

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200



# Th11a

October 16, 1998

**TO: CALIFORNIA COASTAL COMMISSIONERS**

**FROM: PETER M. DOUGLAS, EXECUTIVE DIRECTOR**

**SUBJECT: STAFF RECOMMENDATION ON REVISED MAP OF POST-LCP  
CERTIFICATION JURISDICTION, CITY OF SANTA CRUZ,  
VICINITY OF SANTA CRUZ BEACH BOARDWALK  
(for Commission consideration at its November 3-6, 1998 meeting)**

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*This recommendation was developed by Jonathan Van Coops, Coastal Program Analyst, Mapping Program, working under the direction of Susan Hansch, Manager, Energy and Coastal Resources Division.*

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## STAFF RECOMMENDATION

The staff recommends that the Commission adopt the revised map (Exhibit 3) prepared by staff showing the areas where the Commission retains permit authority pursuant to Public Resources Code (PRC) §30519(b) and §30613, and where appeals of local government coastal development permit approvals are allowed pursuant to PRC §30603(a)(1) and (2) within the Beach Boardwalk area of the City of Santa Cruz.

## MOTION

Staff recommends that the Commission adopt the following motion:

I move that, for the reasons stated in the Staff Recommendation dated October 16, 1998, the Commission hereby approve the revision proposed by staff to the City of Santa Cruz Post-LCP Certification Map.

## BACKGROUND ON POST-LCP CERTIFICATION MAP PROCEDURES

After the Commission certifies a local government's LCP, permit authority within that jurisdiction is delegated to that local government. However, pursuant to §30519(b) of the Coastal Act, the Commission retains permit authority (with certain exceptions) after LCP

certification over developments occurring on tidelands, submerged lands, and public trust lands. As provided in Section 30613 of the Coastal Act, local jurisdictions can request that primary permit authority for areas potentially subject to the public trust but which are filled, developed, and committed to urban uses be transferred to the local government's jurisdiction. The City of Santa Cruz has made such a request for the area shown in Exhibit 3, which is discussed further below in the section under Permit Jurisdiction.

In addition to the retained permit jurisdiction, §30603 of the Coastal Act defines certain areas and types of development for which approvals by the local government may be appealed to the Commission. Appeal jurisdiction exists, for example, on lands within 100 feet of streams or wetlands, lands within 300 feet of the coastal bluffs, beaches, or estuaries, and lands between the sea and the first public road paralleling the sea. All areas where primary permit authority has been transferred pursuant to Section 30613 of the Coastal Act remain in the Commission's appeal jurisdiction.

The Commission's administrative regulations (14 CCR §13576) provide that a map portraying the areas of continuing Commission permit and appeal jurisdiction be adopted in conjunction with the final LCP certification. An update procedure is also described and provides the basis for revisions of the map by the Commission. Within these regulations is implicit the idea that, while the adopted map should portray the various jurisdiction boundaries with reasonable accuracy, it remains only a depiction, a cartographic representation, and not a precise definition of the jurisdiction, and cannot be used on its own without field determination procedures to establish a precise boundary location where such precision is required or necessary. Conditions on the ground control permit and appeal jurisdiction boundary location regardless of how accurate the mapped boundary may be.

### **STAFF ANALYSIS**

The Commission first adopted a Post-LCP Certification permit and appeal jurisdiction map for the City of Santa Cruz on April 14, 1983. Based on this map, the Commission's continuing permit jurisdiction in the City exists only on lands lying below the mean high tide line (MHTL), and within potential public trust lands located along the shoreline as well as adjacent to the San Lorenzo River and Santa Cruz small craft harbor. At the present, this area includes portions of the Santa Cruz beach boardwalk facilities. The primary source for the previous permit boundary was map 72 (Santa Cruz quadrangle, scale 1:24,000) from the set showing potential tidelands trust areas prepared for the Commission by the State Lands Commission staff in the late 1970's using, among other sources, U.S. Coast and Geodetic Survey (now known as the National Geodetic Survey) Topographic maps produced in the 1850's to 1870's.

