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Th12b



Appeal filed: 11/01/2007
 49th day: waived
 Staff: Susan Craig
 Staff report prepared: 2/14/2008
 Hearing date: 3/6/2008

APPEAL STAFF REPORT SUBSTANTIAL ISSUE DETERMINATION & DE NOVO HEARING

Appeal numberA-3-STC-07-057, West Cliff Drive Parking Restrictions

Applicant.....City of Santa Cruz Public Works Department

AppellantsCommissioners Patrick Kruer and Sara Wan

Local governmentCity of Santa Cruz

Local decisionApproved by the City of Santa Cruz Zoning Administrator on October 3, 2007
 (Coastal Development Permit (CDP) Application Number 07-140).

Project locationSeaward side of West Cliff Drive between Santa Cruz Street and Chico Avenue along the westside of the City of Santa Cruz, Santa Cruz County.

Project description.....After-the-fact approval for the installation of “No Parking – 10 p.m. to 5 a.m.” signs and enforcement of the restriction in the parking bays and lots along the ocean side of West Cliff Drive between Santa Cruz Street and Chico Avenue.

File documents.....Administrative record for City of Santa Cruz CDP Number 07-140; Correspondence Submitted by the Applicant; City of Santa Cruz certified Local Coastal Program (LCP).

Staff recommendation ...**Substantial Issue Exists; Approve with Conditions**

A. Staff Recommendation

1. Summary of Staff Recommendation

In 2006 the City of Santa Cruz installed a series of “No Parking – 10 p.m. to 5 a.m.” signs without a coastal development permit (CDP) for the ocean side parking bays and lots on West Cliff Drive along approximately two miles of coastline between Santa Cruz Street and Chico Avenue. On October 3, 2007, the City approved an after-the-fact CDP for the signs and the related enforcement of their restrictions. The City indicates that the parking restrictions are intended to address public safety concerns related to inappropriate behaviors and activities of some of those using the parking areas at nighttime (disturbing the peace, littering, vandalism, camping, etc.). On November 1, 2007, the City’s CDP action was appealed to the Coastal Commission. **Staff recommends that the Commission find that the appeal raises a substantial issue and that the project be approved with special conditions.**



California Coastal Commission

Staff: Susan Craig Approved by: Dan Carl
 Th12b-3-2008

The Coastal Act and the LCP require the protection, maximization, and enhancement of public access and recreational opportunities, including parking, along the coast, and require protection of the public viewshed. In addition, the LCP explicitly highlights the importance of such requirements with respect to the West Cliff Drive project area in light of its significance and value as an important access destination and public viewshed. The Coastal Act and LCP also require that maximum public access be provided consistent with public safety, the rights of the public and private property owners, and the protection of natural resources.

Parking restrictions often are proposed because of some perceived problem with public parking later at night and/or overnight in terms of noise, public nuisance, inappropriate camping, public safety, and other related issues. In such cases, it is important that the problem be clearly identified and substantiated, and that the response be as focused as possible to address the problem but avoid public access impacts to the maximum extent. The City of Santa Cruz has made a valid case that certain nighttime users of the public parking areas in question have led to nighttime problems along West Cliff Drive. However, even after the sun goes down, West Cliff Drive remains a significant public access resource area that is heavily used by the public for access to the shoreline (including for nighttime beach and surfing access, parking to take in the nighttime coastal view across the bay waters and the Pacific Ocean, and for use of the West Cliff Drive recreational trail system). Although the proposed restrictions on parking are offset somewhat by the unrestricted public parking currently available inland of West Cliff, this parking does not provide the same level of utility and public access that would be reduced by the proposed elimination of these shoreline public parking spaces between the hours of 10 p.m. and 5 a.m.

The important question is: at what point does legitimate and appropriate use of the public parking resource need to be restricted so as to address the potential inappropriate behavior of some users? The demand for the former decreases as the night goes on, and the potential for the latter increases. The key is to ensure that the least number of legitimate users are impacted while still abating as many inappropriate users as possible. Staff recommends that a midnight to 5 a.m. parking restriction better realizes this balance. It responds to the identified problem in such a way as not to penalize general public access users who are legitimately accessing the coast at night, but still recognizes the need to manage the attractive nuisance that the subject parking areas have historically provided as the night gets later. The midnight to 5 a.m. parking restriction is the same time frame and restriction imposed by the Commission when confronted with similar circumstances in other coastal communities (e.g., most recently along Scenic Drive in Carmel). Although public parking would be eliminated between midnight and 5 a.m. the other public parking in the area that will remain unrestricted offsets this loss.

Accordingly, staff recommends approval with special conditions to limit the parking restriction to between midnight and 5 a.m. and to ensure that adjacent areas remain available for public parking. A condition also requires that certain signs be re-sited to avoid and limit viewshed impacts. As conditioned, the project can be found consistent with the LCP and the Coastal Act.



2. Staff Recommendation on Substantial Issue

Staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of substantial issue would bring the project under the jurisdiction of the Commission for hearing and action.

Motion. I move that the Commission determine that Appeal Number A-3-STC-07-057 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

Staff Recommendation of Substantial Issue. Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Resolution to Find Substantial Issue. The Commission hereby finds that Appeal Number A A-3-STC-07-057 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.

3. Staff Recommendation on CDP Application

Staff recommends that the Commission, after public hearing, **approve** the CDP for the proposed development subject to the standard and special conditions below.

Motion. I move that the Commission approve Coastal Development Permit Number A-3-STC-07-057 pursuant to the staff recommendation.

Staff Recommendation of Approval. Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve a Coastal Development Permit. The Commission hereby approves the coastal development permit on the ground that the development as conditioned will be in conformity with the policies of the City of Santa Cruz Local Coastal Program and the public access and recreation policies of the Coastal Act. Approval of the coastal development 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 amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.



