

COASTAL CONSERVANCY

Staff Recommendation

May 27, 2004

**26<sup>TH</sup> AVENUE STAIRWAY CONSTRUCTION**

File No. 03-083

Project Manager: Joan Cardellino

**RECOMMENDED ACTION:** Authorization to amend the August 14, 2003 Conservancy resolution to eliminate one acceptance of an offer to dedicate a public access easement by the County of Santa Cruz from the conditions of the 26<sup>th</sup> Avenue Stairway construction project.

**LOCATION:** Live Oak neighborhood, Santa Cruz County (Exhibit 1)

**PROGRAM CATEGORY:** Public Access

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**EXHIBITS**

Exhibit 1: Project Location and Site Map

Exhibit 2: August 14, 2003 Staff Recommendation

Exhibit 3: Letter from Santa Cruz County

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**RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby amends condition number 5 of and adds condition number 6 to its August 14, 2003 resolution, attached to the accompanying staff recommendation as Exhibit 2, to implement the 26<sup>th</sup> Avenue Stairway construction project, as follows:

5. Evidence that the County of Santa Cruz has accepted all remaining Offers-to-Dedicate Public Access Easements within its jurisdiction, except for the Offer to Dedicate (“OTD”) made by the Sumner Woods Homeowners’ Association, recorded on November 22, 1991 as instrument number 74949 in the Official Records of Santa Cruz County, volume 4931, pages 372 through 379.
6. The County of Santa Cruz and the Conservancy shall enter into a Memorandum of Understanding which provides that the County accept the Sumner Woods Homeowners’ Association OTD, as described more specifically in #5, above, prior to its expiration on November 22, 2012.”

Staff further recommends that the Conservancy adopt the following finding:

“The State Coastal Conservancy hereby finds that the proposed authorization remains consistent with the findings adopted by the Conservancy on August 14, 2003 regarding the Conservancy’s Enabling Legislation, Strategic Plan Goals and Objectives, Project Selection Criteria and Guidelines, and Local Coastal Program Policies, as shown in Exhibit 2 to the accompanying staff recommendation.”

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**PROJECT SUMMARY:**

In August 2003 the Conservancy approved a grant of up to \$300,000 to Santa Cruz County to reconstruct a beach access stairway at the foot of 26<sup>th</sup> Avenue. The total cost of the stairway reconstruction is \$423,000. The Conservancy’s grant was conditioned on the County accepting all the remaining Offers to Dedicate (OTD) public access easements in its jurisdiction. There are 16 OTDs in the county, 15 of which are beach laterals and one vertical. The County accepted one OTD last fall that had a November expiration date, but did not accept any additional OTDs, pending its staff review.

Conservancy and County staffs have had many discussions since January of this year regarding the disposition of the remaining 15 OTDs. County staff has agreed to propose acceptance of all the remaining beach laterals, and expects to take a resolution to this effect to its Board of Supervisors in May.

However, County staff has raised concerns about accepting the Sumner Woods vertical OTD at this time (see letter attached as Exhibit 3). This OTD is for an accessway which is currently open to the public and signed, and provides access from the neighborhood directly to the parking lot at Hidden Beach County Park. The Sumner Woods Homeowners’ Association maintains the accessway and spends approximately \$5,000 per year on maintenance. The OTD expires in 2012, so it is not in imminent danger of expiration.

The accessway is in good condition and well maintained. A retaining wall structure that protects the accessway has been in place for about 10 years, and the County Public Works staff expects that it will need fairly major repairs, in the range of \$80,000 to \$90,000, in about eight years. Because of that anticipated expense and the County’s current dire financial situation, the County is unwilling to accept the OTD now. County staff has agreed to enter into a Memorandum of Understanding with the Conservancy that would state the County’s clear intention to accept the OTD prior to its expiration in 2012, which will save public funds in the intervening eight years, and enable an accurate structural assessment of the retaining wall and estimate of repair costs.

**CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION, STRATEGIC PLAN GOALS & OBJECTIVES, PROJECT SELECTION CRITERIA & GUIDELINES AND LOCAL COASTAL PROGRAM POLICIES:**

This authorization remains consistent with the Conservancy’s August 14, 2003 authorization in these areas (see Exhibit 2).

**COMPLIANCE WITH CEQA:**

This authorization does not constitute a project as defined in 14 Cal. Code of Regulations Section 15378 as it does not have the potential to result in a physical change to the environment and, as such, is not subject to the California Environmental Quality Act (CEQA).