



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102-3404

Operations and Readiness Division

PUBLIC NOTICE

**REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS
PROJECT UNDER SECTION 408**

TITLE: San Lorenzo River – 530 Front Street Project, 408-SPN-2023-0004

Public notice comment period:
Begins: November 30, 2023
Ends: December 30, 2023

REQUESTER: In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, City of Santa Cruz (requester) has requested permission from the U.S. Army Corps of Engineers (USACE) to alter the San Lorenzo River, an existing federal flood risk management project, authorized by the Flood Control Act of 1917.

LOCATION: The project is located at 530 Front Street, at the southeast corner of Front Street and Soquel Avenue, immediately downstream from the Soquel Avenue Bridge, on the right bank of the San Lorenzo River, Santa Cruz, Santa Cruz County, California. (see attachment 1)

REQUESTER'S PROPOSED ACTION: The proposed project would widen the levee crown in order to integrate the existing Riverwalk with a new mixed-use development at 530 Front Street. The proposed project would require the landside levee slope to be filled with approximately 3,500 cubic yards of engineered material to achieve a similar elevation between the existing Riverwalk and the proposed development for the purpose of allowing residents and visitors to access the Riverwalk. Surface and interior drainage, landscaping features, and a retaining wall in the proposed fill area would also be in contact with the levee and are included in the proposed project's scope of work. (Attachment 2)

ENVIRONMENTAL IMPACTS OF PROPOSED ACTION: The proposed project is located along the land side of the right bank San Lorenzo River levee immediately downstream of the Soquel Avenue bridge. At the location of the proposed project, the levee height is approximately 10 feet with an approximate effective crown width of 15 feet. The landside slope is roughly 2 horizontal to 1 vertical (H:V) at its steepest on the downstream end based on topographic surveys. The approximate grade for waterside slope is slightly flatter than the landside slope (i.e. greater than 2H:1V). The downstream portion of the levee is partially constrained on the landside by the existing commercial development immediately adjacent to the landside levee toe, while the

topography along upstream portion of the levee includes a wider and flatter levee embankment that adjoins the abutment of the Soquel Ave. bridge. Existing vegetation on the landside and waterside slopes is comprised of trees, shrubbery, understory, and grasses.

USACE determined there is no suitable habitat for federally listed species under the jurisdiction of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) in the vicinity of the project. Therefore, USACE determined there would be no effects to federally listed species, designated critical habitat, or essential fish habitat under the jurisdiction of the USFWS and/or NMFS.

After an initial review, USACE has determined no eligible or potentially eligible cultural resources may be affected by the proposed project. USACE will initiate consultation with the State Historic Preservation Officer and Native American Tribes under Section 106 of the National Historic Preservation Act, as appropriate.

Upon review of the Section 408 application and other supporting documentation, USACE has made a preliminary determination that the project neither qualifies for a Categorical Exclusion nor requires the preparation of an Environmental Impact Statement for the purposes of NEPA.

AUTHORITY: The authority to grant permission for temporary or permanent use, occupation, or alteration of any USACE civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C 408) ("Section 408"). Section 408 authorizes the Secretary of the Army, on the recommendation of the Chief of Engineers, to grant permission for the alteration or occupation or use of a USACE project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. The Secretary of Army's authority under Section 408 has been delegated to the USACE, Chief of Engineers. The USACE Chief of Engineers has further delegated the authority to the USACE, Directorate of Civil Works and Division and District Engineers, depending upon the nature of the activity.

LIMITS OF SECTION 408 AUTHORITY: A requester has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 404 of the Clean Water Act (33 U.S.C. Section 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413). In addition, an approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

EVALUATION FACTORS: The decision whether to grant the requested permission for project alteration under Section 408 will be based on several factors. That decision will reflect the national concern for both protection and utilization of important resources.

The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. Review of requests for alteration will be reviewed by a USACE technical review team considering the following factors:

1) Impair the Usefulness of the Project Determination. The review team will determine if the proposed alteration would limit the ability of the USACE project to function as authorized, or would compromise or change any authorized project conditions, purposes or outputs. In order for an alteration to be approved, the requester must demonstrate that the alteration does not impair the usefulness of the federally authorized project.

