CALENDAR ITEM

C37

A	29	06/28/16
		W 26763
S	17	N. Lavoie

GENERAL LEASE – PROTECTIVE STRUCTURE USE

APPLICANT:

Philip E. Lebherz and Sharon J. Lebherz, Trustees of The Lebherz Family Trust dated November 19, 1990, as amended and restated

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean, adjacent to 110 Grove Lane, in the city of Capitola, Santa Cruz County.

AUTHORIZED USE:

The repair, use, and maintenance of a portion of an existing private residential seawall not previously authorized by the Commission.

LEASE TERM:

10 years, beginning June 28, 2016.

CONSIDERATION:

$461 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than $1,000,000 per occurrence.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, and 6301; California Code of Regulations, Title 2, section 2000, subdivision (b).

Public Trust and State's Best Interests Analysis:

The Applicant constructed a seawall along their private property in 1987 under a Negative Declaration approved by the city of Capitola on May 1, 1986. The structure was also authorized by the California Coastal Commission on November 13, 1986, under Coastal Development Permit No. 3-86-214, which provided for the filling of a sea cave at the base of the

coastal bluff with 200 cubic yards of concrete. The Applicant is proposing to repair several portions of the existing seawall and is requesting that the Commission authorize the repair, use, and maintenance of a portion of the existing seawall on State sovereign land.

Commission staff reviewed the original seawall project in 1985, and, based on information available at that time, determined that the proposed seawall was not likely to extend onto State sovereign land and a lease was not required. In 2013, Commission staff received construction plans submitted by the Applicant titled, "Seawall maintenance plan for Sharon and Phil Lebherz 110 Grove Lane, Santa Cruz County." Upon examination of historical records and the plans submitted by the Applicant, it was determined that the location of the Mean High Tide Line (MHTL) had moved landward due to coastal erosion. A portion of the project and existing seawall now encroach onto State sovereign land, and a lease is required.

The Applicant is now applying for a General Lease – Protective Structure Use, to repair the portion of the existing seawall on State sovereign land. The entire seawall repair project would be implemented by removing loose natural materials from damaged seawall areas to be repaired, installing new rebar into the seawall/native bluff (secured with epoxy grout), placing a rebar grid on the seawall surface, and applying approximately 1 cubic yard of new shotcrete (minimum depth of 1.5 inches). The new shotcrete would be feathered into the existing wall. The duration of construction would be approximately 10 working days. The Project would include installation of a temporary fiber roll at the base of the seawall work area on a daily basis. All concrete washout and equipment staging would occur at the top of the bluff; however, construction access to the seawall would be along the toe of the bluff from New Brighton State Beach. Work at the shoreline construction zone would occur only during low tide, when the work site and construction route are completely accessible, and during daylight hours.

The proposed lease is for a small area, approximately 67.9 square feet, and the seawall is located at the base of the bluff to protect against bluff failure and to protect the home on top of the bluff. There are several seawalls along the bluff in the area. These seawalls also provide for the health and safety of the public by protecting them from bluff failure while recreating on the beach.

Adverse effects related to protective structures can include increased beach erosion, interference with natural sand supply, loss of public beach, and potential impacts on flora and fauna as a result of encroachment by these protective structures on the beach environment. Various beach nourishment programs have been conducted by city and regional governing bodies, and sand-loss mitigation fees have been implemented as a requirement for new Coastal Development Permits to mitigate for these impacts, by helping to maintain a sandy beach for public access and recreation. The lease is for a limited term of 10 years, which allows the Commission flexibility if the previously-described impacts occur or if the Commission determines that the public trust needs of the area have changed over time.

Based on the information known to Commission staff at this time, the portion of the existing seawall structure on sovereign land does not substantially interfere with the public trust needs and values at this location at this time. The proposed lease requires the Lessee to keep and maintain the seawall in good order and repair, insure the lease premises, and indemnify the State for any liability incurred as a result of the Lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved. For all the reasons above, Commission staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

Sea-Level Rise Analysis:

Natural coastal erosion, extreme storm and tidal events, and sea-level rise are dynamic processes that will impact the lease area and shoreline protective structure on and adjacent to 110 Grove Lane, city of Capitola. The existing private residential seawall is sited at the base of a sloping 30-40 foot bluff, composed of highly erodible materials, sandstone and siltstone (Moore, L.J. & G. Griggs. 2002. *Long-term cliff retreat and erosion hotspots along the central shores of the Monterey Bay National Marine Sanctuary*. Marine Geology 181: 265-283). It is one of several similar protective structures dotting the bluffs from the western end of Grand Avenue to the westward parking lot of New Brighton Beach. Capitola bluffs are retreating at approximately 10 to 11 inches per year (City of Capitola, Local Hazard Mitigation Plan, 2013). In addition to incremental erosion, the area is subject to extreme storm and tidal events, which are predicted to increase in frequency and severity throughout the next century due to climate change. The previous century saw dozens of

incidents of bluff damage and destabilization, many of them listed in the City of Capitola's Local Hazard Mitigation Plan, dating back to 1911. Looking ahead, sea-level rise will pose a sustained risk to both the bluff complex and its protective structures, by raising mean water levels and augmenting wave run-up and force. By 2030, the region could see up to 1 foot of sea-level rise (from year 2000 levels), 2 feet by 2050, and possibly over 5 feet by 2100 (National Research Council, 2012). These combined erosion pressures may accelerate bluff retreat at a rate that will be increasingly difficult to manage with conventional shoreline armoring structures and methods.

