



County of Santa Cruz

0335

DEPARTMENT OF PUBLIC WORKS

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 95060-4070
(831) 454-2160 FAX (831) 454-2385 TDD (831) 454-2123

JOHN A. FANTHAM
DIRECTOR OF PUBLIC WORKS

AGENDA : OCTOBER 5, 1999

September 23, 1999

SANTA CRUZ COUNTY BOARD OF SUPERVISORS

701 Ocean Street
Santa Cruz, California 95060

SUBJECT: AGREEMENT WITH CALIFORNIA STATE COASTAL CONSERVANCY TO PROVIDE FUNDING FOR THE EAST CLIFF DRIVE COASTAL ACCESS PROJECT

Members of the Board:

On June 23, 1998, your Board approved an application to the Resources Agency of California for the 1998/99 Coastal Resources Grant Program, which requested \$75,000 in funding for the East Cliff Drive Coastal Access Project on East Cliff Drive between Thirty-second Avenue and Forty-first Avenue.

That grant program received requests for far more money than was available, and State Coastal Conservancy staff was asked to assist in the review and ranking of the applications. During that review, they identified the East Cliff Drive project as one which could receive funding from an account which is administered by the Coastal Conservancy, containing fines levied by the Coastal Commission. Conservancy staff then removed our application from the Coastal Resources grant cycle and processed it for funding from the fine account.

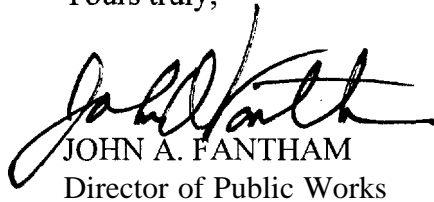
The Coastal Conservancy approved this funding at its April 22, 1999 meeting, and recently submitted to the County the agreements necessary to make the money available to the East Cliff Drive project. In order to accept the money, it is necessary for the Board to approve the attached resolution approving the agreement.

It is recommended that the Board of Supervisors take the following action:

1. Adopt resolution approving the agreement with the State Coastal Conservancy to provide \$75,000 for the East Cliff Drive Coastal Access Project.

2. Authorize the Director of Public Works to sign the agreement on behalf of the County.
3. Direct the Clerk of the Board to submit five signed originals of the agreement, along with a certified copy of the resolution, to the California State Coastal Conservancy for further processing.

Yours truly,

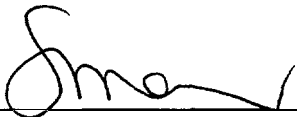


JOHN A. FANTHAM
Director of Public Works

CDR:cdr

Attachments

RECOMMENDED FOR APPROVAL:



County Administrative Officer

copy to: Redevelopment Department
 Public Works Department

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Supervisor
duly seconded by Supervisor
the following resolution is adopted:

RESOLUTION APPROVING THE AGREEMENT WITH
THE CALIFORNIA STATE COASTAL CONSERVANCY TO PROVIDE FUNDING
FOR THE EAST CLIFF DRIVE COASTAL ACCESS PROJECT

WHEREAS, the California State Coastal Conservancy has, at its April 22, 1999, meeting, authorized \$75,000 in funding for the East Cliff Drive Coastal Access Project; and

WHEREAS, the procedures and criteria established by the California State Coastal Conservancy require a resolution by the Santa Cruz County Board of Supervisors approving the terms and conditions of Grant Agreement No. 99-018 to provide said funding; and

WHEREAS, the agreement contains assurances that the County of Santa Cruz must comply with; and

WHEREAS, the East Cliff Drive Coastal Access Project between 32nd and 41st Avenues is considered a significant project because it would greatly enhance roadside recreational opportunities and provide for improved coastal access along the scenic coast of the Monterey Bay National Marine Sanctuary. The project would consist of the construction of a grade-separated pedestrian and bicycle promenade, installation of a pedestrian railing, and scenic landscaping to reduce erosion. The project will follow the East Cliff Drive Cliff Restoration Project that is now under design.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Cruz:

1. Approve Grant Agreement No. 99-018 with the California State Coastal Conservancy.
2. **Certify** that the County of Santa Cruz will make adequate provisions for operation and maintenance of the project.

RESOLUTION NO. _____

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- 3. Appoint John A. Fantham, Director of Public Works, and the Public Works Department, Administering Agency Applicant to execute the agreement on behalf of the County and to submit all documents including, but not limited to, agreements, amendments, payment request, etc., which may be necessary for the completion of the aforementioned project.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this o day f 1999, by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

Chairperson of said Board

ATTEST: _____
Clerk of said Board

Approved as to form:



Chief Assistant County Counsel

Distribution: County Counsel
Public Works

STANDARD AGREEMENT

APPROVED BY THE
ATTORNEY GENERAL

STD. 2 (REVS-91)

CONTRACT NUMBER <i>0330</i> 99-018	AM. NO.
TAXPAYERS' FEDERAL EMPLOYER IDENTIFICATION NUMBER	

THIS AGREEMENT, made and entered into this _____ day of _____, 19____, in the State of California, by and between State of California, through its duly elected or appointed, qualified and acting

TITLE OF OFFICER ACTING FOR STATE Executive Officer	AGENCY State Coastal Conservancy	, hereafter called the State, and
CONTRACTOR'S NAME Santa Cruz County		, hereafter called the Contractor.

WITNESSETH: That the Contractor for and in consideration of the covenants, conditions, agreements, and stipulations of the State hereinafter expressed, does hereby agree to furnish to the State services and materials as follows: *(Set forth service to be rendered by Contractor, amount to be paid Contractor, time for performance or completion, and attach plans and specifications, if any.)*

SCOPE OF AGREEMENT

Pursuant to Sections 3 1400 et seq. of the California Public Resources Code, the State Coastal Conservancy ("the Conservancy") hereby grants to Santa Cruz County ("the grantee") a sum not to exceed seventy-five thousand dollars (\$ 75,000), subject to the terms and conditions of this agreement. These funds shall be used by the grantee to complete the bicycle and pedestrian pathway along East Cliff Drive, Santa Cruz County as shown on Exhibit A, which is incorporated by reference and attached.

The grantee shall carry out the project in accordance with this agreement and a work program to be approved by the Executive Officer of the Conservancy ("the Executive Officer") pursuant to this agreement. The grantee shall provide five hundred twenty-five thousand dollars (\$525,000) any finds beyond those granted under this agreement which are needed to complete the project.

(Continued on following pages)

CONTINUED ON _____ SHEETS, EACH BEARING NAME OF CONTRACTOR AND CONTRACT NUMBER.

The provisions on the reverse side hereof constitute a part of this agreement.
IN WITNESS WHEREOF, this agreement has been executed by the parties hereto, upon the date first above written.

STATE OF CALIFORNIA		CONTRACTOR				
AGENCY State Coastal Conservancy		CONTRACTOR <i>(If other than an individual, state whether a corporation, partnership, etc.)</i> Santa Cruz County				
BY (AUTHORIZED SIGNATURE) ▷		BY (AUTHORIZED SIGNATURE) ▷				
PRINTED NAME OF PERSON SIGNING William Ahern		PRINTED NAME AND TITLE OF PERSON SIGNING John A. Fantham, Director of Public Works				
TITLE Executive Officer		ADDRESS 701 Ocean Street, 4th Floor, Santa Cruz, CA 95060				
AMOUNT ENCUMBERED BY THIS DOCUMENT \$ 75,000.00	PROGRAM/CATEGORY (CODE AND TITLE) Capitol Outlay	FUND TITLE SCC		Department of General Services Use Only		
PRIOR AMOUNT ENCUMBERED FOR MIS CONTRACT \$ 0	(OPTIONAL USE) E. Cliff Drive Accessway					
TOTAL AMOUNT ENCUMBERED TO DATE \$ 75,000.00	ITEM 3760-301-0565	CHAPTER 324	STATUTE 1998			FISCAL YEAR 98/99
	OBJECT OF EXPENDITURE (CODE AND TITLE) Access					
I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.		T.B.A. NO.	B.R. NO.			
SIGNATURE OF ACCOUNTING OFFICER ▷		DATE				

I Certify that this grant agreement/
[redacted] is exempt from
department General Services approval.

Santa Cruz County
Grant Agreement No. 99-0 18
Page 2

CONDITIONS PRECEDENT TO CONSTRUCTION AND DISBURSEMENT

The grantee shall not commence construction of the project and the Conservancy shall not be obligated to disburse any funds under this agreement unless and until the following conditions precedent have been met:

1. A resolution has been adopted by the Board of Supervisors of the grantee authorizing the execution of this agreement and approving its terms and conditions;
2. The Executive Officer has approved in writing:
 - a. The work program for the project.
 - b. Plans for the erection of signs and placards as provided in the "SIGNS" section of this agreement.
 - c. All contractors that the grantee intends to employ in connection with the project. The grantee must provide written evidence to the Conservancy that each such contractor has complied with the bonding requirements described in the "BONDING" section of this agreement.
3. Written evidence has been provided to the Conservancy:
 - a. That all permits and approvals necessary to the completion of the project under applicable local, state and federal laws and regulations have been obtained.
 - b. That the grantee has provided for liability insurance and an additional insured endorsement, or is self-insured, as described in the "LIABILITY" section of this agreement.
 - c. That the grantee has provided for fire and other loss insurance as described in the "LOSS INSURANCE" section of this agreement.

TERM OF AGREEMENT

This agreement shall be deemed executed and effective when signed by both parties and received in the offices of the Conservancy together with the resolution described in the "CONDITIONS PRECEDENT TO CONSTRUCTION AND DISBURSEMENT" section of this agreement. An authorized representative of the grantee shall sign the first page of the originals of this agreement in ink.

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Santa Cruz County
Grant Agreement No. 99-O 18
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TERM OF AGREEMENT (Continued)

This agreement shall run **from** its effective date through July **30, 2019** (“the termination date”) unless otherwise terminated or amended as provided in this agreement. However, all work shall be completed by July 30, 2005 (“the completion date”).

AUTHORIZATION

The signature of the Executive Officer of the Conservancy on this agreement certifies that at its April 22, 1999 meeting, the Conservancy adopted the resolution included in the staff recommendation attached as Exhibit B. This agreement is executed pursuant to that authorization.

Standard Provisions

WORK PROGRAM

Prior to beginning construction, the grantee shall submit a detailed work program to the Executive Officer for review and written approval of its consistency with this agreement. The work program shall include:

1. Construction plans and specifications which have been certified by a registered architect or engineer, or approved by the grantee's Public Works Director.
2. A schedule of completion for the project specifically listing the completion date for each project component and a final project completion date.
3. A detailed project budget. The project budget shall describe all labor and materials costs to be incurred to complete each component of the project. For each project component, the project budget shall list all intended **funding** sources, including the Conservancy's grant, the grantee's required \$525,000 contribution and all other sources of monies, materials, or labor. The grantee shall review the plans on-site with Conservancy staff

If any portion of the construction to be **funded** under this agreement will be performed by third parties ("contractors") under contract with the grantee, prior to initiating any request for contractor bids, the grantee shall submit for review and written approval of the Executive Officer the bid package including construction plans and specifications which have been certified or approved as described above. Upon approval by the Executive Officer, the grantee shall proceed with the bidding process. Prior to **final** selection, the grantee shall submit to the Executive Officer for written approval the names of all contractors that the grantee intends to hire. The grantee shall comply with the above paragraph regarding submission and approval of a work program prior to construction.

The work program shall have the same force and effect as if included in the text of this agreement. However, the work program may be modified without amendment of this agreement upon the grantee's submission of a modified work program and the Executive Officer's written approval of it. If this agreement and the work program are inconsistent, the agreement shall control.

The grantee shall construct the project in accordance with the approved work program.

SIGNS

The grantee shall erect signs visible **from** the nearest public roadway directing the public to the project. In addition, the grantee shall erect signs acknowledging Conservancy assistance and

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Santa Cruz County
Grant Agreement No. 99-018
Page 5

SIGNS (Continued)

displaying the Conservancy's logo, unless the grantee incorporates this acknowledgement into other **signage** in a manner approved by the Executive Officer. The Conservancy shall provide specifications for the Conservancy signs and logo to the grantee for this purpose. Plans describing the number, design, placement, and wording of the signs shall be submitted to the Conservancy for review and written approval prior to the installation of signs. Final reimbursement may be withheld by the Conservancy pending placement of the signs in the manner approved by the Conservancy.

BONDING AND LIEN RELEASE

If the grantee intends to use any contractor(s) on any portion of the project to be **funded** under this agreement, construction shall not begin until each such contractor has **furnished** a performance bond in favor of the Conservancy and the grantee, in the following amounts: for faithful performance, one hundred percent (100%) of the contract value; and for labor and materials, one hundred percent (100%) of the contract value. This requirement shall not apply to any contract for less than \$20,000.

COSTS AND DISBURSEMENTS

Upon determination by the Conservancy that all "CONDITIONS PRECEDENT TO CONSTRUCTION AND DISBURSEMENT" have been fully met, the Conservancy shall disburse to the grantee, in accordance with the approved project budget, a total amount not to exceed the amount of this grant, as follows:

Disbursements shall be made on the basis of costs incurred to date, less ten percent, upon the grantee's satisfactory completion of each project task identified in the approved work program. The final disbursement, together with amounts earlier withheld, shall be made upon the grantee's satisfactory completion of construction of the project and compliance with the "PROJECT COMPLETION" section of this agreement, and upon the Conservancy's acceptance of the project.

