

CALIFORNIA COASTAL COMMISSION

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Prepared October 25, 2019 (for November 13, 2019 Hearing)

To: Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager
Ryan Moroney, Central Coast District Supervisor

**Subject: City of Santa Cruz LCP Amendment Number LCP-3-STC-19-0104-1-Part B
(Sensitive Archeology and Paleontological Resources Map Update).**

Proposed Amendment

The City of Santa Cruz proposes to modify the Local Coastal Program (LCP) Land Use Plan (LUP) to replace the Sensitive Archeological and Paleontological Resource Map (Map CR-2) of the Cultural Resources Section of the LUP with an updated map. The existing map has not been updated since 1992, and the revised map is meant to more accurately identify where potential sensitive resources may be present based on the latest and best available information, including what has been learned from previous required archaeological investigations over the years. See **Exhibit 1** for the proposed new map as well as the existing map.

Minor LCP Amendment Determination

Pursuant to Title 14 of California Code of Regulations (CCR) Section 13555, the Executive Director may determine that a proposed LCP amendment is “minor.” 14 CCR Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

***14 CCR Section 13554(a).** Changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission.*

If the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If one-third or more of the appointed members of the Commission request that it be processed as a regular LCP amendment, then the amendment shall be set for a future public hearing; if less than one-third of the appointed members of the Commission object to the minor LCP amendment determination, then the amendment is deemed approved and it becomes a certified part of the LCP.

The purpose of this notice is to advise interested parties of the Executive Director’s determination that the proposed LCP amendment is minor.

The proposed LCP amendment will replace the LCP’s existing Sensitive Archeological and Paleontological Resources Map (Map “CR-2”) with a new map based on a much more detailed

and sophisticated review of existing and predictive data with respect to archeological and cultural resources.¹ Specifically, the existing map has not been updated since 1992 and was based on known archeological sites at that time, of which 24 were listed. The updated map is based on over 1,000 archeological reports performed in the City since that time, and also considers geological factors, such as distance to water and soil type, in which known archeological resources have been found. As such, the proposal strengthens the LCP by providing more detailed and accurate mapping data regarding potential sensitive archaeological resources that may warrant further site specific review and analysis as part of the review process for proposed development projects, but does not change the kind, location, intensity, or density of use of land.² Thus, the proposed LCP amendment qualifies under the regulatory definition of a minor LCP amendment.³

California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. The City has determined that the project is exempt from further review under CEQA, pursuant to 14 CCR Section 15061(b)(3), (no potential for adverse impact to the environment) and 14 CCR Section 15265 (CEQA does not apply to local preparation and adoption of LCPs). As such, the proposed LCP amendment is not expected to result in any significant adverse impact on the environment. Thus, it is unnecessary for the Commission to suggest modifications to the proposed amendment to address adverse environmental impacts because the proposed amendment, as submitted, will not result in any significant environmental effects for which feasible mitigation measures would be required.

Coastal Commission Concurrence

The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its November 13, 2019 meeting in Half Moon Bay. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Ryan Moroney at the Central Coast District Office in Santa Cruz. If you wish to comment on and/or object to the proposed minor LCP amendment determination, please do so by 5:00 p.m. on November 8, 2019.

¹ The updated map removes paleontological resources from both the map name and map legend as all of these previously identified resources are located within the Commission's original CDP jurisdiction, rather than the certified LCP jurisdiction.

² Importantly, the map is a tool which informs coastal resource analysis, but any project that may impact these resources would require further site-specific analysis. It is such projects which may result in a change in the kind, location, intensity, or density of use of land (if at all), rather than this map.

³ In addition, though not part of the Commission's regulatory requirements to qualify as a minor LCP amendment, as a matter of process it is worth noting that the City's consultant prepared a Cultural Resources Background Report dated July 2018. As part of that Report, the consultant submitted a Sacred Lands File search request to the Native American Heritage Commission (NAHC) for the Report's search area, including a half-mile buffer, and requested a list of Native American contacts with information or concerns about the area in question. NAHC provided a list of five individuals who may have information regarding or interest in the updated map process. The City's consultant sent letters to each of the five individuals informing them of the City's plans to update the map and made additional outreach efforts and no formal objections to the map update were made at that time.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on October 1, 2019. It amends the LUP only and the 90-working-day action deadline is February 12, 2020. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until February 12, 2020 to take a final action on this LCP amendment.

