing seawall was walked; the ocean edge, rocky outcrops, and sea cliff area was viewed from the shoreline during a minus 0.2-foot tide. The major plant community types in the project area, based on the classification system developed by CNDDB’s *California Terrestrial Natural Communities* (CDFW 2010) and *A Manual of California Vegetation* (Sawyer and Keeler-Wolf 1995) were mapped during the field survey. Plant community types as recognized by CDFW were used to the greatest extent feasible; however, modifications to the classification system’s

nomenclature were made, as necessary, to accurately describe the site’s resources, particularly for areas that the CDFW system provides no suitable classification. The plant communities were mapped onto the tentative map with topographic base (Figure 2). The *Jepson Manual Vascular Plants of California* (2012) was the principal taxonomic reference used for the botanical work.

3.0 ENVIRONMENTAL SETTING

The project site lies at the mid-portion of the geographic area known as the Central Coast Range and extends eastward to the San Francisco Bay Area Range (Hickman, 1993). Presently, the project area supports little vegetation; small clumps of sea cliff vegetation occur where small crevices or ledges are present on the natural sea cliff; however, the concrete seawall is not vegetated except for bands of sea lettuce (*Ulva sp.*) within the tidal zone. Vegetation on the top of the cliff is dominated by non-native vegetation. A eucalyptus tree grove is located nearby but it is not within the project area.

Each terrestrial vegetation type, its California vegetation code, and state ranking (rarity) are listed in Table 1. The distribution of these communities is depicted on Figure 3.

Table 1. Vegetation Types at Seawall Maintenance Site, Grove Lane

CaCode ¹	Vegetation Type	Plant Association	State Ranking ²
21.200.00	Ice Plant Mat	Ice plant (<i>Carpobrotus spp.</i>), pampas grass (<i>Cortaderia jubata</i>)	None
21.125.00	Sea Cliff Vegetation	Sea rocket (<i>Cakile maritima</i>), seaside daisy (<i>Erigeron glaucus</i>), cut-leaved plantain (<i>Plantago coronopus</i>), sedge (<i>Carex sp.</i>)	None

¹ – California vegetation code as per CDFG (September, 2010); ² - Vegetation types are ranked between S1 and S5. For vegetation types with ranks of S1-S3, all associations within the type are considered to be highly imperiled.



Figure 3. Distribution of Vegetation and Habitat Types in Work Area, September 2015

3.1 Ice Plant Mat

This plant community occurs on the upper edge of the sea cliff. The vegetation is dominated by non-native ice plant (*Carpobrotus edulis*). Other plants growing amid the dense ice plant are other non-native species, such as pampas grass (*Cortaderia jubata*). Native species are limited to clumps of seaside daisy (*Erigeron glaucus*). Figure 2 depicts this vegetation type at the top of the sea cliff.

3.2 Sea Cliff Vegetation

Portions of the sea cliff support small patches of vegetation. Crevices and crack in the sea cliff support sea rocket (*Cakile maritima*), seaside daisy, cut-leaved plantain (*Plantago coronopus*), and sedge (*Carex sp.*). The majority of the sea cliff is devoid of vegetation. Vegetation within the tidal zone is limited to patches of sea lettuce (*Ulva sp.*). The character of the sea cliff vegetation is depicted in Figure 4. The land between the sea cliff and the ocean is active beach/rocky shore. This area is devoid of vegetation as it is the area between mean tide and the furthest inland reach of storm waves. Figure 5 depicts the character of the construction access route from New Brighton State Beach to the seawall work area.



Figure 4. View of seawall and sea cliff, looking southerly from shoreline, showing algal zone (sea lettuce), patches of sea cliff vegetation, bare areas in the surf/wave zone, and beach, September 2015



Figure 5. View of construction access route, looking southerly from New Brighton State Beach to the work area, September 2015

3.2 Wildlife

The project work area provides little wildlife habitat because it is primarily a sheer cliff face. Birds may occasionally perch in the vegetation at the top of the bluff, but the cliff face lacks ledges and crevices suitable for nesting by seabirds. A ledge with nest materials was observed on the cliff face approximately 100 feet east of the project site, and a ledge with a crevice and abundant whitewash (indicating possible previous nesting) was observed approximately 300 feet east of the project site. Both potential nest sites are located on the east-facing side of cliff projections, facing away from the proposed work area. One Peregrine falcon was observed perched on vegetation on the western side of the cliff adjacent to the crevice nest area; it had small, white downy feathers stuck to its head and shoulders, perhaps from feeding on a gull or other seabird. There are no known records of nesting Peregrine falcons in this area, but pigeon guillemots have been observed nesting in the general vicinity (Chris Spohrer, Natural Resource Supervisor, Santa Cruz State Parks region).

