



To: California Coastal Commission
From: Andrew Bruno, owner, 305 Beach Street, Santa Cruz, CA
RE: Application Number: 3-12-049

December 29, 2013

1. The project description does not adequately address the fact that the deck will be built on Main Beach, a public beach, not Seaside Company property as the project description states. We feel that with this project being built on and over public beach that this fact should be prominently displayed on all public notices as well as the Staff Report project description.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

"The proposed project is located entirely within the property boundary of the Boardwalk, which is owned by the Santa Cruz Seaside Company. The proposed deck and staircases would extend approximately 25 to 40 feet over the sand (including stairs) and would be located on the seaward side of the Boardwalk's Colonnade, which is a covered concrete walkway that runs along the up coast portion of the Boardwalk, directly adjacent to the Main Beach. The proposed project would be located adjacent to the Neptune's Kingdom" (CCC STAFF REPORT)

2. The Seaside Company has a long history of denying access to persons that it declares prohibited. We believe that this company has at times denied access to the two previously approved public viewing decks and will continue to selectively deny access to this proposed deck simply by continuing a long standing practice of banning any persons that the Seaside Company, Boardwalk owner, solely declares. An addendum should be required prohibiting any Seaside Company personnel from blocking access to any person wanting access to said public decks.

"The deck and associated stairways would be accessible to the general public 24 hours a day, 365 days a year." (CCC STAFF REPORT)

3. There is no Public posting visible on or about 400 Beach Street. There is no evidence that the required public posting has been completed. We request the hearing be rescheduled until adequate public posting has been established.

Pursuant to the requirements of California Administrative Code Section 13054(b):

"Prior to or at the time the application is submitted for filing, the applicant must post, at a conspicuous place, easily read by the public and as close as possible to the site of the proposed development, notice that an application for the proposed development has been submitted to the Commission."

4. The location of the hearing is excessively distant (461 miles) from the proposed project.

With no legal obstacles or pressing reasons to expedite the project approval having the hearing 461 miles in distance lessens the public input immensely. This proposed construction can be easily be completed within a 30 day time frame. The lack of required posting of the impending hearing should at minimum be grounds to grant a delay of this hearing.

Geisler, Karen@Coastal

From: Andrew Sharon Bruno <sunnycity@earthlink.net>
Sent: Tuesday, January 07, 2014 3:47 AM
To: Geisler, Karen@Coastal
Cc: cgroom@smcgov.org
Subject: Re: Comments on Coastal Commission Application Number: 3-12-049
Attachments: image.jpg; image.jpg; image.jpg; image.jpg

Dear Karen,

Attached are the before and after photos that I took with my ipad (digitally stamped with time/date and location) at the proposed construction site on December 30, 2013 and after your reply to myself on January 3, 2014. Please note that the postings magically appeared after your office contacted the applicant, I can only assume that you prefer the honor system rather than physical enforcement when a legitimate complaint is lodged. The postings were not posted in accordance with the CCC Posting requirements and may I remind you that I am not the only citizen complainant to you on this issue. If this application is brought to a vote and approved I will request that an immediate appeal be made on the basis of the above issue.

Sincerely,
Andrew Bruno, owner
303-307 Beach Street
Santa Cruz, CA 95060
(831)600-5955

RECEIVED

JAN 07 2014

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

CC: Carole Groom, Supervisor, Central Coast Representative.

-----Original Message-----

>From: Andrew Sharon Bruno
>Sent: Jan 3, 2014 12:45 PM
>To: karen.geisler@coastal.ca.gov
>Subject: Re: Comments on Application Number: 3-12-049

>
>

>Dear Karen,

>I received your voice mail messages this morning regarding the Seaside Company's postings. After we spoke on the phone Monday December 30th I personally photographed the area around the proposed site. No postings were found. I believe if you would have inspected the area yourself you would have observed the same. Today two 8 1/2 x 11 yellow postings were observed dated 11/28. there was no posting at entrance b. I do not know what the public posting requirements are but less than one week is not acceptable in my judgement. I have called your office several times today and left messages but can not get past the out of office recording.

>Thank you,
>Andrew Bruno

>

>-----Original Message-----

>>From: Andrew Sharon Bruno
>>Sent: Jan 3, 2014 2:41 AM
>>To: karen.geisler@coastal.ca.gov
>>Subject: Comments on Application Number: 3-12-049

>>

>>Dear Karen,

>>

>>Please find attached document for presentation to the Coastal Commission hearing on 1/8/14. Also, please update me

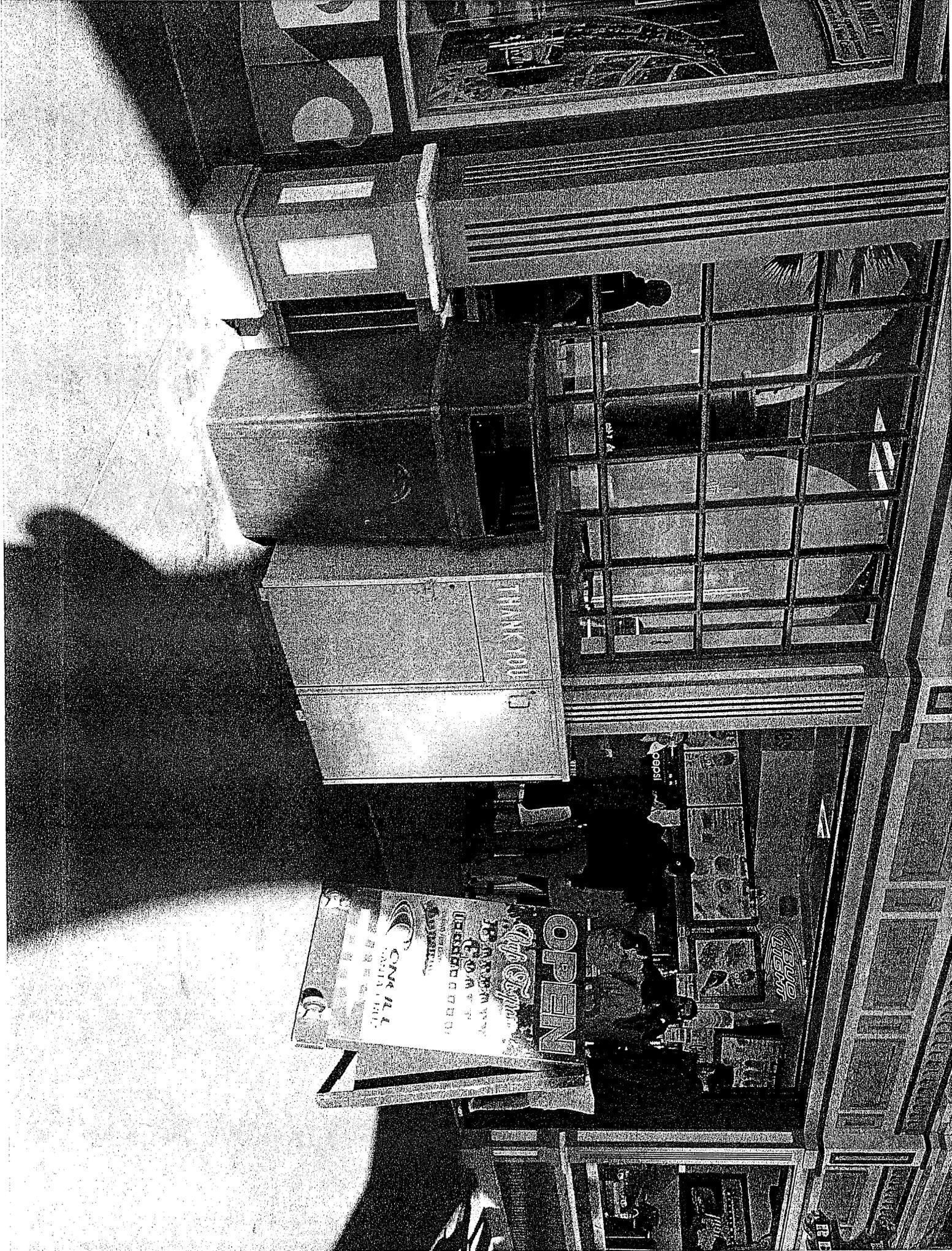
on the public posting status at 400 Beach Street. I believe the notice was never posted.