At present, the bluff in front of the property has eroded nearly to the edge of the homeowner's improved yard. According to the Applicant, it is imperative that the existing seawall is repaired in order to maintain the integrity of the bluff behind it and ensure stabilization of the property amenities above. These objectives are also priorities for the Commission to ensure the safety of public use and recreation on the adjacent beach and intertidal areas. However, hard armoring structures are known to have harmful effects on sediment processes and transport, beach size, and habitat, and structures such as seawalls may be unable to serve their intended functional purpose as the effects of sea-level rise and other coastal climate change impacts increase in severity over time. The Commission's staff anticipates that sea-level rise adaptation and resiliency strategies will be developed during the term of the lease at both the local and state levels that may offer the Lessee alternative measures for shoreline protection. The Commission's staff also acknowledges that the bluff top structures may need to be removed or relocated at some point in the future due to continued or accelerated erosion of the bluff in spite of stabilization efforts. Because the Commission is committed to leading innovative and responsible resource management actions that provide the highest level of public health and safety, the Commission may require the Lessee to consider different options for protection and adaptation in the future if a new lease is requested upon the expiration of the currently proposed lease term. For the proposed 10-year lease term currently under consideration, proposed lease conditions require the Lessee to comply with applicable provisions or standards addressing sea-level rise that may be required or adopted by local, state or federal agencies. In this way, the Commission strives to work with its agency and municipal partners, as well as the Lessee, to protect public trust resources under present conditions and responsibly prepare for future coastal changes.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.

2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction; and Strategy 1.2 to provide that the current and future management of ungranted sovereign lands and resources and granted lands…is consistent with evolving Public Trust principles and values, particularly amid challenges relating to climate change, sea-level rise, public access, and complex land use planning and marine freight transportation systems.

3. A Negative Declaration (ND) was prepared for the project by the City of Capitola and adopted on May 1, 1986. Commission staff has reviewed this document prepared pursuant to the provisions of California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21081.6). On June 1, 2016, Commission staff prepared an Addendum to the ND, posted the Addendum on its website, and mailed notices of intent informing interested persons about the Addendum (Exhibit C).

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

City of Capitola

FURTHER APPROVALS THAT MAY BE REQUIRED:

California Coastal Commission, California State Parks, Monterey Bay National Marine Sanctuary, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, and U.S. Army Corps of Engineers.

EXHIBITS:

A. Land Description
B. Site and Location Map
C. Addendum to Negative Declaration

RECOMMENDED ACTION:
It is recommended that the Commission:

CEQA FINDING:

Find that a Negative Declaration was prepared by the City of Capitola and adopted on May 1, 1986, for this Project and that the Commission has reviewed and considered the information contained therein and in the Addendum as contained in Exhibit C prepared by Commission staff.

Find that in its independent judgment, none of the events specified in Public Resources Code section 21166 or State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impacts has occurred, and therefore, no additional CEQA analysis is required.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially interfere with the public trust needs and values at this location at this time, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Protective Structure Use to Philip E. Lebherz and Sharon J. Lebherz, Trustees of The Lebherz Family Trust dated November 19, 1990, as amended and restated; beginning June 28, 2016, for a term of 10 years, for the repair, use, and maintenance of an existing private residential seawall, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; consideration: $461 per year, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than $1,000,000 per occurrence.

EXHIBIT A

W 26763

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Pacific Ocean, lying adjacent to Lot No. 37 of the Shoquel Rancho as shown on the Official Government Plat thereof, approved June 4, 1859, County of Santa Cruz, State of California, described as follows:

BEGINNING at a point on the northeast line of Parcel One as described in Grant Deed recorded December 4, 2009 in document number 2009-0056325, Official Records of Santa Cruz County, State of California, said point lying distant S 45°25'00" E 120.94 feet from the northerly corner of said Parcel One; thence the following four courses:

1) S 45°25'00" E 30.00 feet;
2) S 44°34'00" W 65.37 feet;
3) N 23°04'00" W 32.44 feet;
4) N 44°34'00" E 53.03 feet to the POINT OF BEGINNING.

