MINUTE ITEM

This Calendar Item No. C06 was approved as Minute Item No. 6 by the State Lands Commission by a vote of 2 to 0 at its 11/21/83 meeting.

CALENDAR ITEM

C06 A

11/21/83
G 16-01
Horton

CONSIDERATION OF SUBSTANTIAL IMPROVEMENT OF GRANTED LANDS AT CITY OF SANTA CRUZ, SANTA CRUZ COUNTY

TRUSTEE: City of Santa Cruz
City Hall, Annex Room 201
809 Center Street
Santa Cruz, California 95060

LOCATION AND BACKGROUND:

This report concerns approximately 390 acres of tide and submerged lands within Monterey Bay that the Legislature granted to the City of Santa Cruz under two statutes. Chapter 342, Statutes of 1872, granted to the town of Santa Cruz all tidelands within its corporate limits, permitted construction of wharves over and through tidelands, and free use for fishing. Chapter 1291, Statutes of 1969, effectively granted submerged lands between Santa Cruz Point and the west jetty of the Small Craft Harbor to the city. The grant is held in trust for a number of statewide purposes in furtherance of navigation, commerce and fisheries. In 1973, the Municipal Wharf extended 2,745 feet into the Bay.

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One of the unique conditions of the 1969 grant was that any plan for development involving filling, dredging or other improvements must first be approved by the State Lands Commission 90 days prior to commencement of work, to insure that the provisions of Chapter 1642, Statutes of 1967, were carried out and development was in accord with policies and plans included in the California Comprehensive Ocean Area Plan (COAP).

The city proposed and the Commission approved plans in 1975, 1980 and 1981 for development on the wharf and repair of storm damage and erosion control at 17 locations on West Cliff Drive.

PURPOSE OF INVESTIGATION:

To determine whether the City of Santa Cruz has substantially improved the lands granted in accord with the grant statute. If the State Lands Commission determines that the city has failed to do so within ten (10) years from the effective date of the statute, Section 1(c) of Chapter 1291, Statutes of 1969, states all right, title and interest of the city in and to all lands granted by the act shall cease and the lands shall revert and rest in the state. The lands granted in 1872 are not subject to the reversion clause of the modern statute.

Activities on portions of the 1872 grant were reviewed also since the Municipal Wharf crosses tidelands, and beach erosion control affects those lands as well as the 1969 granted area.

CONDUCT OF INVESTIGATION:

In June 1982 State Lands Commission's staff requested information about specific accomplishments and problems on the granted lands. The city furnished two comprehensive reports augmenting the advance plans and overall financial reports previously submitted.

Staff visited on-site in August 1983. City officials showed the different types of projects needed along West Cliff Drive to protect the road, bicycle path and inland property from erosion, and to improve public access and safety. On the wharf they pointed out the expensive heartwood required for replacement of pilings, and special T-shaped metal braces bolstering the support of cross-beams. Logs come hurtling from San Lorenzo River toward the wharf and hit the understructure. The city must consistently budget repair costs under operating expenses.

Detailed reports showed storm-wrecked landings and roofs replaced. During the first five fiscal years after the grant the city paved the wooden wharf with asphalt, rehabilitated wharf structure and understructure, removing utility poles and placing them underdeck, added fire alarms and lighting, removed old buildings and facilities, completed recreational fishing reconstruction and added decking to prepare for a salt water pump station, wharf work boat davit, and expanded lifeguard headquarters. Private enterprise constructed a coffee shop, a restaurant and a gift shop. In the next five years the city expanded the wharf to accommodate an emergency traffic lane; completed a walkway connecting the two recreational fishing areas, an artificial reef, a new lifeguard headquarters building. This project included 6,270 square feet of walkway, fishing and parking area on the east side of the wharf, and new public deck area on the west side.

Repair and new construction after the deadline for substantial improvement, continues the progress on approved projects in compliance with grant requirements.

Staff observed that there are pier and excursion fishing, bait and tackle shops, sightseeing, seating, strolling, picnicking facilities, take-out foods and restaurants

available at various price levels. The wharf attracts people of all age groups from a wide area. Current planning for commercial enterprises considers the need for proper financial management and adequate return for any leased areas. The wharf has been only partially self-supporting. During the substantial improvement period the city spent more than $423,000 from the city-funded Capital Improvement Fund on the wharf.

Expenditures on the beach erosion projects and construction of a bike path and parking on West Cliff Drive includes more than $698,000 of city funds. Grants from other sources are expected to reach $229,000 for the project. This area includes tidelands, submerged lands and some uplands. The city also funds lifeguard services, beach cleaning, and recreational services on the granted lands.

Cowell Beach is clean and inviting. Wind surfers enjoy the choppy waters west of the pier, and larger vessels find safer haven on the east.

SUBSTANTIAL COMPLIANCE:
Review indicates the city has substantially improved the granted lands in accord with the grant for Public Trust purposes in which there is a general statewide interest.