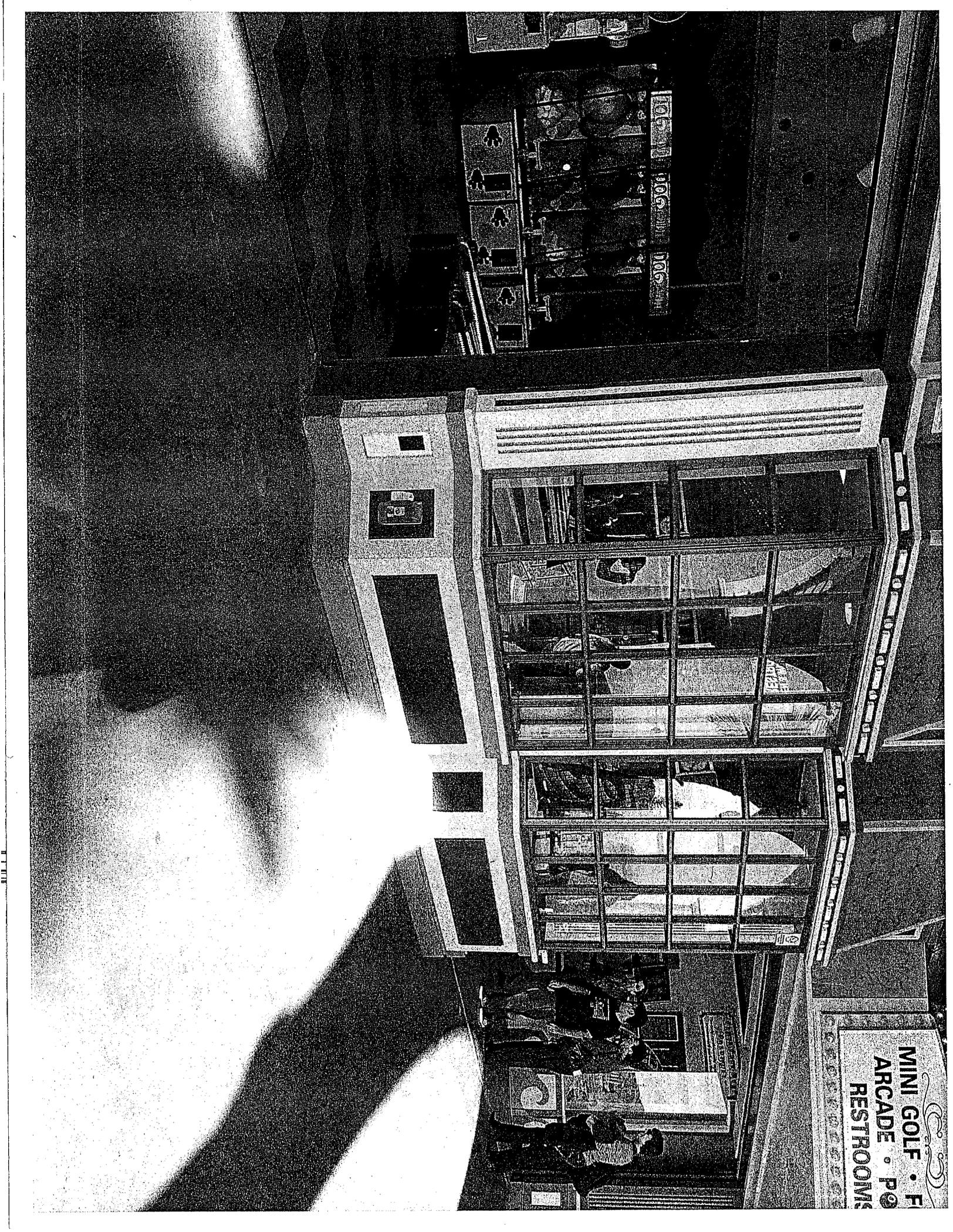
>>

>>Thank You,

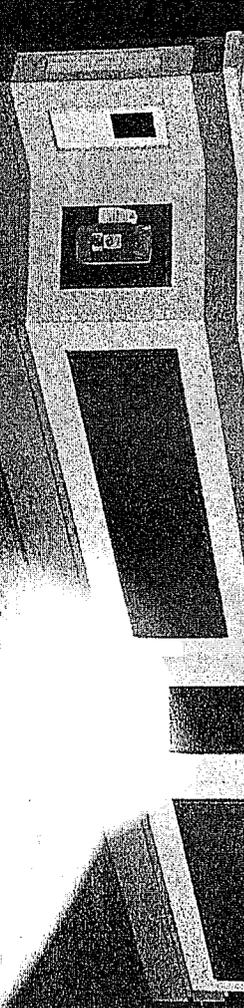
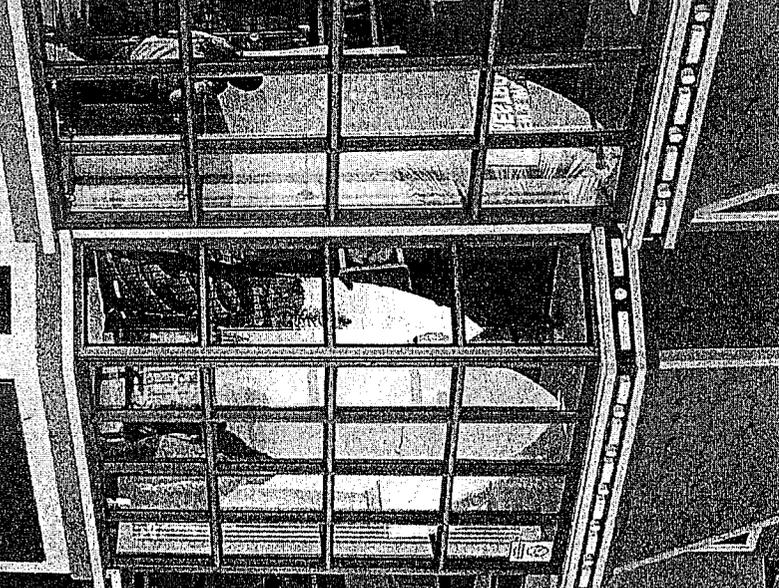
>>Andrew Bruno

>>831-600-5955





MINI GOLF • POOL
ARCADE • RESTROOMS







CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
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W20b

Filed: 10/23/2013
Staff: K.Geisler - SC
Staff Report: 12/20/2013
Hearing Date: 1/8/2014

STAFF REPORT: CDP HEARING

Application Number: 3-12-049

Applicant: Santa Cruz Seaside Company

Project Location: Along the beach in front of and adjacent to the Santa Cruz Seaside Company's Boardwalk Colonnade at 400 Beach Street in the City of Santa Cruz (APN 007-321-04).

Project Description: Construct a new approximately 8,000 square foot public deck and viewing area in front of the Boardwalk and two 35-foot-wide staircases to the beach. Install related development including park-style benches, tables, umbrellas, lighting, and safety railings.

Staff Recommendation: Approval with Conditions.

SUMMARY OF STAFF RECOMMENDATION

The proposed project is located at the Santa Cruz Beach Boardwalk (Boardwalk) at 400 Beach Street in the City of Santa Cruz. The proposed project includes construction of a new approximately 8,000 square foot public deck and viewing area directly adjacent to the Boardwalk's Colonnade. The proposed new deck would be approximately 350 feet in length and approximately 25 feet wide extending out over a portion of Main Beach. The project also includes relocation of two staircases that will provide access to the beach and the installation of related public amenities including park-style benches, tables, umbrellas, lighting, and safety railings.

Main Beach is a very popular, wide and expansive beach, with a typical beach width of 500 feet during the summer months. The proposed project will enhance public access at the beach by providing public recreational amenities, including a public deck viewing area with tables and benches. Similar public deck areas at the Boardwalk are very heavily used, and provide an alternative experience where people can enjoy the ocean and scenic views without having to enter the sandy beach area, or be on the busy Boardwalk. The open railings will allow for visual access of the beach and ocean, and the deck area will be available year round and 24 hours a day. In addition, although the project will cover a portion of the sandy beach, this particular area does not see a great amount of public use because it is somewhat enclosed between the group picnic area and the Pirate Ship ride, and is also hundreds of feet from the ocean, whereas people tend to congregate on the beach closer to the ocean waters. Nonetheless, the loss of any sandy beach area at this popular beach has the potential to adversely impact coastal resources. Thus, Staff recommends a condition requiring a Public Access Plan to ensure the public access improvements are carried out as proposed, and to enhance the public access benefits of the project through the addition of public access and interpretive signs. As conditioned, the project can be found consistent with the Coastal Act's public access and recreation policies.

In addition, the Cocanut Grove (formerly known as the Casino) and Natatorium buildings are directly adjacent to the project site, and are listed as historical resources. The proposed project blends in with the surrounding development and does not alter the architectural or historical features of the site. Thus, the proposed project's design would preserve the integrity and historical character of the Boardwalk and ensure the new development is consistent with the Coastal Act's community character and visual resource policies.

Finally, the project site is subject to hazards related to riverine flooding, tsunamis and shoreline erosion and as sea level rises in the future, these hazards will become more significant. Therefore, the project is conditioned to require the Applicant to assume all risks for developing at this location, and to require the Applicant to remove the proposed development if it is threatened or damaged by hazards in the future. Further, staff recommends special conditions to protect public access and water quality during construction. As conditioned, the project is consistent with the Coastal Act, and staff recommends **approval** of the CDP. The motion is found on page 4 below.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1: Project Location Map, Site Map, and Aerial Photo of the Project Site

Exhibit 2: Project Site Photos

Exhibit 3: Project Plans

Exhibit 4: Historic Alteration Permit

Exhibit 5: City of Santa Cruz Relevant LCP Policies

Exhibit 6: Photos of Existing Decks

I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission approve Coastal Development Permit Number 3-12-049 pursuant to the staff recommendation, and I recommend a yes vote.*

***Resolution to Approve CDP:** The Commission hereby approves Coastal Development Permit Number 3-12-049 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. Public Access Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of a Public Access Plan to the Executive Director for review and approval. The Public Access Plan shall be clearly described on the project plans and show the manner in which general public access associated with the approved project is to be provided and managed, with the objective of maximizing public access to the public access areas of the site (including all walkways, staircases, the public seating area and viewing deck) and all related areas and amenities (i.e., tables, chairs, bench seating, etc.) and shall at a minimum include the following:

- a. **Clear Depiction of Public Access Areas and Amenities.** All public access areas and amenities shall be clearly identified.
- b. **Amenities.** Public access amenities including, at a minimum, 24 park style benches, 12 tables with umbrellas and seating, as well as trash and recycling receptacles shall be provided.
- c. **Public Access Signs/Materials.** The Public Access Plan shall identify all signs and any other project elements that will be used to facilitate, manage, and provide public access to the approved project, including identification of all public education/interpretation features that will be provided on the site (educational displays, interpretive signage, etc.). The public seating area and viewing deck shall be conspicuously signed and available for public use. At a minimum, three interpretive signs shall be placed roughly evenly spaced along the railings adjacent to the beach frontage of the deck. Interpretive signs shall include information related to coastal management issues addressing topics such as sea level rise/climate change and the California Coastal Trail (CCT) and shall include the California Coastal Commission and CCT emblems. The signs shall be sited and designed so as to provide clear information without adversely impacting public views and site character.
- d. **Public Access Use Hours.** All public access areas and amenities shall be available to the general public free of charge 24 hours a day and 365 days a year.
- e. **Public Access Areas and Amenities Maintained.** All public access areas and amenities shall be maintained in their approved state (including as reconstructed or relocated pursuant to the conditions of this CDP) in perpetuity.
- f. **Reconstruction/Relocation Required.** In the event that the approved public access amenities (including but not limited to all walkways, stairways, the public seating area, and viewing deck) are threatened with damage or destruction from coastal hazards, or are damaged or destroyed by coastal hazards, such amenities shall be reconstructed (and relocated inland, or removed and replaced nearby, as necessary to protect public access and provide long term stability). Prior to reconstruction, the Permittee shall submit two copies of a Reconstruction Plan to the Executive Director for review and approval. The

Reconstruction Plan shall clearly describe the manner in which such amenities are to be reconstructed (and relocated as applicable), and shall be implemented immediately upon Executive Director approval unless the Executive Director identifies a different timeframe for implementation.

All requirements above and all requirements of the approved Public Access Plan shall be enforceable components of this coastal development permit. The Permittee shall undertake development in accordance with this condition and the approved Public Access Plan.

2. Construction Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT the Permittee shall submit two sets of a Construction Plan to the Executive Director for review and approval. The Construction Plan shall, at a minimum, include the following:

(a) Construction Areas. The Construction Plan shall identify the specific location of all construction areas, all staging areas, all storage areas, all construction access corridors (to the construction site and staging areas), and all public pedestrian access corridors. All such areas within which construction activities and/or staging are to take place shall be minimized in order to minimize construction encroachment on all publicly available pathways, beach, and beach access points, to have the least impact on public access and other coastal resources.

(b) Construction Methods and Timing. The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from the beach and the Colonnade accessway to the maximum extent feasible, including using unobtrusive fencing (or equivalent measures) to delineate construction areas, and including all methods to be used to protect Monterey Bay. All erosion control/water quality best management practices to be implemented during construction and their location shall be noted.

(c) Construction Requirements. The Construction Plan shall include the following construction requirements specified by written notes on the Construction Plan. Minor adjustments to the following construction requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

- All work shall take place during daylight hours, and lighting of the beach area is prohibited.
- Only rubber-tired construction vehicles are allowed on the beach, except track vehicles may be used if the Executive Director determines that they are required to safely carry out construction. When transiting on the beach, all such vehicles shall remain as close to the developed Boardwalk area as possible and shall avoid contact with ocean waters.
- All construction materials and equipment placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from these areas by sunset

each day that work occurs, except for erosion and sediment controls and/or construction area boundary fencing where such controls and/or fencing are placed as close to the development as possible, and are minimized in their extent.

- Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
- No work shall occur during weekends and/or the summer peak months (i.e., from the Saturday of Memorial Day weekend through Labor Day, inclusive) unless, due to extenuating circumstances (such as tidal issues or other environmental concerns), the Executive Director authorizes such work.
- Equipment washing, servicing, and refueling shall not take place on the beach, and shall only be allowed at a designated inland location as noted on the Plan. Appropriate best management practices shall be used to ensure that no spills of petroleum products or other chemicals take place during these activities.
- The permittee shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including covering exposed piles of soil/sand and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach; etc.).
- All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday. At a minimum, silt fences, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from entering into Monterey Bay.
- All public recreational use areas and all beach access points impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any native materials impacted shall be filtered as necessary to remove all construction debris.
- The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least three working days in advance of commencement of construction or maintenance activities, and immediately upon completion of construction or maintenance activities.