2) Injurious to the Public Interest Determination. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest evaluation depend upon the type of USACE project being altered and the nature of the proposed alteration and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. This evaluation will consider information received from the interested parties, including tribes, agencies, and the public. The benefits that reasonably may be expected to accrue from the proposal must be compared against its reasonably foreseeable detriments. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks and by the net impact of the alteration on the public interest using the public interest factors.

3) Environmental Compliance. A decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While USACE is responsible for ensuring environmental compliance, the requester is responsible for providing all information that the San Francisco District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and procedures. NEPA and other analysis completed to comply with other environmental statutes (e.g. Endangered Species Act) should be commensurate with the scale and potential effects of the activity that would alter the USACE project. The San Francisco District will work with the requester to determine the requirements, which will be scaled to the likely impacts of the proposed alteration and should convey the relevant considerations and impacts in a concise and effective manner. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from activities resulting in the temporary or permanent use, occupation, or alteration of any USACE civil works project. The final NEPA analysis will be incorporated in the decision documentation that provides the rationale for issuing or denying a Section 408 permission for the project. The final NEPA analysis and supporting documentation will be on file with the San Francisco District, Operations and Readiness Division.

PUBLIC INVOLVEMENT: The purpose of this notice is to solicit comments from the public; federal, state, and local agencies and officials; tribes; and other interested parties regarding the San Lorenzo River – 530 Front Street Project, a proposed alteration to an existing federally authorized project. Comments received within 30 days of publication of this notice will be used in the evaluation of potential impacts of the proposed action on important resources and in the evaluation of whether the proposed alteration would be injurious to the public interest and/or would impair the usefulness of the authorized project. Only the specific activities that have the potential to occupy, use or alter the San Lorenzo River will be evaluated. Please limit comments to the area of the alteration and those adjacent areas that would be directly or indirectly affected by the alteration to the San Lorenzo River. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act.

SUBMITTING COMMENTS: Written comments, referencing 408-SPN-2023-0004 must be submitted to the office listed below on or before December 30, 2023.

Jessica Vargas, 408 Coordinator
U.S. Army Corps of Engineers, San Francisco District
Operations and Readiness Division
450 Golden Gate Avenue, 4th Floor, Room 1111
San Francisco, California 94102-3404

Email: spn.operationsdivision@usace.army.mil

ATTACHMENTS: Vicinity map, location map, and proposed project footprint in relation to federal project.

Attachment: Project Location Figures and Plan Sheets



Figure 1: General Project Location (ESRI World Street Map)