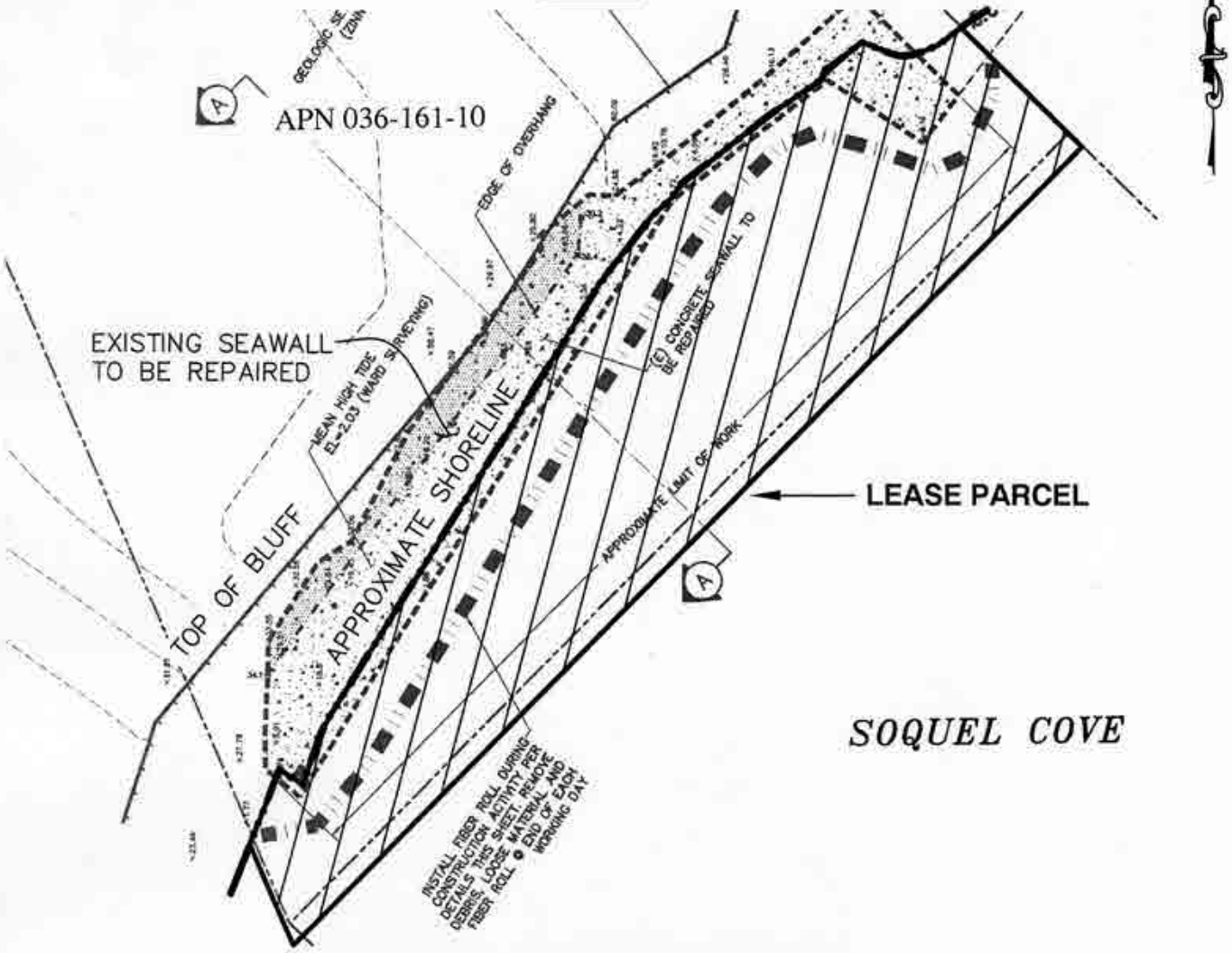
EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the Pacific Ocean.

END OF DESCRIPTION

Prepared 5/11/2016 by the California State Lands Commission Boundary Unit.