All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this coastal development permit. The Permittee shall undertake development in accordance with this condition and the approved Construction Plan.

3. Construction Site Documents & Construction Coordinator. DURING ALL CONSTRUCTION:

- (a) Construction Site Documents.** Copies of the signed coastal development permit and the approved Construction Plan shall be maintained in a conspicuous location at the

construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the coastal development permit and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.

(b) Construction Coordinator. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and the coordinator's contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with an indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

4. Coastal Hazards Risk. By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns:

(a) Coastal Hazards. That the site is subject to coastal hazards including, but not limited to, episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, liquefaction and the interaction of same;

(b) Assume Risks. To assume the risks to the Permittee and the property that is the subject of this CDP of injury and damage from such coastal hazards in connection with this permitted development;

(c) Waive Liability. To unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such coastal hazards;

(d) Indemnification. To indemnify and hold harmless the Coastal Commission, its officers, agents, and employees with respect to the Commission's approval of the development against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards.

5. Coastal Hazards Response. By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns, that:

(a) Coastal Hazards. That the site is subject to coastal hazards including, but not limited to, episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, liquefaction and the interaction of same;

(b) CDP Intent. The intent of this CDP is to allow for the approved development to be constructed and used consistent with the terms and conditions of this permit for only as

long as it remains safe for occupancy and use without additional substantive measures beyond ordinary repair and/or maintenance to protect it from coastal hazards;

(c) **Protective Measures Prohibited.** In the event that the approved development is threatened with damage or destruction from coastal hazards, or is damaged or destroyed by coastal hazards, protective structures (including but not limited to seawalls, revetments, groins, deep piers/caissons, etc.) shall be prohibited;

(d) **Section 30235 Waiver.** Any rights to construct such protective structures, including rights that may exist under Public Resources Code Section 30235, are waived;

(e) **Reconstruction Plan.** In the event that the approved public access amenities (including but not limited to all walkways, stairways, the public seating area, and viewing deck) are threatened with damage or destruction from coastal hazards, or are damaged or destroyed by coastal hazards, such amenities shall be reconstructed (and relocated inland, or removed and replaced nearby, as necessary to protect public access and provide long term stability). Prior to reconstruction, the Permittee shall submit two copies of a Reconstruction Plan to the Executive Director for review and approval. The Reconstruction Plan shall clearly describe the manner in which such amenities are to be reconstructed (and relocated as applicable), and shall be implemented immediately upon Executive Director approval unless the Executive Director identifies a different timeframe for implementation.

6. Public Rights. By acceptance of this permit, the Applicant acknowledges that issuance of the permit shall not constitute a waiver of any public rights which may exist on the property. The Applicant shall also acknowledge that issuance of the permit and construction of the permitted development shall not be used or construed to interfere with any public prescriptive rights or public trust rights that may exist on the property.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

Project Location

The proposed project is located at the Santa Cruz Beach Boardwalk (Boardwalk) at 400 Beach Street in the City of Santa Cruz (APN 007-321-04). The Boardwalk extends approximately one-half mile along Main Beach and Beach Street, from the San Lorenzo River (downcoast) to Westbrook Street (upcoast). The Boardwalk is the West Coast's largest seaside amusement park with over 35 rides and 3 million visitors annually. Main Beach, the City's largest stretch of sandy beach area, provides a beach environment with favorable wave and water conditions suitable for many activities including swimming, bodysurfing, surfing, sunbathing, and volleyball. Just upcoast of Main Beach is the Santa Cruz Municipal Wharf, which contains numerous shops and restaurants, and Cowell's Beach, which is a popular surfing area. During the summer season, visitors come from all over the world to recreate along the Boardwalk, Main Beach and Cowell Beach, and the Wharf. The Boardwalk provides important vertical and lateral coastal access

routes for the general public. In addition to offering commercial recreation activities, the Boardwalk provides free access to and along the beach on a year round basis.

The proposed project is located entirely within the property boundary of the Boardwalk, which is owned by the Santa Cruz Seaside Company. The proposed deck and staircases would extend approximately 25 to 40 feet over the sand (including stairs) and would be located on the seaward side of the Boardwalk's Colonnade, which is a covered concrete walkway that runs along the upcoast portion of the Boardwalk, directly adjacent to the Main Beach. The proposed project would be located adjacent to the Neptune's Kingdom (Natatorium¹) and the Coconut Grove (Casino²) rotunda, which are individually listed as historic structures in Volume 1 of the City's Historic Building Survey.

Because this parcel is located on historic tidelands, the Boardwalk lies within the Coastal Commission's retained permit jurisdiction. (See **Exhibit 1: Project Location Map, Site Map, and Aerial Photo** and **Exhibit 2: Site Photos**).

Project Description

The proposed project involves the construction of an approximately 8,000 square foot deck and public viewing platform directly adjacent to the existing Boardwalk Colonnade walkway. The new deck would be approximately 350 feet in length and would extend approximately 25 feet out over the sandy beach. The project site would be located between the downcoast Pirate Ship ride and the upcoast Coconut Grove (Casino)³ and would be located directly in front of the arcade and historic Natatorium (now Neptune's Kingdom miniature golf course and associated arcade).

The deck surface would be at the same grade with the existing Boardwalk Colonnade accessway and would be constructed with a combination of wood and concrete. The concrete surface will be similar in nature to the existing concrete surface of the Colonnade accessway. The first 5 feet of the new deck, and up to 9 feet in two areas, would consist of a concrete slab before transitioning to the wood decking surface that will make up the majority of the new deck.

The deck and seating area would be supported by 46 ACZA-treated piles that are sealed with a polyurethane polymer coating. The area underneath the deck would be enclosed by vertical redwood boards to hide the structural support system and the boards would be painted black to match the existing siding that extends along the entire beach side of the Boardwalk. The proposed project's construction and structural support system is the same as for two existing decks that the Commission previously approved, one of which is located in front of the Merry-Go-Round/Carousel (CDP 3-11-002-W)⁴ and the other of which is located in front of the Giant Dipper roller coaster (CDP 3-12-003-W)⁵.

¹ The Natatorium was a large indoor pool of heated seawater that was used as a public swimming pool until the 1960s.

² The original Casino building was composed of a rotunda building flanked by a five bay arcade colonnade on either side.

³ The Casino became the Coconut Grove in 1934. It was remodeled in 1981.

⁴ 3-11-002-W provided for 5 cantilevered decks for kiosk use and for two public access decks. The cantilevered decks extend 4 feet over the beach and are between 15 feet and 30 feet wide for a total development area of 428 square feet. One of the public access decks is 68 feet wide and one is approximately 162 feet wide, and together the

The project also includes replacement of two staircases leading down to the beach, one at the eastern end of the new deck and the other at the western end. The new staircases would extend onto the beach approximately 15 feet beyond the new deck.

In addition, the proposed project would provide a new seating area on the deck with public amenities that include the installation of 24 park style benches, 12 tables with umbrellas, and twelve 14-foot-tall decorative light fixtures. The four existing palm trees located in the area of the proposed deck would remain and the new deck would be constructed around the trees to incorporate them into the overall project. The perimeter of the new deck would be enclosed by 3.5-ft galvanized see-through railings, except in the location of the two new staircases descending to the sand below. The deck and associated stairways would be accessible to the general public 24 hours a day, 365 days a year.

Please refer to **Exhibit 2** for Site Photos and **Exhibit 3** for Project Plans.

B. STANDARD OF REVIEW

The entire Main Beach sandy beach area and the proposed project are located within the Commission's retained CDP jurisdiction area. Thus, the standard of review for this proposed project is the Coastal Act with the City of Santa Cruz's LCP being used for guidance.

C. PUBLIC ACCESS AND RECREATION

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." The proposed project is located seaward of the first through public road (Beach Street). Coastal Act Sections 30210 through 30213, 30221 and 30223 specifically protect public access and recreation. In particular:

Section 30210. In carrying out the requirement 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 the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

two decks are 3,689 square feet, and each deck extends 16 feet over the beach. In addition, a new 16-foot-wide staircase was constructed that leads down to the beach from the center of the larger seating deck. Each deck includes tables with umbrellas, park-style benches, and interpretive signs related to the Monterey Bay National Marine Sanctuary.

⁵ 3-12-003-W provided for 4 cantilevered deck sections for kiosk use and one new public access deck. The cantilevered decks are located seaward of the Giant Dipper and extend 4 feet over the beach and range in width from 15 feet to 36 feet, for a total development area of 404 square feet. The new public access deck is 177.5 feet wide and extends 16 feet over the beach, totaling 2,480 square feet. In addition, a new 16ft wide staircase leads down to the beach from the center of the public access deck. This deck includes tables with umbrellas, park-style benches and interpretive signs related to the Monterey Bay National Marine Sanctuary.

***Section 30211.** Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

***Section 30212.** (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: ... (2) adequate access exists nearby...*

***Section 30213.** Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...*

***Section 30214(a):** The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case...*

***Section 30220.** Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

***Section 30221.** Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

***Section 30223.** Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

***Section 30252(3):** The location and amount of new development should maintain and enhance public access to the coast by... providing non-automobile circulation within the development.*

These overlapping policies clearly protect access to and along the shoreline, and to offshore waters for public access and recreation purposes, particularly free and low cost public access. As mentioned above, the Boardwalk is visited by approximately 3 million people a year, and provides significant recreational opportunities for both residents and visitors.

Analysis

The Boardwalk is located on public trust lands⁶ that are seaward of the first through public road, and is directly adjacent to Main Beach and Monterey Bay. The Boardwalk fronts Beach Street and is aligned in an east – west orientation with the San Lorenzo River and the Boardwalk's Walkway 6 located at the eastern (downcoast) end of the Boardwalk, and the Coconut Grove located at the western (upcoast) end of the Boardwalk. The Union Pacific Railroad tracks are located just to the north of the Boardwalk, and Santa Cruz Main Beach is located to the south. The Boardwalk property provides both lateral and vertical access connections between the San Lorenzo River levee trail, the San Lorenzo River trestle bridge, the Boardwalk River parking lot, and the Boardwalk and Main Beach.

⁶ As noted in the Project Description section above, this area is located on historic tidelands.

The Boardwalk rides are open seasonally, and other attractions at the Boardwalk are open year-round. Specifically, Neptune's Kingdom, the Cocoanut Grove and the Casino Arcade are open daily throughout the year between 11am to 11pm. The Boardwalk rides are open daily during the spring (April and May) and summer (Memorial Day through Labor Day) seasons between the hours of 10am – 11pm, with more limited hours on just weekends and holidays during the fall and winter seasons (September through March). The Boardwalk is open for public use even when the rides are not open.

Access to the beach and Boardwalk is gained through six walkways that are spread along the length of the Boardwalk. The main entrance to the Boardwalk is located at the upcoast end of the Cocoanut Grove at the Aloha Terrace. The other walkways (numbered 2 through 6⁷) are dispersed throughout the Boardwalk, with walkway 6 being located at the downcoast end of the Boardwalk. These entrances allow access from Beach Street to the Boardwalk itself. Once on the Boardwalk, visitors can access the beach via a series of beach access stairways.