4.0 REGULATED AND SENSITIVE HABITATS

4.1 Regulated Habitats

California Department of Fish and Wildlife (CDFW) is a trustee agency that has jurisdiction under Section 1600 et seq. of State Code. Under Sections 1600-1603 of the California Fish and Game Code, CDFW regulates all diversions, obstructions, or changes to the natural flow or bed, channel or bank of any river, stream or lake which supports fish or wildlife. Along watercourses, CDFW jurisdictional limit typically extends to the top of bank or to the edge of riparian habitat if such habitat extends beyond top of bank (outer drip line), whichever is greater. The proposed project is outside CDFW jurisdiction; however a portion of the project area is located on State Lands. These lands are located up to the mean high tide line Ward Surveying determined the mean high tide line is at elevation 2.03; source: R.I. Engineering, Inc.). A portion of the seawall work will occur below the mean high tide line. Construction access along the shoreline will also be below the mean high tide line. State Lands in the Coastal Zone are subject to permitting by the California Coastal Commission, pursuant to the Coastal Act.

Water quality in California is governed by the Porter-Cologne Water Quality Control Act and certification authority under Section 401 of the Clean Water Act, as administered by the Regional Water Quality Control Board (RWQCB). The Section 401 water quality certification program allows the State to ensure that activities requiring a Federal permit or license comply with State water quality standards. Water quality certification must be based on a finding that the proposed discharge will comply with water quality standards which are in the regional board's basin plans. The Porter-Cologne Act requires any person discharging waste or proposing to discharge waste in any region that could affect the quality of the waters of the state to file a report of waste discharge. The RWQCB issues a permit or waiver that includes implementing water quality control plans that take into account the beneficial uses to be protected. Waters of the State subject to RWQCB regulation extend to the top of bank, as well as isolated water/wetland features and saline waters. Should there be no Section 404 nexus (i.e., isolated feature not subject to USACE jurisdiction); a report of waste discharge (ROWD) should be filed with the RWQCB. The RWQCB interprets waste to include fill placed into water bodies. The proposed project will be located within the jurisdiction of the RWQCB, as temporary construction access and a portion of the seawall work will occur below the mean high tide line (elevation 2.03; source: R.I. Engineering, Inc.).

The US Army Corps of Engineers (USACE) regulates activities within waters of the United States pursuant to congressional acts: Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (1977, as amended). Section 10 of the Rivers and Harbors Act requires a permit for any work in, over, or under navigable waters of the United States. Navigable waters are defined as those waters subject to the ebb and flow of the tide to the Mean High Water mark (tidal areas) or below the Ordinary High

Water mark (freshwater areas). Tidal waters, up to the high tide line, are under federal jurisdiction. Section 10 of the Rivers and Harbors Act requires a permit for any work in, over, or under navigable waters of the United States. Examples of work include piers, docks, breakwaters, and dredging. For the project area, the mean high tide is approximately 2.03 feet (source: R.I. Engineering, Inc.). A portion of the proposed project will be located within the jurisdiction of the USACE. Temporary construction access and a portion of the seawall work will occur below the mean high tide line (2.03-foot elevation). A permit for temporary placement of fill associated with the construction period may be required from USACE (pending confirmation from this agency).

4.2 Sensitive Habitats

Sensitive habitats are defined by local, State, or Federal agencies as those habitats that support special status species, provide important habitat values for wildlife, represent areas of unusual or regionally restricted habitat types, and/or provide high biological diversity. Sensitive habitats are also defined by City of Capitola Code (Section 17.95 Environmentally Sensitive Habitat). The beach is a sensitive habitat. The project is also located within the Coastal Zone and subject to provisions within the City’s Local Coastal Program (LCP) and permitting by the California Coastal Commission, pursuant to the Coastal Act. None of the plant community types on this site are ranked as sensitive (i.e., S1-S3) by CDFW.