These historic maps and other documents and information are analyzed wherever the public trust component is the controlling boundary criterion, however, given the complexity involved in precisely mapping potential public trust boundaries, it is evident the delineation may or may not include all areas subject to the trust. Questions regarding

the exact location and extent of public trust lands must be referred to the State Lands Commission for determination.

The revision which is the subject of this recommendation was requested by the City for the purpose of refining the boundary in an area where the previous delineation of the Commission's permit and appeal jurisdiction was based on the boundary of a legislative tidelands grant made to the City in 1872 (See Exhibit 2). The Commission staff did a boundary determination for the property in November of 1997, which placed the property inside the Commission's retained permit jurisdiction, using the location of the potential public trust lands delineated by the State Lands Commission staff. Since then, further research by the City's appears to indicate that the current adopted boundary needs revision to reflect current physical conditions on the site. The tidally influenced portions of the property along the ocean shoreline and the San Lorenzo River would be retained within the Coastal Commission's permit jurisdiction, while the boardwalk property would be changed from permit to appeal jurisdiction (see Exhibit 3).

#### Permit Jurisdiction Revisions

As mentioned above, in July of this year the City of Santa Cruz requested transfer of permit authority for the potential public trust lands located at the Boardwalk, as provided for in Section 30613 of the Coastal Act. The staff is recommending the Commission grant the request. The Commission staff agrees with the City's view that the boardwalk area is filled, developed, and committed to urban uses. The area recommended for transfer has been filled, has available infrastructure, and is designated for urban uses in the City's LCP. Essentially all of the area is presently occupied with regional visitor serving commercial development. Zoning for the area is Beach Commercial (CB). Because the Commission has reviewed and approved specific land use and zoning designations for the area, and placed appropriate density and site coverage requirements, height limitations, provisions for public access, visitor serving uses, and view protection on developments occurring in this area, the staff believes the request meets all of the requirements of Section 30613 of the Coastal Act and recommends transfer of permit authority. As a result, approximately 9.5 acres will be transferred to the City's permit jurisdiction, as shown with a diamond hatch pattern in Exhibit 3.

#### Appeal Jurisdiction Revisions

All areas where primary permit authority has been transferred pursuant to Section 30613 of the Coastal Act remain in the Commission's appeal jurisdiction.

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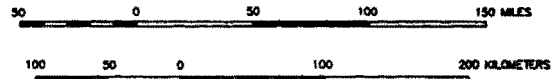
NOTE: Due to the reproduction cost of the large scale map sheet, only the 8.5 X 11 size maps have been included with the staff report. Copies of Exhibit 4, the full-size map, are available for review at the City of Santa Cruz and at Coastal Commission offices in San Francisco, and Santa Cruz.