In addition to the access mentioned above, a pedestrian and bicycle ramp on the landward side of the Boardwalk provides the physical connection between the trestle bridge, the levee trail, and the bike path on Beach Street, and serves as a critical link between Downtown Santa Cruz and the eastside and westside neighborhoods. The Boardwalk area has been well used by the public for decades and continues to provide an important component of the City's non-motorized transportation system and the California Coastal Trail network.

Proposed Project

The proposed deck would be approximately 350 feet in length and approximately 25 feet in width, for a total square footage of approximately 8,000 square feet. The new deck will extend out over the beach and will result in the loss of sandy beach area (**Exhibit 3: Project Plans**). In many situations, a project that results in such coverage of beach could not be found consistent with the Coastal Act's public access and recreation policies. In this case, however, there are a number of factors specific to this location and fact set that argue in favor of the project.

Main Beach is a wide and expansive stretch of beach, with a typical beach width of up to 500 feet during the summer months. Main Beach provides extensive sandy areas and a variety of opportunities for public access and recreation including swimming, volleyball, sunbathing and similar activities. The proposed project will cover approximately 8,000 square feet of beach directly adjacent to the Boardwalk. However, this area of beach does not see a great amount of public use because it is somewhat enclosed between the group picnic area and the Pirate Ship ride and also because it is located hundreds of feet from the ocean and, in general, people tend to congregate on the beach closest to the ocean waters. Thus, although the deck will cover some sandy beach area, given the considerable size of Main Beach, extensive sandy beach areas will remain available for the public to enjoy (see **Exhibit 1, page 3; Exhibit 2: Project Photos; and**

⁷ Five of the six walkway entrances are numbered 2, 3, 4, 5, and 6. According to the Applicant, there is no walkway entrance #1 because it was eliminated 50 years ago during a remodel when the Cocoanut Grove and Neptune's Kingdom (Natatorium) were combined into one continuous building. The remaining entrances were never renumbered.

Exhibit 6, page 2). Also, although the width of Main Beach tends to be narrower in winter, fewer people visit the beach in winter, and thus there will continue to be a large area of beach open and available for public access and recreation during the winter months, even with the proposed deck in place. Thus, although the proposed project will cover a portion of the beach, this portion of the beach is not used intensely by the public, given its location hundreds of feet from the ocean, and ample beach area will remain between the deck and the waterline for public recreation and enjoyment.

As described above, while the proposed project would cover approximately 8,000 square feet of sand, the new deck will provide a different type of public access experience. Specifically, the new deck and seating area will create an alternative access experience for those who don't want to be on the sandy beach, or on the busy Boardwalk itself, by providing a place to sit and enjoy views of the ocean. The open railings will allow for visual access of the beach and ocean, and the deck will include benches for those who want to sit and enjoy the views or read a book, as well as tables for those who want to eat a meal. These public access improvements will be available year round and 24 hours a day so that even when the Boardwalk rides are closed, visitors will be able to freely enjoy the public access amenities of the proposed deck. The two existing decks located downcoast along the Boardwalk are highly used throughout the year (see **Exhibit 6** for a photo of one of the existing decks and a photo of one of these decks in use) and are also open 365 days per year and 24 hours per day. Thus, the proposed project at its core is a public access enhancement project that will facilitate public access to the coast.

The proposed project will also help to relieve overcrowding of the Colonnade area during the busy summer months. Specifically, the Applicant states that there is frequent pedestrian traffic congestion along the existing Colonnade walkway as visitors make their way to and from the sandy beach area, or walk between the Cocoanut Grove and the rest of the Boardwalk (**Exhibit 2: Site Photos**). According to the Applicant, the proposed development would help to alleviate pedestrian traffic at this existing choke point by relocating existing benches and tables from the Colonnade Walkway, expanding the public use area and providing 24 benches and 12 tables on the new deck, which will be outside of the main pedestrian traffic area of the Colonnade (**Exhibit 3: Project Plans**). The Commission concurs that the proposed project would support public access and recreation along the Boardwalk by creating more space in the existing walkway area and expanding the seating and viewing areas available for public use. All of these measures would help to relieve the pedestrian traffic congestion in this location while enhancing public access opportunities.

However, although the currently proposed project would provide for some public recreational access enhancements, it will result in the loss of a large area of sandy beach. Although, as described above, this specific area is used less frequently than areas closer to the waterline, Main Beach is still extremely congested during the summer months, and therefore the loss of any sandy beach area adversely impacts public access and recreation. Therefore, **Special Condition 1** requires a Public Access Plan to enhance the proposed public access amenities and to ensure the public access benefits of the proposed project are carried out. **Special Condition 1(d)** requires all public access areas and amenities to be available to the general public free of charge 24 hours a day and 365 days a year. **Special Condition 1(e)** requires all public access components of the project to be maintained in their approved state in perpetuity. In addition to providing a different type of access to the coast, the proposed deck provides an opportunity to

inform the public, through the use of interpretive signage, about coastal issues, such as sea level rise and climate change. Such interpretive signage can also serve to raise public awareness of the California Coastal Trail, a section of which is located adjacent to the Boardwalk property. Therefore, **Special Condition 1(c)** requires the Applicant to submit an Interpretive Signage Plan to include at least three interpretive signs that contain information about such topics, to be located adjacent to the deck's railing. **Special Condition 1(a)** requires all public access areas and amenities to be clearly identified on the plan and **Special Condition 1(b)** requires the provision of public access amenities including benches, tables, trash and recycling receptacles, etc.

To ensure that construction of the deck and stairways does not adversely impact public access and generally intrude and negatively impact the aesthetics, ambiance, serenity, and safety of the recreational experience at this location, **Special Condition 2** requires construction parameters to: limit the area of construction; limit the times when work can take place (to avoid both weekends and peak summer use months when recreational use is highest); clearly fence off the minimum construction area necessary; keep equipment out of coastal waters; require off-beach equipment and material storage during non-construction times; clearly delineate and avoid to the maximum extent feasible public use areas; and restore all affected public access areas at the conclusion of construction.

Section 30211 requires that Commission actions on shorefront projects ensure that the development does not interfere with the public rights of access acquired through use. In light of the potential historic rights that may exist on the site, especially given its ongoing public use over more than 100 years, **Special Condition 6** notes that the Commission's approval does not in any way waive any public rights that may exist on this site, and that the permit shall not be used or construed to interfere with and public prescriptive or public trust rights.

Finally, in order to provide maximum information to the beach-going public during all construction, the Applicant must maintain copies of the Coastal Development Permit (CDP) and approved plans available for public review at the construction site, as well as provide a construction coordinator whose contact information is posted at the site to respond to any problems and/or inquiries that might arise (**Special Condition 3**).

In conclusion, the proposed project will improve and enhance the visitor-serving amenities of the Boardwalk by providing a new public access deck at this highly visited coastal recreational area. As conditioned, the project is consistent with the Coastal Act's public access and recreation policies.

D. COMMUNITY CHARACTER/HISTORIC & VISUAL RESOURCES

Coastal Act Section 30251 states:

Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually

degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The Coastal Act protects special communities that are popular visitor destinations, like the Santa Cruz Boardwalk and Main Beach. Coastal Act Section 30253 (e) states:

Section 30253. *New development shall do all of the following:*

...(e) Where appropriate, protect special communities and neighborhoods that because of their unique characteristics, are popular visitor destination points for recreational uses.

Although not the standard of review, the LCP includes many policies that protect community character, including historic resources. Thus, the LCP embodies the requirements of Coastal Act Section 30253(e) through policies that protect both community character generally, and historic resources specifically. These policies, which provide guidance in this case, include requirements to protect structures designated as historic structures and landmarks, including when such structures may be affected by redevelopment. See **Exhibit 5** for the LCP's applicable policies that pertain to historic resources

Historic Resources Background

The Boardwalk is an iconic seaside theme park. It is the last remaining oceanfront amusement park in California and one of the last in the United States. It was designated a California State Historic Landmark in 1989. The Boardwalk originally started out as a public bathhouse built on Santa Cruz beach in 1866. Around the turn of the 20th century, it evolved into the Santa Cruz Beach Boardwalk with the construction of the Casino (later known as Coconut Grove) and Natatorium⁸ in 1907⁹. The Boardwalk contains historic building elements (as discussed further below). Two of its rides, the Carousel (built in 1911) and the Giant Dipper roller coaster (built in 1924 and the fifth oldest rollercoaster in the country), have been declared National Historic Landmarks. (See **Exhibit 1: Project Location**).

The original Casino was composed of a rotunda building flanked by a five-bay arcade colonnade on either side and built in a Moderne architectural style¹⁰. The Natatorium was built in the Mission Revival style and included onion domes as part of its original design. The Casino and Natatorium buildings were linked by the arcade colonnade. In 1981, the Natatorium and the arcade fronting the Natatorium and the Coconut Grove (known as the Casino until 1934) were completely removed and remodeled as part of a reconstruction/restoration project. Although the arcade and Boardwalk area have been reconstructed and altered over time, the original Boardwalk design has been maintained as new rides and attractions have been added over the years, including retention of the identifying features of the original Natatorium bathhouse

⁸ This included the Plunge, a public swimming pool filled with 408,000 gallons of heated seawater.

⁹ The Neptune Casino, which opened in 1904, incorporated Moorish-style design elements with 19 onion-shaped domes and intricately embellished arches. It was destroyed by fire in 1906. In 1907 the Santa Cruz Beach Company completed construction of the Natatorium and a new Casino, which is now known as the Coconut Grove. By 1911, the Santa Cruz beachfront included a bandstand, aquarium, bowling alley, dance hall and skating rink.

¹⁰ The Casino was originally more Moorish in style than the Natatorium, its Mission Revival neighbor.

building and original Casino with the rotunda roof and columns. Today, the various design elements of the Boardwalk form a cohesive look that is unique to this location.

Analysis

City's Historic Preservation Commission Approval

The proposed project is located directly adjacent to the Cocoanut Grove and Natatorium. Both of these structures are individually listed by the City of Santa Cruz in Volume 1 of the City Historic Building Survey¹¹. As required by the LCP, the City of Santa Cruz Historic Preservation Committee (HPC) approved a historic alteration permit for the proposed project on June 19, 2013 at a public hearing. No public comments were received prior to or at the hearing. The HPC determined that the proposed project elements, including the deck and stairs, would not alter or destroy any distinctive features that characterize the historical nature of the buildings. The Applicant submitted a "Secretary of the Interior's Standards of Review" report regarding the proposed project. The report concludes that the proposed project meets the Secretary of the Interior's Standards for Rehabilitation, that it is compatible with the historic resource, and that the proposed addition and alterations will not physically impact the historic Boardwalk Casino and Natatorium structures. The HPC agreed that the project meets these standards. The HPC's approval included a condition to require that the proposed deck include the installation of railings that closely match the existing railings that are adjacent to the neighboring Pirate Ship ride. The HPC also conditioned its approval to require that the painted wood siding below the seaward extent of the deck closely match the existing siding along the Colonnade (**Exhibit 4: Historic Alteration Permit**). These project design elements have been proposed as part of this application.

