

MINUTE ITEM

This Calendar Item No. C12
was approved as Minute Item
No. C12 by the State Lands
Commission by a vote of 3
to 0 at its 9-22-90
meeting.

CALENDAR ITEM

C 1 2

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08/22/90
PRC 2635
J. Ludlow

**TERMINATE PUBLIC AGENCY PERMIT
AND ISSUE GENERAL PERMIT - PUBLIC AGENCY USE PRC 2635**

APPLICANT: City of Santa Cruz
Public Works Department
809 Center Street, Room 201
Santa Cruz, California 95060

AREA, TYPE LAND AND LOCATION:
A 0.139-acre parcel of tide and submerged land
located in the Pacific Ocean, City and County
of Santa Cruz.

LAND USE: Placement of rock revetment.

TERMS OF EXISTING PERMIT:
Initial period: Letter of Authorization,
effective October 20, 1960,
with no expiration date.

TERMS OF PROPOSED PERMIT:
Initial period: Ten years beginning August 8,
1990.

CONSIDERATION: The public use and benefit; with the State
reserving the right at any time to set a
monetary rental if the Commission finds such
action to be in the State's best interest.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Code Regs. 2003.

CALENDAR ITEM NO. 012 CONT'D

APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES, AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 2, Div. 3;
Title 14, Div. 6.

AB 884: 01/13/91.

OTHER PERTINENT INFORMATION:

1. A Negative Declaration was prepared and adopted for this project by City of Santa Cruz. The State Lands Commission's staff has reviewed such document and believes that it complies with the requirements of the CEQA.
2. The City of Santa Cruz has applied for a permit to construct rock revetments at ten locations along the south side of West Cliff Drive between Columbia Street and Chico Avenue. The revetments will be designed to resist and dissipate erosive wave energy to prevent further erosion of the shoreline bluffs, a recreational pathway, parking areas, and West Cliff Drive. Four of the ten locations will occupy State-owned lands.
3. On July 29, 1960, Minute Item 7, the Commission approved a Public Agency Permit in the form of a letter of authorization, for the City to place stone in the same location as part of the City's shore protection project. Commission staff and the City now wish to replace this prior approval with an updated permit document.
4. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the

CALENDAR ITEM NO. 012 CONT'D

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.

5. The annual rental value of the sites combined is estimated to be \$29,583.

APPROVALS OBTAINED:

Department of Fish and Game, Santa Cruz City
Local Coastal Permit, and Water Quality Control
Board.

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers and
California Coastal Commission.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Negative Declaration
- D. CEQA findings.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY CITY OF SANTA CRUZ AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. TERMINATE, EFFECTIVE AUGUST 7, 1990, PUBLIC AGENCY PERMIT APPROVED BY THE STATE LANDS COMMISSION ON OCTOBER 20, 1960, MINUTE ITEM 7.
4. AUTHORIZE ISSUANCE TO THE CITY OF SANTA CRUZ, DEPARTMENT OF PUBLIC WORKS, OF A TEN-YEAR GENERAL PERMIT - PUBLIC AGENCY USE, BEGINNING AUGUST 8, 1990, IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR THE PLACEMENT OF ROCK REVETMENT ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

PRC 2635

LAND DESCRIPTION

All that sovereign land in the bed of the Pacific Ocean lying beneath the revetments adjacent to West Cliff Drive, City of Santa Cruz, Santa Cruz County, California as shown on the City of Santa Cruz Public Works Department, West Cliff Drive Repair Location Map dated 8-2-89; a copy of said map is on file in file PRC 2635 of the California State Lands Commission, in Sacramento, California.

EXCEPTING THEREFROM any portion lying landward of the Grant to the City of Santa Cruz as described in Chapter 342, Statutes 1872.

END OF DESCRIPTION

PREPARED MAY 8, 1989 BY SAS.