# EXHIBIT 1

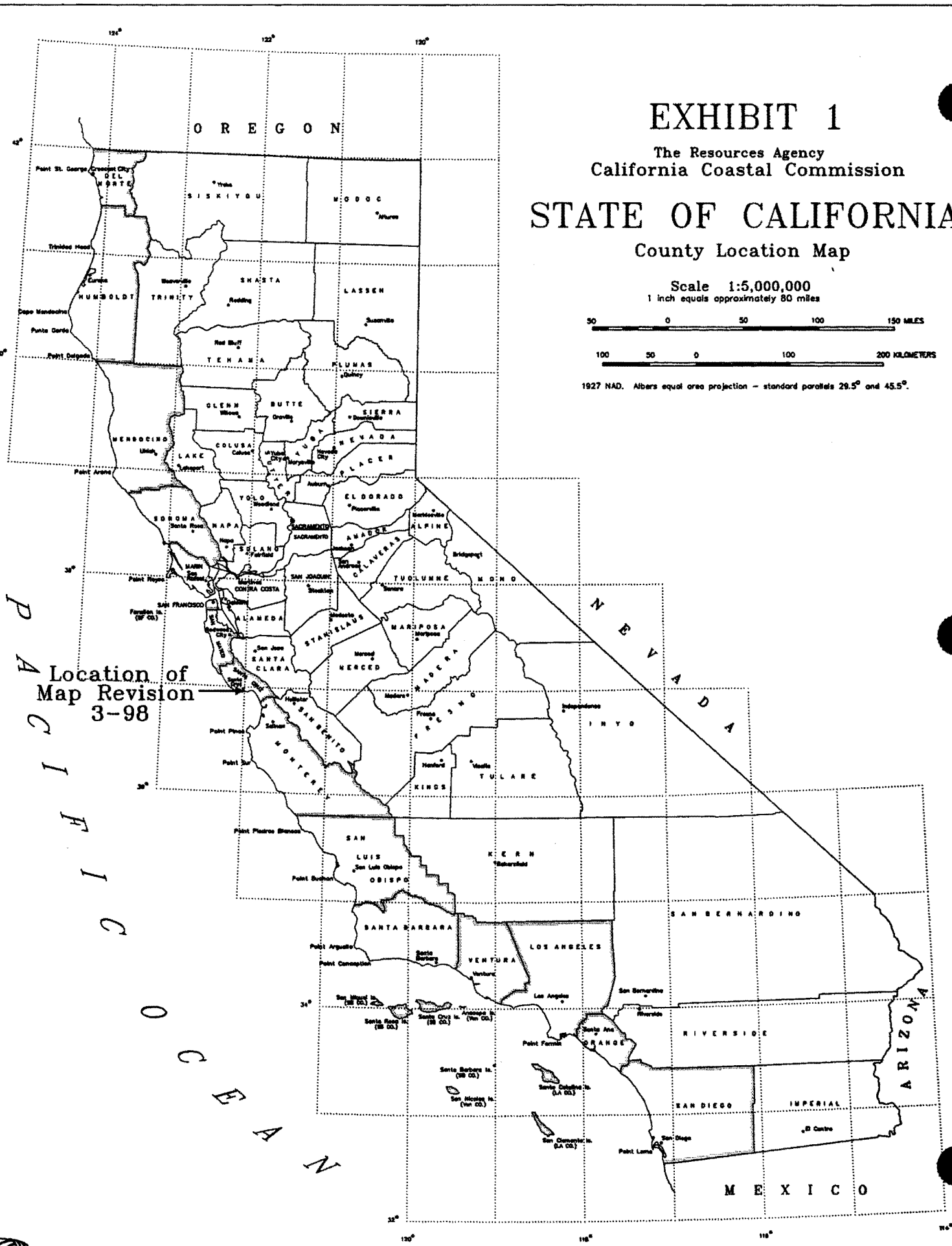
The Resources Agency  
California Coastal Commission