Historical Resources

The proposed project is located adjacent to the Boardwalk Colonnade and would place a new deck and seating area in front of the Natatorium and the colonnade arcade connecting the walkway between the Cocoanut Grove upcoast and the Pirate Ship downcoast. The project proposes design details including historical elements that would help it to blend in with the existing Boardwalk development. The historical elements related to the original Casino and Natatorium buildings will remain unaltered. The new deck footprint will open up the walkway in front of the colonnade arcade and columns and expand the amount of seating area available. The arcade walls and concrete walkway, which are not original but are part of the historical buildings, will be retained without modification. The existing railings located between the arcade columns (which are not historic) will be removed and relocated out farther onto the perimeter of the new deck. The proposed 3.5-foot-high see-through railing system will match the existing Boardwalk railings and will preserve unobstructed views of the beach and ocean. Removal of the existing railings between the columns of the Colonnade will serve to open up the new deck and walkway area by creating space between the columns, which is more consistent with the original design. In the event that the deck and stairs are removed in the future, the form and integrity of the historic Boardwalk will remain intact. Thus, all of the distinctive features of the historic buildings will be preserved. All of these design elements combined will ensure that the project is compatible with the community character and historical resources of the surrounding area,

¹¹ The Santa Cruz Boardwalk Natatorium and the Cocoanut Grove (Casino) were surveyed and listed in 1976 and portions of these buildings were reconstructed in 1981.

consistent with Coastal Act Section 30253(e).

Visual Resources

The proposed project will have a relatively small impact on visual resources even though the project will expand the Boardwalk's footprint onto the beach. The project has been designed to minimize grading and therefore no views to the beach from the Boardwalk would be impacted by the proposed project. The use of two surfaces (concrete and wood) provides architectural detail and materials' differentiation for enhanced design and allows for a continuous transition between the existing Boardwalk concrete surface and the new concrete and wooden deck. The pilings supporting the deck will be enclosed by wood siding that will extend from the seaward edge of the deck seating area to the sandy beach below and will be painted black to blend in with the siding that exists along the rest of the Boardwalk. The four existing palm trees located in the area of the proposed deck will remain and the new deck will be constructed around the trees to incorporate them into the overall design and character of the public space. In addition, the overall design, materials (including railings) and construction of the new deck are consistent with the two decks authorized by the Commission in 2010 and 2011. Thus, the deck, seating area, railing and stair designs are all visually compatible with the surrounding development with regards to their physical layout, form, proportion and finish materials. In addition, the deck will be viewed in context with the surrounding development and will not block or degrade public views. Thus, the proposed project is consistent with Coastal Act Section 30251.

E. HAZARDS

Coastal Act Section 30253 addresses the need to ensure long-term structural integrity, minimize future risk, and to avoid landform altering protective measures in the future. Section 30253 provides, in part:

Section 30253. New development shall do all of the following:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Analysis

The coastal zone includes areas subject to significant hazards, such as flooding, tsunamis, erosion and seismic instability. Coastal Act Section 30253 requires that new development be designed and sited so as to minimize risks to life and property from these types of hazards and that new development will not have to rely on future shoreline or bluff protection devices which would substantially alter natural landforms along bluffs and cliffs.

The project site is located seaward of the existing Boardwalk development on the sandy beach area of Main Beach beside Monterey Bay. This area is subject to hazards related to riverine flooding, tsunamis, and wave-run up during high tides. With regard to riverine flooding, the Boardwalk is located just upcoast from the San Lorenzo River. Although the river mouth is often

located downcoast of the Boardwalk structures, there have been incidences where the river has flowed towards the Boardwalk. In 2012, the Seaside Company was granted emergency authorization¹² to divert the flow of the San Lorenzo River in order to help protect the Boardwalk and to minimize and avoid damage to the existing concrete bulkhead and wooden pilings supporting the Boardwalk deck promenade. Such incidences of flooding in this area are likely to occur again in the future. In addition, according to maps developed by the California Emergency Management Agency, the project site is located within the tsunami inundation area. With regard to shoreline erosion, although there has been evidence of accretion over the long term, during the last 30 years, Main Beach has been eroding.¹³ Finally, given expected changes in sea level over the next 100 years, combined with the possibility of changed circumstances in the future regarding shoreline sand supply, erosion, seismic activity, and storm intensity, any of these hazards could result in significant threats to the proposed development.

Therefore, the proposed project is not designed to avoid and minimize risks from coastal hazards such as flooding, including from sea level rise, as required by the Coastal Act, and could necessitate shoreline altering development inconsistent with the requirements of Section 30253. However, conditions can be imposed to bring the project into Coastal Act conformance. Specifically, the proposed project is not a primary structure and is of a less permanent nature than a home or other larger building that needs plumbing and similar infrastructure. It can therefore be more easily reconstructed or removed when it is threatened with damage or destruction from coastal hazards, or it is damaged or destroyed by coastal hazards. **Special Condition 5** requires reconstruction or removal of the proposed development if it is threatened by hazards, and requires the Applicant to waive any right to construct shoreline protective structures in the face of coastal hazards danger. Reconstruction, especially relocation of the stairs, may be necessary in the future to ensure continued consistency with public access policies, if hazards do not make such reconstruction infeasible. As such, although long-term stability cannot be assured, as conditioned, the new and relatively easily removed development would not require additional, more substantial protective measures in the future, inconsistent with the provisions of Section 30253, because it would be relocated and/or removed when it is in danger, as opposed to requiring shoreline altering armoring at that time. Therefore, with respect to wave run-up and related coastal hazards, the project, as conditioned, would be consistent with Coastal Act Section 30253.

In terms of recognizing and assuming the hazard risks for shoreline development, the Commission's experience in evaluating proposed developments in areas subject to hazards has been that development has continued to occur despite periodic episodes of heavy storm damage and other such occurrences. Development in such dynamic environments is susceptible to damage due to such long-term and episodic processes. Past occurrences statewide have resulted in public costs (through low interest loans, grants, subsidies, direct assistance, etc.) in the millions of dollars. As a means of allowing continued development in areas subject to these

¹² 3-12-009-G authorized the emergency work, which entailed creating a channel to direct the river to the sea, and creating two berms, one 400 linear feet and the other 500 linear feet for a total of 900 linear feet, to keep the river confined in the new channel and protect the Boardwalk.

¹³ According to a USGS report <http://pubs.usgs.gov/of/2006/1219/of2006-1219.pdf> Main Beach has been accreting for the long term, but over the short term (i.e. past 30 years) it has been eroding (page 48).

hazards while avoiding placing the economic burden for damages onto the people of the State of California, applicants are regularly required to acknowledge site hazards and agree to waive any claims of liability on the part of the Commission for allowing the development to proceed. Accordingly, this approval is conditioned for the Applicant to assume all risks for developing at this location (see **Special Condition 4**).

As noted above, natural disaster could result in destruction or partial destruction of the proposed development. In addition, the development itself and its maintenance may cause future problems that were not anticipated. When such an event takes place, the development could itself become a nuisance and pose a risk to the public accessing the beach, especially if structural debris winds up on the shore or on an adjacent property. Therefore, the Commission attaches **Special Condition 5(e)**, which requires the landowner to accept sole responsibility for the removal of any structural debris resulting from coastal hazards that impact the site, and to agree to remove the structures should the threat from coastal hazards reach the point where a government agency has ordered that the structure not be occupied.

As conditioned, the Commission finds that the development conforms to the requirements of Section 30253 of the Coastal Act regarding the siting of development in hazardous locations.

F. MARINE RESOURCES

The Coastal Act protects the marine resources and habitat offshore of this site. Coastal Act Section 30230 requires that marine resources be maintained, enhanced and restored. Coastal Act Section 30231 requires that new development not interfere with the biological productivity of coastal waters or the continuance of healthy populations of marine species. Coastal Act Sections 30230 and 30231 specifically state:

Section 30230. Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Analysis

The proposed project includes the construction of an approximately 8,000 square foot deck as well as the installation of 46 new pilings to support the new deck. The proposed project is

located on the sandy beach area of Main Beach approximately 300-500 feet from the mean high tide line (depending on the season and the tides), adjacent to and along the shoreline of the Monterey Bay National Marine Sanctuary. Monterey Bay is considered to be an area of special biological significance because it provides habitat for highly productive, diverse and dynamic ecosystems, and thus requires protection. Therefore, new development must be consistent with the above Coastal Act marine resource protection policies to minimize adverse impacts to the marine environment.

The proposed project includes the use of marine grade piles that have been treated with AZCA and sealed with a polyurethane polymer coating to prevent leaching of the ACZA into the marine environment. These are the same types of pilings that have been installed to support the two decks located downcoast at the Boardwalk, and the Commission has authorized these types of pilings in numerous wharf and pier piling replacement projects up and down the coast. **Special Condition 2(c)** includes materials and best management practices (BMPs) typically required by the Commission to protect water quality and marine resources during construction, including: maintaining good construction site housekeeping controls and procedures; the use of appropriate erosion and sediment controls; a prohibition on equipment washing, refueling, or servicing on the beach, etc. To further protect marine resources and offshore habitat, **Special Condition 3(a)** requires construction documents to be kept at the site for inspection, and **Special Condition 3(b)** requires a construction coordinator to be available to respond to any inquiries that arise during construction. As conditioned, the project is consistent with Coastal Act Sections 30230 and 30231 regarding protection of marine resources and offshore habitats.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The City of Santa Cruz, acting as lead agency, found that the project was exempt from CEQA requirements. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The preceding coastal development permit findings discuss the relevant coastal resource issues with the proposal, and the permit conditions identify appropriate modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above, which are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the proposed project, as conditioned, would have on the environment within the meaning of CEQA. Thus, if so conditioned, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A)

3-12-049 (Santa Cruz Seaside Company)