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B. Findings and Declarations

The Commission finds and declares as follows:

1. Project Location

Regional Setting

The City of Santa Cruz is located along the northern portion of the Monterey Bay in Santa Cruz County (see Exhibit #1). The City's shoreline extends from UCSC's Marine Science Campus site at Terrace Point downcoast through to the unincorporated Live Oak beach area just past the Santa Cruz Harbor. The City's shoreline has long been a significant visitor draw, with a variety of shoreline access areas serving as destinations, including: Natural Bridges State Park, including its monarch butterfly habitat; the West Cliff Drive area and its well-known recreational trail and vistas; the surfing areas at and around Lighthouse Point, including world famous Steamer Lane; the Mark Abbott Memorial Lighthouse and Surfing Museum at Lighthouse Point; the Municipal Wharf and its series of restaurants and shops; the wide sandy main beach and historic Santa Cruz Beach Boardwalk amusement park; Seabright Beach; and the Santa Cruz Harbor with its recreational and commercial fishing endeavors, as well as recreational boating, restaurants, and related draws. Offshore is the Monterey Bay National Marine Sanctuary (MBNMS), the largest of twelve such federally protected marine sanctuaries in the nation.

This coastal setting along with the City's generally mild climate and its beach culture combine to make it a desirable place to both live and visit. Such demand obviously increases the regional need for housing, jobs, roads, urban services, infrastructure, and community services, but also the need for park areas, public recreational facilities, and visitor serving amenities. In the City of Santa Cruz and the surrounding more urbanized Santa Cruz County area, the vast majority of residents live within a few minutes of the coast in the City and within a half hour or so in the County. Coastal zone resources thus are a critical element in helping to meet these recreational needs. In addition, with coastal recreational facilities, beaches, and offshore draws (including surfing, fishing, sailing, etc.) themselves attracting visitors into the region, an even greater pressure is felt at coastal recreational systems and destinations like West Cliff Drive. With the City's shoreline providing arguably the warmest and most accessible ocean waters and beaches in all of Northern California, and with the large population centers of the San Francisco Bay area, San Jose, and the Silicon Valley nearby, this type of resource pressure is particularly evident in coastal Santa Cruz.

The City of Santa Cruz shoreline is part of a larger area including Live Oak and Capitola downcoast that is home to some of the best recreational beaches and surf spots in the Monterey Bay area. Not only are north Monterey Bay weather patterns more conducive to beach recreation than the rest of the Monterey Bay area, but north bay beaches are generally the first beaches accessed by visitors coming from the north of Santa Cruz. With Highway 17 providing the primary access point from the north (including from the San Francisco Bay Area, San Jose and the Silicon Valley) into the Monterey Bay area, Santa



Cruz, Live Oak, and Capitola are the first coastal areas that visitors encounter upon traversing the Santa Cruz Mountains. As such, the City's shoreline area (including West Cliff Drive) is an important coastal access asset for not only Santa Cruz County, but also for visitors from the entire Central and Northern California region.

West Cliff Drive/Project Area

West Cliff Drive is located on the upcoast edge of the City, and it hugs the shoreline extending from near the entrance to the Santa Cruz Municipal Wharf all the way to Natural Bridges State Park upcoast (see Exhibit #2 for photographs). West Cliff Drive is located atop a roughly 30-40 foot tall bluff that extends mostly vertically down to the ocean with a few popular pocket beaches along its route. For the most part, West Cliff Drive is located almost immediately adjacent to the blufftop edge and thus it provides an incredible ocean and coastal vista, including because the residential neighborhoods of the City's westside are located inland of it, and there are very few structures seaward of the road. A meandering recreational multiuse path extends along the seaward side of the road for its entire length, and this path is heavily used by residents and visitors alike both in terms of the path itself and as a means to access the various recreational surf and beach areas along West Cliff Drive. Free public parking is provided in a series of parking bays and lots extending from the street, as well as on-street parallel parking along West Cliff Drive itself. Free public parking is also provided along most of the adjacent neighborhood streets, although some of these areas are restricted at times for residential parking only. West Cliff Drive is one of the most significant coastal visitor destinations in the City of Santa Cruz and the northern Monterey Bay.

The project area is that portion of West Cliff Drive between Santa Cruz Street and Chico Avenue (see Exhibit #1 page 2). This is a stretch of approximately 2.2 miles, and it encompasses nearly all of West Cliff Drive, and all of its primary destination points. According to the City, the project area currently includes 271 public parking spaces along West Cliff (202 in parking bays/lots, and 69 spaces distributed along the inland side of the street) and another 397 spaces along adjacent City streets extending inland and within about 300 feet of West Cliff Drive (see Exhibit #5). All of these parking areas are currently available at all times for free.¹

2. Project Description

The proposed project would prohibit parking in the bayside parking bays/lots within the project area from 10 p.m. to 5 a.m. daily through installation of no parking signs, and through enforcement of the signed parking restriction. Coastal visitors who are parked in the subject spaces between that time would be towed. This parking restriction would be applied to the 202 public parking spaces in the parking

¹ The City has already installed the proposed restrictive parking signs and implemented the parking restriction program. This appeal was filed on the City's after-the-fact approval of a coastal development permit application for such development. Although such development is currently in place, it is not the baseline for this appeal because it has yet to be permitted. As a result, current baseline for purposes of this CDP appeal review (and subsequent de novo CDP application) is that existing prior to the implementation of the parking program.



bays/lots, or about 75% of the public parking spaces along West Cliff Drive. The City is proposing the parking restrictions due to complaints received by the City Police Department and Public Works staff from the residents along West Cliff Drive, as well as pedestrians using the West Cliff Drive path, regarding nighttime activities occurring in the bayside parking areas along West Cliff Drive. The Police Department indicates that alcohol and gang related problems have been consistent occurrences over the years at the bayside parking areas, and that vandalism, shots fired, disturbances, littering, urinating in public, camping, and drug offenses have been documented, creating problems for both residents and pedestrians using the West Cliff Drive path (see City approval documents in Exhibit #3, and recent City correspondence in Exhibit #5). The City indicates that the 10 p.m. to 5 a.m. parking restriction is designed to address, and hopefully help abate, such problems.

3. City of Santa Cruz CDP Approval

In 2006, the City installed the proposed signs and implemented the proposed program. Shortly thereafter, the Commission became aware of the signs/program when coastal visitors complained about the parking restrictions. Discussions between City and Commission staffs regarding both the lack of a CDP for such development and the substantive issues surrounding such a program ensued. Commission staff informed the City that the 10 p.m. time restriction was problematic.