## STATE OF CALIFORNIA County Location Map

Scale 1:5,000,000  
1 inch equals approximately 80 miles

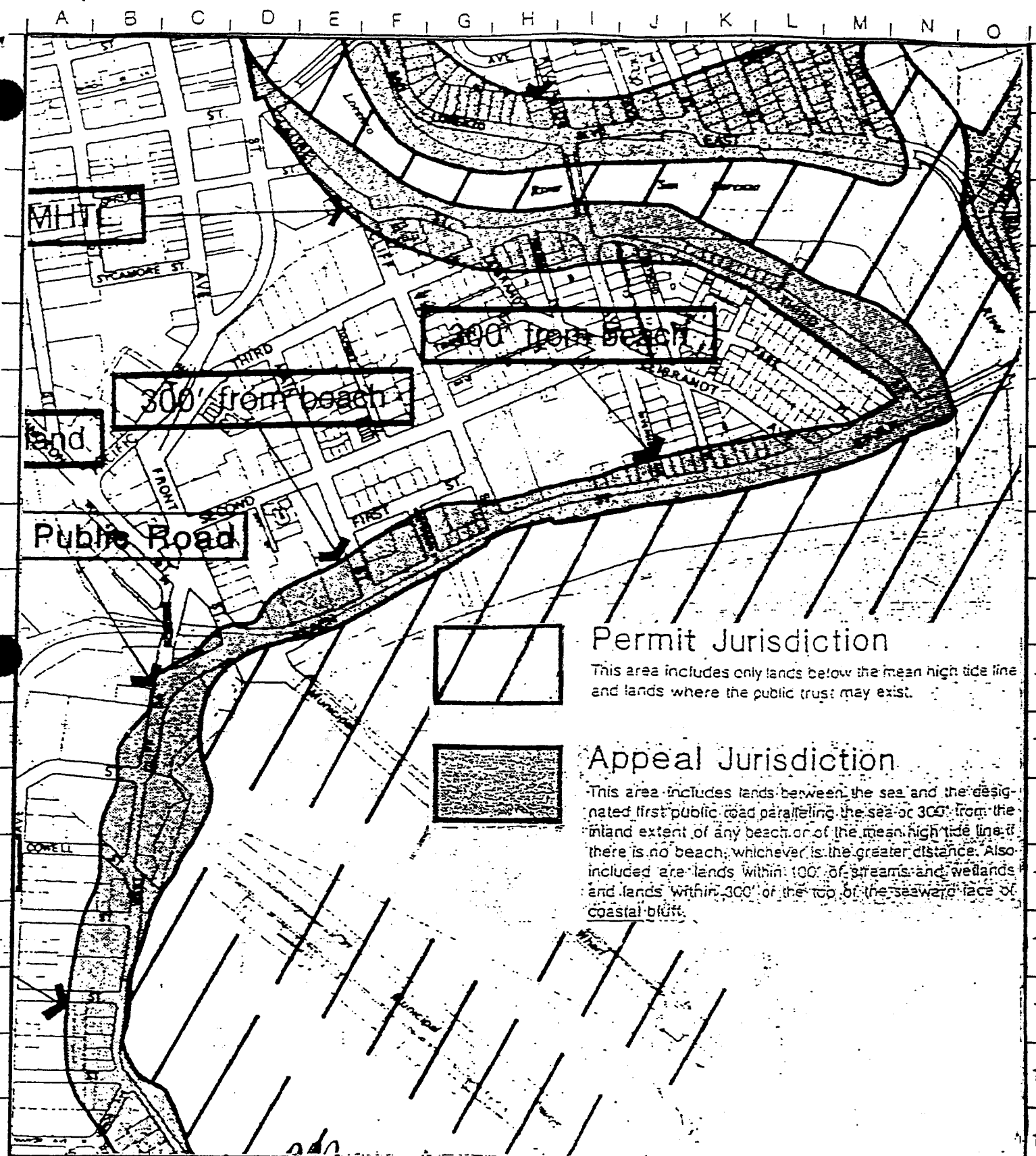


1927 NAD. Albers equal area projection - standard parallels 29.5° and 45.5°.



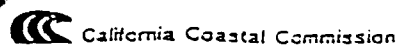
PACIFIC OCEAN

Location of  
Map Revision  
3-98

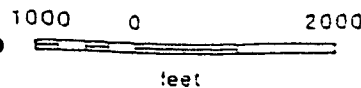