5.0 SPECIAL STATUS SPECIES

5.1 Special Status Plants

The biotic review focused on special status plant species that are officially listed by the State and/or Federal government and CNPS List 1B. No special status plant species have been recorded for this property as per the CNDDDB (CDFW 2015). The species evaluated for potential occurrence in the project area, as per CNDDDB records, are listed on Table 2. The site does not support suitable habitat for special status plant species and none were observed, or are predicted, to occur in the proposed work area.

Table 2. List of Special Status Plant Species with Potential to Occur in the Vicinity of the Grove lane Seawall Maintenance Project Area, City of Capitola, September 2015.

Species	CNPS	State Status	Federal Status	Habitat Preference Observed on Site?
Hooker’s manzanita (<i>Arctostaphylos hookeri</i>)	List 1B.2	None	None	Sandy slopes, often intermixed with oak woodland; known from Buena Vista area No
Pajaro manzanita (<i>Arctostaphylos pajaroensis</i>)	List 1B.1	None	None	Sandy slopes, often intermixed with oak woodland; recorded from NW of Watsonville and in Prunedale area No
Monterey spineflower (<i>Chorizanthe pungens var. pungens</i>)	List 1B.2	None	Threatened	Sandy slopes, can be intermixed with oak woodland/maritime chaparral; recorded from Manresa and Sunset State beaches; Day Valley area; Pajaro Dunes No
Robust spineflower (<i>Chorizanthe robusta var. robusta</i>)	List 1B.1	None	Endangered	Sandy slopes, often intermixed with oak woodland/maritime chaparral; recorded from Manresa State Beach; NE of Ellicott Pond, Aptos HS area No
Sand-loving wallflower (<i>Erysimum</i>)	List 1B.2	None	None	Coastal dunes; recorded from Sunset State

Table 2. List of Special Status Plant Species with Potential to Occur in the Vicinity of the Grove Lane Seawall Maintenance Project Area, City of Capitola, September 2015.

Species	CNPS	State Status	Federal Status	Habitat Preference Observed on Site?
<i>ammophilium</i>)				Beach, along Shell Road No
Sand gilia (<i>Gilia tenuiflora ssp. arenaria</i>)	List 1B.2	Threatened	Endangered	Coastal dunes; recorded from Sunset State Beach No
Santa Cruz tarplant (<i>Holocarpha macradenia</i>)	List 1B.1	Endangered	Threatened	Grasslands, often on coastal terrace deposits; recorded from Harkins Slough area and Watsonville area No
Kellogg's horkelia (<i>Horkelia cuneata ssp. sericea</i>)	List 1B.1	None	None	Oak woodland and edges of grasslands; recorded from NW of Watsonville No
Dudley's lousewort (<i>Pedicularis dudleyi</i>)	List 1B.2	None	None	Woodlands; historic (1884) occurrence from Aptos No
Choris's popcorn flower (<i>Plagiobothrys chorisianus var. chorisianus</i>)	List 1B.2	None	None	Mesic grasslands, often on coastal terrace deposits; recorded from Watsonville Airport No
Bent-flowered fiddleneck (<i>Amsinckia lunaris</i>)	List 1B.2	None	None	Grassland; recorded from Scotts Valley and Davenport No
Anderson's manzanita (<i>Arctostaphylos andersonii</i>)	List 1B.2	None	None	Chaparral and forests; recorded from UCSC area and Bonny Doon No
King's Mountain manzanita (<i>Arctostaphylos regismontana</i>)	List 1B.2	None	None	Chaparral and forests; recorded from Skyline area No
Bonny Doon manzanita (<i>Arctostaphylos silvicola</i>)	List 1B.2	None	None	Ponderosa pine and chaparral in Zayante sands; known from Felton and Ben Lomond area No
Santa Cruz Mountains pussypaws (<i>Calyptridium parryi var. hesseae</i>)	List 1B.1	None	None	Ponderosa pine and chaparral in Zayante sands; known from Felton and Ben Lomond area No
Deceiving sedge (<i>Carex saliniformis</i>)	List 1B.2	None	None	Mesic areas, marshes; historic record from Scotts Valley No
Coyote ceanothus (<i>Ceanothus ferrisiae</i>)	List 1B.1	None	Endangered	Chaparral, on serpentine; recorded from Anderson Reservoir and Uvas Canyon area No
Congdon's tarplant (<i>Centromadia parryi ssp. congdonii</i>)	List 1B.1	None	None	Mesic grassland, heavy clay; recorded from Salinas area No
Ben Lomond spineflower (<i>Chorizanthe pungens var. hartwegiana</i>)	List 1B.1	None	Endangered	Ponderosa pine and chaparral in Zayante sands; recorded from Bonny Doon and Felton areas No