On October 3, 2007 the City of Santa Cruz Zoning Administrator approved an after-the-fact CDP to recognize the installation of a series of “No Parking – 10 p.m. to 5 a.m.” signs, and implementation of the parking restriction program in the project area (see Exhibit #3 for the City’s adopted staff report and findings on the project). Notice of the City’s action on the CDP was received in the Coastal Commission’s Central Coast District Office on October 3, 2007. The Coastal Commission’s ten-working day appeal period for this action began on October 19, 2007 and concluded at 5 p.m. on November 1, 2007. One valid appeal (see below) was received during the appeal period.

4. Appeal Procedures

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This project is appealable because it involves development related to a publicly financed recreational facility that is located both seaward of the first public road (and includes



the first public road) and within 300 feet of the blufftop edge.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo CDP hearing on an appealed project unless a majority of the Commission finds that “no substantial issue” is raised by such allegations. Under Section 30604(b), if the Commission conducts a de novo hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is located between the nearest public road and the sea, and thus this additional finding would need to be made if the Commission approves the project following a de novo hearing.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo CDP determination stage of an appeal.

5. Summary of Appeal Contentions

The Appellants contend that the County-approved project raises issues with respect to the project’s conformance with core LCP and Coastal Act policies related to public access and recreation and public viewsheds. Specifically, the appeal contends that the project approved by the City would reduce public access and recreational opportunities at a significant public access destination and resource, and that the signs themselves would negatively impact the significant West Cliff Drive public viewshed. The Appellants conclude that “the City-approved project does not appear to be consistent with Coastal Act and LCP requirements.” Please see Exhibit #4 for the complete appeal document.

6. Substantial Issue Determination

A. Public Access and Recreation

The LCP and the Coastal Act require public access and recreational opportunities along the coast to be protected and maximized, including public access parking (including Coastal Act Policies 30210, 30211, 30213, 30220, 30221, and 30223, and LCP Policies 1.7, 1.7.1, 3.5, 3.5.2, and 3.5.5.) (see Exhibits #6 and #7 for these policies). These requirements explicitly recognize and protect lower cost visitor recreational facilities and areas suitable for water oriented recreational activities. In addition, the LCP specifically requires enhancement of public access and recreational enjoyment (such as through enhanced public parking areas) along West Cliff Drive (including aforementioned LCP policies and



LCP Policy 1.7.6).² This requirement and the others identified emanate in part from the Coastal Act and LCP requirement to provide maximum recreational access. The term “maximum,” as distinct from “provide,” “encourage” or even “protect,” requires that coastal zone development affirmatively seek to provide the maximum of such public recreational opportunities possible, consistent with other resource constraints, and the protection of public and private rights.

The City-approved project would reduce public access and recreational opportunities (in this case, a reduction in free public parking) at a significant public access destination and resource. Although the City has provided appropriate reasons for such parking restrictions, the proposed program does not appropriately balance competing demands in a way that appropriately recognizes the importance of West Cliff Drive public parking areas at night. Even after the sun goes down, West Cliff Drive remains a significant public access resource area that is heavily used by the public for access to the shoreline (including for nighttime beach and surfing access, and for use of the West Cliff Drive recreational trail system). Although the proposed restrictions on parking are offset somewhat by the unrestricted public parking available inland of West Cliff, public access would be reduced by the proposed elimination of these shoreline public parking spaces between the hours of 10 p.m. and 5 a.m. As such, the approved project is inconsistent with LCP and Coastal Act public access and recreation policies, including those specifically requiring maximization, protection and enhancement of West Cliff Drive public recreational access opportunities.

B. Visual Resources

The LCP requires protection of public viewsheds, character, and aesthetics within the City’s coastal zone (including LCP Policies 1.6, 2.2.1, 4.1.3, and 5.6.4) (see Exhibit #7). Such policies and protections specifically protect the highly scenic West Cliff Drive shoreline, which is perhaps the most significant coastal vista within the City’s coastal zone area (including LCP Policy 4.1.3 which specially requires signs to be sensitive to the natural setting).

The City-approved signs are red and white metal signs that are typical of the standard “No Parking” type signs found in many cities. Many of the signs are installed on metal poles seaward of parking areas (see pages 4 and 6 of Exhibit #2). In some cases, where coastal bluff fencing is present directly adjacent to bayside parking spaces, the signs have been placed on the front of the fencing (see page 5 of Exhibit #2). Some of the signs, particularly those that are located atop metal sign poles, have been sited and designed in a manner that negatively impacts public views and the overall West Cliff Drive viewshed and aesthetic. These signs block and clutter a natural setting and viewshed that is critically important. As such, the approved project is inconsistent with LCP visual resource policies, including those specifically requiring protection and enhancement of the West Cliff Drive viewshed.

² The City is also required to develop a West Cliff Drive Management Plan pursuant to both the LCP (LCP Policy 1.7.6) and pursuant to the terms and conditions of Coastal Commission CDP 3-90-111-A2. This Plan was to have been submitted for Commission review and approval no later than June 2000, but little progress has been made to date. The Plan could, if completed, provide additional direction to the City and the Commission regarding the provision of public access along this stretch of coastline, and its completion should be a priority for the City’s coastal planning efforts.



C. Substantial Issue Determination Conclusion

In conclusion, the City-approved project raises substantial issues with respect to its conformance with applicable LCP and Coastal Act provisions related to protection and enhancement of visual resources and public recreational access opportunities. Therefore, the Commission finds that a substantial issue exists with respect to the approved project's conformance with the certified City of Santa Cruz LCP and the Coastal Act's access and recreation policies, and takes jurisdiction over the CDP application for the proposed project.

7. Coastal Development Permit Determination

The standards of review for this application are the City of Santa Cruz certified LCP and the public access and recreation policies of the Coastal Act (see Exhibits #6 and #7 for applicable Coastal Act and LCP policies). All Substantial Issue Determination findings above are incorporated herein by reference.