CALENDAR PAGE	102
MINUTE PAGE	1396

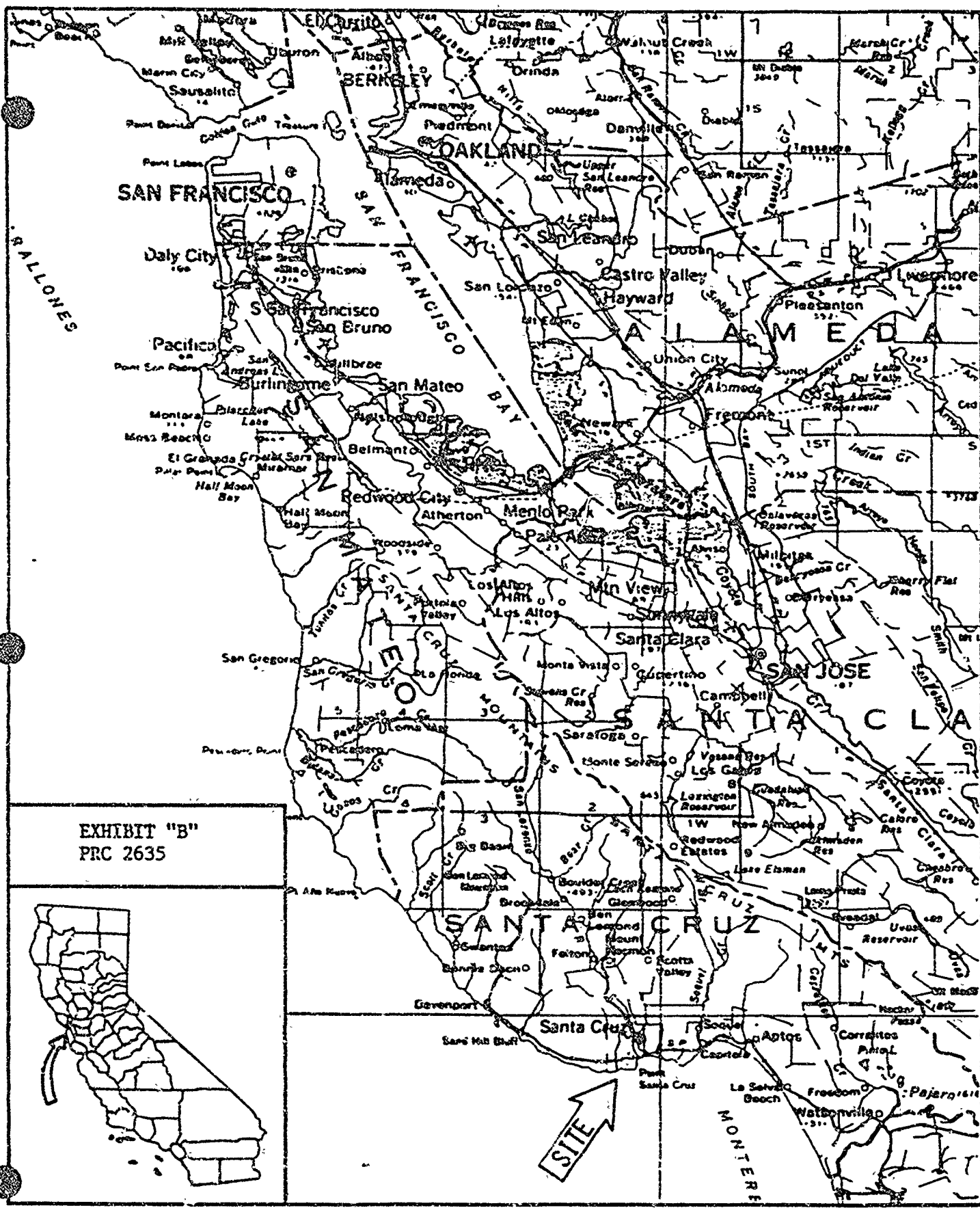


EXHIBIT "B"
PRC 2635



CALENDAR PAGE
MINUTE PAGE

103

1897

COPY

NOTICE OF DETERMINATION

EXHIBIT "C"
PRC 2635

To: Clerk of the Board
County of Santa Cruz
Governmental Center
707 Ocean Street - Room 510
Santa Cruz, Ca. 95060

From: City of Santa Cruz
Planning Department
Room 206 - City Hall
809 Center Street
Santa Cruz, Ca. 95060

Reference: Filing of Notice of Determination in compliance with Section 21108 of Section 21152 of the Public Resources Code.