NO SCALE

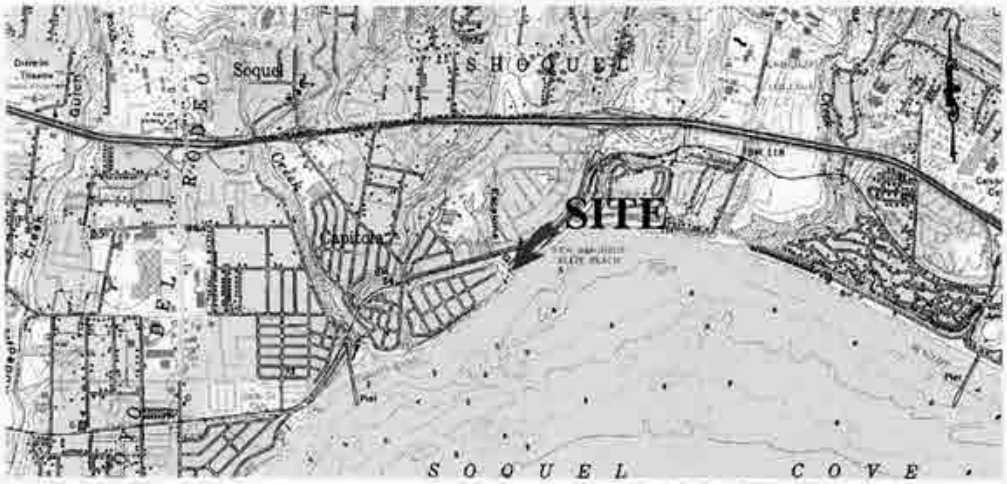
SITE



110 GROVE LANE, CAPITOLA

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

W 26763
LEBHERZ FAMILY TRUST
APN 036-161-10
GENERAL LEASE -
PROTECTIVE STRUCTURE
USE
SANTA CRUZ COUNTY

DJF 05/11/2016

EXHIBIT C

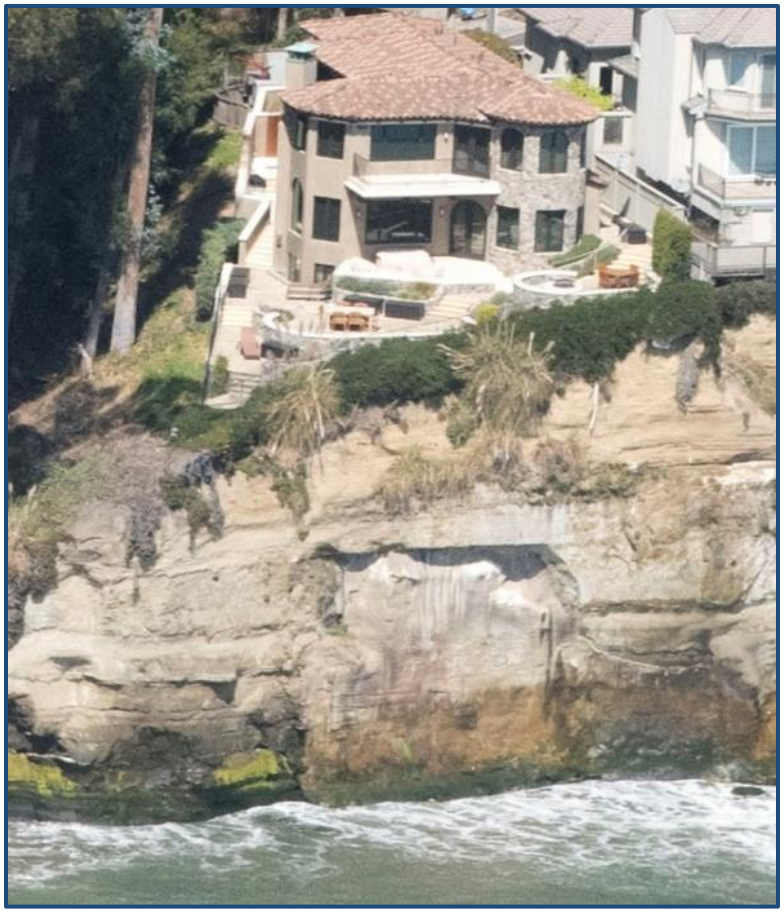
Established in 1938

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

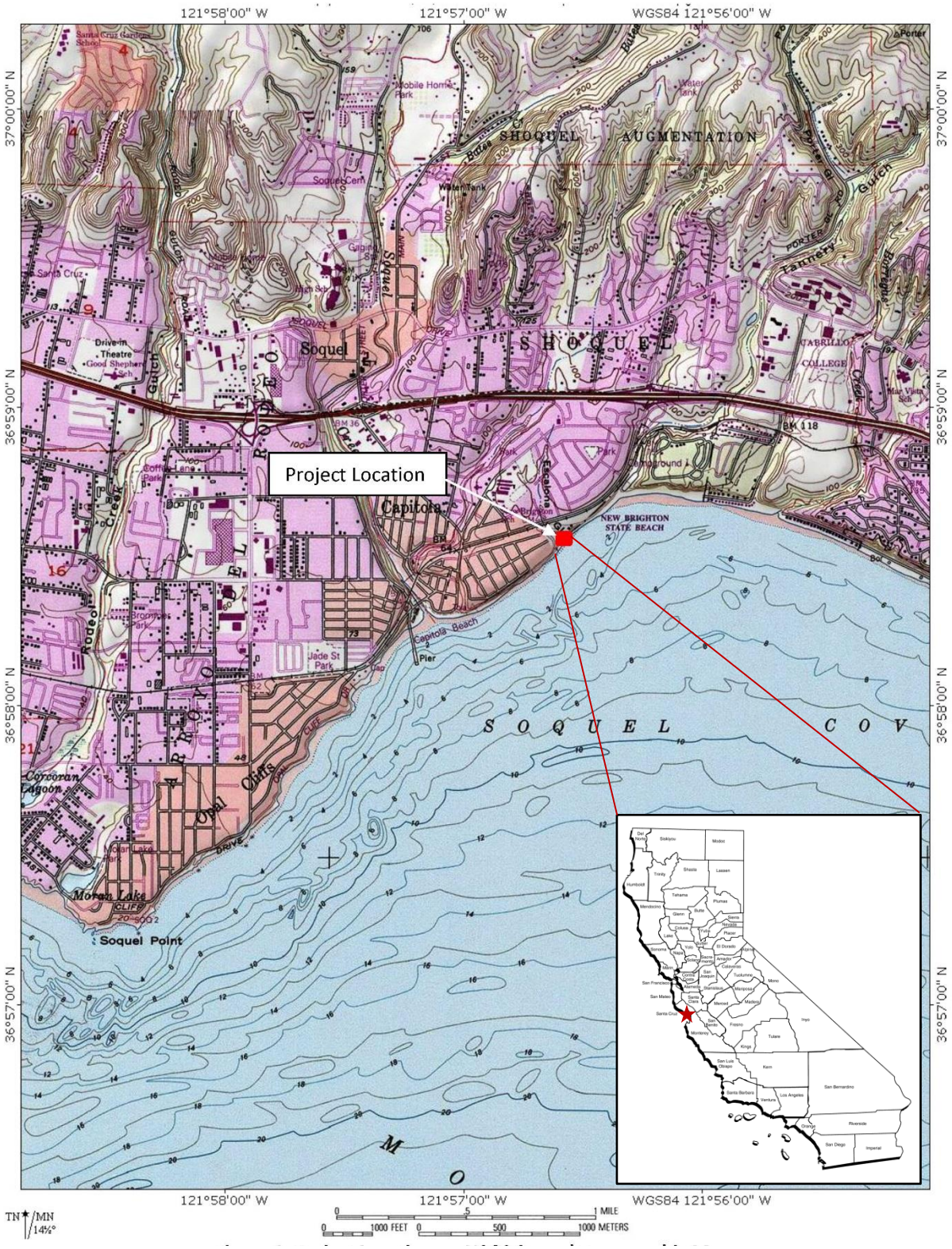
1.1 PROJECT LOCATION

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

1.2 ORIGINAL PROJECT AND BACKGROUND

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

> *The project is to plug a sea cave at the base of a 41- 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.*

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