A. Proposed Project Not Approvable

Applications for parking restrictions must always be evaluated on a case-by-case basis. Parking restrictions often are proposed because of some perceived and/or documented problem with public parking later at night and/or overnight in terms of noise, public nuisance, inappropriate camping, public safety, and other related issues. In such cases, it is important that the problem be clearly identified and substantiated, and that any proposed response to such problems be as focused as possible to address the problem while avoiding public access impacts to the maximum extent. Any associated implementing measures (signs, striping, etc.) also need to respect public viewsheds and access.

The parking restrictions proposed raise issues regarding public use of public streets and parking areas for parking in order to access the multiuse path, beaches, and offshore surfing area along West Cliff Drive, as well as regarding restrictions on low-cost (in this case, no-cost) recreational facilities during the evening hours. The West Cliff Drive path system is a free resource open to the public 24-hours each day. The ability to take a stroll along the multiuse path or along a beach during the evening hours, or to access the shoreline waters during moonlit nights in order to surf, is substantially dependent upon convenient parking along West Cliff Drive, including the bayside parking spaces. During the summer months, the sun sets at approximately 8:30 p.m. and the sky is not completely dark until after 9:00 p.m. The Santa Cruz Beach Boardwalk is open until 11 p.m. during the summer months, and restaurants and bars on the nearby Municipal Wharf are open late into the evenings also. Thus, visitors and residents alike are still bustling about well after 10 p.m. on warm summer evenings, and other times of the year as well. Restricting parking at 10 p.m. substantially decreases the opportunity for all persons to enjoy the West Cliff Drive multiuse path and adjacent beaches and ocean waters, other than perhaps those that live on West Cliff Drive or the surrounding side streets, or those who are the guests of these residents.

B. Revised Approvable Project

The Commission understands the City's arguments for the proposed parking restrictions, and believes a



valid case can be made that certain users of the public parking areas in question have led to nighttime problems of the types articulated by the City. At the same time, the Commission believes that the parking areas in question are important and valuable public access resources protected by the Coastal Act and the LCP. Even after the sun goes down, West Cliff Drive remains a vibrant and significant public access resource area that is used by the public for access to the shoreline (including for nighttime beach and surfing access, parking and taking in the night sky and coastal vistas across the bay, and for use of the West Cliff Drive recreational trail system). The proposed restrictions on the parking bays/lots are offset somewhat by the unrestricted public parking along the inland side of West Cliff Drive and on adjacent City streets inland of West Cliff Drive. However, these inland parking spaces do not provide nighttime parking to take in the coastal view. The on-street parking spaces also are less convenient for other coastal visitors and users, they are unmarked, and they are more likely to be used by residents. In addition, the on-street spaces on West Cliff Drive are limited to the upcoast end of West Cliff. Finally, although not proposed for restriction, the proposed project does not include any assurances that these inland spaces are going to remain unrestricted in the future. In any case, public access would be reduced by the proposed elimination of the shoreline public parking spaces between the hours of 10 p.m. and 5 a.m.

The project must balance the required mandate to maximize public access with the complementary requirement to take into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances that apply (Coastal Act Section 30214 and LCP Policy 1.7; see Exhibits #6 and #7). As stated in Coastal Act Section 30210, maximum access should be provided consistent with public safety needs, and the need to protect public rights, the rights of private property owners, and natural resource areas from overuse. The Commission finds that the balance struck by the City to date has not adequately protected public access parking consistent with these requirements. The Commission further finds that the signs have not entirely been sited in a manner that is adequately protective of the significant public viewshed.

Given the significance of the public parking resource in this case, the Commission finds that a more appropriate balance is to address the nighttime nuisance issue by allowing a parking restriction to be implemented during the hours of midnight to 5 a.m. This restriction responds to the identified problem in such a way as not to penalize general public access users who are legitimately accessing the coast at night during a potentially high use time, but instead putting an appropriate limit on that use that recognizes the attractive nuisance that the subject parking areas have historically provided as the night gets later. The Commission finds that midnight is the more appropriate starting time in this case. With respect to the 5 a.m. end time for the restriction, the Commission finds that there is no need to adjust the time because of the limited nature of access prior to that time in the morning.³ The Commission believes that the other public parking in the area that is not currently restricted (and wouldn't be as a result of this project) offsets the loss of public access parking associated with the nighttime parking restrictions. Any

³ The midnight to 5 a.m. parking restriction is the same time frame and restriction imposed by the Commission when confronted with similar circumstances in other coastal communities (e.g., most recently for the Del Mar parking lot and along Scenic Drive in Carmel). In the Carmel case, the City's signed parking restrictions were also posed in the affirmative where the times that public parking was available was highlighted (as opposed to when it was not available), and the signs used green text and graphics as a means of evoking a more positive invitation to public use..



future proposal to restrict parking in these other locations would require a new coastal development permit that would be appealable to the Commission.

With respect to the signs themselves, although many are appropriately sited, some of them could be re-sited and designed to minimize their impact on the West Cliff Drive viewshed. In particular, those signs that are taller than necessary or that could be relocated to an existing fence or pole or similar structure should be re-sited and designed. Overall, the Commission supports sign design and placement that can blend into the West Cliff Drive viewshed as much as possible, and encourages the City to pursue such changes through this project and otherwise.⁴

C. Conclusion - Approval with Conditions

Accordingly, the Commission finds that special conditions are necessary to ensure Coastal Act and LCP consistency as follows:

- Special Condition #1 only allows for the midnight to 5 a.m. restriction. Parking is not allowed to be restricted other than during this time frame.
- Special Condition #2 requires a sign plan to be submitted to the Executive Director to address the re-siting and design of those signs that are not currently sited or designed in an optimum fashion, as well as to show the change in the time restriction. The Commission finds that 60 days for submittal of such a plan for Executive Director review and approval is appropriate, and provides the City with adequate response time to the approved CDP.
- Special Condition #3 requires the approved sign plan to be implemented in a timely manner, and an additional 30 days following approval of the sign plan is allotted for this purpose. In allowing the City this time period for implementation, the Commission notes that it is not requiring the City to remove the signs that were placed without benefit of a CDP immediately. The reason for this is to try to help the City to best utilize public funds by avoiding City crews performing work at two separate times, and instead focusing implementation at one time subject to an approved plan. This allowance is also based on the premise that plan implementation will precede spring and summer when West Cliff Drive use increases, including as the daylight portion of the days grows longer and weather generally improves.