Table 2. List of Special Status Plant Species with Potential to Occur in the Vicinity of the Grove Lane Seawall Maintenance Project Area, City of Capitola, September 2015.

Species	CNPS	State Status	Federal Status	Habitat Preference Observed on Site?
Scotts Valley spineflower (<i>Chorizanthe robusta</i> var. <i>hartwegii</i>)	List 1B.1	None	Endangered	Grassland on sandstone outcrops; known only from Scotts Valley area No
Seaside birds-beak (<i>Cordylanthus rigidus</i> ssp. <i>littoralis</i>)	List 1B.1	Endangered	None	Maritime chaparral and closed cone forests; recorded from Monterey Co. No
Santa Clara Valley dudleya (<i>Dudleya abramsii</i> ssp. <i>setchellii</i>)	List 1B.1	None	Endangered	Serpentine chaparral and rock outcrops No
Eastwood's goldenbush (<i>Ericameria fasciculata</i>)	List 1B.1	None	None	Chaparral and coastal scrub; recorded from Monterey Co. No
Hoover's button-celery (<i>Eryngium aristulatum</i> var. <i>hooveri</i>)	List 1B.1	None	None	Vernal pools No
Ben Lomond wallflower (<i>Erysimum teretifolium</i>)	List 1B.1	Endangered	Endangered	Ponderosa pine and chaparral in Zayante sands; known from Felton and Ben Lomond area No
Minute pocket moss (<i>Fissidens pauperculus</i>)	List 1B.2	None	None	Sandstone outcrops in grassland and oak woodland; recorded from Scotts Valley region No
Fragrant fritillary (<i>Fritillaria liliacea</i>)	List 1B.2	None	None	Moist serpentine areas in grassland; recorded from Santa Clara Co. No
Loma Prieta hoita (<i>Hoita strobilina</i>)	List 1B.1	None	None	Talus in chaparral and woodlands; 1936 herbarium record from Santa Cruz No
Smooth lessingia (<i>Lessingia micradenia</i> var. <i>glabrata</i>)	List 1B.2	None	None	Serpentine soils in chaparral and grasslands; recorded from Santa Clara Co. No
Arcuate bush-mallow (<i>Malacothamnus arcuatus</i>)	List 1B.2	None	None	Serpentine chaparral No
Hall's bush-mallow (<i>Malacothamnus hallii</i>)	List 1B.2	None	None	Serpentine chaparral No
Woodland woollythreads (<i>Monolopia gracilens</i>)	List 1B.2	None	None	Serpentine forest, woodland, chaparral, and grassland No
Santa Cruz Mtns. beard's tongue (<i>Penstemon rattanii</i> var. <i>kleei</i>)	List 1B.2	None	None	Woodland and chaparral; herbarium collections from Ben Lomond Mtn. No
White-rayed pentachaeta (<i>Pentachaeta bellidiflora</i>)	List 1B.1	None	None	Serpentine grasslands No
Yadon's piperia (<i>Piperia yadonii</i>)	List 1B.1	None	Endangered	Coastal scrub and oak woodland, often an talus/rocky areas No

Table 2. List of Special Status Plant Species with Potential to Occur in the Vicinity of the Grove lane Seawall Maintenance Project Area, City of Capitola, September 2015.