The grantee shall request disbursements by filing with the Conservancy **fully** executed "Request for Disbursement" forms (available from the Conservancy). The grantee shall include on the forms its name and address, the number of this agreement, the date of the submission, the amount of the invoice, the period during which the work was actually done, and an itemized description of all work done for which disbursement is requested. The forms shall be signed by an authorized **official** of the grantee. Each form shall be accompanied by any supporting invoices or other source documents from contractors that the grantee engaged to complete any portion of the

COSTS AND DISBURSEMENTS (Continued)

project **funded** under this agreement, and by written substantiation of completion of the portion of the project for which disbursement is requested. With each form the grantee shall also submit a supporting progress report summarizing the current status of the project and comparing it to the status required by the work program (budget, timeline, tasks, etc.). Failure to **fully** execute and submit a Request for Disbursement form, including attachment of supporting documents, will relieve the Conservancy of its obligation to disburse **funds** to the grantee unless and until all deficiencies in the form are rectified.

EXPENDITURE OF FUNDS AND ALLOCATION OF FUNDING AMONG BUDGET ITEMS

The grantee shall expend **funds** in the manner described in the approved project budget. The allocation of the Conservancy’s total grant among the items in the project budget may vary by as much as ten percent without approval by the Executive Officer. Any difference of more than ten percent must be approved in writing by the Executive Officer. The Conservancy may withhold payment for changes in particular budget items which exceed the amount allocated in the project budget by more than ten percent and which have not received the approval required above. The total amount of this grant may not be increased except by amendment to this agreement. Any increase in the funding for any particular budget item shall mean a decrease in the finding for one or more other budget items unless there is a written amendment to this agreement.

PROJECT COMPLETION

Within ninety days of completion of construction of the project, the grantee shall supply the Conservancy with evidence of completion by submitting a final report which includes:

1. An inspection report by the grantee’s Public Works Director certifying completion of the project according to the approved work program.
2. A fully executed final “Request for Disbursement” form.
3. “As built” drawings of the completed project.

Within thirty days of grantee’s compliance with this paragraph, the Conservancy shall determine whether the project has been satisfactorily completed. If the Conservancy determines that the project has been satisfactorily completed, the Conservancy shall issue to the grantee a letter of acceptance of the project. The project shall be deemed complete as of the date of the letter of acceptance.

EARLY TERMINATION AND FAILURE TO PERFORM

Prior to the completion of construction of the project, either party may terminate this agreement for any reason by providing the other party with seven days notice in writing.

If the Conservancy terminates the agreement prior to the completion of construction' the grantee shall take all reasonable measures to prevent further costs to the Conservancy under this agreement, and the Conservancy shall be responsible for any reasonable and non-cancelable obligations incurred by the grantee in the performance of this agreement prior to the date of the notice to terminate, but only up to the undisbursed balance of **funding** authorized in this agreement.

If the grantee fails to complete the project in accordance with this agreement, or fails to **fulfill** any other obligations of this agreement prior to the termination date, the grantee shall be liable for immediate repayment to the Conservancy of all amounts disbursed by the Conservancy under this agreement plus accrued interest. The Conservancy may, at its sole discretion' consider extenuating circumstances and not require repayment for work partially completed. This paragraph shall not be deemed to limit any other remedies the Conservancy may have for breach of this agreement.

OPERATION AND MAINTENANCE

The grantee shall maintain the facilities and structures constructed as part of the project **and** shall operate these facilities and structures throughout the term of this agreement consistent with the purposes for which the Conservancy's grant was made. The grantee assumes all operation and maintenance costs of these facilities and structures; the Conservancy shall not be liable for any cost of such maintenance, management, or operation. The grantee may be excused from its obligations for operation and maintenance during the term of this agreement only upon the written approval of the Executive Officer.

For purposes of this agreement, "operation costs" include direct costs incurred for material and labor needed for operations, utilities, insurance, and expenses necessary to produce gross revenues. "Maintenance costs" include ordinary repairs and replacements of a recurring nature necessary to prolong the life of capital assets and basic structures, and the expenditure of funds necessary to replace or reconstruct capital assets or basic structures.

INSPECTION

Throughout the term of this agreement, the Conservancy shall have the right to inspect the project area to ascertain compliance with this agreement.

LIABILITY

The grantee shall be responsible for, indemnify and save harmless the Conservancy, its officers, agents and employees **from** any and all liabilities, claims, demands, damages or costs resulting from, growing out of, or in any way connected with or incident to this agreement, except for active negligence of the Conservancy, its officers, agents or employees. The duty of the grantee to indemnify and save harmless includes the duty to defend as set forth in Civil Code Section 2778. This agreement supersedes the grantee's right as a public entity to indemnity (see Gov. Code Section 895.2) and contribution (see Gov. Code Section 895.6) as set forth in Gov. Code Section 895.4.

The grantee waives any and all rights to any type of express or implied indemnity or right of contribution from the State, its officers, agents or employees, for any liability resulting from, growing out of: or in any way connected with or incident to this agreement.

Throughout the term of this agreement, the grantee shall maintain self-insurance for personal injury and property damage liability assumed by the grantee under this agreement.

Nothing in this agreement is intended to create in the public or in any member of it rights as a third party beneficiary under this agreement.

LOSS INSURANCE

Throughout the term of this agreement, the grantee shall provide and maintain self-insurance against fire, vandalism and other loss, damage, or destruction of the facilities or structures constructed pursuant to this agreement.

The Conservancy is not responsible for premiums and assessments on any insurance policy.

AUDITS/ACCOUNTING/RECORDS

The grantee shall maintain standard financial accounts, documents, and records relating to the construction of the project. The grantee shall retain these documents for three years following the date of final disbursement by the Conservancy under this agreement, regardless of the termination date. The documents shall be subject to examination and audit by the Conservancy and the Bureau of State Audits during this period. The grantee may use any accounting system which follows the guidelines of "Generally Accepted Accounting Practices" published by the American Institute of Certified Public Accountants.

NONDISCRIMINATION

During the performance of this agreement, the grantee and its contractors shall not **unlawfully** discriminate against, harass, or allow harassment against any employee or applicant for employment because of sex, race, religion, color, national origin, ancestry, disability, medical condition, marital status, age (over 40) or denial of family-care leave, medical-care leave, or pregnancy disability leave. The grantee and its contractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination and harassment. The grantee and its contractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code Section 12900 et seq.) and the applicable regulations (California Code of Regulations Title 2, Section 7285.0 et seq.). The regulations of the Fair Employment and Housing Commission regarding Contractor Nondiscrimination and Compliance (Chapter 5 of Division 4 of Title 2 of the California Code of Regulations), are incorporated into this agreement. The grantee and its contractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. This nondiscrimination clause shall be included in all contracts and subcontracts entered into to perform work provided for under this agreement.

INDEPENDENT CAPACITY

The grantee, and the agents and employees of grantee, in the performance of this agreement, shall act in an independent capacity and not as **officers** or employees or agents of the State of California.

ASSIGNMENT

Without the written consent of the State, this agreement is not assignable by the grantee in whole or in part.

TIMELINESS

Time is of the essence in this agreement.

EXECUTIVE OFFICER'S DESIGNEE

The Executive Officer shall designate a Conservancy project manager who shall have authority to act on behalf of the Executive Officer with respect to this agreement. The Executive Officer shall **notify** the grantee of the designation in writing.

Santa Cruz County
Grant Agreement No. 99-O 18
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AMENDMENT

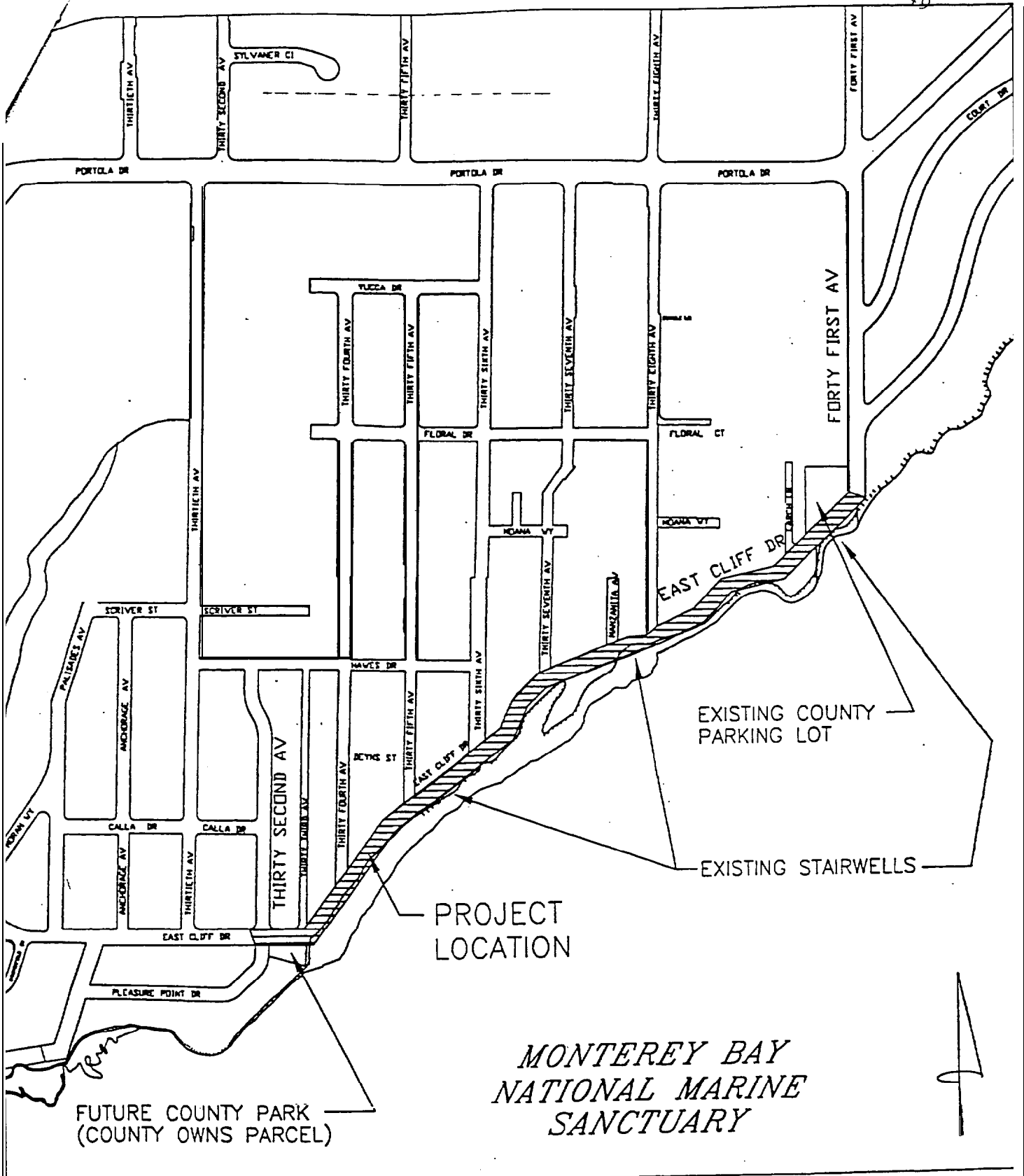
Except as expressly provided in this agreement, no changes in this agreement shall be valid unless made in writing and signed by the parties to the agreement. No oral understanding or agreement not incorporated in this agreement shall be binding on any of the parties.

LOCUS

This agreement is deemed to be entered into in the County of Alameda.

Approved as to form:

D. McRae 9-22-99
Chief Assistant County Counsel

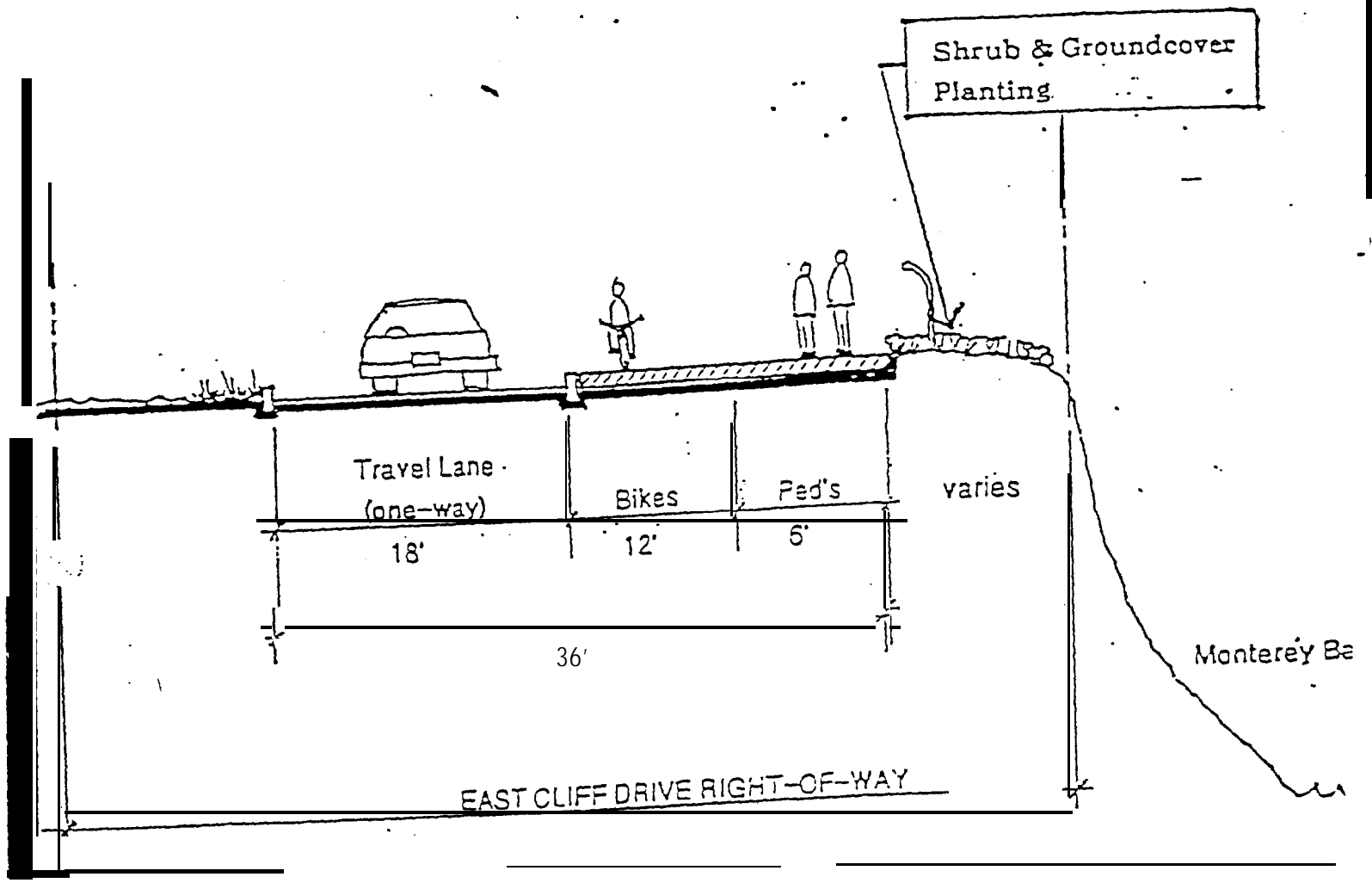


COUNTY OF SANTA CRUZ PUBLIC WORKS
 EAST CLIFF DRIVE
 COASTAL ACCESS PROJECT
 32nd AVE. TO 41st AVE.