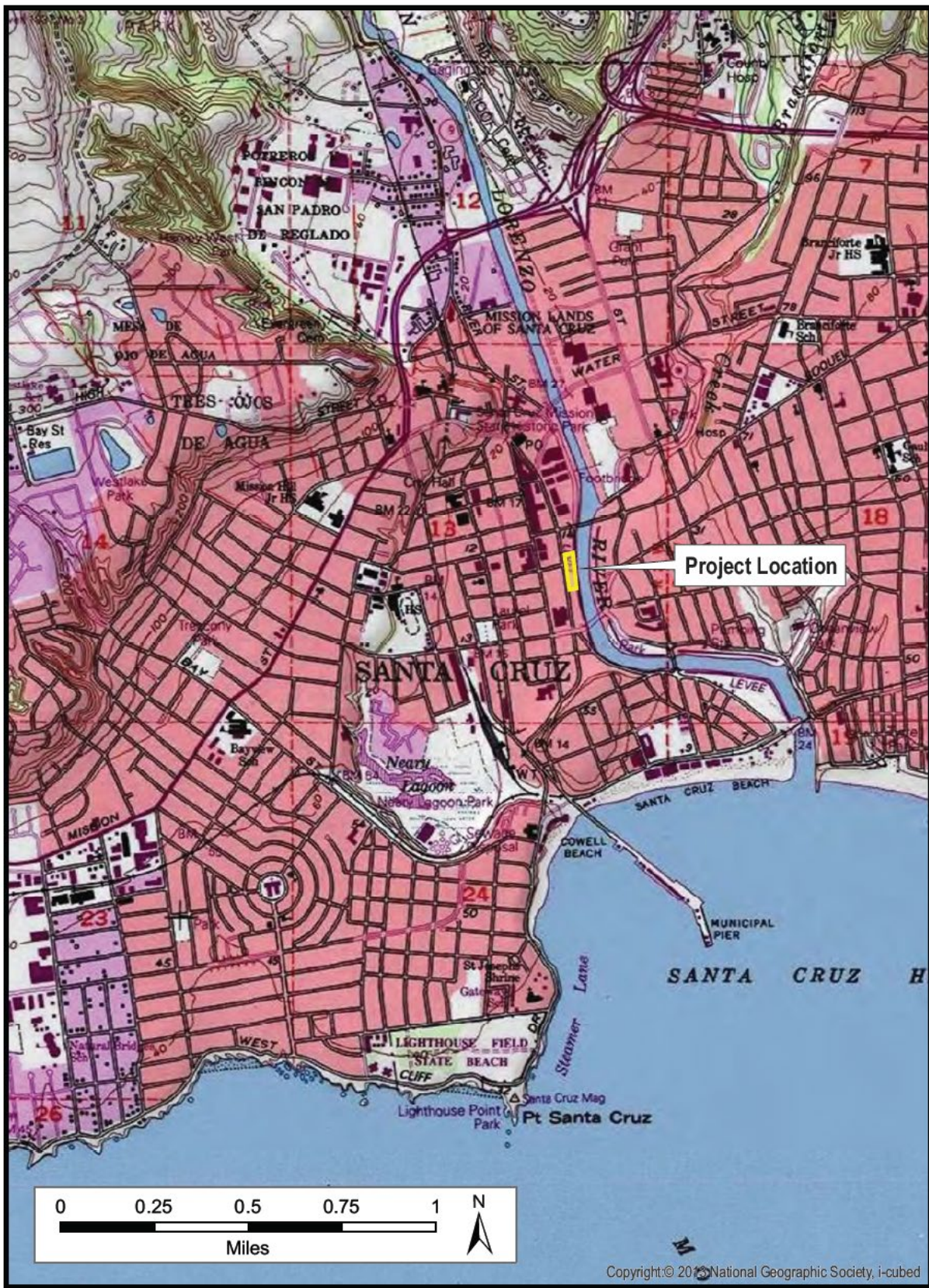