As conditioned, the Commission finds the project consistent with the LCP and the Coastal Act.

8. Coastal Development Permit Conditions of Approval

⁴ For example, limiting the number of signs installed as much as possible; limiting size of signs to that necessary to ensure readability; limiting text on signs to that necessary to clearly convey the basic information in as non-confrontational a manner as possible; siting necessary signs on existing viewshed obstructions (such as trash receptacles, fences, etc.) as opposed to poles and new obstructions as much as possible; using complementary street markings to limit numbers of signs installed; using muted and earth-tone background and foreground colors on signs and related media if feasible; etc..



A. 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 or 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.

B. Special Conditions

1. **Approved Public Parking Restrictions.** Public parking located on the seaward side of West Cliff Drive may be prohibited between midnight and 5 a.m. All other parking in the project area (i.e., along the inland side of West Cliff Drive and the first block of inland side streets) shall remain unrestricted free public parking.
2. **Sign Plan.** Within 60 days of approval of this coastal development permit, the Permittee shall submit a Sign Plan to the Executive Director for review and approval. The Sign Plan shall apply to all areas identified in Special Condition #1, and shall provide for the re-siting and redesign of all signs and related media (e.g., stencils, striping, etc., as applicable) that are inconsistent with the Approved Public Parking Restrictions (see Special Condition #1), including with respect to signs that are taller than necessary to convey the restriction information adequately to the users of the parking areas, and that could be easily relocated to an existing fence, pole, or similar structure without limiting their effectiveness.

All requirements of this special condition above shall be enforceable components of this coastal development permit. The Permittee shall undertake development in accordance with the approved Sign Plan. Any proposed changes to the approved Sign Plan shall be reported to the Executive Director. No changes to the approved Sign Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

3. **Implementation of Approved Sign Plan.** Within 30 days of approval of the Sign Plan (see Special



Condition #2), the Permittee shall remove/install all signs and related media (e.g., stencils, striping, etc., as applicable) pursuant to the parameters of the Approved Sign Plan, and shall implement all other measures of the Approved Sign Plan.

9. 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 which the activity may have on the environment.

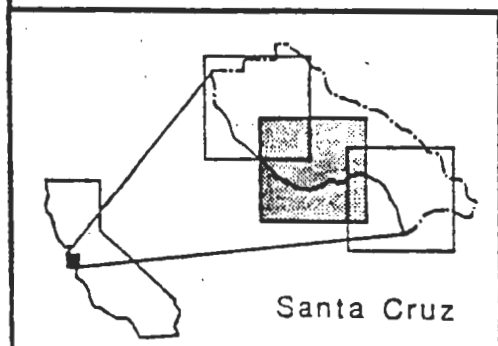
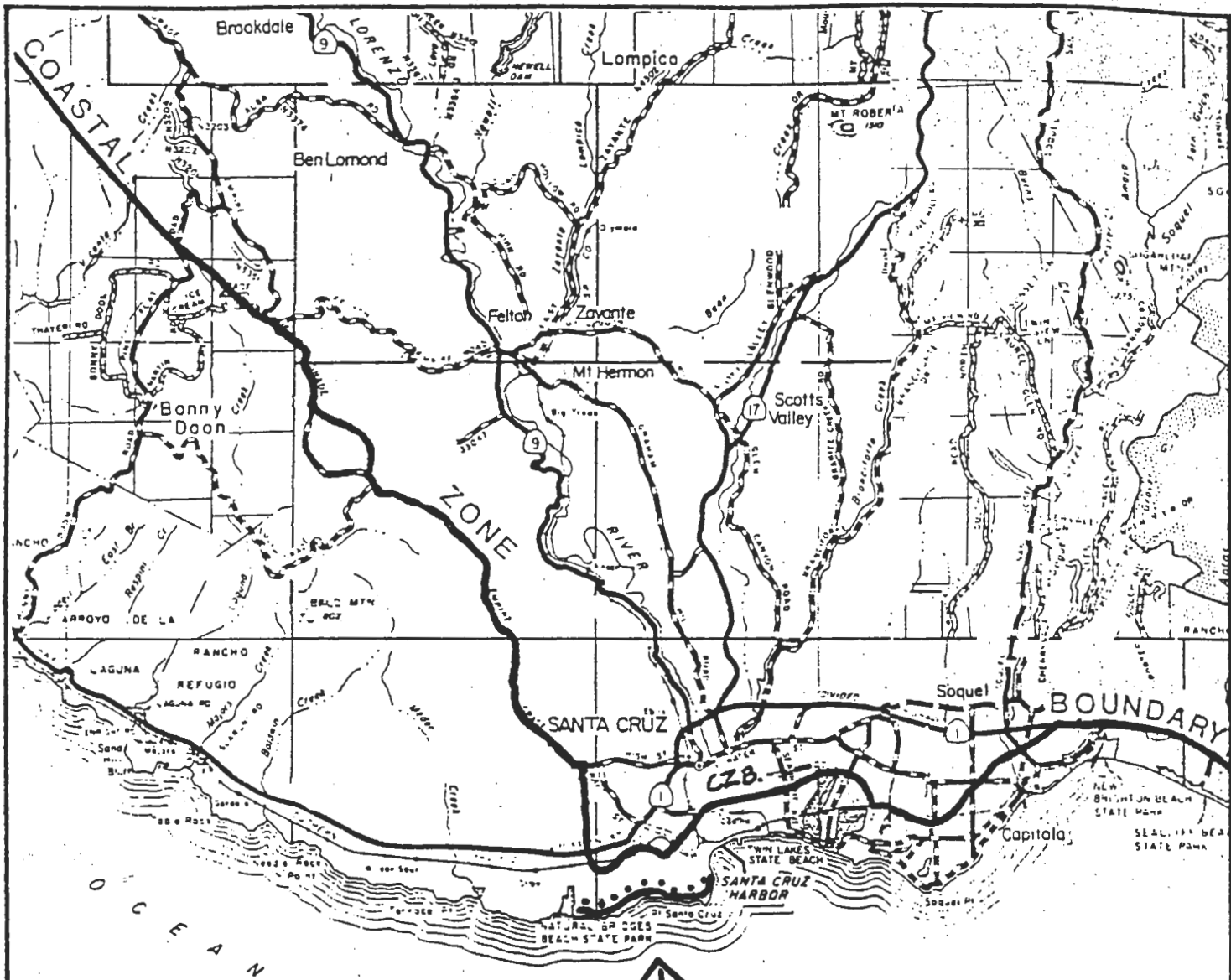
The City, acting as the lead CEQA agency, exempted the project from environmental review pursuant to Section 15301 of CEQA.