EXHIBIT A
 1" = 34'

JUNE 1998

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**EAST CLIFF DRIVE ACCESS IMPROVEMENT AND
26TH AVENUE STAIRWAY RESTORATION**

0352

COASTAL CONSERVANCY

Project Summary
April 22, 1999

**EAST CLIFF DRIVE ACCESSWAY AND
26TH AVENUE STAIRWAY RESTORATION**

File Nos. 99-17 and 99-18
Project Manager: Joan Cardellino

RECOMMENDED ACTION: Authorization to disburse funds to Santa Cruz County for construction of a bicycle and pedestrian pathway along East Cliff Drive and for reconstruction of a beach access stairway at 26th Avenue.

LOCATION: Along East Cliff Drive between 32nd and 41st Avenues, and the foot of 26th Avenue, Santa Cruz County (Exhibit 1)

PROGRAM CATEGORY: Public Access .

ESTIMATED COST: East Cliff Drive Accessway:

Coastal Conservancy	\$ 75,000
Santa Cruz County	525,000
Transportation Enhancement	
Activities Grant	195,000
Coastal Resources Grant	<u>25,000</u>
TOTAL:	\$820,000

26th Avenue Stairway:

Coastal Conservancy	\$40,000
FEMA	38,290
OES	12,763
Santa Cruz County	<u>8,941</u>
TOTAL:	\$99,994

PROJECT SUMMARY: These two projects will provide important access facilities to a very popular stretch of Santa Cruz County coastline. The East Cliff Drive Accessway will include a Class 1 grade separated pedestrian and bicycle pathway, a pedestrian railing along the edge of the cliffs, and landscaping. These improvements will

extend along a heavily used corridor of East Cliff Drive, between 32nd and 41st Avenues. The 26th Avenue Stairway project will reconstruct a popular 'stairway that has suffered the effects of heavy use and storm damage.

The East Cliff Drive project application was submitted for consideration by the Resources Agency through its Coastal Resources Grant Program. Conservancy staff who were assisting in the review process of that program realized this project would qualify for funds from the Violation Remediation Account that were generated by a permit violation in Santa Cruz County. In discussing the project with County staff, the County indicated an additional need for funding assistance for the 26th Avenue stairway project. The stairway project also meets the criteria for the Santa Cruz funds in the Violation Remediation Account.

Santa Cruz County has agreed to accept six Offers-to-Dedicate public access easements in the Live Oak area as a condition of receiving funding for these two projects.

COASTAL CONSERVANCY

Staff Recommendation
April 22, 1999

**EAST CLIFF DRIVE ACCESSWAY AND
26TH AVENUE STAIRWAY RESTORATION**

File Nos. 99-17 and 99-18
Project Manager: Joan Cardellino

STAFF

RECOMMENDATION: Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31400 et *seq* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred fifteen thousand dollars (\$115,000) to Santa Cruz County to be allocated to two separate projects as follows: an amount not to exceed seventy-five thousand dollars (\$75,000) for the purpose of constructing a bicycle and pedestrian accessway along East Cliff Drive between 32nd and 41st Avenues in Santa Cruz County, and an amount not to exceed forty thousand dollars (\$40,000) for the purpose of reconstructing the beach access stairway at 26th Avenue in Santa Cruz County. These authorizations are subject to the condition that no funds shall be disbursed until the County has submitted for the written approval of the Executive Officer of the Conservancy:

1. Evidence that all necessary permits, environmental clearances, and approvals have been obtained;
2. Final work plans for each project, including final budgets;
3. A signing plan for the projects; and
4. An agreement with the County of Santa Cruz regarding its acceptance of Offers-to-Dedicate public access easements that lie in the County’s jurisdiction.”

Staff further recommends that the Conservancy adopt the following findings:

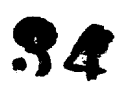
“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. Both the East Cliff Drive and the 26th Avenue Stairway projects are consistent with Public Resources Code Sections 3 1400 *et seq*, regarding coastal accessways;
2. Both of these access projects serve greater than local public needs;
3. Both projects are consistent with the Coastal Conservancy’s Coastal Access Program and the Santa Cruz County Local Coastal Plan;
4. Both projects meet the funding criteria established in the settlement agreement in *Viviano v. California Coastal Commission* et al., Santa Cruz County Superior Court Nos. 104883, 108650, and 103853; and
5. The Conservancy has reviewed the Negative Declaration proposed by the County of Santa Cruz, attached to the accompanying staff recommendation as Exhibit 8, and concurs with the County that there is no substantial evidence that the East Cliff Drive project, as mitigated will have a significant effect on the environment.”

STAFF DISCUSSION:

Project Description: These two projects will enable Santa Cruz County to expand and improve pedestrian and bicycle access along the East Cliff Drive corridor, and maintain existing access at the 26th Avenue stairway.

Between 32nd and 41st Avenues on East Cliff Drive, Santa Cruz County proposes to construct a grade separated Class I bicycle and pedestrian pathway, a pedestrian railing along the cliff edge, and landscaping (see Exhibits 2 and 3). This will be achieved by changing East Cliff Drive to one-way circulation and converting one vehicle lane to pedestrian and bicycle uses. East Cliff Drive is a primary destination area for recreational uses, including bicycling, walking, surfing, sightseeing, swimming, fishing, and clamming. The project will connect with three existing coastal stairways, and with a park that is planned for the corner of 32nd Avenue and East Cliff Drive. The project is also a key segment of the Monterey Bay National Marine Sanctuary Scenic Trail, and is identified as a pedestrian link along the cliff and beach that will connect existing and proposed waterfront parks. Santa Cruz County staff estimates that



between 300 and 2,000 pedestrian and bicycle trips occur each day along this stretch of East Cliff Drive.

The 26th Avenue stairway project involves significant repair and reconstruction of an existing stairway structure. The stairway will descend slightly over 30 feet down the bluff, and will be anchored by supports embedded 16 feet into the ground. (See Exhibits 4 and 5.) Damaged by storms in 1998, only the upper landing of the original stairway will remain. New wooden stairs, a new beach landing, new anchor supports, a bench and bike rack will be provided in the proposed stairway project. Additionally, Santa Cruz County has agreed to accept six Offers-to-Dedicate public access easements in the vicinity of the stairway.

Project Financing: East Cliff Drive Accessway:

Coastal Conservancy	\$ 75,000
Santa Cruz County	525,000
Transportation Enhancement	
Activities Grant	195,000
Coastal Resources Grant	<u>25,000</u>
TOTAL:	\$820,000

26th Avenue Stairway:

Coastal Conservancy	\$40,000
FEMA	38,290
OES	12,763
Santa Cruz County	<u>8,941</u>
TOTAL:	\$99,994

Funding from the Coastal Conservancy is provided by fines paid into the Violation Remediation Account per the *Viviano* settlement. The terms of the settlement require that \$225,000 be designated as civil penalties and used for projects within Santa Cruz County that encourage and foster State and local coastal policies. Approximately \$110,000 remains in the VRA from the *Viviano* settlement.

Site Description: These two projects are located in the unincorporated Live Oak neighborhood of Santa Cruz County. This stretch of coastline, approximately one mile long, is characterized by coastal bluffs 30 to 50 feet high, and borders the Monterey Bay National Ma-

rine Sanctuary. The East Cliff Drive accessway will become a link in the Coastal Trail, locally known as the Monterey Bay National Marine Sanctuary Trail, which begins at Wilder Ranch State Park to the north, and will continue, ultimately, to link with the Coastal Trail in Monterey County.

Project History: The East Cliff Drive accessway project came to the attention of Conservancy staff during the review process of applications for the Coastal Resources Grant Program, administered by the Resources Agency. Santa Cruz County had submitted two projects for consideration under that program, East Cliff Drive and Pleasure Point. Both projects are excellent candidates for Conservancy funding, and staff anticipates bringing the Pleasure Point project to the Board for consideration later this year.

Through the Violation Remediation Account the Conservancy receives funds that are generated by violations of Coastal Commission development permits. When violations occur and the Commission reaches a monetary settlement or the court orders monetary penalties to be paid, the funds are deposited into the Violation Remediation special account administered by the Conservancy. Use of the funds is governed by any court settlement agreement that may pertain, and/or by the 1980 Memorandum of Agreement between the Conservancy and the Commission. The *Viviano* violation was settled in court in 1990, and the terms of the settlement require that \$225,000 be designated as civil penalties and used for “. . . projects within Santa Cruz-County that encourage and foster State and local coastal policies. . . .” Both projects, the East Cliff Drive and 26th Avenue Stairway, are consistent with State and local coastal policies and will significantly improve public coastal access in this heavily visited area.

During discussions with County staff about East Cliff Drive and Pleasure Point, the need for additional funds for the 26th Avenue Stairway project became evident. The Conservancy provided funds to Santa Cruz County in 1981 (see Exhibit 6) to construct the stairway and the county has maintained the structure for 18 years.

PROJECT SUPPORT: The Santa Cruz County Board of Supervisors supports these projects, as do local residents. Additionally, East Cliff Drive is supported by Representative Sam Farr, State Senator Bruce

McPherson, and Assemblymember Fred Keeley. (See letters of support in Exhibit 7.)

CONSISTENCY WITH
CONSERVANCY'S
ENABLING LEGISLATION:

These two projects are consistent with Public Resources Code Section 31400 and Section 31400.3. Section 31400 states that “. . . the Coastal Conservancy [shall] have a principal role in the implementation of a system of public accessways to and along the state's coastline. . . .” Section 31400.3 states that the Conservancy may provide such assistance as is required to aid public agencies in establishing a system of public coastal accessways. . . .” Reconstruction of the 26th Avenue stairway and construction of the East Cliff Drive accessway are both part of both the Coastal Trail and the Monterey Bay Sanctuary Trail.

Use of the Violation Remediation Account is consistent with Section 31405, which states that the Conservancy may accept fees from another public agency that were collected for purposes of providing public access to coastal resources. It further states that such fees should be expended in the general area where they are collected. Funding for these two projects comes to the Conservancy from fees collected by the Coastal Commission pursuant to a court settlement of the *Viviano* case.

CONSISTENCY WITH
CONSERVANCY'S
PROGRAM GUIDELINES:

Serves Greater Than Local Need: Both of these projects are located in Live Oak, an area of Santa Cruz County that receives thousands of visitors annually. The area is very popular with surfers and other recreational users, and provides access to the Monterey Bay National Marine Sanctuary.

Coastal Access Standards Consistency: These two projects are consistent with Access Standard No. 1 in that both are located where they can safely accommodate public use and prevent misuse of coastal resources. Both the stairway and the bicycle and pedestrian accessway are designed to minimize alteration of natural landforms and prevent unwarranted hazards to the land and to public safety. The East Cliff Drive accessway is consistent also with Standard No. 10 regarding coastal bikeways as it will be a Class I bikeway, and with Standard No. 13 regarding barrier-free access, as it will be wheelchair accessible.

Timely Completion: Construction on both projects is expected to begin mid-summer and be completed this fall.

Urgency: Both of these projects serve heavily used areas that are in need of these public facilities. Absence of the stairway at 26th Avenue creates more congestion at other accessways in the area. The pedestrian and bicycle improvements on East Cliff Drive will help accommodate the high number of visitors to that area of the coast.

**CONSISTENCY WITH
THE COASTAL ACT:**

The Coastal Act specifically addresses public access. Public Resources Code Section 30210 mandates that:

“In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all people consistent with public safety needs and the need to protect public rights, rights of private property owners and natural resource areas from over use.”

Both of these projects will provide for safe public access and reduce further erosion of the bluffs.

Article 2 of Chapter 9 of the Coastal Act provides for penalties and fines for violations of the Coastal Act, and Public Resources Code Section 30823 provides that any funds derived under this article shall be expended for carrying out the provisions of the Coastal Act, when appropriated by the Legislature, and that funds so derived shall be deposited in the Violation Remediation Account of the Coastal Conservancy Fund.

**CONSISTENCY WITH
LOCAL COASTAL
PROGRAM POLICIES:**

Section 4.1.2 of the Local Coastal Plan for Santa Cruz County designates East Cliff Drive as a primary public access site in the Live Oak area of Santa Cruz County. Section 7.7.13(e) of the LCP recommends “Improve, widen, and complete pedestrian/bikeway along East Cliff Drive between 32nd and 41st Avenues where right-of-way permits; install additional benches and landscaping.”

Although the stairway at 26th Avenue is designated in the LCP as a neighborhood access point, it is in fact a very popular access point for surfers and receives heavy use beyond the local

neighborhood. Section 7.7.21 of the LCP states that "...in no case shall developed neighborhood access points be unsigned, nor shall publicity be discouraged for any state-funded access."