Project Title: West Cliff Drive

State Clearinghouse Number (If submitted to Clearinghouse) N/A

Contact Person: Danielle Uharriet Telephone: (408) 429-3555

Project Location: West Cliff Drive between Columbia and Chico Avenues

Project Description:
Coastal Permit to construct rock revetments along West Cliff Drive between Columbia and Chico Avenues.

This is to inform that on 17 July 1990, the City of Santa Cruz, California (Lead Agency or Responsible Agency), did approve the project in question and did make the following determinations:

- 1. The project will have a significant effect on the environment.
- The project will not have a significant effect on the environment.
- 2. An environmental impact report (EIR) was prepared and certified 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 the Negative Declaration and the record of project approval may be examined at the offices of the City Planning Department, 809 Center Street. (Copies of EIRs only are available at the Main Library, at Church and Center)

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

Date Submitted to County Clerk: 31 July 1990 By:

Danielle B. Uharriet
CALENDAR PAGE 04
MINUTE PAGE 1898

City of Santa Cruz
Department of Planning and Community Development

NEGATIVE DECLARATION

Case No. _____ Project Location: _____

Project Description:

The project consists of constructing engineered rock revetments at 10 locations along the south side of West Cliff Drive between Columbia Street and Chico Avenue. The revetments will be designed to resist and dissipate erosive wave energy erosion of the shoreline bluffs, the recreational pathway, parking areas and West Cliff Drive.

Applicant: Tom Sharp

Applicant's Address: City of Santa Cruz

809 Center Street, Santa Cruz CA

Based on the Initial Study attached hereto and for the reasons therein, it has been determined that the project will not have a significant effect on the City or regional environment and will not require the preparation of an environmental impact report (EIR). 95060

Mitigation Measures - This Negative Declaration has been prepared under the assumption that the following conditions of approval will be stipulated for the project to mitigate potential impacts identified in the Initial Study.

IMPACT	MITIGATIONS
1. Impact of project on nest birds.	1. A project biologist shall be employed during construction to inspect project sites to determine presence of active nests, assess potential for disturbance, and recommend mitigation measures if appropriate.
2. Impact of project on available rat habitats.	2. The current rat abatement program along West Cliff Drive administered by the city will be continued and periodically reviewed to assess effectiveness and any need for modification.
3. Impact of project to paleontological resources along West Cliff Drive.	3. A project paleontologist shall perform field reconnaissance at each project site, and assess the paleontological resource and the project's impact to it. Additional specific mitigations such as collecting and written reports regarding the fossils found would be performed upon the recommendations of the paleontologist.

PETER KATZBERGER

Administrator of Environmental Quality

2-1-89
Date

[Signature]
By Whom

Staff Check List

	Date	By
_____ Preliminary consultation initiated. Send Notice of Intent to Issue Negative Declaration to Coastal Commission or other responsible agency, at least seven (7) calendar days before adoption.	_____	_____
_____ State Agency review initiated (if required). Send proposed Negative Declaration to State Clearinghouse at least thirty (30) calendar days before adoption.	_____	_____
_____ Public notice provided at least seven (7) calendar days before adoption as follows:	_____	_____
_____ publication, or	_____	_____
_____ posting on-, off-site, and	_____	_____
_____ direct mailing to property owners, and	_____	_____
_____ posting at Planning Department offices.	_____	_____
_____ Special notice provided, at least seven (7) calendar days before adoption.	_____	_____
_____ Negative Declaration adopted.	_____	_____
_____ Notice of Determination filed with County Clerk.	_____	_____
_____ City-initiated project referred to other City departments.	_____	_____

CALENDAR PAGE 105
MINUTE PAGE 1579

EXHIBIT "A"