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 Commission has reviewed the relevant coastal resource issues with the proposed project, and has identified appropriate and necessary modifications to address adverse impacts to such coastal resources. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

The Commission finds that only as modified and conditioned by this permit will the proposed project avoid significant adverse effects on the environment within the meaning of CEQA. As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that approval of the proposed project, as modified, would have on the environment within the meaning of CEQA. If so modified, 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).



Th126



West Cliff Drive

CCC Exhibit 1
(page 1 of 2 pages)

 California Coastal Commission

LOCATION MAP


miles



County of Santa Cruz



www.californiacoastline.org

Image 200401440

West Cliff Drive near Manor Avenue

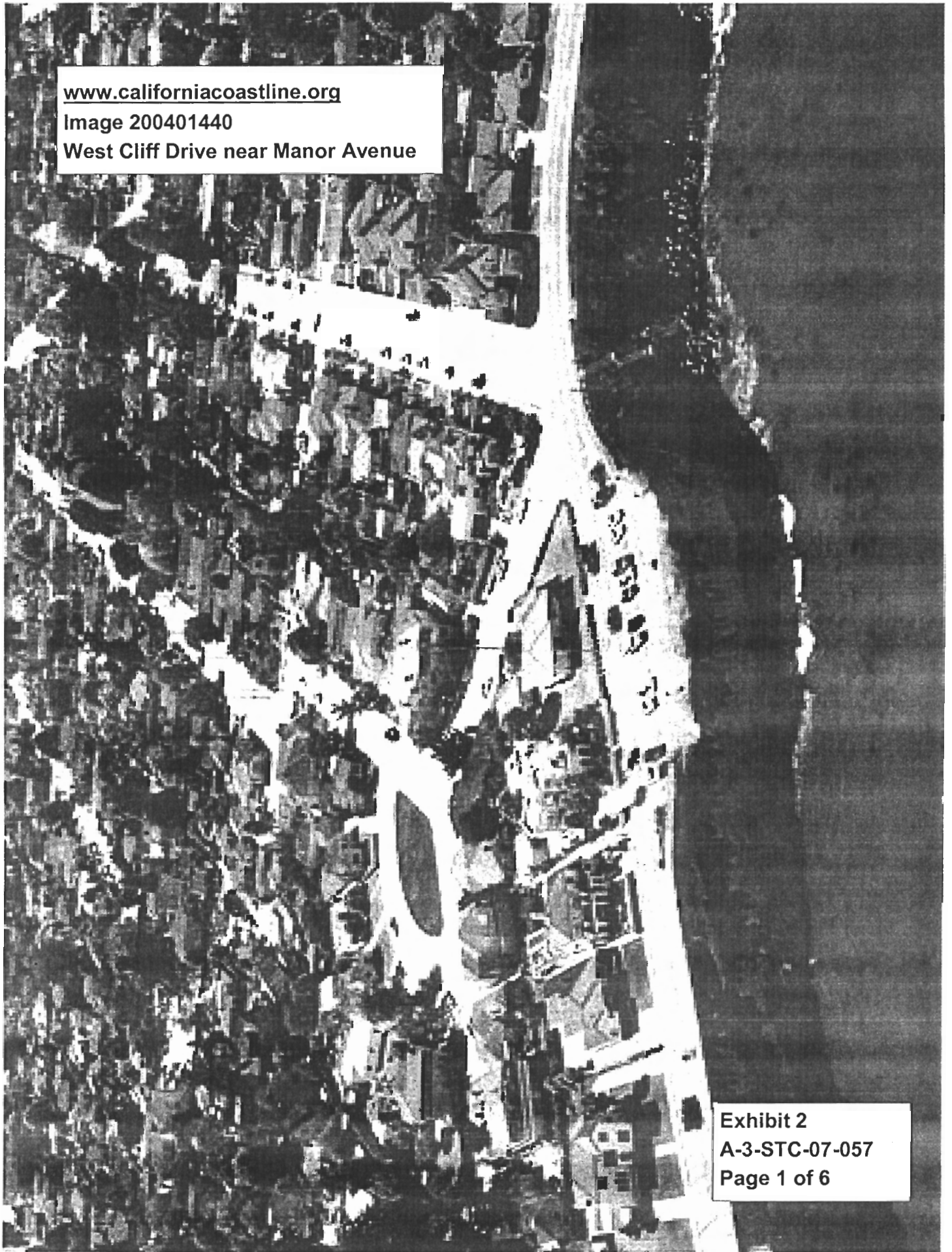
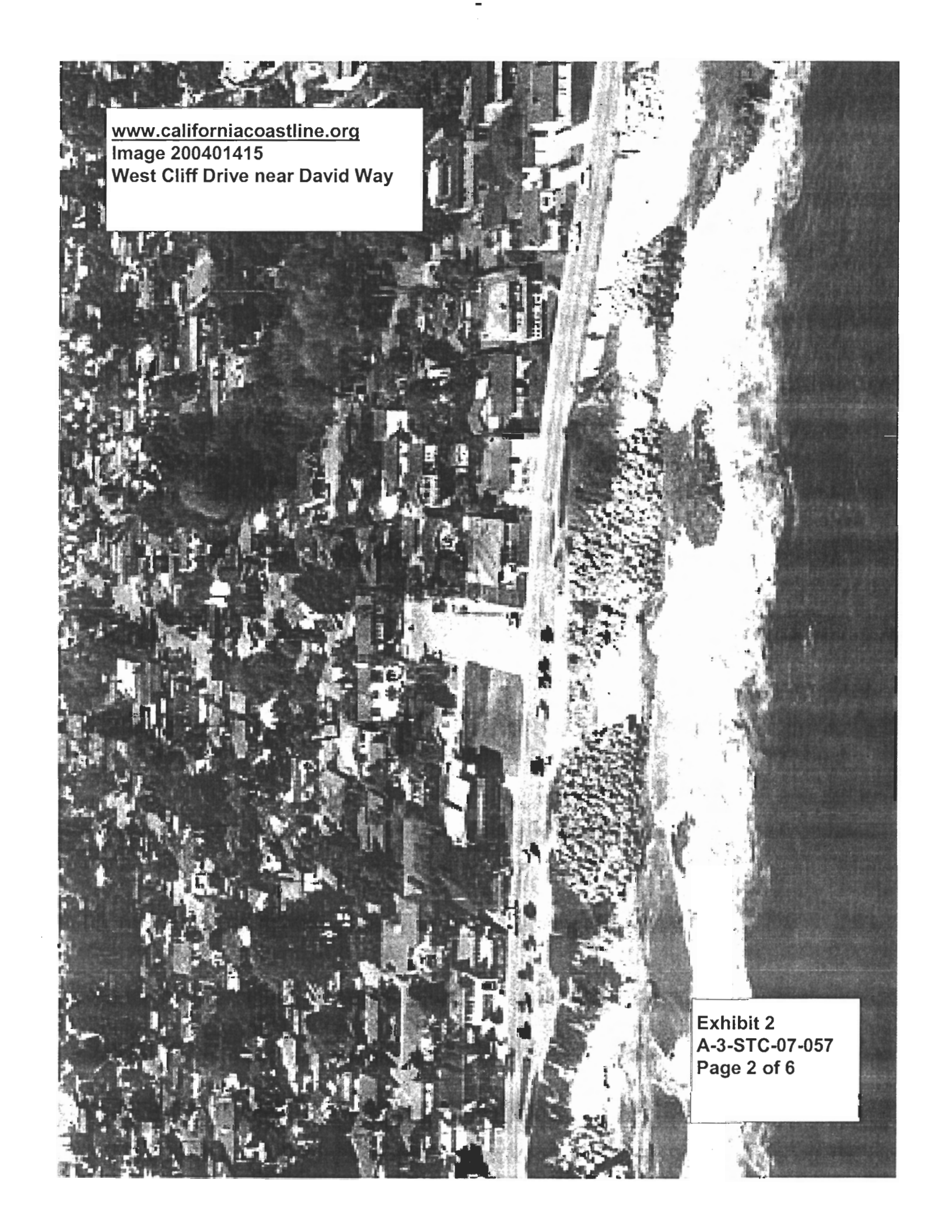