COMPLIANCE

WITH CEQA: East Cliff Drive Accessway: Pursuant to the California Environmental Quality Act (CEQA), Santa Cruz County, as lead agency for this project, prepared a "mitigated negative declaration" in April, 1996 (see Exhibit 8). The project under the County's review for CEQA includes the East Cliff Drive conversion to one-way traffic, and the proposal to construct a coastal protection structure involving coastal bluff shotcrete armoring and a replacement roadway section along a 150 linear foot segment of the coastal bluff opposite the intersection of East Cliff Drive and Larch Lane. On April 18, 1996 Santa Cruz County adopted a negative declaration, concluding that there is no substantial evidence that the project, as mitigated, would have a significant effect on the environment. The County filed a Notice of Determination on May 7, 1996.

The Conservancy is acting as a responsible agency under CEQA for the East Cliff Drive conversion portion of the project. The Conservancy's participation consists of providing funding for the construction of a bicycle and pedestrian accessway along the converted section of East Cliff Drive.

In its negative declaration, the County found that the one-way road conversion portion of the project could have potentially significant adverse environmental effects on coastal views and on traffic levels. Mitigation measures recommended for these potential impacts include designing the bluff top safety railing so that the ocean can be viewed easily through the railing, and using a color that is harmonious with the surrounding environment. Traffic levels are expected to increase on two neighborhood streets as a result of the one-way conversion of East Cliff Drive. Proposed mitigation measures to reduce noise and congestion include installing speed bumps to slow traffic and providing pedestrian facilities.

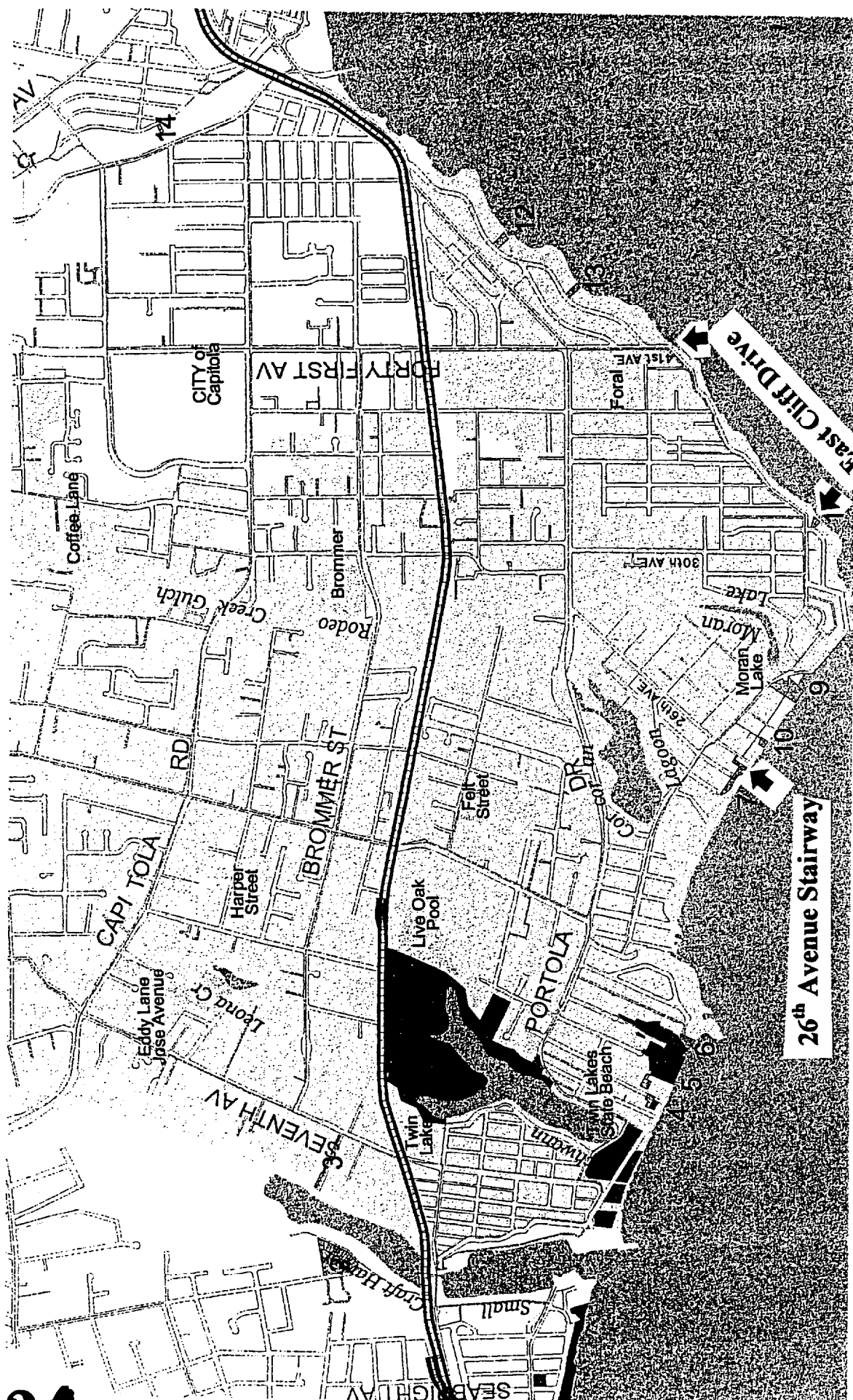
Staff has reviewed the County's mitigated negative declaration and concurs that, with the incorporation of the mitigation measures discussed in the negative declaration, there is no substantial evidence that the project may have a significant effect on the environment, as defined in 14 California Code of Regu-

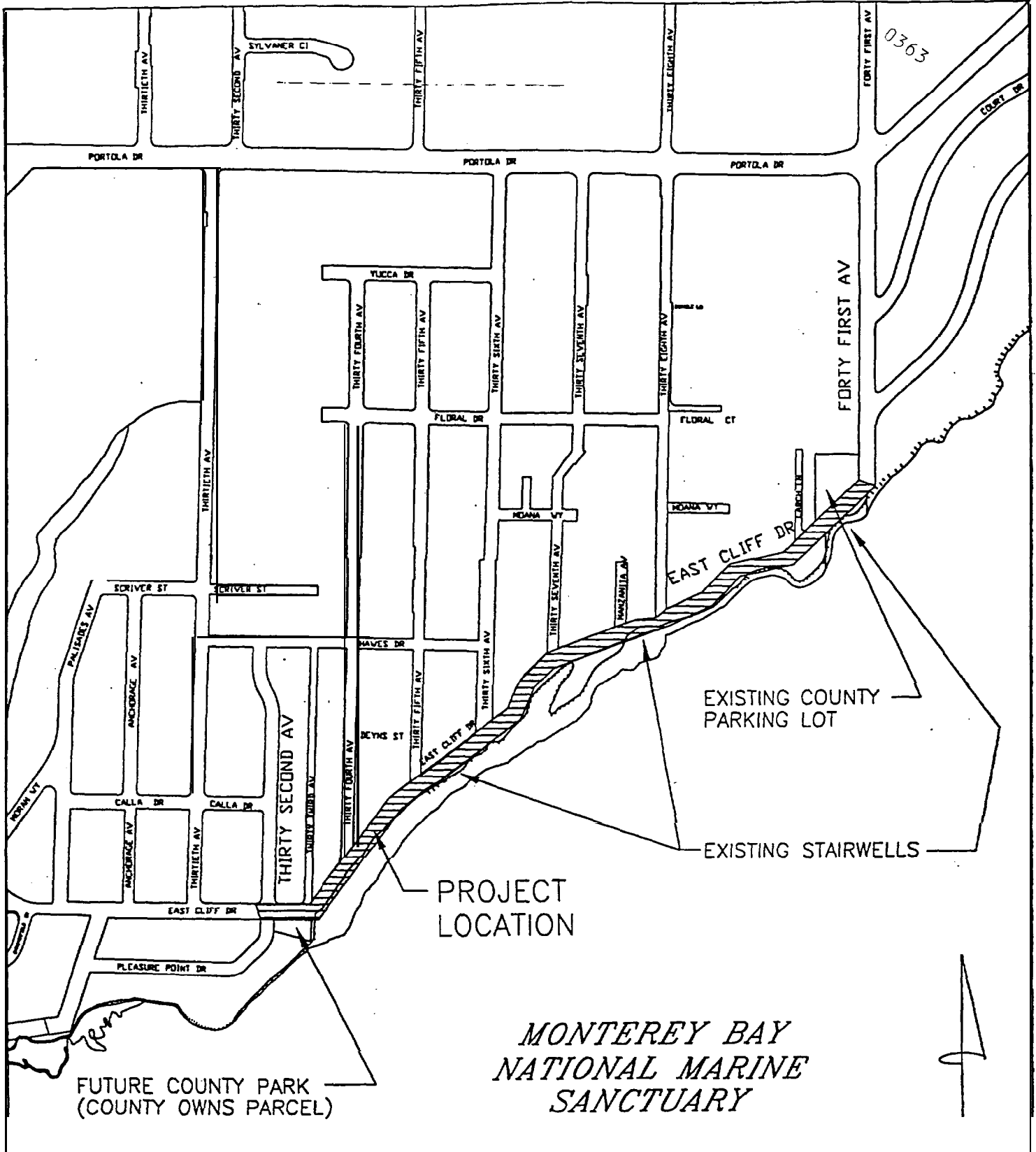
0361

lations Section 15382. Upon approval, staff will file a Notice of Determination for the project.

26th Avenue Stairway: The 26th Avenue Stairway project involves replacement of an existing structure, which is categorically exempt from review under the California Environmental Quality Act pursuant to California Code of Regulations Section 15302. The project consists of replacement of the existing stairway where the new structure will be located on the same site as the structure replaced- and will have substantially the same purpose and capacity as the structure replaced. Upon approval of this proposed authorization, staff will file a Notice of Exemption for the project.

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*MONTEREY BAY
NATIONAL MARINE
SANCTUARY*

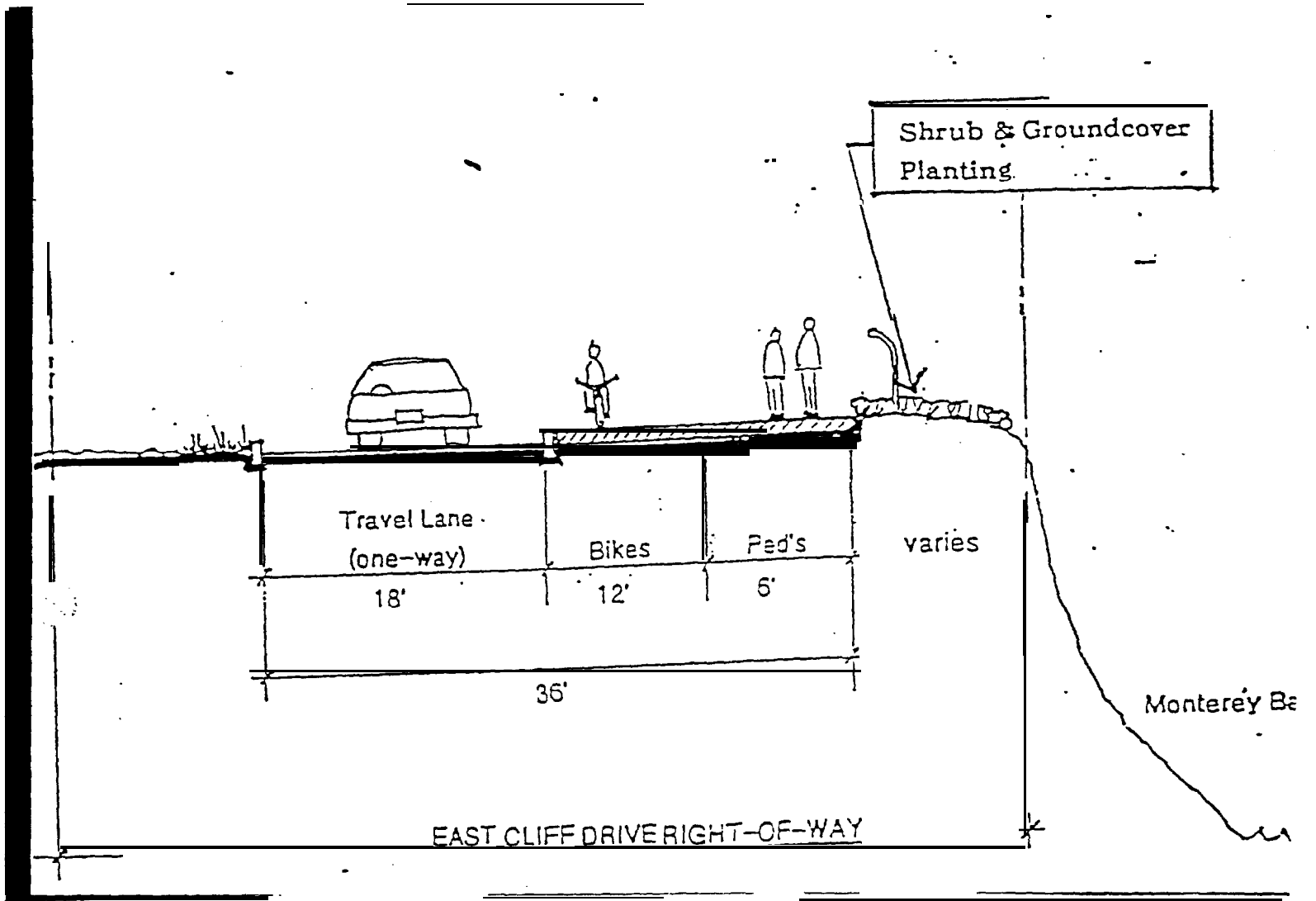
COUNTY OF SANTA CRUZ PUBLIC WORKS
EAST CLIFF DRIVE
COASTAL ACCESS PROJECT
32nd AVE. TO 41 st AVE.