1.3 CALIFORNIA STATE LANDS COMMISSION JURISDICTION

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

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

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

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

1.4 PROJECT DESCRIPTION

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

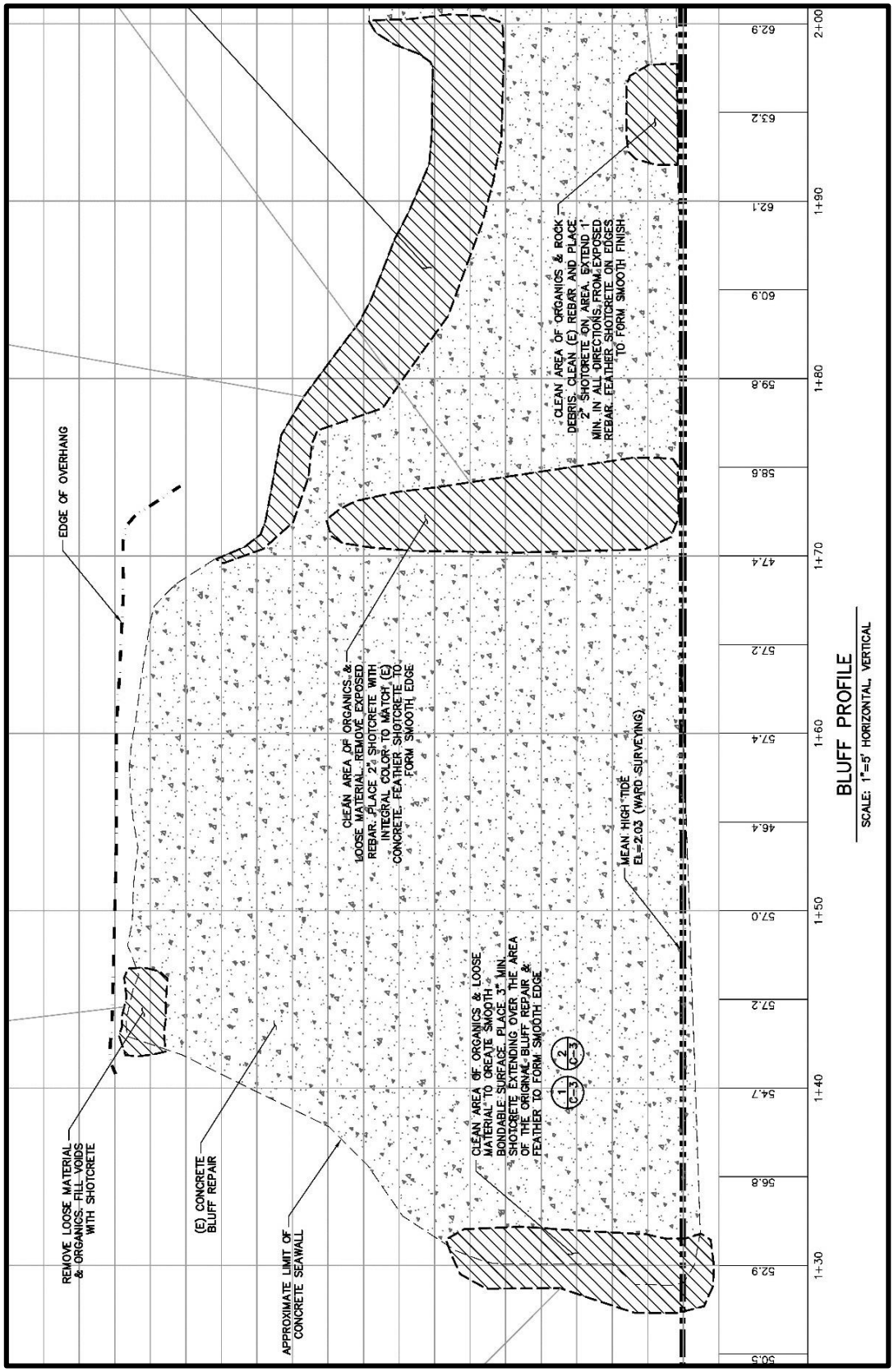
Work on the seawall would commence the first Tuesday after Labor Day and would be completed by October 30 (the extended schedule is to account for days when the shoreline construction zone is inaccessible). The duration of construction would be approximately 10 working days. The Project would include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