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

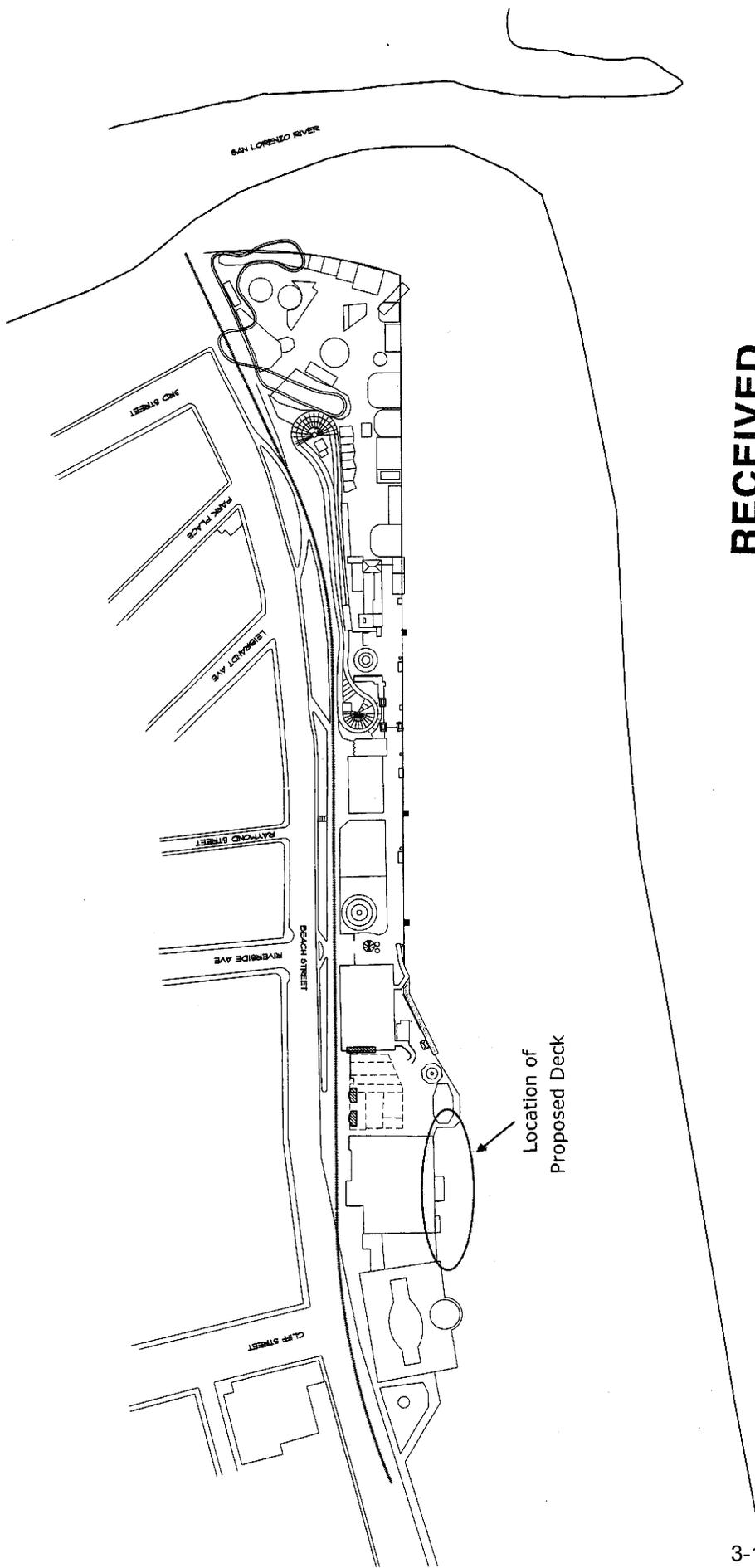
1. CDP 3-11-002-W
2. CDP 3-12-005-W
3. CDP 3-04-075
4. CDP 3-11-027 City of Santa Cruz Beach Management Plan for Main and Cowell Beaches
5. City of Santa Cruz Local Coastal Program
6. City of Santa Cruz Historic Preservation Commission Agenda Report Item No. CP13-0058, June 12th 2013
7. “Secretary of the Interior’s Standards Review, Proposed Boardwalk Deck and Extension (“Public Viewing Platform”) at the Historic Santa Cruz Beach Boardwalk Natatorium, prepared by Archives & Architecture, LLC, dated March 12, 2013
8. Santa Cruz Historic Building Survey, Vol. 1, prepared for the City of Santa Cruz by Charles Hall Page & Associates, Inc., San Francisco, 1976
9. The Santa Cruz Beach Boardwalk: A Century by the Sea, Santa Cruz Seaside Company, Ten Speed Press, Berkeley, printed 2007



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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA



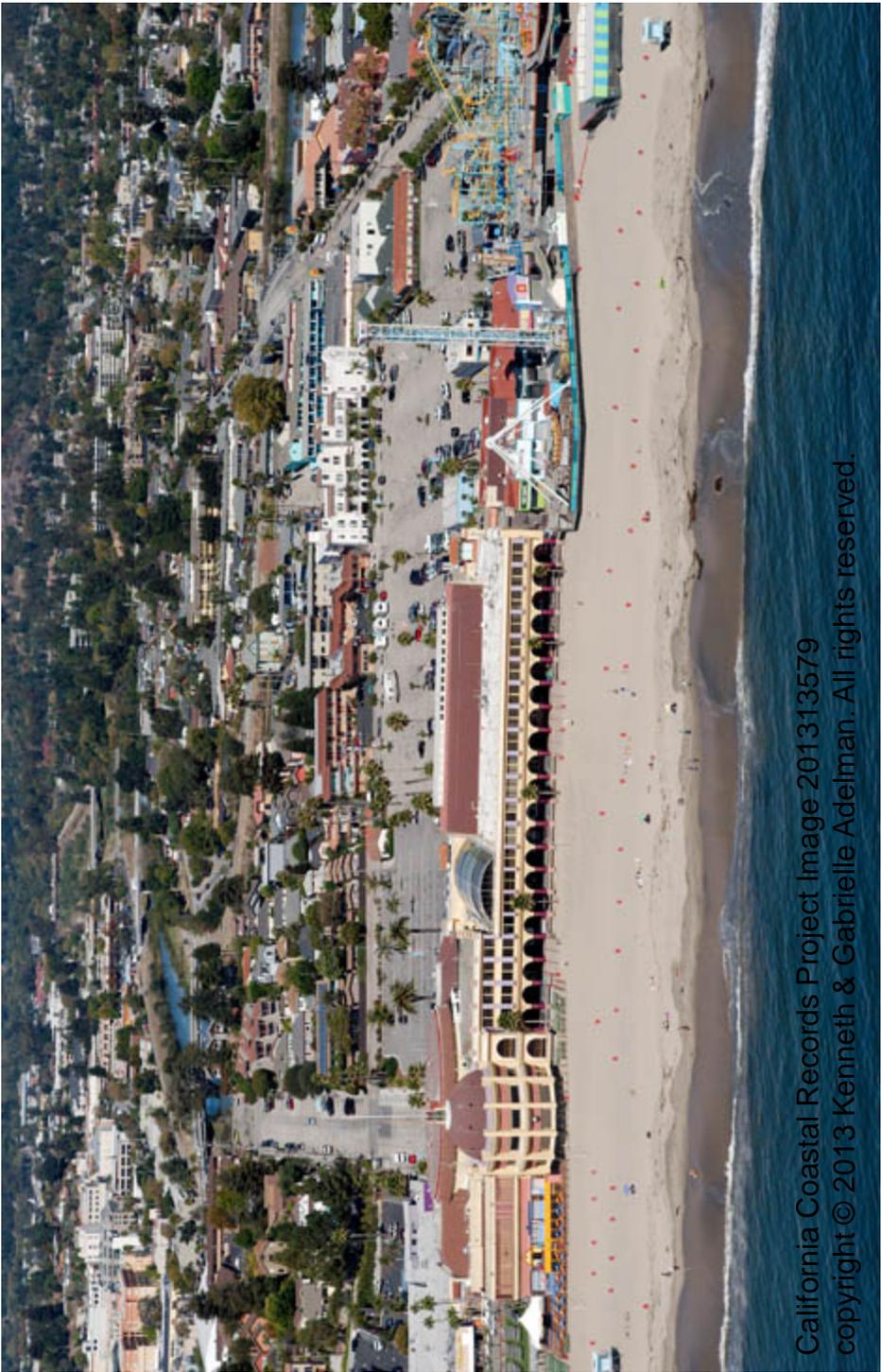
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CENTRAL COAST AREA