JUNE 1998

1" =

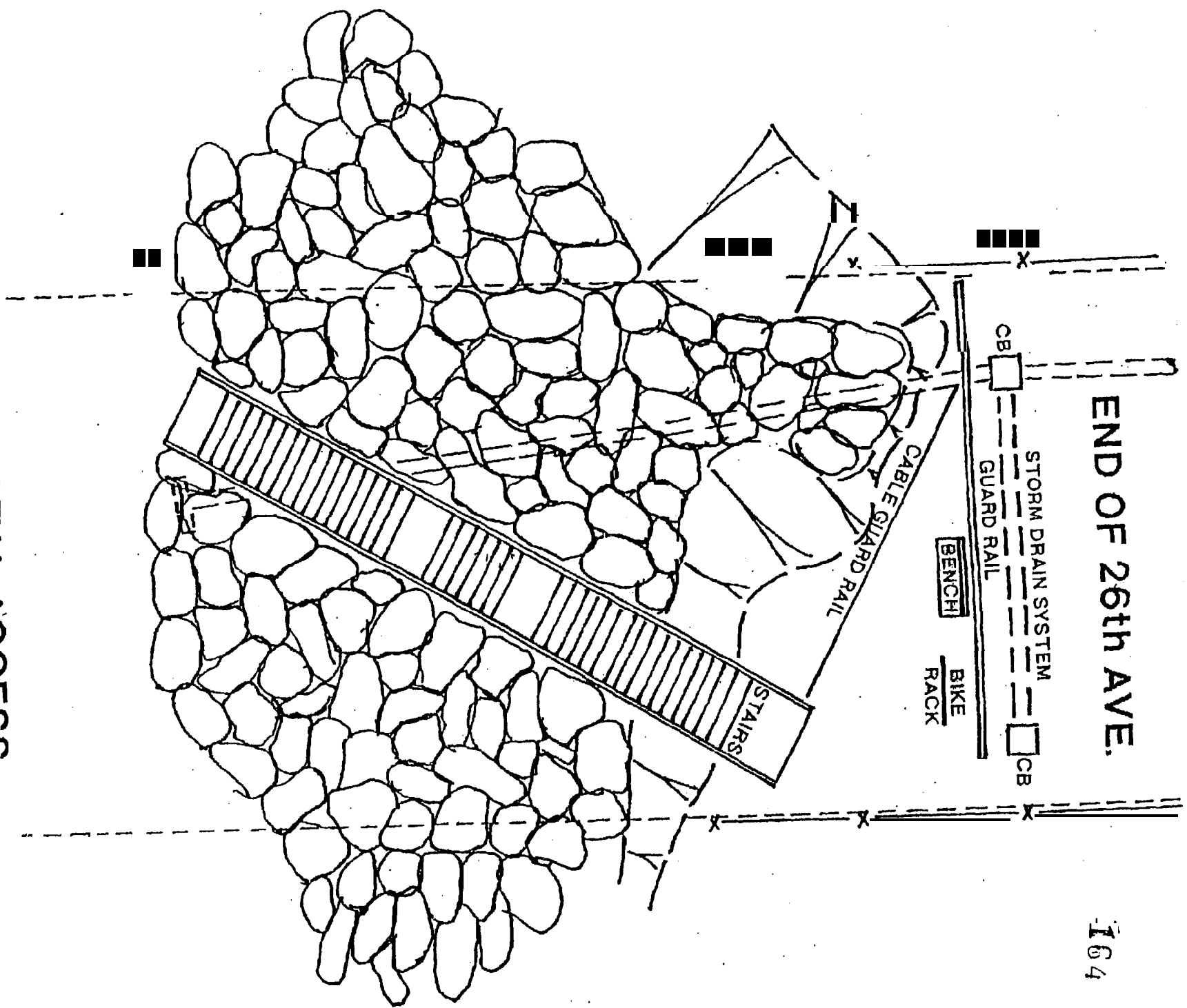
34

Exhibit 2



0366

164



COASTAL ACCESS

34

X-15

EXHIBIT B

0367

EXHIBIT 6

June 1981 Project Synopsis

EXHIBIT 1

0368

STATE COASTAL CONSERVANCY

PROJECT SYNOPSIS

June 11, 1981

COUNTY OF SANTA CRUZ ACCESSWAYS
File No.: A-81-16

APPLICANT: County of Santa Cruz

PROJECT SUMMARY: A comprehensive application for nine access projects, including seven stairways, an access trail, and an accessway/parking facility in the County of Santa Cruz (Exhibit 1).

FUNDING REQUESTED: \$413,000

FUNDING RECOMMENDED: \$413,000

STAFF DISCUSSION:
Project Description-

The County of Santa Cruz Parks, Open Space, and Cultural Services Department proposes a comprehensive program to develop public access facilities at nine locations along the Santa Cruz County shoreline (Exhibit 1). The proposed projects are as follows:

Scott Creek Parking and Access Facility- This project consists of the development of 60 car parking lot, an access road connecting Highway 1 with the parking lot, and the installation of approximately 2,000 lineal foot metal beam guard railing to prevent vehicular use of the adjacent sand dunes and beach area at Scott Creek, located approximately five miles north of the City of Santa Cruz (Exhibit 2). The beach at Scott Creek is substantial in size (1/4 mile wide by 1/2 mile long) and access to the beach currently exists through informal hazardous parking along the Highway 1 right-of-way. There is also substantial off road vehicle use of the beach and nearby sand dunes that has resulted in the degradation of the sand-dunes. The installation of the metal beam guard railing would prevent further misuse of these shoreline resources. The construction of the parking lot, entrance road, and access trail would formalize existing public access in this area and provide

for safer and more manageable use of the beach. The landowner has offered the County a 25 year lease that would allow County management and for the development of the project.

Mid-County Access Stairways- The County proposes to construct access stairways in the area immediately south of the City of Santa Cruz at the street ends of 12th Avenue, 13th Avenue (Exhibit 3), Sunny Cove Avenue (Exhibit 4), and 26th Avenue (Exhibit-5), at two points along East Cliff Drive (Pleasure Point and Wild Hook, Exhibits 6 and 7), and to improve an existing access easement and stairway on Opal Cliffs Drive (Exhibit 8). These projects, with the exception of the Opal Cliffs Easement involve the development of new wooden stairways where previous access facilities became deteriorated due to age, inadequate maintenance and vandalism. These facilities have been removed or are closed and access to the shoreline from these sites is currently impracticable. On street parking is available near each of the street ends and there is a 55 space parking lot and restroom facility an East Cliff Drive that would serve the Pleasure Point and Wild Hook Accessways. Additionally, Santa Cruz County is implementing a Park-Beach Shuttle system that will provide bus transit from a 600 space public parking facility to County beaches. The mid-County access stairways will all be served by this transit system. The project at the Opal Cliffs easement involves clearing the easement and the construction of fencing with gates to allow access by emergency rescue vehicles (Exhibit 8).

Hidden Beach Access Trail- This project consists of the opening of a beach access trail on an existing public access-easement for the Rio Del Mar lift station, located immediately south of the community of Rio Del Mar in the southern portion of Santa Cruz County (Exhibit 9). The project includes the provision of an entrance gate and restroom facilities and would open up a beach area that previously was only accessible by local residents.

PROJECT EVALUATION:

Basic Requirements-

Greater Than Local Need- Each project would serve greater than local needs. The County of Santa Cruz is the primary beach destination for the Bay Area metropolitan region. Bay Area residents are within one hour's driving time from the beaches of Santa Cruz and the County currently receives approximately 18 million

visitors each year. Each project would significantly expand the availability of the County's beaches to both beachgoers and the region's many surfers.

Consistency with the Coastal Act- The Land Use Plan for the County of Santa Cruz is being prepared, but has yet to be adopted by the County. The County is expected to submit this plan to the Regional Commission in July 1981. The proposed access projects appear to be consistent with the direction of the County's LUP.

Consistency with Access Standards- The proposed projects would be consistent with all appropriate access standards specifically those relative to correcting hazards and abuses resulting from existing use, the location and distribution of vertical accessways, and the provision of support facilities (Standards 1, 2, 3, 7, 12, and 14).

Unavailability of Funding- There are no other sources of funding for these projects. However, as noted below, the County will provide \$50,000 to offset a substantial portion of the engineering and administrative costs for the proposed projects.

Project Specific
Criteria-

Increased Access (high to moderate): The Scott Creek project would formalize and significantly improve access to this beach area. The mid-County stairways would reopen access to the beach areas that are presently unavailable for public use. The Hidden Beach Access trail would open an entirely new beach area for public use.

Urgency (high): This comprehensive access proposal is fully consistent with the program criteria for urgency. The proposed projects would correct existing documented hazards to users; correct existing degradation of a site's natural resources resulting from use by the public; would take advantage of the unique opportunity of a limited-term offer of a 25-year lease of the Scott Creek site, and would reopen 7 accessways previously closed by destruction or deterioration. Additionally, the County is committing its entire Beach Safety Access Program budget of \$50,000 to be used as matching funds for the proposed projects.

Need (high): Given the high tourist use of the beaches of Santa Cruz County, the County has stated that there is a "noticeable shortage" of beach access locations and has

urged cooperative action by the State Coastal Conservancy to assist the County in meeting the financial costs of providing public access to the shoreline.

Model (moderate): This is a model application in that it is fully comprehensive in scope and will take advantage of a new areawide beach transit system, however, the designs individual projects have no distinct model aspects.

Cost Effectiveness (moderate): The cost effectiveness of this proposal is enhanced due to the significant number of people that these accessways would serve.

Other Requirements-

Conservation Corps: The County has not contacted the Conservation Corps regarding their potential participation in these projects, thus no estimate of their contribution is available at this time. However, pursuant to the conditions of these access grants, the County will be required to develop an agreement with the Corps and the dollar amount of the grant will be reduced by the amount provided in the agreement.

CEQA Compliance: The County is preparing negative declarations for the Scott Creek, Mid-County Access stairways, and the Hidden Beach Access trail. These declarations will be filed in June 1981, with final action expected no later than July 15, 1981.

FINANCIAL INFORMATION:

Cost Estimates- The County Department of Public Works estimates the cost of each project as shown in the following table. These costs appear to be consistent with other similar projects that have been funded by the Conservancy. More detailed estimates for each project are shown in Exhibit 10.

	<u>CONST. ESTIMATE</u>	<u>DESIGN & ADMIN.</u>	<u>TOTAL ESTIMATE</u>
Scott Creek	\$120,000	\$23,500	\$124,000
12th Avenue			25,000
13th Avenue	19,000	5,000	24,000
Sunny Cove	81,000	19,000	100,000
26th Avenue	22,500	5,500	28,000
Pleasure Point	53,000	13,000	66,000
Wild Hook	38,000	9,000	47,000
Hidden Beach	28,000	7,000	35,000

0372

Opal Cliffs,	<u>11,700</u>	<u>2,300</u>	<u>14,000</u>
	\$373,700	589,300	5463,000
County Match			<u>-\$50,000</u>
Total Estimate			\$413,000

Timetable: Implementation schedule (below) is based on a grant award in June 1981.

<u>Project</u>	<u>Design</u>	<u>Permits</u>	<u>Bid Award</u>	<u>Const. Complete</u>
Scott Creek	9/1/81	11/30/81	2/1/81	5/30/81
12th Avenue	"	"	"	"
13th Avenue	"	"	"	"
Sunny Cove	"	"	"	"
26th Avenue	"	"	"	"
Pleasure Point	"	"	"	"
Wild Hook	"	"	"	"
Hidden Beach	"	"	"	"
Opal Cliff	"	"	"	"

CONCLUSION: The County of Santa Cruz has proposed a comprehensive program to significantly improve public coastal access opportunities. The application takes into consideration major improvements to the access needs of the County. Taken as a total program the County's proposal meets all of the basic requirements as well as project specific criteria. Therefore, staff recommends the Conservancy award a grant for the amount of \$413,000 subject to the following special conditions.

- Special Conditions-
1. Prior to the disbursement of grant funds, the applicant shall provide evidence, suitable to the Executive Officer, of the compliance of each project approved herein with the requirements of the California Environmental quality Act.
 2. Prior to the disbursement of grant funds for the Scott Creek project, the applicant shall provide evidence, suitable to the Executive Officer, of obtaining a 25 year lease from the landowner(s) allowing for the construction of the improvements approved herein, allowing public access to the improvements and beach area, and allowing for the maintenance of the area as a public access facility.

0373

3. Prior to the disbursement of grant funds for the Opal Cliffs project, the applicant shall submit, suitable to the Executive Officer, a management plan for the Opal Cliffs accessway providing unrestricted public access to this facility.

4. Prior to the disbursement of grant funds, the applicant shall obtain all necessary permits for the construction of the subject public access facilities approved herein.

5. Prior to disbursement of grant funds, the applicant shall submit for the review and approval of the Executive Officer a final cost estimate for the subject **accessways** approved herein. The final cost estimate shall reflect the unit costs of materials and the costs of labor as separate items, as well as the estimated costs for final engineering plans (if necessary) and administration of the projects.