Approximately four to seven workers are anticipated to be on the Project site at any given time. Parking for these workers would be confined to either the upland areas at the Lebherz residence or the New Brighton State Beach parking lot. Table 1 lists the 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)



1.5 BEST MANAGEMENT PRACTICES

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

1) Nationwide Permit from the U.S. Army Corps of Engineers (if required).

2) New or amended Coastal Development Permit from the CCC (if required).

3) Right-of-Entry Permit for access through New Brighton State Beach from State Parks.

4) The concrete finish shall be smooth with bluff face and colored to match existing rocks.

5) Construction work or equipment operations shall not be conducted below the mean high tide line unless tidal waters have receded from the authorized work areas, and grading of intertidal areas is prohibited.

6) Only rubber-tired construction vehicles are allowed on the beach, except that track vehicles may be used if the CSLC staff, in coordination with CCC, Monterey Bay National Marine Sanctuary (MBNMS) and State Parks staffs, agrees that they are required to safely carry out construction. When transiting on the beach, all such vehicles shall remain as high on the upper beach as possible and avoid contact with ocean waters and intertidal areas.

7) All construction materials and equipment placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from the beach area by sunset each day that work occurs. The only other exceptions shall be for erosion and sediment controls or construction area boundary fencing where such controls or fencing are placed as close to the toe of the seawall as possible, and are minimized in their extent.

8) Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction staging and storage areas. The construction area on the beach shall be fenced with temporary fencing to protect the general public during construction.

9) Work shall be limited to daylight hours. No work shall occur during weekends or summer peak months (Saturday of Memorial Day weekend through Labor Day) unless, due to extenuating circumstances (such as tides or other environmental concerns), the CSLC staff in coordination with CCC staff authorizes such work.

10) Equipment washing, refueling, and/or servicing of equipment shall not take place on the beach and shall only be allowed at a designated upland location noted on the plan. Appropriate BMPs shall be used to ensure that no spills of petroleum products or other chemicals take place during these activities.

11) The construction site shall maintain good construction site housekeeping controls and procedures (e.g., dispose of all wastes properly; remove all construction debris from the beach; etc.).

12) All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday. At a minimum, silt fences, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from entering into the Pacific Ocean.

13) All beach areas and all beach access points impacted by construction activities shall be restored to their pre-construction condition or better within 3 days of completion of construction. Any beach sand impacted shall be filtered as necessary to remove all construction debris from the beach.

14) The owner(s) shall notify CSLC staff and planning staff of the CCC's Central Coast District office at least 3 working days in advance of commencement of construction or maintenance activities, and immediately upon completion of construction or maintenance activities.

15) The contractor shall implement construction BMPs to protect the quality of waters of the United States/State including: measures to minimize side casting of material into undisturbed areas; confine the limits of the construction area to the minimum necessary to install the repairs; and prevent fuel spills.