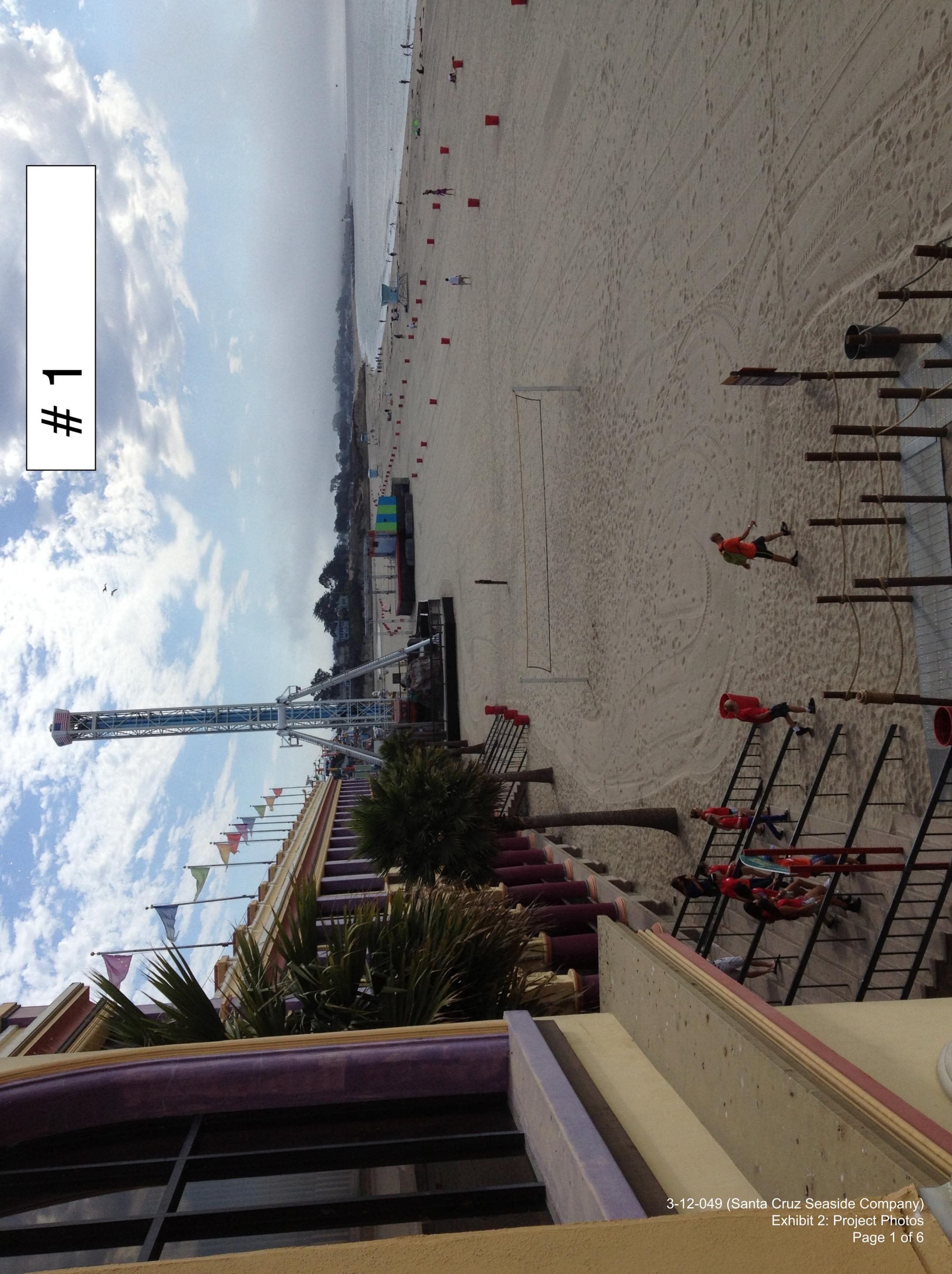
Site Map

Santa Cruz Seaside Company Boardwalk: Project Location



California Coastal Records Project Image 201313579
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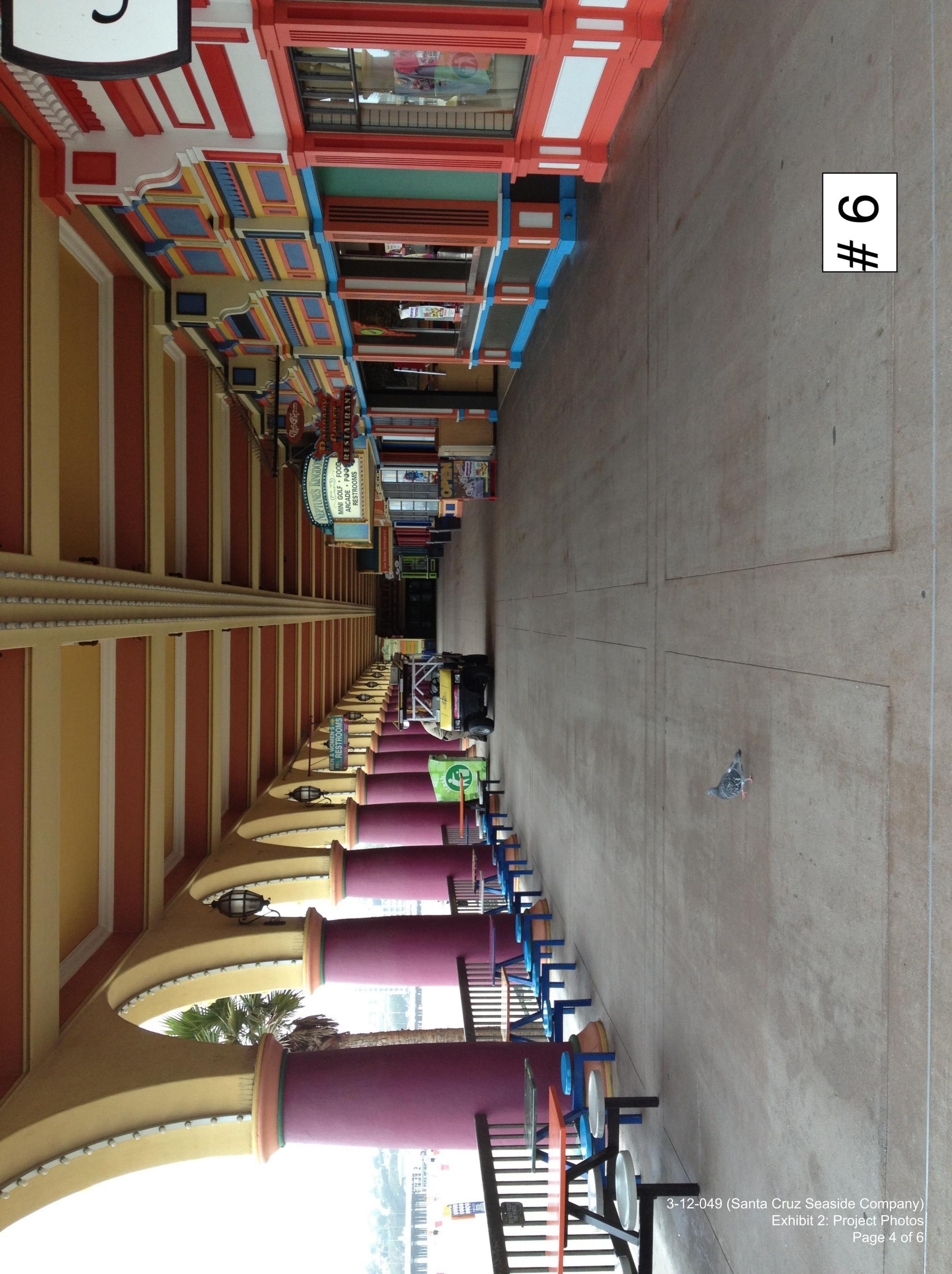


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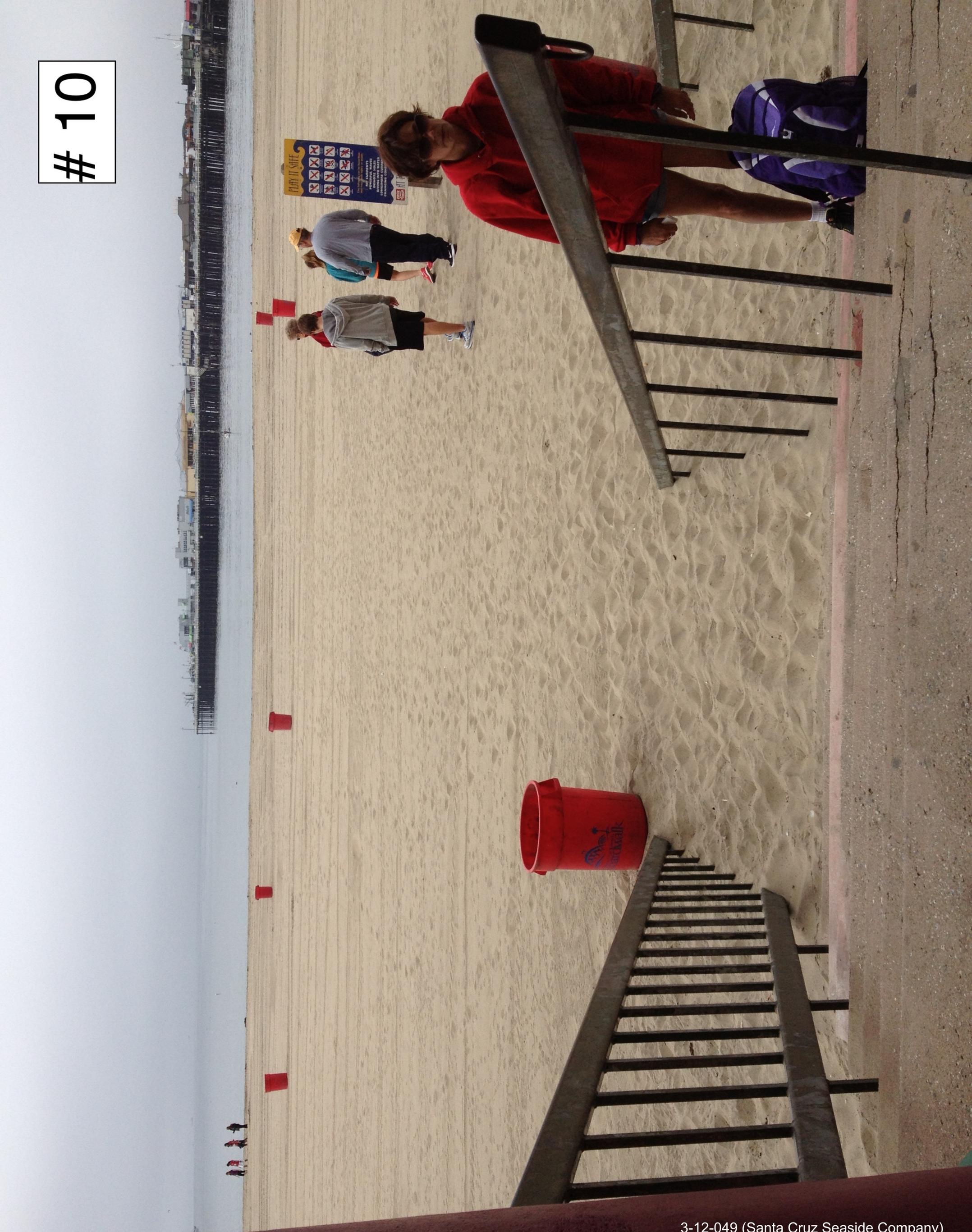


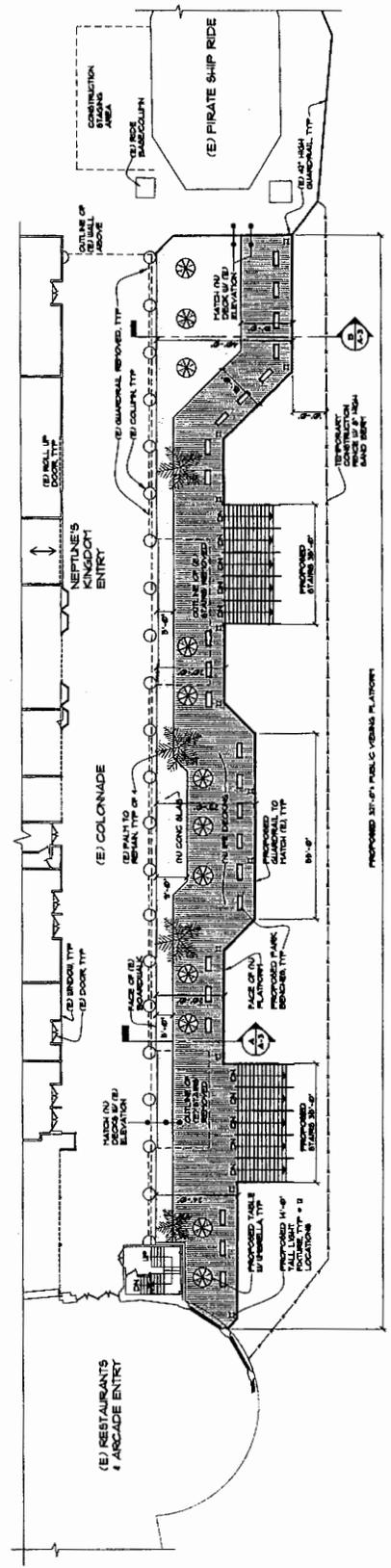
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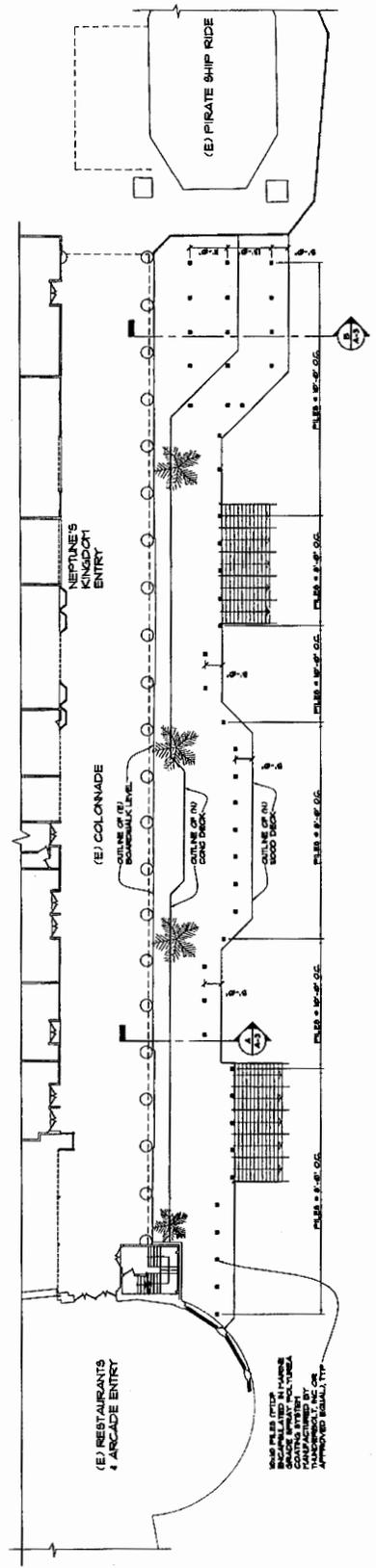
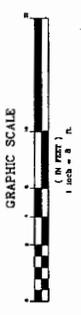