EXHIBIT 7

Letters of Support

SAM FARR
17TH DISTRICT, CALIFORNIA

COMMITTEE ON AGRICULTURE
SUBCOMMITTEES:
LIVESTOCK, DAIRY AND POULTRY
RESOURCE CONSERVATION, RESEARCH AND FORESTRY

COMMITTEE ON RESOURCES
SUBCOMMITTEES:
FISHERIES, WILDLIFE, AND OCEANS
WATER AND POWER

DEMOCRATIC REGIONAL WHIP

Congress of the United States
House of Representatives
Washington, DC 20515-0517

DISTRICT OFFICES
380 ALVARADO STREET
MONTEREY, CA 93940
(408) 649-3555

100 WEST ALISAL
SAUNAS, CA 93901
(408) 424-2229

701 OCEAN STREET
ROOM 319
SANTA CRUZ, CA 95060
(408) 429-1976

June 22, 1998

The Honorable Douglas P. Wheeler
Secretary for Resources
The Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, California 95814

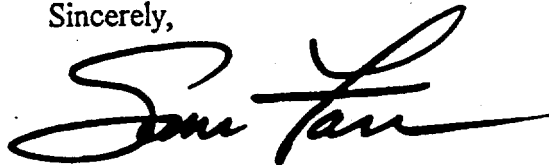
Dear Secretary Wheeler:

I am writing to express my support for the application of the Santa Cruz County Department of Public Works for Coastal Resources grant funding for the East Cliff Coastal Access Project.

The project proposes the construction of a pedestrian and bicycle promenade along the ocean side of East Cliff Drive, to provide accessible recreational opportunities along the Monterey Bay National Marine Sanctuary shoreline. The project is an important part of a plan, coordinated with the Redevelopment Agency, that will benefit an area of Santa Cruz in need of infrastructure improvements.

Please give this application your most thoughtful consideration. If I can offer any further information in support of this proposal, you may contact my Santa Cruz District Office at (408) 429-1976.

Sincerely,



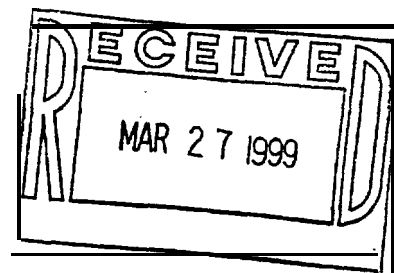
SAMFARR
Member of Congress

SF/sj

0376

Frojon Banwell
Surfrider Foundation
PO Box 1409
Santa Cruz, CA 95061
(831) 475-2809
March 24, 1999

Barry C. Samuel
Director
Parks, Open Space, and Cultural Services
9000 Soquel Ave. Suite 101
Santa Cruz, CA 95062



Subject: Beach Access at 26th Avenue

Dear Mr. Samuel,

I am writing this letter to you to support the replacement of the 26th Avenue beach access stairway, which was destroyed in the wild El Niño winter of 97/98. My recommendation is backed by my years of representing the Santa Cruz Chapter of Surfrider Foundation on the Beach Access and Coastal Development Committee as well as years on the North Coast Beaches Advisory Committee for Santa Cruz County. Most surfers can negotiate the access since the stairs were destroyed without great difficulty, however, children and visitors unfamiliar with the routine may see us quickly making the climb or dancing down the cliff and follow our lead with less care. The consequence could be a serious injury. I do not mean that surfers will not be hurt, only that experienced surfers are less likely to injure themselves accessing surf spots.

Realizing that we are not the only group using this long standing access and probably not even the majority, it is best for all of our community and our visitors to replace this stairway. Another likely scenario is people gingerly picking their way up or down this steep access and feeling hurried by anxious surfers wanting to use their normal speed or even being bumped as someone runs past

As you know, we must build this type of structure to last as long as possible within reason and expect to have to replace it on a fairly regular basis. We do not always support beach access stairways at Surfrider Foundation, but I do not think you will find much opposition from **the surfing community regarding the 26th Avenue structure.** Thank you for your attention to this project.

Sincerely,

Frojon Banwell

CC: Stephanie Mahoric, Santa Cruz Surfrider Foundation Chairperson

0377

September 3, 1998

Santa Cruz Parks Department
9000 Soquel Ave. Ste. 10 1
Santa Cruz, CA 95062

Gentlemen:

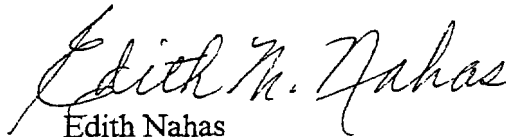
I am writing to inquire about the replacement of the stairs at the end of 26th Ave. that were destroyed by El Nmo. These stairs provided easy access to the beach.

Being elderly, the stairs were a strong selling point when I bought the house on 25th Ave. three years ago. (160 25th Ave.) It is too dangerous to scale the rocks at the end of the street.

I know that many of the people living in this area just off East Cliff Drive used the stairs and I want to strongly recommend that they be replaced.

I look forward to hearing from you. Please respond to the address listed below. Thank you.

Yours truly,

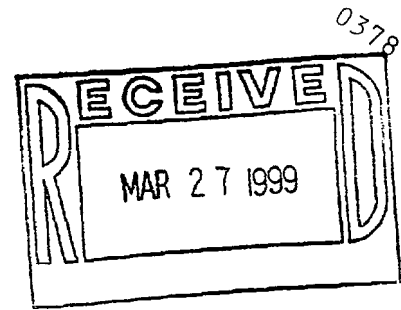

Edith Nahas

143 1 San Gabriel Way
Merced, CA 95340
(209) 722-9592

175 - 26th Avenue
Santa Cruz, CA 95062

March 26, 1999

Mr. Dave Mitchell
Santa Cruz County Parks Department
979 - 17th Avenue
Santa Cruz, CA 95062



Dear Mr. Mitchell,

I am writing regarding the replacement of the beach stairs at the end of 26th Avenue. As you know the lower stairs were destroyed during the 1997-98 Winter storms and the remaining stairs were removed and are in County storage awaiting reinstallation.

I have been in contact with the office of Supervisor Jan Beautz, beginning in the Spring of 1998, to discuss the stair replacement. I understand that some FEMA funds have become available, though not enough to completely cover the reinstallation costs.

I am writing to you to urge that the stairs be replaced as soon as possible. The stairs have become part of the total community and provide safe access to a public beach. Residents and summer guests now have to walk several blocks to the beach or climb down a dangerous path among the rocks at the end of 26th Ave. For the elderly, that is impossible. Families with small children usually have beach umbrellas, water or juices, and toys....several bags of equipment. For parents, it is difficult to make several trips and dangerous to leave the children unattended; often they just choose not to go to the beach.

I have owned this home for seven years. When the stairs were intact, probably 200 folks walked past my home and down to the beach each summer day; now, probably 50! I urge you to make the stair replacement a high priority for this year. They are greatly missed.

Sincerely,

Ray Simpson

copy: Jan Beautz

SACRAMENTO OFFICE
STATE CAPITOL ROOM 3076
SACRAMENTO, CA 95814
(916) 445-5843
FAX (916) 445-8081

DISTRICT OFFICE
701 OCEAN STREET
SANTA CRUZ, CA 95060
(408) 454-3108
FAX (408) 425-5124

DISTRICT OFFICE
7 JOHN STREET
SALINAS, CA 93901
(408) 753-6386
FAX: (408) 753-6385

California State Senate

SENATOR
BRUCE McPHERSON
FIFTEENTH SENATORIAL DISTRICT



STANDING COMMITTEES
OF THE SENATE
EDUCATION, VICE CHAIR
APPROPRIATIONS
CRIMINAL PROCEDURE
ENVIRONMENTAL QUALITY
REVENUE & TAXATION

0379

June 23, 1998

Douglas Wheeler
Secretary for Resources
1416 Ninth St., Suite.1311
Sacramento, CA 95814

Re: 1998199 Coastal Resources Grant

Dear Secretary Wheeler:

I am writing this letter to express my strong support for the proposal of the **Santa Cruz County Department of Public Work East Cliff Coastal Access Project** for the 1998/99 Coastal Resources Grant Program.

The project involves constructing a pedestrian and bicycle promenade along the ocean side of East Cliff Drive. The project is to follow cliff restoration work which is designated for funding from various County, State and Federal Sources. Successful completion of the plan will result in increased accessible recreational opportunities along the East Cliff Drive portion of the Monterey Bay National Marine Sanctuary.

I firmly believe that this project meets all Coastal Resources Grant criteria, and I urge you to give Santa Cruz County's application your most thoughtful consideration.

Sincerely,

Handwritten signature of Bruce McPherson in cursive script.

BRUCE McPHERSON
State Senator

BM/mw

CAPITOL OFFICE
STATE CAPITOL, P.O. BOX 942849
SACRAMENTO, CA 94249-0001
PHONE: (916) 445-8496
FAX: (916) 445-1826
DISTRICT OFFICES
701 OCEAN STREET
SANTA CRUZ, CA 95060
PHONE: (408) 425-1503
FAX: (408) 454-3070
FIELD REPRESENTATIVE
JENNIFER WINTRODE
1200 AGUAJITO ROAD
MONTEREY, CA 93940
PHONE: (408) 646-1980
FAX: (408) 649-2867
FIELD REPRESENTATIVE
GARY SHALLCROSS

Assembly
California Legislature
FRED KEELEY



0380

STANDING COMMITTEES
BUDGET
ENVIRONMENTAL SAFETY AND
TOXIC MATERIALS
HIGHER EDUCATION
INSURANCE
JUDICIARY
NATURAL RESOURCES
SUBCOMMITTEES
CHAIR
BUDGET #3: RESOURCES
JOINT COMMITTEES
LEGISLATIVE BUDGET
FISHERIES AND AQUACULTURE
SELECT COMMITTEES
COASTAL PROTECTION
DEFENSE CONVERSION
CHIEF-OF-STAFF
BONNY HAWLEY
PRINCIPAL CONSULTANT
BUDGET #3: RESOURCES
JOHN P. DECKER
LEGISLATIVE DIRECTOR
DAVID BUNN
LEGISLATIVE ASSISTANT
HANNAH SILK
ADMINISTRATIVE ASSISTANT
BARBARA RHINEHART

June 26; 1998

The Honorable Douglas P. Wheeler
Secretary for Resources
The Resources Agency
1416 Ninth St, Suite 1311
Sacramento, CA 95814

Dear Secretary Wheeler:

I am writing to provide my strong support for the application by the Santa Cruz Public Works Department for a Coastal Resources Grant for their East Cliff Drive Coastal Access Project between 32nd and 41st Avenues in the Pleasure Point area of Santa Cruz County.

The project involves a pedestrian and bicycle promenade along the coastal cliffs of the Monterey Bay National Marine Sanctuary. The project is to follow the cliff restoration work that is slated for funding from a variety of County, State, and Federal funding sources.

I firmly believe that this project fits the EEMP's criteria perfectly, and I strongly urge your favorable consideration. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Keeley", written over a horizontal line.

FRED KEELEY, MEMBER
27th Assembly District

0381

EXHIBIT 8
Negative Declaration

0382



PLANNING DEPARTMENT

COUNTY OF SANTA CRUZ

GOVERNMENTAL CENTER

701 OCEAN STREET ROOM 400 SANTA CRUZ, CALIFORNIA 95060
(408) 454-2580 FAX (408) 454-2131 TDD (408) 454-2123

NEGATIVE DECLARATION AND NOTICE OF DETERMINATION

96-0024 & 96-0029

COUNTY OF SANTA CRUZ PUBLIC WORKS DEPT.

1) Proposal to construct a coastal protection structure, coastal bluff shotcrete armoring and a replacement roadway section along a 150 lineal foot segment of the coastal bluff opposite the intersection of East Cliff Drive and Larch Lane. Requires Coastal Zone, Grading and Seawall Permits. 2) Proposal to convert the segment of East Cliff Drive between 32nd Avenue and 41st Avenue to one-way east bound circulation and to construct a pedestrian walkway/bikeway parallel to the one-way vehicle lane. Requires a Coastal Zone Permit. Property located on the segment of East Cliff Drive between 32nd and 41st Avenue, Pleasure Point neighborhood of the Live-Oak area.

APN: NONE JOEL SCHWARTZ & KIM TSCHANTZ, Planner R-1-5 Zone District

Findings:

This project, if conditioned to comply with required mitigation measures or conditions shown below, will not have a significant effect on the environment. The expected environmental impacts of the project are documented in the Initial Study on this project attached to the original of this notice on file with the Planning Department, County of Santa Cruz, 701 Ocean Street, Santa Cruz, California.

Required Mitigation Measures or Conditions:

N o n e

XX Are Attached

Review Period Ends April 17, 1996.

Date Approved By Environmental Coordinator April 18, 1996.

PETE PARKINSON
Environmental Coordinator
(408) 454-3172

If this project is approved, complete and file this notice with the Clerk of the Board:

NOTICE OF DETERMINATION

The Final Approval of This Project was Granted by Zoning Administration on 5/3/96. No EIR was prepared under CEQA.

THE PROJECT WAS DETERMINED TO NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

Completed notice filed with Clerk of the Board:

5/7/96.

EXHIBIT B
Exhibit 8

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Applicant: Department of Public Works
Appl. No: 96-0029 (East Cliff Dr. Traffic Improvements)
APN: N/A

NEGATIVE DECLARATION MITIGATIONS

1. To prevent project-related water quality impacts, the applicant shall:
 - a. Submit a plan to the Planning Department for review and approval prior to commencement of work on the project which depicts the placement of silt and grease traps immediately upstream of each drainage outfall to Monterey Bay. All silt and grease traps depicted on this plan shall be installed along with the other project improvements.
 - b. Inspect, test, clean-out, and, otherwise maintain ail traps between October 1 and October 15 and again between April 15 and April 30 of each year. This type of monitoring inspection shall also occur each month that it rains from November through March to determine if cleaning and repairs are needed.

2. To ensure that the project does not result in adverse noise impacts, construction shall be limited to between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday. No construction shall occur on weekends or holidays unless approved in writing by the Planning Director for emergency situations.

3. To ensure that the project does not adversely affect the visual qualities of the site and vistas from the scenic corridor, the following shall occur:
 - a. The pedestrian railing shall be the same color and of similar design as that of the rail constructed in the vicinity of Larch Lane, constructed under permit no: 96-0024 and,
 - b. Traffic barriers to be installed along East Cliff Drive at its intersection with other streets shall be designed to retain vistas of the Bay and blend with the color of the adjacent bluffs. If used, guard rails shall not extend more than 27 inches above the finished surface of the pedestrian/bicycle path. In addition, solid concrete walls shall not be allowed.