16) 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 not more than 14 days prior to the 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 an alternative access route) can be implemented to avoid impacts to nesting birds.

17) Should significant paleontological resources (e.g., vertebrate fossil remains) be identified during Project construction, construction shall cease until a qualified professional can provide an evaluation.

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2.0 ENVIRONMENTAL CHECKLIST AND ANALYSIS

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

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

- **Potentially Significant Impact.** This column is checked if there is substantial evidence that a Project-related environmental effect may be significant. If there are one or more "Potentially Significant Impacts," a Project Environmental Impact Report (EIR) would be prepared.
- **Less than Significant with Mitigation.** This column is checked when the Project may result in a significant environmental impact, but the incorporation of identified Project revisions or mitigation measures would reduce the identified effect(s) to a less than significant level.
- **Less than Significant Impact.** This column is checked when the Project would not result in any significant effects. The Project's impact is less than significant even without the incorporation of Project-specific mitigation measures.
- **No Impact.** This column is checked when the Project would not result in any impact in the category or the category does not apply.

The checklist evaluates the potential for impacts within lands under the jurisdiction of the CSLC only, as determined in Section 1.1. The following resources (Table 2-1) would either not be impacted by the Project or are located outside the CSLC's jurisdiction and, 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	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). 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.
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.

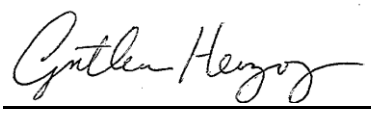
Resource	Discussion
Transportation/ Traffic	The Project would not conflict with any applicable plan, ordinance or policy regarding circulation systems or applicable congestion management programs. It would not result in a change in air traffic patterns, increase traffic hazards, or result in inadequate emergency access. Parking for Project workers would be confined to either the upland areas at the Lebherz 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.

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

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

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?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

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

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

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?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
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)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

Capitola is located within the North Central Coast Air Basin (NCCAB), which consists of Santa Cruz, San Benito, and Monterey Counties. The Monterey Bay Unified Air Pollution Control District (the local agency responsible for air quality control and monitoring) shares responsibility with the California Air Resources Board for ensuring that State and national ambient air quality standards are met in Santa Cruz County and the NCCAB. The NCCAB is considered in attainment for most air pollutants; however, the NCCAB is in non-attainment for ozone and coarse particulate matter (PM_{10}).

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

c) – e). Less than Significant. The Project could temporarily cause a minor increase in ozone and PM_{10} emissions during repair activities; however, it is unlikely to result in a cumulatively considerable net increase of criteria pollutants for which the Project region is in non-attainment. In addition, emissions are unlikely to affect sensitive receptors or create objectionable odors that would affect a substantial number of people.