Exhibit 2
A-3-STC-07-057
Page 1 of 6

An aerial photograph showing a coastal town. A road, identified as West Cliff Drive, runs vertically through the center of the image. To the left of the road is a densely wooded area with many houses. To the right of the road is a sandy beach and the ocean. The image is in black and white.

www.californiacoastline.org
Image 200401415
West Cliff Drive near David Way

Exhibit 2
A-3-STC-07-057
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www.californiacoastline.org

Image 200401440

West Cliff Drive near Stockton Avenue

Exhibit 2
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Exhibit #2
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Page 4 of 6

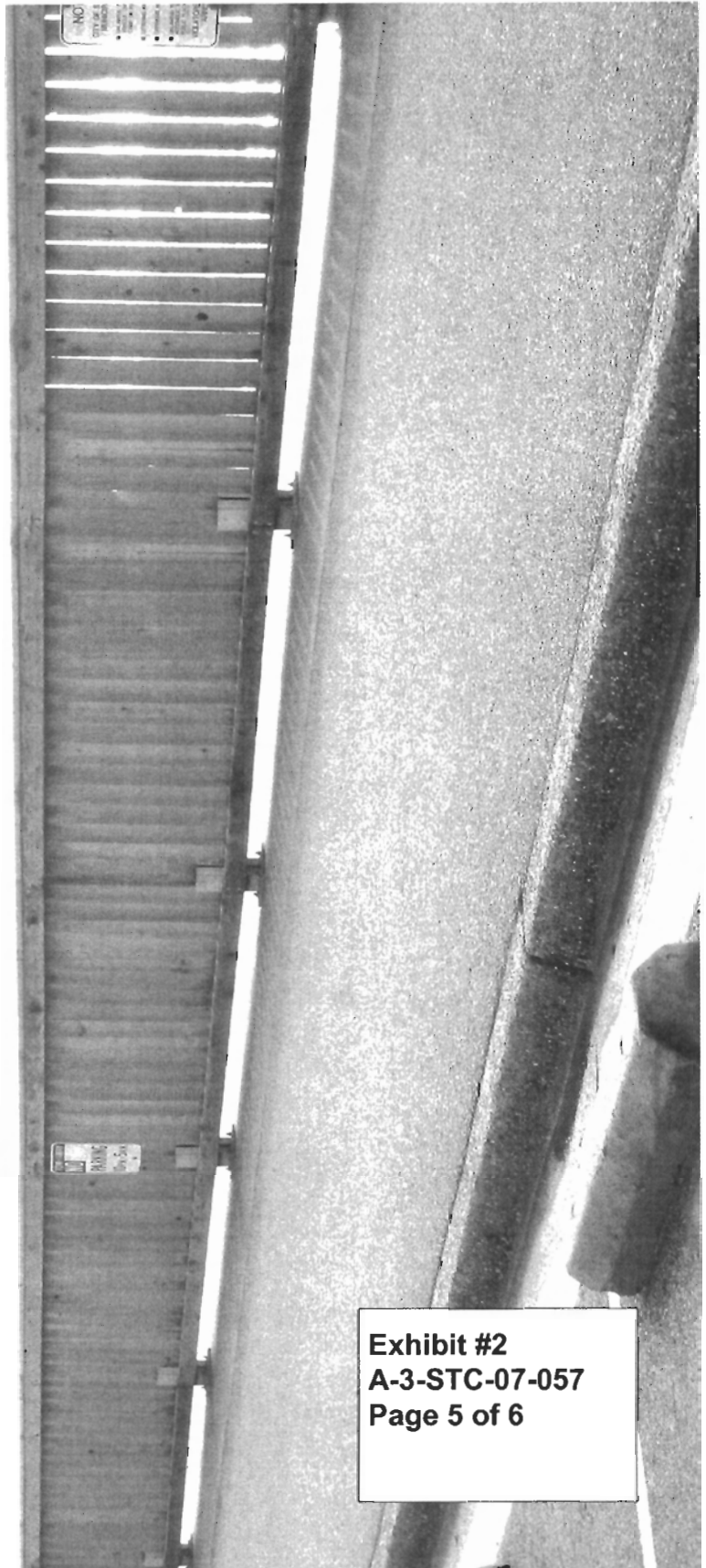


Exhibit #2
A-3-STC-07-057
Page 5 of 6

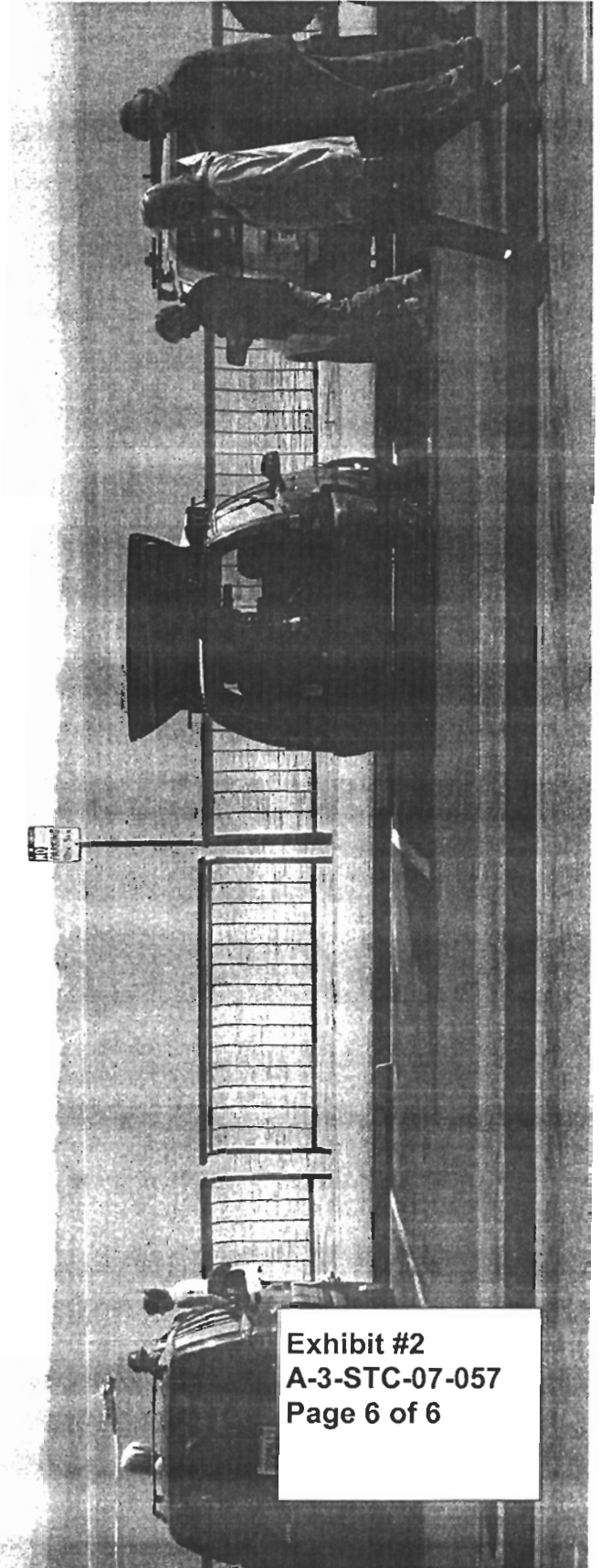


Exhibit #2
A-3-STC-07-057
Page 6 of 6



ZONING ADMINISTRATOR AGENDA REPORT

DATE: September 24, 2007

AGENDA OF: October 3, 2007

ITEM NO.: 07-140

West Cliff Drive

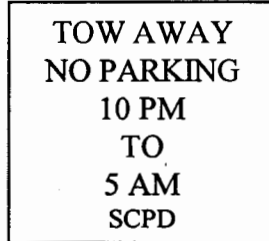
RECOMMENDATION: That the Zoning Administrator acknowledge the environmental determination and approve the Coastal Permit based on the Findings listed below.

PROJECT DATA

Property Owner:	City of Santa Cruz
Representative:	Marlin Granlund, Public Works Department