CONDITIONS OF APPROVAL FOR PROJECT ON PROPERTY AT

**West Cliff Drive
(between Columbia and Chico Avenues)
90-166**

1. If one or more of the following conditions is not met with respect to all its terms, then this approval may be revoked.
2. All plans for future construction which are not covered by this review shall be submitted to the City Planning and Community Development Department for review and approval.
3. This permit shall be exercised within two (2) years of the date of final approval or it shall be come null and void.
4. The applicant shall be responsible for the completeness and accuracy of all forms and supporting material submitted in connection with any application. Any errors or discrepancies found therein may result in the revocation of any approval or permits issued in connection therewith.
5. All final working drawings shall be submitted to the Zoning Administrator for review and approval.
6. The development of the site shall be in accordance with the approved plans submitted and on file in the Department of Planning and Community Development of the City of Santa Cruz. All aspects of construction must be completed prior to occupancy. Modifications to plans or exceptions to completion may be granted only by the City authority which approved the project.
7. A project biologist shall be employed during construction to inspect sites for active nesting sites, access potential for disturbance and, if appropriate, to recommend mitigation measures.
8. The current abatement program shall be continued and periodically reviewed to assess effectiveness and any need for modification.
9. Rock steps shall be incorporated into the revetments to facilitate access to the existing beaches in accordance with approved plans.
10. During construction, the City shall retain a project paleontologist to perform field reconnaissance at each proposed revetment site and determine the extent of the resource and the impact of the project to it. Additional specific mitigations such as fossil collecting, and written descriptions of fossil assemblages should be performed upon the recommendation of the paleontologist.
11. All existing vegetation in staging areas and other areas impacted by construction activities shall be replaced with in-kind plant materials. Additionally, any parking facilities or public streets that are damaged by construction activities must be repaired by the contractor that is designated to do with work to the satisfaction of the Public Works Department.
12. All work shall be completed in a manner that minimizes disruption of traffic on West Cliff Drive. The Public Works Department shall follow all detour plans that are included in the plans to the satisfaction of the Public Works Department.
13. Final permit approval is required by the California Coastal Commission since the project involves work below the mean high-tide line.

ZA B-147
ZA 7/17/90

CALENDAR PAGE 106
MINUTE PAGE 1300

Coastal Permit Approval: Findings

The following findings were made in support of:

Case No. 90-166
 Address: W. CLIFF DRIVE BETWEEN COLUMBIA AND CHICO
 Zone District: SP-0
 Date: 7/11/90 By: KEITH BOYVE

Findings:

- | | Project is
Consistent | Not
Applicable |
|---|--------------------------|-------------------------|
| 1. The project protects trees and vegetation and sensitive wildlife habitat. | <u>YES</u> | <u>SEE CONDITION II</u> |
| 2. Is consistent with the following criteria for bluff or cliff development. | --- | --- |
| a. The development is sited and designed to assure stability and structural integrity for its expected economic life span and minimize alterations to natural land forms. | <u>YES</u> | --- |
| b. The development will not create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding geologically hazardous areas. | <u>YES</u> | --- |
| c. The development minimizes alteration of cliffs, bluff tops, faces, or bases, and will not interfere with sand movement. | <u>YES</u> | --- |
| d. Retaining walls are used only to stabilize slopes. Sea walls at the toe of sea cliffs to check marine erosion are used only because there is no less environmentally damaging alternative. | <u>YES</u> | --- |
| e. The development within 100 feet of any cliff or bluff line follows the recommendations of an approved geologic report by a registered geologist. | <u>YES</u> | --- |
| 3. Provides maximum erosion protection, using accepted engineering practices and other methods and specifications set forth in Title 24. | <u>YES</u> | --- |

ALTERATIONS REQUIRED TO MINIMIZE EROSION (SEE DISCUSSION IN INITIAL STUDY)

SEVERAL ALTERNATIVES WERE REVIEWED AND THIS WAS DETERMINED TO BE THE LEAST DISRUPTIVE (SEE INITIAL STUDY)

Findings:

- | | <u>Project is Consistent</u> | <u>Not Applicable</u> |
|--|------------------------------|------------------------------------|
| 4. Maintains public view corridors between the sea the first public roadway parallel to the sea and maintains natural view of the coastline. | <u>YES</u> | SEE DISCUSSION |
| 5. Protects paleontological resources as prescribed in the Land Use Plan. | <u>YES</u> | SEE COMMENT # |
| 6. Protects and enhances free public access to or along the beach, and signs such access when necessary. | <u>YES</u> | SEE DISCUSSION |
| 7. Includes mitigation measures prescribed in any applicable environmental document. | <u>YES</u> | --- |
| 8. Is compatible with the established physical scale of the area. | <u>YES</u> | --- |
| 9. Is consistent with the design review guidelines of Title 24, and the policies of any applicable area plan. | <u>YES</u> | --- |
| 10. Is consistent with the Local Coastal Land Use Plan goal of encouraging coastal-dependant uses as appropriate. | <u>YES</u> | PROTECTS EXISTING RECREATION TRAIL |
| 11. Is consistent with the Local Coastal Land Use Plan goal of providing visitor-serving needs as appropriate. | <u>YES</u> | --- |
| 12. Is consistent with the policies of the Local Coastal Program, the General Plan, and the California Coastal Act. | <u>YES</u> | --- |

Comments: _____

Date

EXHIBIT "D"
CEQA FINDINGS

Explanatory Notes:

California Code Regulations, Section 15070 (b 1, 2, and Discussion) presents the concept of the "Mitigated Negative Declaration" and provides that significant effects on the environment caused by a proposed project must be avoided or sufficiently mitigated by revisions in the project plans.

The CEQA Lead Agency for the subject activity is the City of Santa Cruz, Planning Department, which prepared and approved a Negative Declaration and filed a Notice of Determination with Santa Cruz County (Exhibit "C"). The Negative Declaration included mitigation measures which are deemed to avoid significant impacts on the environment. None of these mitigation measures involves lands within the jurisdiction of the State Lands Commission, and consequently they are not enforceable by the Commission. However, findings are hereby presented, which comport with the intent of California Code Regulations, Section 15091, and which reflect the Commission's approval of the City's determination regarding avoidance or mitigation of potentially significant effects.

Public Resources Code Section 21081.6 requires public agencies making findings which adopt changes in a project to also adopt a reporting and monitoring program. An agency is not obligated to design a monitoring program for mitigation measures that are the responsibility of another agency. CEQA provides that each public agency must adopt objectives, criteria, and specific procedures to administer its responsibilities under the Act and the CEQA Guidelines (Public Resources Code, Section 21082).

Staff of the State Lands Commission has notified the City of Santa Cruz Planning Department of its obligation under Public Resources Code, Section 21081.6.

Biology

- 1) Impact: Disturbance of nesting birds by construction activities.

Finding: Changes or alterations have been incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in

(REVISED) 8/20/90

CALIFORNIA PAGE	10
MINUTE PAGE	1003

the Negative Declaration. Such changes or alterations are within the responsibility and jurisdiction of the City of Santa Cruz, and not the State Lands Commission. Such changes have been adopted by the City of Santa Cruz.

Facts Supporting the Finding:

A project biologist will be present during all construction activity, and will inspect project sites to determine presence of active nests and assess potential for disturbance. Appropriate protective measures will be employed where disturbance is anticipated.

Effectiveness:

The measure will minimize or avoid any potential disturbance to nests and nesting birds.

- 2) **Impact:** Potential effect on rat populations.

Finding: Changes or alterations have been incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Negative Declaration. Such changes or alterations are within the responsibility and jurisdiction of the City of Santa Cruz, and not the State Lands Commission. Such changes have been adopted by the City of Santa Cruz.

Facts Supporting Finding:

There presently is a rat abatement program along West Cliff Drive, administered by the City of Santa Cruz. Although the proposed activity involves some disturbance to rat habitat areas, the abatement program will be continued in this area, and its effectiveness will be reviewed periodically.

Effectiveness:

This measures will ensure the continued effectiveness of the rat abatement program.

Paleontology

Impact: The proposed activity has the potential of disturbing paleontological resources.

Finding: Changes or alterations have been incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Negative Declaration. Such changes or alterations are within the responsibility and jurisdiction of the City of Santa Cruz, and not the State Lands Commission. Such changes have been adopted by the City of Santa Cruz.

Facts Supporting the Finding:

A project paleontologist will perform field reconnaissance at each activity site, assess the paleontological resources, if any, and the potential impacts. Resource-specific measures will be implemented by this individual to protect or collect and preserve fossils.

Effectiveness:

This measure will maximize the potential for discovery, protection, and preservation of fossils in the project area.