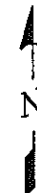
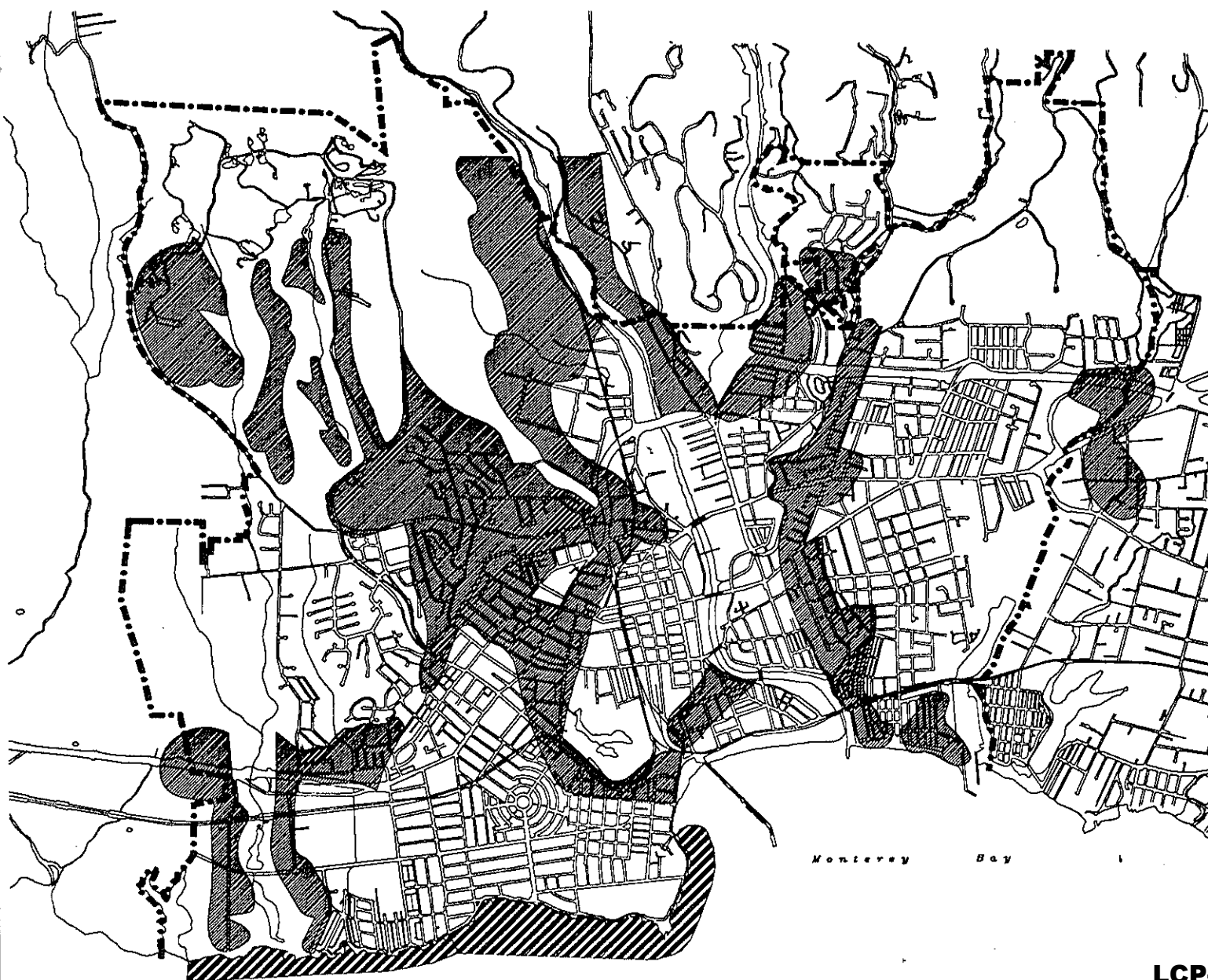
Exhibit:

Exhibit 1: Original Map and Proposed Map Amendment



MAP CR-2: SENSITIVE ARCHAEOLOGICAL AND PALEONTOLOGICAL AREAS

The City of Santa Cruz, California



LEGEND



SENSITIVE
ARCHAEOLOGICAL
AREAS



SENSITIVE
PALEONTOLOGICAL
RESOURCE AREA



CITY LIMITS

Source: City of Santa Cruz
Planning Department, 1992



Exhibit 1
LCP-3-STC-19-0104-1-Part B

FILE: L:\TERRY\N\MAPS\GP\CR\ARCHSA2
REVISED 18-26 12/28/1992

1 of 2

MAP CR-2: Sensitive Archeological Resource Areas
(Updated 11/xx/2019)
 The City of Santa Cruz, California