Species	CNPS	State Status	Federal Status	Habitat Preference Observed on Site?
San Francisco popcorn flower (<i>Plagiobothrys diffusus</i>)	List 1B.1	Endangered	None	Mesic grasslands, often on coastal terrace deposits No
Scotts Valley polygonum (<i>Polygonum hickmanii</i>)	List 1B.1	None	Endangered	Grasslands, on coastal terrace deposits No
Pine rose (<i>Rosa pinetorum</i>)	List 1B.2	None	None	Closed cone pine forests No
Most-beautiful jewel-flower (<i>Streptanthus albidus</i> ssp. <i>peramoenus</i>)	List 1B.2	None	None	Serpentine grassland No
Santa Cruz Clover (<i>Trifolium buckwestiorum</i>)	List 1B.1	None	None	Mesic grasslands No
Saline clover (<i>Trifolium hydrophilum</i>)	List 1B.2	None	None	Mesic grasslands, alkaline No

5.2 Special Status Wildlife

Special status wildlife species include those listed, proposed or candidate species by the Federal or the State resource agencies, as well as those identified as State species of special concern. In addition, all raptor nests are protected by Fish and Game Code, and all migratory bird nests are protected by the Federal Migratory Bird Treaty Act. Special status wildlife species were evaluated for their potential presence in the project area as described in Table 3 below. The only species in Table 3 that may occur adjacent to this project site is the Monarch butterfly; however, the project will have no impacts on the Eucalyptus grove that provides potential Monarch roosting habitat, and the work is scheduled for spring and summer months which is outside the winter roosting season for Monarchs. No other special status wildlife species occur at this site.

Table 3. List of Special Status Wildlife Species with Potential to Occur Sinkhole in the Vicinity of the Grove lane Seawall Maintenance Project Area, City of Capitola, November 2015.

SPECIES	STATUS ¹	HABITAT	POTENTIAL OCCURRENCE ON SITE
Invertebrates			
Ohlone tiger beetle <i>Cicindela ohlone</i>	FE	Coastal terrace prairie with sparse vegetation and openings, Watsonville loam soils	None. No suitable habitat on site.
Zayante band-winged grasshopper <i>Trimerotropis infantilis</i>	FE	Openings in sand hills parkland habitat with Zayante sandy soils	None. No suitable habitat on site.
Monarch butterfly <i>Danaus plexippus</i>	*	Eucalyptus, acacia and pine trees groves provide winter habitat when they have adequate protection from wind and nearby source of water	Known from nearby New Brighton State Park. May occur in Eucalyptus grove at top of cliff adjacent to the house.
Fish			
Steelhead <i>Oncorhynchus mykiss</i>	FT	Perennial creeks and rivers with gravels for spawning.	None. No suitable habitat on site.
Tidewater goby	FE, CSC	Coastal lagoons and associated	None. No suitable habitat on site.

Table 3. List of Special Status Wildlife Species with Potential to Occur Sinkhole in the Vicinity of the Grove Lane Seawall Maintenance Project Area, City of Capitola, November 2015.

SPECIES	STATUS ¹	HABITAT	POTENTIAL OCCURRENCE ON SITE
<i>Eucyclogobius newberryi</i>		creeks up to 1 mile inland	
Amphibians			
Santa Cruz long-toed salamander <i>Ambystoma macrodactylum croceum</i>	FE, SE, FP	Ponds for breeding with water at least into June. Riparian, oak woodland, coastal scrub for upland habitat.	None. No suitable habitat on site.
Foothill yellow-legged frog <i>Rana boylei</i>	CSC	Perennial creeks with cobble substrate for egg attachment.	None. No suitable habitat on site.
California red-legged frog <i>Rana draytonii</i>	FT, CSC	Riparian, marshes, estuaries and ponds with still water at least into June.	None. No suitable habitat on site.
Reptiles			
Western pond turtle <i>Emys marmorata</i>	CSC	Creeks and ponds with water of sufficient depth for escape cover, and structure for basking; grasslands or bare areas for nesting.	None. No suitable habitat on site.
Birds			
Black swift <i>Cypseloides niger</i>	CSC	Coastal cliffs above surf line, sea caves and on cliffs behind waterfalls	None. No suitable habitat on site.
Mammals			
Pallid bat <i>Antrozous pallidus</i>	CSC	Roosts in rock outcroppings, caves, hollow trees, mines, building and bridges	None. No suitable habitat on site.
Townsend's big-eared bat <i>Corynorhinus townsendii</i>	SCT	Forested habitats with caves, mines, old buildings and hollows in redwood trees as roosts	None. No suitable habitat on site.