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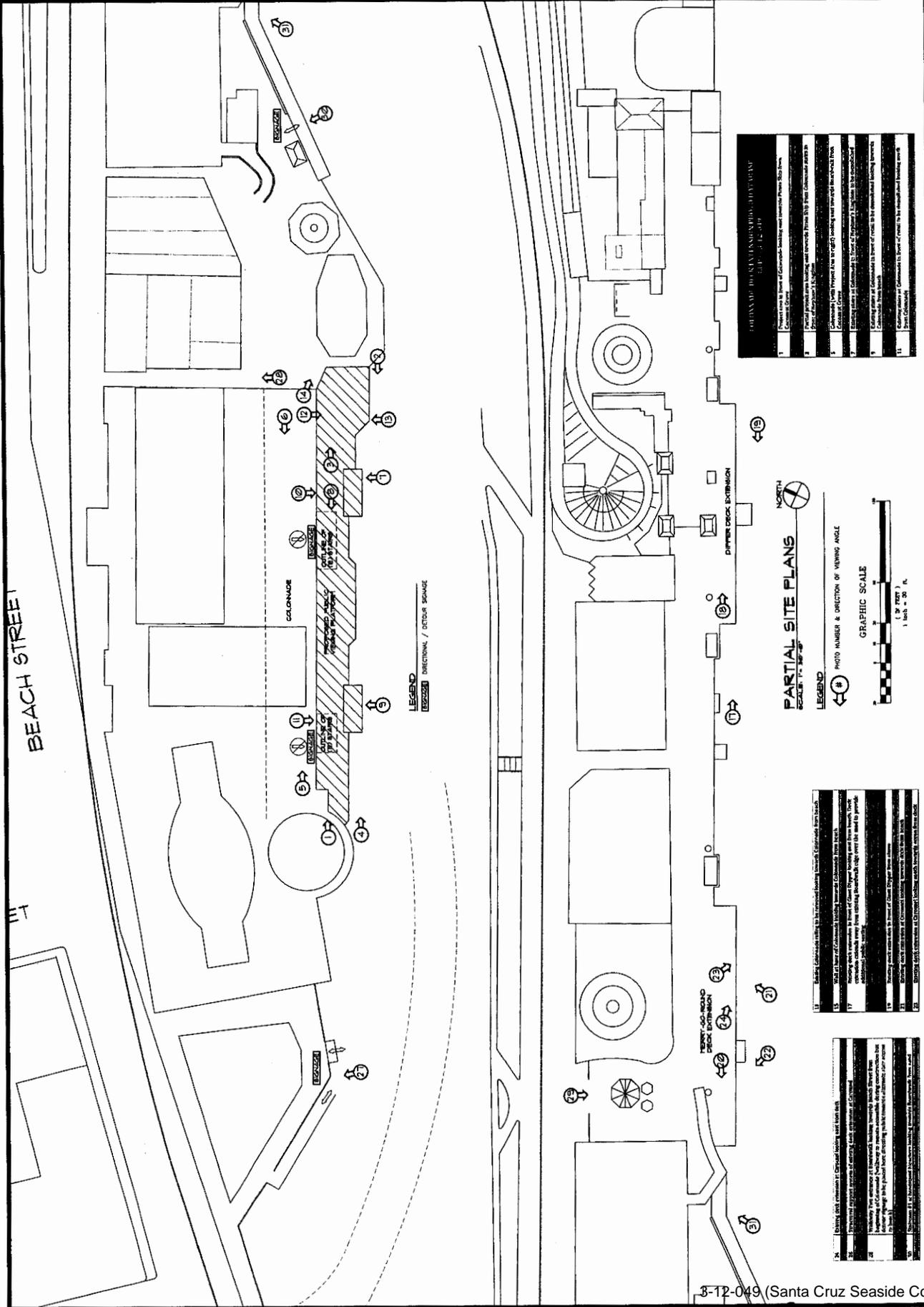




PROPOSED PUBLIC VIEWING PLATFORM FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 NORTH



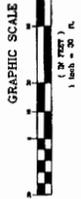
PROPOSED PUBLIC VIEWING PLATFORM FILE PLAN
 SCALE: 1/8" = 1'-0"



LEGEND
 (1)-(24) DIRECTIONAL / DETOUR SIGNAGE

PARTIAL SITE PLANS
 SCALE: 1" = 20'-0"

LEGEND
 (1)-(24) PHOTO NUMBER & DIRECTION OF VIEWING ANGLE



REVISIONS

1	Project team to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
2	Final project with building and parking deck extension from Santa Cruz Seaside Company	8/16/12
3	Construction team to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
4	Construction team to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
5	Construction team to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
6	Construction team to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
7	Construction team to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
8	Construction team to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
9	Construction team to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
10	Construction team to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
11	Construction team to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12

REVISIONS

12	Building deck extension to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
13	Building deck extension to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
14	Building deck extension to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
15	Building deck extension to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
16	Building deck extension to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
17	Building deck extension to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
18	Building deck extension to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
19	Building deck extension to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
20	Building deck extension to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
21	Building deck extension to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
22	Building deck extension to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
23	Building deck extension to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
24	Building deck extension to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12

REVISIONS

25	Building deck extension to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
26	Building deck extension to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
27	Building deck extension to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
28	Building deck extension to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
29	Building deck extension to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12
30	Building deck extension to issue of Construction Documents (CD) from Santa Cruz Seaside Company	8/16/12

12-049 (Santa Cruz Seaside Company)



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
809 Center Street ~ Room 206 ~ Santa Cruz, CA 95060 ~ (831) 420-5100

ZONING PERMIT

PROJECT #: CP13-0058

OWNER: SANTA CRUZ SEASIDE CO
C/O FINANCE DEPT
400 BEACH ST
SANTA CRUZ CA 95060

APPLICANT: CARL RICE
400 BEACH STREET
SANTA CRUZ CA 95060

APN(s)/Address(es):

007-321-04/400 BEACH ST

The following permit(s) was/were approved on 06/19/2013 by the Historic Preservation Commission and will be effective on 07/01/2013 unless appealed.

Historic Alteration Permit

By: 

Janice Lum, Associate Planner

This permit is issued to the owner of the property. In executing this permit, applicant/owner agrees to comply with all terms of permit(s), including conditions of approval, if any. Permit must be exercised within 36 months of date of issuance (above) unless otherwise indicated in conditions of approval. See reverse for information regarding appeals and property reassessment.

CC: County Assessor's Office
File

In accordance with Chapter 24.04 of the Santa Cruz Municipal Code, any interested person may appeal a final action of a hearing body or staff. Appeal of a decision of the City Planning Director or the Zoning Administrator must be made to the Planning Commission through the Planning Department. Appeals of a decision of the City Planning Commission or Historic Preservation Commission must be made to the City Council through the City Clerk. All appeals must be made in writing and state the nature of the application and the basis upon which the decision is considered to be in error. Appeals must be accompanied by the required appeal fee. **Appeals must be received no later than ten (10) calendar days following the action from which the appeal is being taken. If the tenth day falls on a weekend or holiday, the appeal period is extended to the next business day.

Whenever any permit is denied or withdrawn, no new application for the same or substantially the same project may be filed for a period of one year from the date of said denial or withdrawal. Where an application has been denied without prejudice, application for the same or substantially the same project may be filed within said period of one year.

In accordance with Section 65863.5 of the Government Code, a copy of this permit has been sent to the County Assessor. It is the Assessor's duty, under Section 402.2 of the Revenue and Taxation Code, to reassess the property to the extent permitted by law. If, after receiving your notice of assessment, your opinion of value differs from the Assessor's valuation, you have the right of protest and appeal. Contact the Assessor's Office immediately to discuss the valuation. If there is still a difference of opinion, you may request a hearing before the Assessment Appeals Board. Application for such hearing must be filed in writing with the Clerk of the County Board of Supervisors, County Courthouse, 701 Ocean St, Santa Cruz CA 95060, between July 2 and August 26 of each tax year.

EXHIBIT A

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT

400 Beach Street – Project No. CP13-0058

Historic Alteration Permits for a deck and stair extension (public viewing platform) at the rear of the historic Boardwalk Casino and Natatorium buildings.

1. This project involves the building and site modifications illustrated on plans prepared by William S. Bagnall Architects Inc., received May 1, 2013. All plans for future construction, which are not covered by this review, shall be submitted to the City Planning and Community Development Department for review and approval.
2. If one or more of the following conditions is not met with respect to all its terms, then this approval may be revoked.
3. All plans for future construction which are not covered by this review shall be submitted to the City Planning and Community Development Department for review and approval.
4. This permit shall be exercised within three (3) years of the date of final approval or it shall become null and void. The appeal period for this permit shall begin after the Design Permit is acted upon by the Zoning Administrator.
5. The applicant shall be responsible for the completeness and accuracy of all forms and supporting material submitted in connection with any application. Any errors or discrepancies found therein may result in the revocation of any approval or permits issued in connection therewith.
6. All final working drawings shall be submitted to the Zoning Administrator for review and approval in conjunction with building permit application. The plans submitted for building permits shall have the same level of articulation, detailing, and dimensionality as shown in the approved plans. All approved exterior finishes and materials shall be clearly notated on the building permit plans.
7. Except as modified by other project conditions contained herein, the development of the site shall be in substantial accordance with the approved plans prepared by William S. Bagnall Architects Inc., submitted on May 1, 2013, and on file in the Department of Planning and Community Development of the City of Santa Cruz. All aspects of construction must be completed prior to occupancy. Major modifications to plans or exceptions to completion may be granted only by the City authority which approved the project.
8. The proposed public viewing platform shall have new guardrails that closely match the existing guardrail adjacent to the pirate ship ride and a painted wood siding face that closely matches the treatment along the existing colonnade of the Boardwalk Casino and Natatorium buildings.

9. The applicant and contractor who obtains a building permit for the project shall be required to sign the following statement at the bottom of these historic alteration permit conditions, which will become conditions of the building permit:

“I understand that the subject permit involves a site which is protected under the City’s historic preservation regulations. I intend to perform or supervise the performance of the work allowed by this permit in a manner which does not destroy any of the historic materials on the site beyond what is approved.”

Signature of Building Contractor

Date

Printed Name, Building Contractor

APPLICABLE LCP HISTORIC PROTECTION/VIEWSHED POLICIES

LCP Cultural Resources Element Goal CR 2: Designate, protect and enhance those structures and landmarks contributing to the cultural, historic and architectural character of Santa Cruz.

LCP Cultural Resources Element Policy 2.1: Protect and encourage restoration and rehabilitation of historic and architecturally-significant buildings and landmarks.

LCP Cultural Resources Element Policy 2.2.2: Encourage compatible development within historic districts and on sites outside but immediately adjacent to those boundaries.

LCP Cultural Resources Element Policy 2.3: Ensure that City administrative and review procedures effectively recognize and protect historic and architectural resources and coordinate preservation activities with local, State, and federal agencies.

LCP Cultural Resources Element Policy 2.3.2: Ensure the identification and protection of historic and archaeological resources affected by redevelopment and public works projects and design projects in a manner that will protect the quality of these resources.

LCP Community Design Element Policy 2.1.3: Protect the Monterey Bay National Marine Sanctuary and the shoreline and views to and along the ocean, recognizing their value as natural and recreational resources.

LCP Community Design Element Policy 2.2: Preserve important public views and viewsheds by ensuring that the scale, bulk, and setback of new development does not impede or disrupt them.

LCP Community Design Element Policy 2.2.1 (in relevant part): Develop siting, scale, landscaping, and other design guidelines to protect visually sensitive areas and ensure that development is compatible with the character of the area. Areas to be protected include... scenic coastal areas...

LCP Community Design Element Policy 3.5 (in relevant part): New or renovated development shall add to, not detract from City-identified landmarks, historic areas and buildings, and established architectural character worthy of preservation. (See...the Santa Cruz Historic Building Survey.)

LCP Beach/South of Laurel Area Plan Community Design Policy 1.6: Protect and enhance the unique historic and architectural qualities that are present by establishing/maintaining historic conservation districts.

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