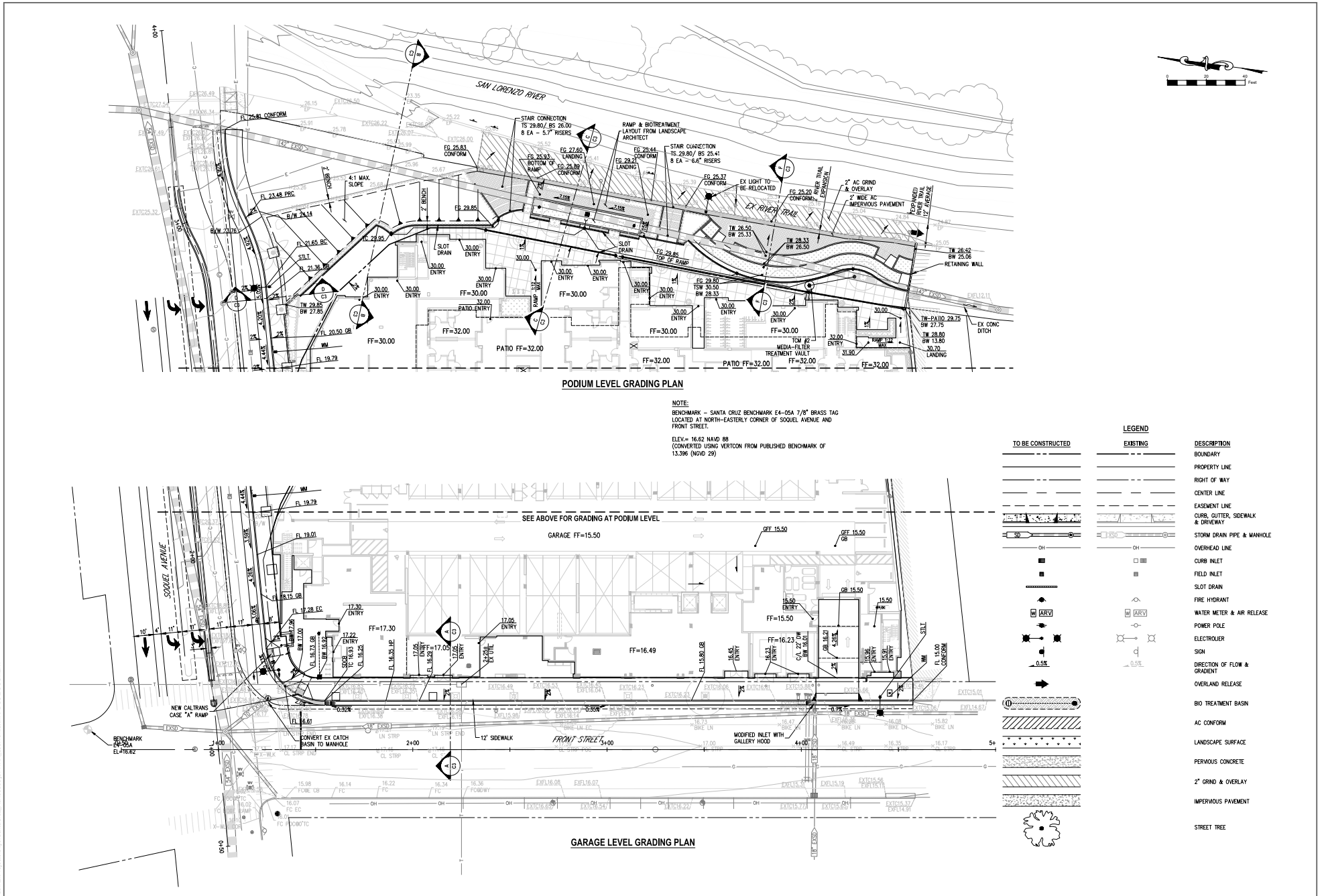