¹ Key to status:

- FE = Federally listed as endangered species
- FT = Federally listed as threatened species
- SCT = State candidate for listing as threatened species
- SE = State listed as endangered species
- ST = State listed as threatened species
- FP = Fully Protected species by State
- CSC = California species of special concern
- * = Species of local concern under County LCP

6.0 PROJECT REVIEW AND RECOMMENDATIONS

6.1 Thresholds of Significance

The thresholds of significance presented in Appendix G of the CEQA Guidelines were used to evaluate project impacts and to determine if implementation of the proposed project would pose significant impacts to biological resources. For this analysis, significant impacts are those that substantially affect, either directly or through habitat modifications:

- A species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS;

- Riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by CDFW or USFWS;
- Federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance;
- Conflict with the provisions of an adopted Habitat Conservation plan, Natural Community Conservation plan, or other approved local, regional, or state habitat conservation plan.

6.2 Project Review and Recommendations

The proposed maintenance of the seawall was evaluated for its potential direct and indirect impacts to biotic resources. The proposed maintenance work (i.e., temporary construction access, cleaning the seawall, installing rebar and rebar mesh and application of shotcrete) will occur within areas devoid of vegetation. An area of ice plant and pampas grass that occurs at the top of the sea cliff may be temporarily affected by construction access. Due to the prevalence of non-native plant species within this area, the trampling of this vegetation is not considered a significant impact to local or regional botanical resources. With the exception of small amounts of sea cliff vegetation on ledges and in crevices adjacent to the seawall work area, native vegetation will not be affected by the maintenance work. Due to the prevalence of common native and non-native plant species on the sea cliff and the small area affected the potential damage to this vegetation during construction is not considered a significant impact to botanical resources.

As depicted on the project plans, the seawall maintenance will require access on open, sandy beach areas and along the rocky shore. Approximately 1,800 linear feet of beach/shoreline will be traversed to access the work area. An access permit from California Department of Parks and Recreation (State Parks) will be required. According to the project engineer, approximately 10 working days will be needed for the seawall work, with access limited to minus tides. Although the beach is an environmentally sensitive habitat; due to the lack of vegetation and the temporary nature of the construction, the impact to biological resources on the sandy beach is less than significant.

Impacts to Waters of the U.S., Waters of the State, and State Lands. A portion of the seawall maintenance (lower slopes work) will occur below the mean high tide line (2.03-foot elevation). Because these areas are considered “waters of the United States”, “waters of the State”, and on State Lands, fill is subject to permitting under federal and state agencies. Due to the value of jurisdictional waters as a natural habitat, degradation of the quality of the water from construction would be considered a significant impact. The following measure is recommended to avoid or reduce this impact.

Mitigation Measure BIO-1. Implement construction best management practices to protect the quality of Waters of the U.S., including measures to minimize side casting of materials into undisturbed area; confine the limits of the construction area to the minimum necessary, and prevent fuel spills. Secure any necessary permits from applicable state and federal agencies (i.e., USACE, RWQCB, and California Coastal Commission).

Impacts to Wildlife. No special status wildlife species are expected to occur within the proposed project work area. However, two large bird nest areas were observed just east of the project site. Because the reconnaissance survey for this project was conducted in the fall, outside of the bird nesting season, it was

not possible to determine what bird species may be utilizing the possible nest ledges/crevice. A Peregrine falcon was observed perching on one cliff area east of the project site; although the Peregrine is no longer state or federally listed species, it is still on the State list of Fully Protected Species. To ensure that the project does not impact sensitive nesting birds, a spring survey is recommended.

Mitigation Measure BIO-2. If construction is scheduled to occur between March 1 and September 1 of any given year, the applicant shall hire a qualified biologist to conduct nesting bird surveys of the cliffs along the beach access route. The surveys shall be conducted no more than 14 days prior to commencement of construction. If sensitive bird species are observed nesting on the cliffs, and the biologist determines that equipment access along the beach below the nests would significantly disturb the nesting birds, resulting in loss of eggs or chicks, the construction shall be postponed until the biologist determines all young have fledged or other measures (such as alternative access route) can be implemented to avoid impacts to nesting birds.

7.0 REFERENCES AND LITERATURE CITED

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