AB 884: N/A.

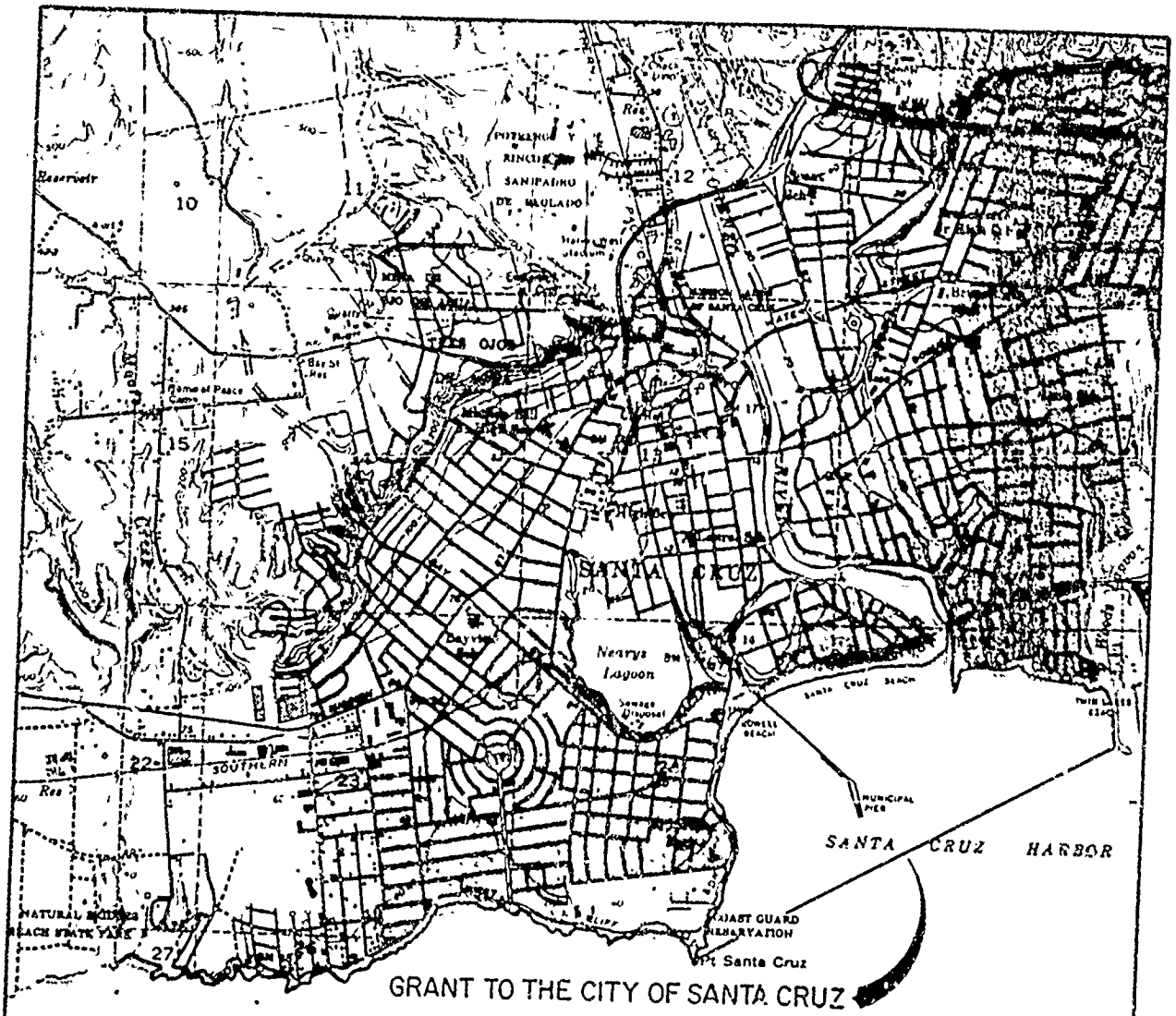
EXHIBIT: A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF CEQA BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED IN SECTION 21065 P.R.C. AND SECTION 15378 C.A.C.

2. FIND THAT THE CITY OF SANTA CRUZ HAS SUBSTANTIALLY COMPLIED WITH THE TERMS OF CHAPTER 1291, STATUTES OF 1969, SECTION 1(c).

3. AUTHORIZE THE EXECUTIVE OFFICER TO NOTIFY THE CITY OF SANTA CRUZ, THE SECRETARY OF THE SENATE AND THE CHIEF CLERK OF THE ASSEMBLY THAT THE TRUSTEE HAS SUBSTANTIALLY COMPLIED WITH THE TERMS OF CHAPTER 1291, STATUTES OF 1969, SECTION 1(c).



GRANT TO THE CITY OF SANTA CRUZ

This map is prepared in response to Chapter 1555 Statutes of 1970, as amended and does not constitute any statement as to boundaries.

EXHIBIT "A"

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