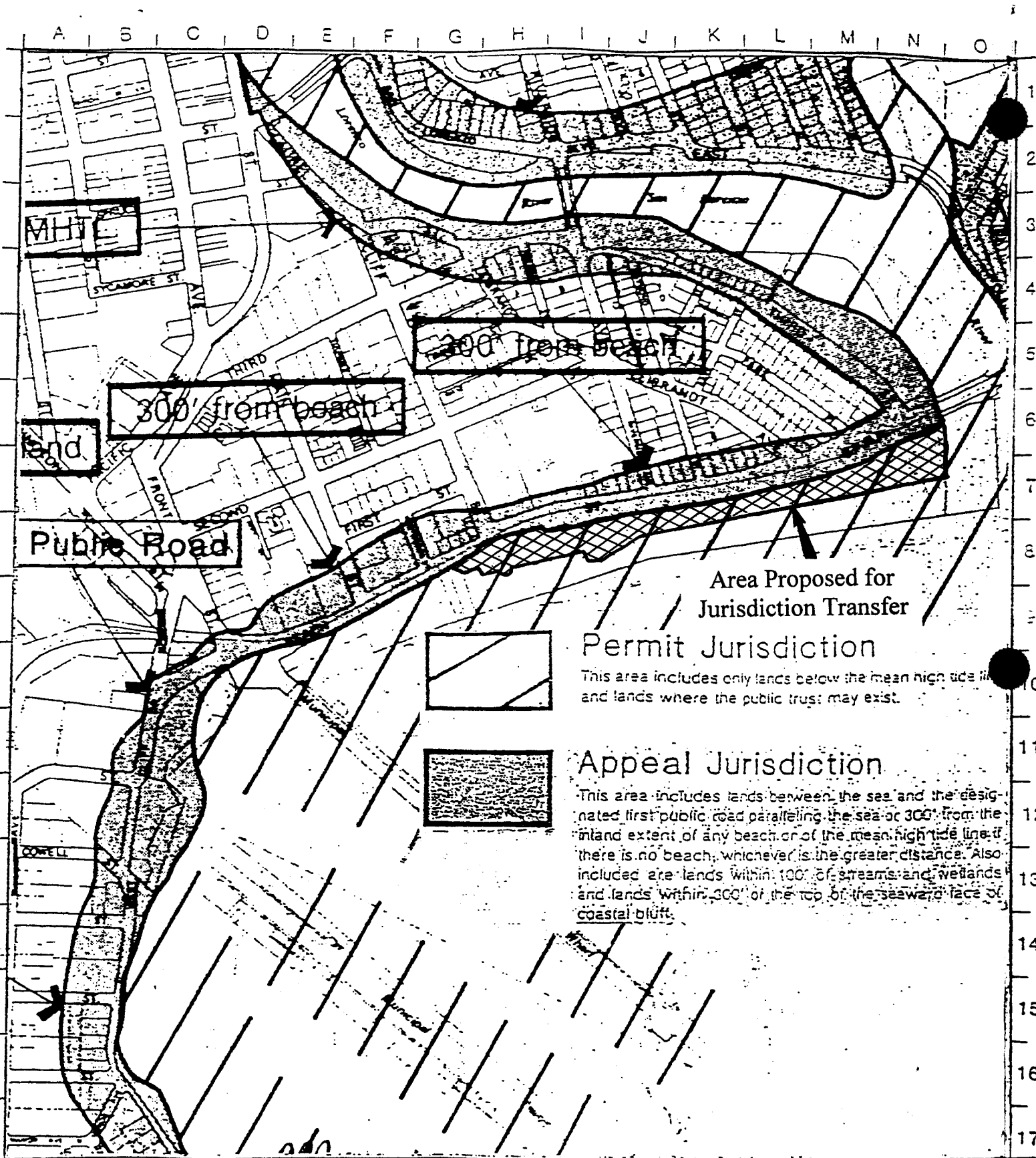
Map Revision 3-98


Santa Cruz Beach Boardwalk Portion of City of Santa Cruz



adopted Post-LCP Certification Map





Map Revision 3-98  
 Santa Cruz Beach Boardwalk  
 California Coastal Commission

Portion of City of Santa Cruz  
 adopted Post-LCP Certification Map  
 showing area proposed for jurisdiction transfer