4. To ensure that the project does not result in a significant increase in traffic hazards to pedestrians on 30th Avenue, the County shall construct sidewalks along the west side of 30th Avenue between Scriver Street and Portola Drive. Discontinuous sections of sidewalks currently exist in this location, and the County shall construct sidewalks in the gaps to create a continuous pedestrian path. These improvements shall be constructed during the County's 1997-98 fiscal year.

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Applicant: Department of Public Works
Appl. No: 96-0029 (East Cliff Dr. Traffic Improvements)
APN: N/A

5. To ensure that the increase in traffic volume on Hawes Drive resulting from the project does not create significant traffic or pedestrian safety impacts, the County shall poll the residents of Hawes Drive about their desire to have speed bumps installed on that street. This survey shall be completed by September 15, 1996 and the results shall be reported to the Planning Department within two weeks of completion of the survey. If a majority of residents are supportive of this traffic control measure, the County shall install speed bumps on Hawes Drive by June, 1997.

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Applicant: Department of Public Works
Appl. No: 96-0024 (Larch Lane Coastal Protection Structure)
APN: N/A

NEGATIVE DECLARATION MITIGATIONS

1. To ensure that the installation of the coastal protection structure and roadway in the vicinity of Larch Lane does not result in soil-related hazards, the applicant shall follow all recommendations in the geotechnical report by Haro, Kasunich Associates dated November 17, 1995, with an addendum dated January 11, 1996.
2. To ensure that wave-induced erosion and wave-generated forces do not damage the coastal protection structure, with resulting impacts to the beach and recreational users, the applicant shall follow all recommendations contained in the report prepared by Moffat and Nichol Engineers, dated January 11, 1996.
3. To prevent project-related water quality impacts, the following shall occur:
 - a. The applicant shall install a silt and grease trap at the western-most drop inlet, depicted as catch basin #3 on the project plans prepared by Moffat and Nichols Engineers.
 - b. The trap shall be inspected, tested, cleaned-out, and, otherwise maintained between October 1 and October 15 and again between April 15 and April 30 of each year. This type of monitoring inspection shall also occur each month that it rains from November through March to determine if cleaning and repairs are needed.
4. To ensure that the project does not result in adverse noise impacts, construction shall be limited to between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday. No construction shall occur on weekends or holidays unless approved in writing by the Planning Director for emergency situations. Construction activities associated with the coastal protection structure which are dependent on low tides (including excavation of footings and pouring of concrete) shall not be subject to the restriction on hours of operation specified above.
5. To ensure that the project does not adversely affect the visual qualities of the site and vistas from the scenic corridor, the following shall occur:
 - a. Concrete used for the coastal protection structure, the pedestrian rail, and traffic barriers shall be colorized to a shade of brown which closely resembles the color of the bluffs in the vicinity. Prior to any concrete pour, County Planning staff shall examine and approve a sample batch of the colorized concrete;

Applicant: Department of Public Works
Appl. No: 96-0024 (Larch Lane Coastal Protection Structure)
APN: N/A

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- b. The pedestrian rail/traffic barrier to be constructed along a 150 foot section of East Cliff Drive adjacent to Larch Lane shall be constructed in conformance with the schematic design depicted on Attachment 6 of the project Initial Study;
6. To reduce the potential for the release of concrete during construction of the coastal protection structure, the applicant shall, prior to construction, submit a materials containment plan to the Planning Department for review and approval. This plan shall provide for a containment system consisting of dikes, berms, or similar structures and a materials removal and disposal system. The features described or depicted in the plan shall be in place throughout concrete pouring operations.

COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

Date: 03/11/96

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Staff Planner: Joel Schwartz &
Kim Tschantz

ENVIRONMENTAL REVIEW
INITIAL STUDY

APPLICANT: County of Santa Cruz Department of Public Works APN: 000-000-00
Phone: (408)454-2160
OWNER: County right-of-way
Application No; 96-00024 & 96-0029 Supervisorial District: First
Site Address: no address
Location: The segment of East Cliff Drive between 32nd and 41st Avenue,
Pleasure Paint neighborhood of the Live Oak area

EXISTING SITE CONDITIONS

Parcel Size: County right-of-way/easement; approximately 60 feet
wide by 2,400 feet long.
Existing Land Use: roadway, beach
Vegetation: mosaic of iceplant and non-native grasses
Slope: 0-15% 35 16-30% ___, 31-50% 5, 51% 60 percent
Nearby Watercourse: Pacific ocean
Distance To: adjacent to the south
Rock/Soil Type: marine terrace deposits, Purisima bedrock

ENVIRONMENTAL CONCERNS

Groundwater Supply: no Liquefaction: no
Water Supply Watershed: no Fault Zone: **no**
Groundwater Recharge: no Floodplain: no
Timber and Mineral: no Riparian Corridor: no
Biotic Resources: no Solar Access: no
Fire Hazard: **no** Solar Orientation: no
Archaeology: no Scenic Corridor: yes
Noise Constraint: no Electric Power Lines: no
Erosion: **yes** Agricultural Resource: no
Landslide: **yes** Paleontology: yes

SERVICES

Fire Protection: Central Fire Drainage District: Zone 5
School District: **Soquel/Santa Cruz** Project Access: via East Cliff
Water Supply: not applicable Dr. & streets intersect-
ing E. Cliff Dr.
Sewage Disposal: not applicable

PLANNING POLICIES

Zone District; R-1-5 Within USL: yes
General Plan: R-UM Special Designation: scenic corridor
Coastal Zone: **yes**

PROJECT DESCRIPTION: 1) Proposal to construct a coastal protection structure, coast-
al bluff shotcrete armoring and a replacement roadway section along a 150 lineal foot
segment of the coastal bluff opposite the intersection of East Cliff Drive and Larch
Lane. Requires Coastal Zone, Grading and **Seawall Permits.** 2) Proposal to **conv**
ert the segment of East Cliff Drive **between 32nd Avenue and 41st Avenue to one-**
way east bound circulation and to construct a pedestrian walkway/bikeway paral-
lel to the one-way vehicle lane. **Requires** a Coastal Zone Permit,

ENVIRONMENTAL REVIEW CHECKLIST

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A. GEOLOGIC FACTORS

Could the project, or its related activities affect, or be affected by, the following:

- | YES | NO | MAYBE | NOTE: Asterisks indicate text explanation below. |
|-------------------------------------|-------------------------------------|--------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Geologic Hazards - earthquakes (particularly surface ground rupture, liquefaction, seismic shaking), landslides, mud slides or other slope instability, or similar hazards? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Soil Hazards - soil creep, shrink swell (expansiveness), high erosion potential? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Change in topography or ground surface relief features? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. The destruction, covering or modification of any unique geologic or physical feature? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 5. Steep slopes (over 30%)? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Coastal cliff erosion? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 7. Beach sand distribution? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Any increase in wind or water erosion of soils, either on or off site? |

B. HYDROLOGIC FACTORS

Could the project affect, or be affected by, the following:

- | YES | NO | MAYBE | |
|--------------------------|-------------------------------------|--------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Water related hazards such as flooding or tidal waves? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Private or public water supply? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Septic system functioning (inadequate percolation , high watertable , proximity to water courses)? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Increased siltation rates? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. Surface or ground water quality (contaminates other than silt-urban runoff, nutrient enrichment, pesticides, etc.)? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Quantity of ground water supply, or alteration in the direction or rate of flow of ground waters? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 7. Groundwater recharge? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Watercourse configuration, capacity, or hydraulics? |

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YES NO MAYBE

- 9. Changes in drainage patterns or the rate and amount of run-off?
- 3 10. Cumulative saltwater intrusion?
- 11. Inefficient or unnecessary water consumption?
- 12. Change in the amount of surface water in any water body?

C. BIOTIC FACTORS

Could the project affect, or be affected by, the following:

YES NO MAYBE

- 1. Known habitat of any unique, rare or endangered plants or animals (designate species if known)?
- 2. Unique or fragile biotic community (Riparian Corridor, Wetland, Coastal Grasslands; Special Forests, etc.)?
- 3. Fire hazard from flammable brush, grass, or trees?
- 4. Anadromous fishery?
- 5. Timber resources?
- 6. Lands currently utilized for agriculture or designated for agricultural use?
- 7. Change in the diversity of species, or number of species of plants (including trees, shrubs, grass, crops, and aquatic plants), or animals (birds, land animals including reptiles, fish, shellfish, and benthic organisms or insects)?
- 8. Involve the use of any experimental animals on the site? If yes, would the standards on use of animals of the American Association for Accreditation of Laboratory Animal Care (AAA-LAC) be adhered to?

D. NOISE

Will the project;

YES NO MAYBE

- 1. Increase the ambient noise level for adjoining areas?
- 2. Violate Title 25 noise insulation standards, or General plan noise standards, as applicable?
- xxx 3. Be substantially impacted by existing noise levels?

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Will the project:

YES NO MAYBE

- xxx 1. Violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation?
- xxx 2. Expose **sensitive** receptors to substantial pollutant concentrations?
- xxx 3. Release **bioengineered organisms** or chemicals to the air outside of project buildings?
- xxx 4. Create objectionable odors?
- xxx 5. Alter wind, moisture **or** temperature (including sun shading effects) so as to substantially affect areas, or change the climate either in the community or region?

F. ENERGY AND NATURAL RESOURCES

Will the project:

YES NO MAYBE

- xxx 1. Encourage activities which result in the use of large amounts of fuel, water, or energy, or use of these in a wasteful manner?
- xxx 2. Have a substantial effect on the potential use, extraction, or depletion of a natural resource (**i.e.**, minerals or energy resources)?

G. CULTURAL/AESTHETIC FACTORS

Will the project result in:

YES NO MAYBE

- xxx 1. Alteration or destruction of historical buildings or unique **cul tural** features?
- xx* 2. Disturbance of archaeological or **paleontological** resources?
- xx* 3. Obstruction or alteration of views from areas having important visual /scenic values?
- xx* 4. Being visible from any adopted scenic highway or scenic corridor?

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YES NO MAYBE

- xx*** 5. Interference with established recreational, educational, religious, or scientific uses of the area?

H. SERVICES AND UTILITIES

Will the project or its related activities result in:

YES NO MAYBE

- xxx** 1. A breach of national, state, or local standards relating to solid waste or litter management?
- xxx** 2. Expansion of or creation of new **utility** facilities (e.g., sewage plants, water storage, mutual water systems, storm drainage, etc.) including expansion of service area boundaries?
- 3. A need for expanded governmental services in any of the following areas:
 - xxx** a. Fire protection?
 - xxx** b. Police protection?
 - xxx** c. **Schools?**
 - xxx** d. Parks or other recreational facilities?
 - xxx** e. Maintenance of public facilities including roads?
 - xxx** f. Other governmental services?
- xxx** 4. Inadequate water supply for fire protection?
- xxx** 5. Inadequate access for fire protection?

I. TRAFFIC AND TRANSPORTATION

Will the project result in:

YES NO MAYBE

- xxx** 1. An increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system?
- xxx** 2. Cause substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity?
- x x x** 3. Cause a substantial increase in parking demand which cannot be accommodated by existing parking facilities?

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YES NO MAYBE

- xx* - - 4. Alterations to present patterns of circulation or movement of people and/or goods?
- **xx*** — 5. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?.
- **xxx** — 6. Cause preemption of public mass-transportation modes?

3. LAND USE/HOUSING

Will the project result in:

YES NO MAYBE

- xxx - 1. Reduction of **low/moderate** income housing?
- x x x - 2. Demand for additional housing?
- x x x - 3. A substantial alteration of the present or planned land use of an area?
- **xxx** — 4. Change in the character of the community in terms **of** distribution or concentration of income, ethnic, housing, or age group?
- **xxx** — 5. Land use not in conformance with the character of the surrounding neighborhood? .

HAZARDS

Will the project:

YES NO MAYBE

- - xx* 1. Involve the use, production or disposal of materials which pose hazard to people, animal or plant populations in the area affected?
- xxx — 2. Result in transportation of significant amounts of hazardous materials, other than motor fuel?
- **xxx** — 3. Involve release of any bioengineered organisms outside isms outside of controlled laboratories?
- x x x - 4. Involve the use of any pathogenic organisms on site?
- **xxx** — 5. Require major expansion or special **training** of police, fire, hospital and/or ambulance services to deal with possible accidents?
- **xxx** — 6. Create a potential substantial fire hazard?
- **xxx** — 7. Expose people to electromagnetic fields associated with electrical transmission lines?

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L. GENERAL PLANS AND PLANNING POLICY

YES NO MAYBE

- xxx - 1. Does the project conflict with any policies in the adopted General Plan or Local Coastal Program? If so, how?
- xxx - 2. Does the project **conflict** with any local, state or federal ordinances? If so, how? .
- xxx 3. Does the project have potentially growth inducing effect?
- xx* 4. Does the project require approval of regional, state, or federal agencies? Which agencies?

MANDATORY FINDINGS OF SIGNIFICANCE

YES NO

- xxx 1. 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, 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 pre-history?
- xxx 2. Does the project have the potential to achieve short term, to the disadvantage of long term environmental goals? (A short term impact on the environment is one which occurs in a relatively brief, definitive period of time while long term impacts will endure well into the future,)
- xxx 3. Does the project have impacts which are individually limited but cumulatively considerable? (A project may impact on two or more separate **resources where** the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant. Analyze in the light of past projects, other current projects, and probable future projects.)
- xxx 4. Does the project have environmental effects which will **cause** substantial adverse effects on human beings, either directly or indirectly?