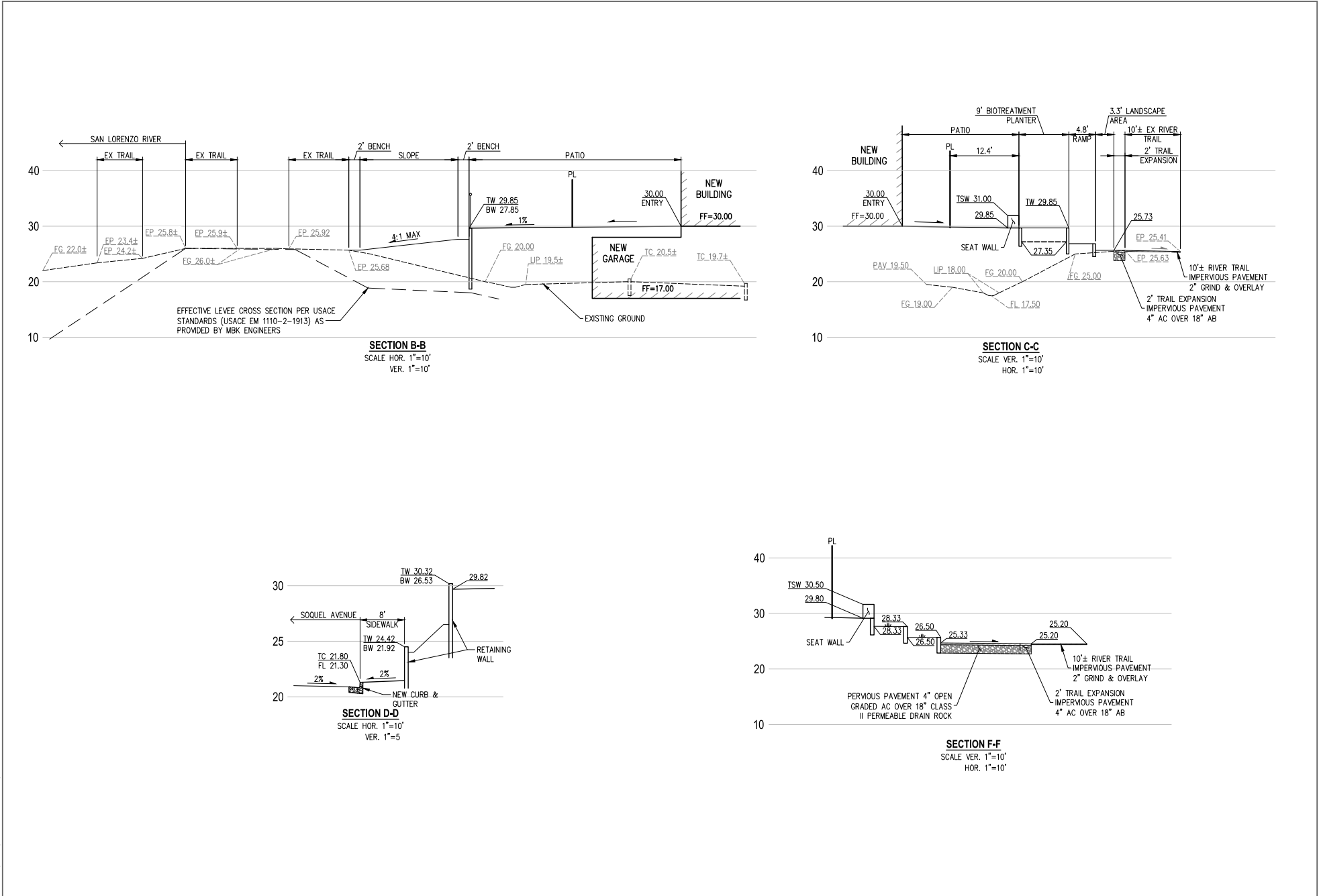
Figure 2: Project Location (Township 11S, Range 2W, Section 13 - USGS Santa Cruz, CA, 1994)