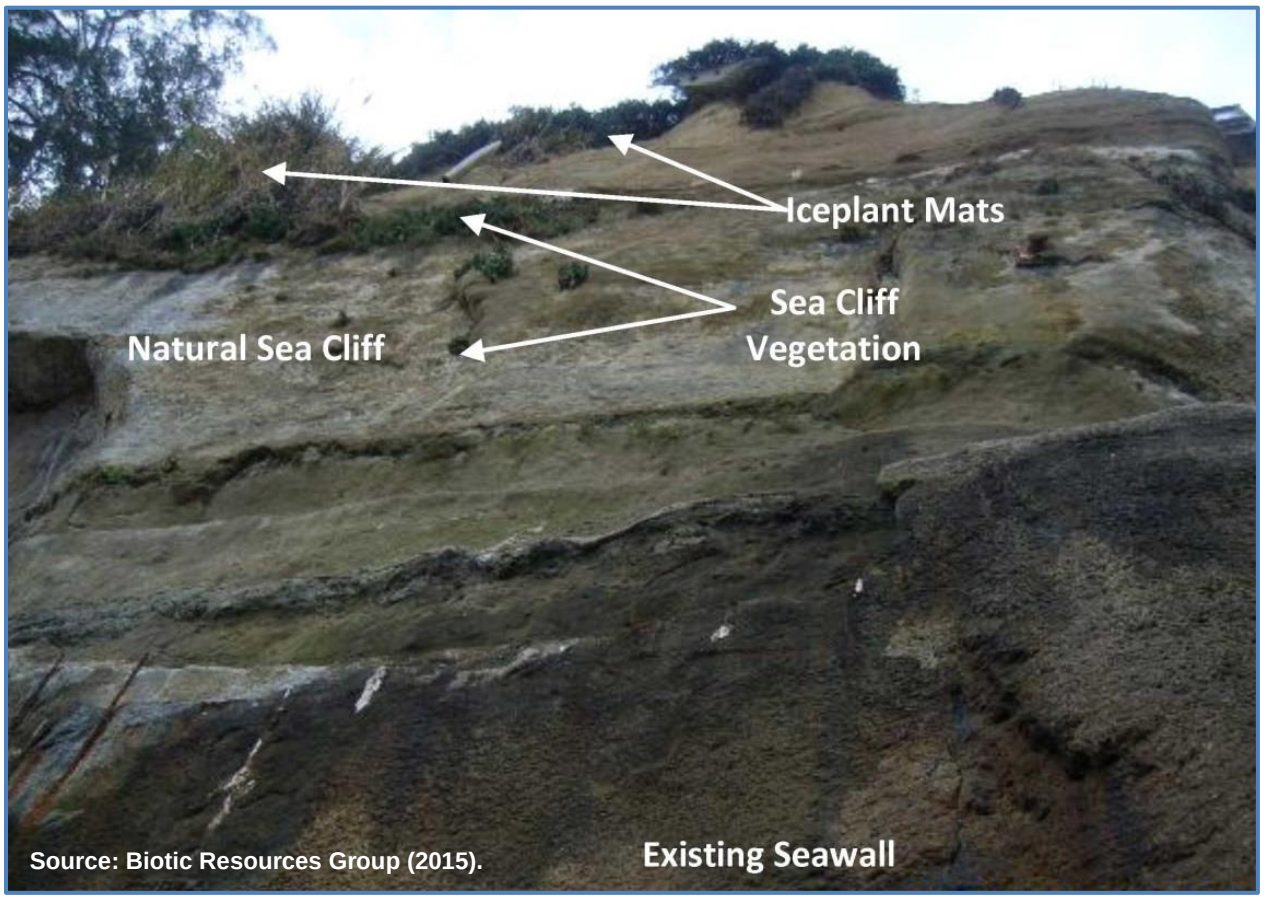
2.3 BIOLOGICAL RESOURCES

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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
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?	☐	☐	☒	☐

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

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

Figure 4. Seawall Vegetation



Source: Biotic Resources Group (2015).

The only terrestrial special-status species that may occur adjacent to the Project site is the Monarch butterfly; however, the Project would not encroach on the eucalyptus grove that provides potential Monarch roosting habitat. In addition, the work is scheduled for spring and summer months, outside of the winter roosting season for Monarchs (Biotic Resources Group 2015).

Although birds may perch in the vegetation at the top of the bluff, the report states that the natural sea cliff at the Project site lacks ledges and crevices suitable for nesting by seabirds. A peregrine falcon was observed perching on a cliff area east of the Project site, and two large bird nest areas were also observed east of the Project site during the Fall 2015 reconnaissance survey; however, the biologist was unable to determine what bird species was using the possible nest ledges/crevices in that location (Biotic Resources Group 2015).

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

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

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

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

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)?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource (pursuant to State CEQA Guidelines, § 15064.5)?	☐	☐	☐	☒
c) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code section 21074?	☐	☐	☐	☒
d) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐
e) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

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

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

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?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

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

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

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

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

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

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

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

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

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

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?	☐	☐	☒	☐
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)?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐
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?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
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?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

a) and f). Less than Significant. With the implementation of Project BMPs, the Project would not violate water quality standards or degrade water quality.

b) – e). No Impact. The Project would not deplete groundwater, does not include any grading or drainage modifications, or contribute to runoff.

g) – i). No Impact. The Project does not include placing housing or structures within a 100-year flood hazard area, or expose people or structures to a significant risk of loss, injury, or death due to flooding.

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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☒	☐

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

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

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?	☐	☐	☒	☐
b) Result in exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?	☐	☐	☒	☐
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

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

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

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?	☐	☐	☒	☐
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?	☐	☐	☐	☒

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

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

2.10 MANDATORY FINDINGS OF SIGNIFICANCE

The lead agency shall find that a project may have a significant effect on the environment and thereby require an Environmental Impact Report to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur. Where prior to commencement of the environmental analysis a project proponent agrees to mitigation measures or project modifications that would avoid any significant effect on the environment or would mitigate the significant environmental effect, a lead agency need not prepare an Environmental Impact Report solely because without mitigation the environmental effects would have been significant (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?	☐	☐	☒	☐
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)?	☐	☐	☐	☒
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

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

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

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

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

3.0 DETERMINATION/ADDENDUM CONCLUSION

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

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

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

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

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4.0 ADDENDUM PREPARATION SOURCES AND REFERENCES

4.1 ADDENDUM PREPARERS

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4.3 REFERENCES

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APPENDIX A

BLUFF REPAIR PLAN SHEET:
BLUFF PROFILE DETAIL

(see http://www.slc.ca.gov/Info/CEQA/Lebherz.html)

APPENDIX B

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

(see http://www.slc.ca.gov/Info/CEQA/Lebherz.html)

APPENDIX C

BIOTIC REPORT

(see http://www.slc.ca.gov/Info/CEQA/Lebherz.html)