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DISCUSSION OF ENVIRONMENTAL IMPACT AND MITIGATIONS

(All "Yes" and "Maybe" answers must be discussed as to their potential for resulting in **significant** environmental impacts. "No" answers should be discussed where necessary to provide a clear understanding of project impacts.) Use checklist numbers for reference. Mitigations should be discussed for any potentially significant Impacts. Indicate whether or not the **mitigation** is included in the project and proposed.

General Note

All checklist items that have been starred (with an asterisk) are discussed **below**. All references to the "proposed **project**" address the shoreline protection structure component of the larger project. The traffic improvement component of the project has been identified as such.

A1. The potential geotechnical hazards are adequately addressed in the project **geotechnical** reports by Haro, Kasunich Associates dated 11/17/95 and 01/11/96. The proposed **seawall** and bluff armoring will help to stabilize the eroding cliff face. Completing the project in substantial conformance with the report recommendations ensures that construction **will** help stabilize **the** cliff face and protect it from further wave **and runoff** induced erosion. Further, installation of the wall and armor **will** help reduce the impacts associated with slope instability at the site to a level of insignificance. Recommended mitigation: Complete the project in accordance with all geotechnical and oceanographic report recommendations.

A2. The proposed **seawall** and retaining wall project is essentially an erosion control project. The project will greatly reduce bluff erosion and will provide protection for East Cliff drive and adjacent private properties.

A3. The proposed project will slightly change the ground surface relief of the sea cliff. It would protrude slightly from the cliff face. The proposed design is one of the least, **if** not the least, intrusive shoreline protection option available for use at this site. Other design alternatives could consist of rock rip-rap, a poured concrete **seawall** with a bluff top retaining wall, and a toe **seawall** with fill slope behind reinforced with geo webbing. Rock rip-rap would take up much more beach space than the proposed project. For example, a twenty foot high **rip-rap** structure would extend twenty to thirty feet out on to the beach. Rip-rap is much less aesthetically pleasing than the proposed project. It requires continuous maintenance as the racks continue to move out on to the beach and into the ocean due to wave and sea action. As toe rocks move out, they pose hazards to beach users. Beach users also tend to **climb** and sit on rip-rap which is another increased hazard. A poured concrete **seawall** and upper retaining wall system would be more visually intrusive and would take up more beach space than the proposed project. A geo-webbing enforced slope is not preferred since wave and sea spray would probably defeat successful slope plantings, the slope configuration would encroach further on to the existing beach area and the resulting slope configuration would significantly change the existing cove topography which would be more visually intrusive and would alter wave action within the cove.

A5. The proposed project would be located on and at the base of the near vertical cliff face. It will essentially eliminate erosion on the cliff and at the base and help stabilize the steep slopes,

A6. The proposed project would greatly reduce coastal cliff erosion in the project area and will protect public facilities and private property.

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A7. The project engineers have studied the beach sand distribution In this area and **determined** that the proposed project, since it ties essentially flush-with the cliff face, would not adversely affect beach sand distribution.

AS. The proposed project will **greatly reduce** wave induced erosion at the base of the cliff.

B1. The proposed project would be exposed to water related hazards such as flooding, high storm surges and possibly **tsunamis**. **These** potential hazards **have** been evaluated by the project civil and geotechnical engineers and the wall has been designed to withstand anticipated wave generated forces.

B9. The proposed project includes new surface and subsurface drainage controls. These controls will not change the rate or amount of runoff in the project area and will improve drainage conditions at the site and reduce currently occurring erosion and bluff failure. **The** proposed subsurface drainage system will help to eliminate the bluff slumping and accelerated erosion. The proposed surface drainage system will correct poor drainage in the area that is contributing to bluff slumping and accelerated erosion.

The traffic improvement component of the project includes the installation of subsurface drainage facilities **in** East Cliff Drive. The new **drain** pipe will be connected to the existing drainage facilities **in** streets perpendicular to East Cliff Drive that discharge into the Monterey Bay. The amount of increased drainage will not be significant because the amount of increased impervious surface will not be significantly greater than that which **exists** at present.

D1. During construction, ambient noise levels are expected to increase for adjoining areas. This appears to be an unavoidable impact, but which is temporary in nature. Mitigation could include limiting heavy equipment operations **to** between 7 a.m. and 6 p.m., Monday through Friday with no work allowed on weekends or holidays unless formally approved by the Planning Director.

G2. The project paleontologic report by Frank Perry dated **03/21/96** has been completed and this survey is negative **with** regards to **significant** resources (see Attachment 5). The report concludes that site fossils are not of significant scientific importance and, therefore, no monitoring or other mitigation measures are recommended for this project.

G3. The proposed project would slightly alter the view of the sea cliff from the public beach; an area having important visual and scenic values. As previously stated, the proposed erosion control wall is one of the least, if not the least, visually intrusive design alternatives. A less visually intrusive bluff armoring could consist of geo webbing that could then be vegetated with the appropriate plants. However, this alternative is not preferable or feasible for the reasons specified above under Item A3. Recommended mitigations: The concrete used for wall and armor construction shall be **colorized** to match, as much as **possible**, the color of the surrounding natural sea cliff materials. The exposed wall and armor face **shall** be textured to match the surrounding natural cliff face as closely as possible. Prior to concrete pour, County **Planning** staff shall **review** and approve a sample batch of the **colorized** concrete and the proposed texture scheme.

The County General Plan designates East Cliff Drive as a scenic roadway where views are **to** be protected. A pedestrian/bicyclist railing **will** be constructed **along** the entire 2,400 foot length of the combination **walkway/bikeway**. The ra

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ing will be installed on the coastal side of the walkway/bikeway to prevent accidental falls over the cliff. The railing will be reinforced to also act as a traffic barrier at each intersection to prevent careless motorists from driving over the edge of the proximate cliff. This railing and barrier will be 42 inches in height and could result in obstructing views of the ocean from East Cliff Drive.

While a proposed design of the railing/barrier for the 150 foot section opposite the Larch Lane/East Cliff Drive intersection has been completed (see Attachment 6), no design currently exist) for the remainder of the project. The design which has been completed incorporates features to permit ocean views and minimize its visual impact. The barrier will consist of a metal railing structure. The vertical railings will be 1 inch wide and each railing separated by 3-1/2-4 inches to allow ocean views. The portion of the railing used as a traffic barrier will be supplemented by concrete support posts every 60 inches. The concrete supports will have indentations or rustic rock facades to make them a visually appealing part of the bluff/spa coast environment. The barrier could be made more harmonious with the surrounding environment if the concrete is colorized a shade a brown that blends with the surrounding area. The design of the remainder of the pedestrian railing should incorporate some of these same features to minimize visual impacts.

The proposed traffic improvements, which are discussed under item 1.4 below, will consist of asphalt paving, concrete curbs and gutters as well as traffic signage. Other than the railing/barrier discussed above, no structures other than the roadway signs will extend above the ground surface. Signage alerting motorists to the one-way circulation on and separation of vehicular and bicycle/pedestrian traffic may be necessary and their placement will be dictated by traffic safety factors. These signs are not anticipated to significantly affect the visual resources of the area.

G4. The shoreline protection structure will be visible from the public beach. Vistas from public beaches are to be protected, according to General plan Policy 5.10.6. General Plan Policy section 5.10.7 requires 'shoreline protection structure; to use natural materials and finishes to blend with the character of the area' and integrate with the landform. The proposed shoreline protection structure is probably the least visually intrusive design, and colorization will help to reduce adverse visual impacts. Similar projects have been approved and constructed in the vicinity.

The traffic improvements will also be visible from a designated scenic roadway. The visual impacts can be reduced to levels of insignificance by incorporating the recommended mitigation measures discussed above.

G5. The proposed project should not interfere with established recreational uses of the public beach. In fact, by protecting the cliff base from further erosion and landslides, the project will result in increased safety for the recreational users of the beach and bluff top.

The traffic improvement component of this project will enhance recreational pedestrian and bicycling use along this segment of East Cliff Drive by creating a much wider area for bicycle and pedestrian traffic than presently exists. The details of the improvement are discussed under item I.4 below.

I4. The traffic improvement component of this project includes the following:
a) One-way vehicular travel lane of 16-18 feet in width;

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- b) Combination pedestrian **walkway/bikeway** of 10-12 feet in width;
 c) Concrete curb and gutter that separates the two types of travel lanes describes above;
 d) Pedestrian railing/traffic barrier constructed along the coastal **edge** of the **walkway/bikeway**

The two types of travel lanes will both be constructed of asphalt by **overlying** new asphalt over that which exists for the one-way vehicular roadway and **adjoining** 4 foot wide **bikeway**. The construction of the pedestrian railing/traffic barrier is discussed under item 6.3 above.

The new circulation system will provide greater opportunities for pedestrian and **bicycle** traffic at the expense of permitting two-way vehicle circulation along this segment of East Cliff Drive. A traffic study prepared by the County Department of Public Works shows that traffic levels have increased on 30th Avenue and Hawes Drive as a result of the temporary one-way use of this road segment (See Attachment 7). This is summarized in **the** table below.

Average Daily Traffic Volumes on 30th and Hawes

Street	ADT Increase	Per Cent Increase
30th Ave. (N. segment)*	590	1 8 %
30th Ave. (S. segment)*	410	26%
Hawes Drive	400	100%

* Segment of street between Portola Drive and **Scriver** Avenue

** Segment of street between **Scriver** Avenue and E. **Cliff Drive**

flaking the project segment of East Cliff Drive permanently one-way will continue these increased traffic levels on these two other streets. The increases in **traffic** will cause some increased noise impacts and potential pedestrian/vehicle conflicts on these two streets. The pedestrian/vehicle conflict! are **expected** to **be greatest** on the north segment of 30th Avenue because of its **higher traffic volumes**.

The higher traffic volumes are within the levels of traffic specified by Figure 3-4 of the General Plan for local streets and collector streets; however, neither street is constructed to General Plan standards. Traffic impacts on **these** streets can be mitigated by slowing traffic to reduce vehicular noise and **increase** traffic safety and providing pedestrian facilities on the street segment with the highest traffic volumes. County Public Works has already installed speed humps on 30th Avenue which have been effective **in** reducing vehicular speeds. These same type of speed humps would also be an effective technique to reduce vehicular speeds and **noise** on Hawes Drive. The northern segment of 30th Avenue has **discontiguous** sections of concrete curb, gutter and sidewalk on the west side of the street. Joining all these sections with new curb, gutter and sidewalk would provide a continuous pedestrian facility separate from the most traveled road segment impacted by the East Cliff one-way circulation project.

K1. The project involves the use of concrete, a material that, if released into the adjacent ocean, might be hazardous to the animal or plant populations in the **area**. Recommended **mitigations**: Prior to and during project construction, the contractor shall take the appropriate measures **necessary to** prevent the release of concrete or any other harmful materials into the adjacent ocean. Prior to project construction, the contractor shall submit to Environmental Planning, for review and approval, a materials containment plan. At a minimum, this plan sh⁷⁷

include a containment system including dikes, berms or similar devices and a materials removal and disposal system.

14. The project is located entirely above the mean high tide line and therefore does not require permit approval from the California Coastal Commission, State Lands Commission and Army Corp of Engineers. **The project is appealable to the California Coastal Commission.** The project requires review and approval from the Monterey Bay National Marine Sanctuary and the Regional Water Quality Control Board for new discharges into the bay. The drainage facilities proposed by the traffic improvement component of the project will also **require these two latter** permit approvals.

In accordance with the requirements of the County General Plan and applicable ordinances, the project will be conditioned to include the following items: Final wall construction plans shall indicate the placement of a permanent survey monument on the wall. Prior to permit issuance, the property owner shall record a Declaration of Geologic Hazard on the subject properties. The Declaration shall **state the geologic hazards, proposed mitigations and required maintenance** program. Prior to permit issuance, the applicant shall submit for Planning Department review and approval, a long-term project maintenance plan.

Attachments:

1. Location Map
2. Site Plan and Project Limits
3. Project plans
4. Geotechnical report conclusions and recommendations
5. Paleontologic report conclusions and **recommendations**
6. Schematic plan of pedestrian **railing/traffic** barrier
7. East Cliff Drive Traffic Study prepared by County Public Works

/dpwin

0399

TECHNICAL REVIEW CHECKLIST

	<u>REQUI RED</u>	<u>COMPLETED*</u>	<u>N/A</u>
APAC REVIEW	_____	_____	<u>xxx</u>
ARCHAEOLOGI C REVIEW	_____	_____	<u>xxx</u>
BI OTI C ASSESSMENT	_____	_____	<u>xxx</u>
GEOLOGI C HAZARD ASSESSMENT	_____	_____	<u>xxx</u>
GEOLOGI C REPORT	_____	_____	<u>xxx</u>
RI PARI AN PRE- SI TE	_____	_____	<u>xxx</u>
SEPTI C LOT CHECK	_____	_____	<u>xxx</u>
SOI LS REPORT	<u>XXXXXXXXXX</u>	<u>XXXXXXXXXX</u>	_____
OTHER:			
<u>PALEONTOLOGI C REPORT</u>	<u>XXXXXXXXXX</u>	<u>XXXXXXXXXX</u>	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

*Attach summary and recommendation from **completed** reviews

List any other technical reports or **informati**on sources used in preparation of this initial study; Report by project civil engineers dated **01/11/96**.

ENVIRONMENTAL REVIEW ACTION

On the basis of this initial evaluation:

 I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

 ✓ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described below have been added to the project. A NEGATIVE DECLARATION will be prepared.

I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

March 18, 1996
Date

Ken Hart
Signature

For: PETE PARKINSON
Environmental Coordinator

U401



Project No:	SC4963
Date:	9.27.95
Scale:	1" = 2000 ft.
Drawn by:	CL

SITE LOCATION MAP
 EAST CLIFF & LARCH AVE.
 SANTA CRUZ COUNTY, CALIF.

Figure No **34**