Figure 3: Aerial view of project area (Google Earth)



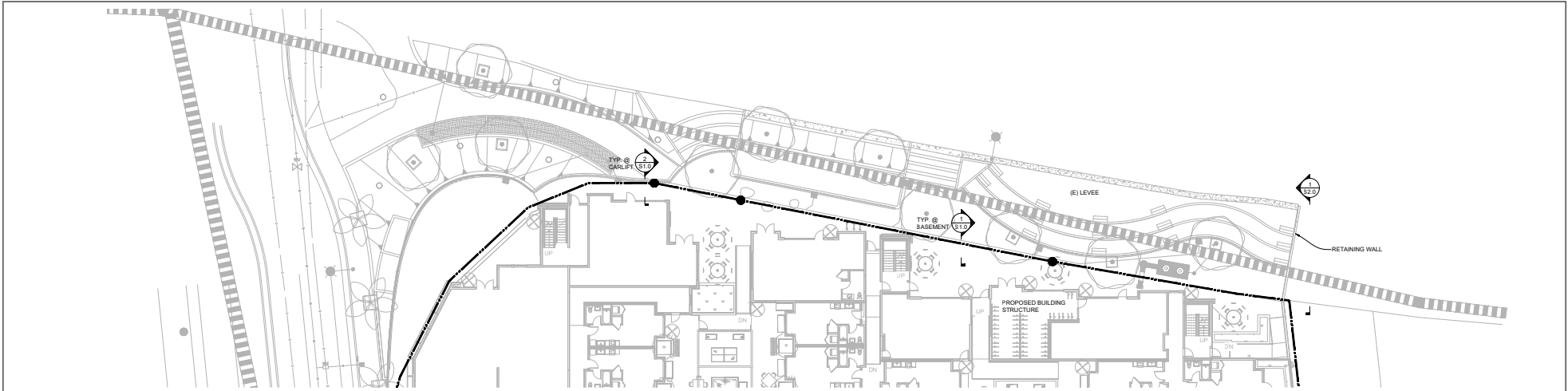
SOURCE: Swenson Architecture 2023



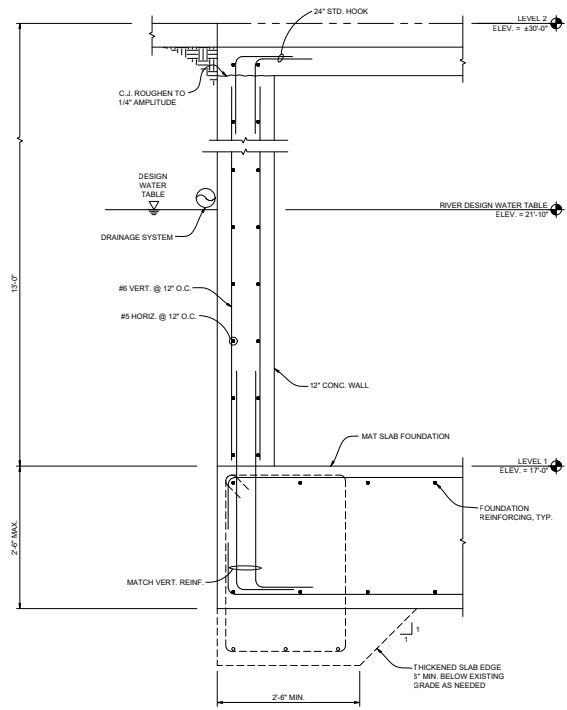
SOURCE: Swenson Architecture 2023



FIGURE 5
Project Grading - Cross Sections
San Lorenzo Levee Fill Replacement Project

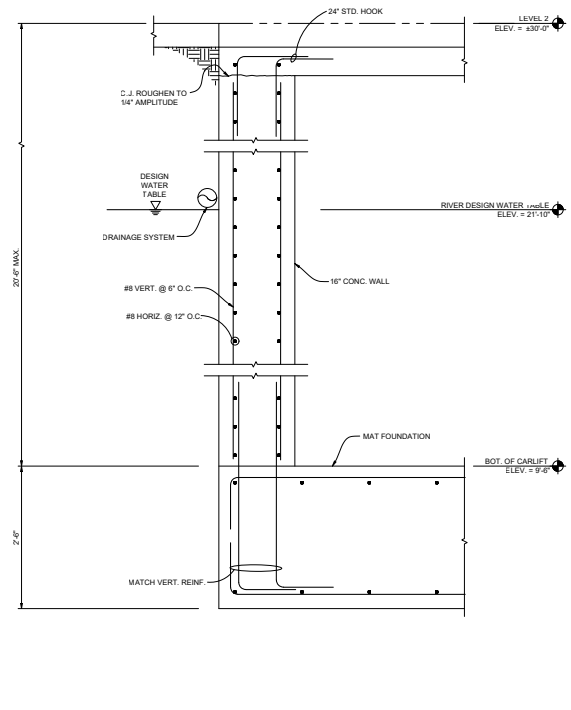


PARTIAL PODIUM LEVEL PLAN FROM CIVIL DRAWINGS
N.T.S.



TYPICAL BASEMENT WALL SECTION

DETAIL 1
1"=1'-0" S1.0



BASEMENT WALL SECTION @ CAR LIFT

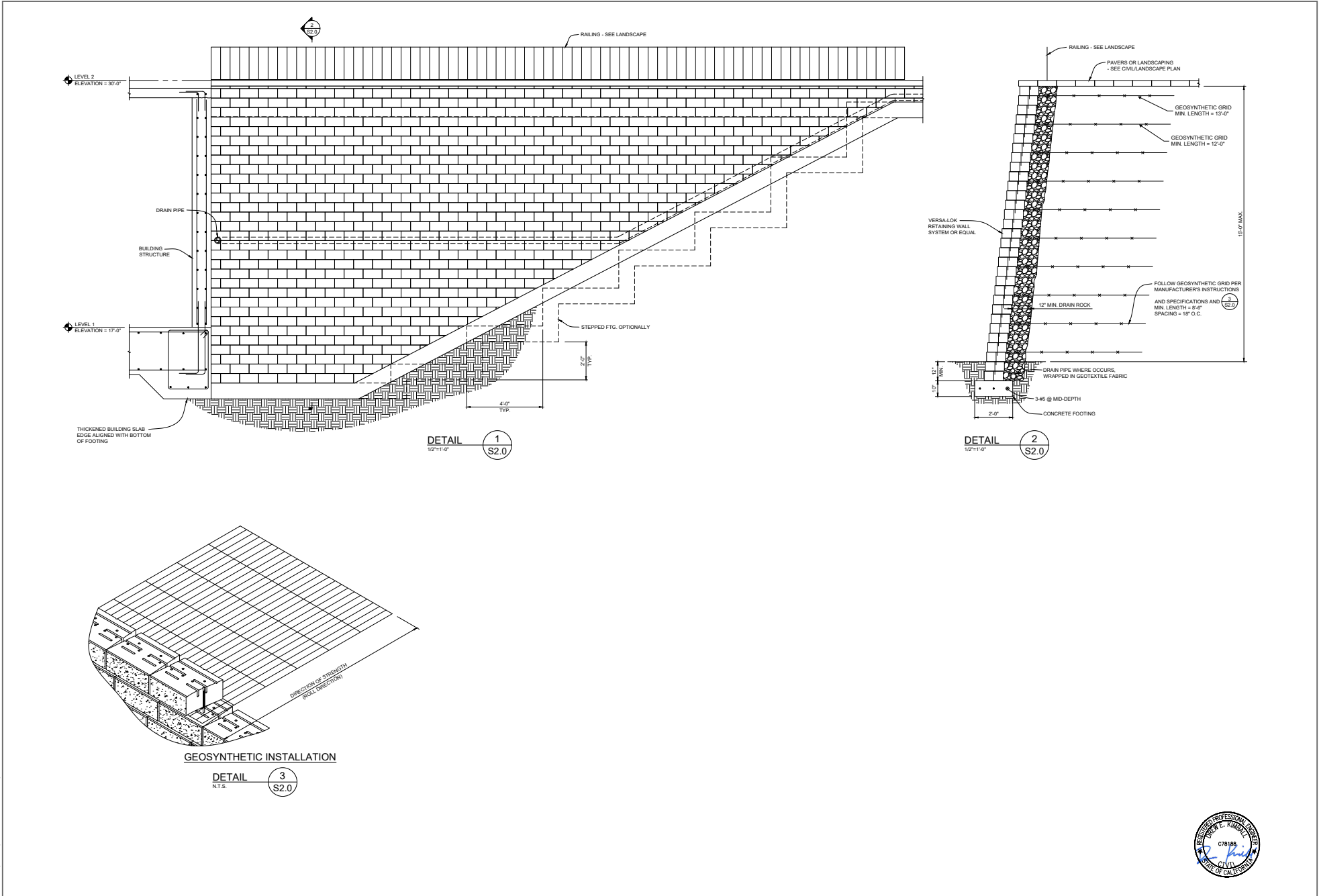
DETAIL 2
1"=1'-0" S1.0



SOURCE: Swenson Architecture 2022



FIGURE 6
Fill Retaining Wall Detail
San Lorenzo Levee Fill Replacement Project



SOURCE: Swenson Architecture 2022



FIGURE 7
Fill Retaining Wall Detail
San Lorenzo Levee Fill Replacement Project