Application Type:	Coastal Permit to recognize the installation of "No Parking - 10PM to 5AM" signs on West Cliff Drive between Santa Cruz Street and Chico Avenue in the OFR zone district.
Zoning Designation:	Ocean Front Recreational (OFR)
Project Consistency:	Consistent with the OFR designation
General Plan:	Coastal Recreation (CR)
Project Consistency:	Consistent with the General Plan designation
Land Use:	
Existing:	Public parking
Proposed:	Same
Parking:	No decrease in the number of spaces; posted hours to change
Coastal Review:	Coastal Permit required
Environmental Review:	Categorical Exemption (15301, Class 1(g)) New copy/existing signs
Mandatory Action Date:	60 days after acknowledgement of Environmental Exemption
Planner:	Michael S. Ferry, AICP

PROJECT DESCRIPTION

This is an application to recognize the installation of new signage that restricts parking along West Cliff Drive in the parking bulbs between Santa Cruz Street and Chico Avenue. The signs read:



CCC Exhibit 3
(page 2 of 6 pages)

Section 24.08.210 of the Zoning Ordinance requires approval of a Coastal Permit for development within the Coastal Zone that is not specifically exempted. This project is defined in the Local Coastal Plan (LCP) as "development" because a restriction on hours could change the intensity of the use of the ocean or access thereto and parking hour restrictions are not specifically exempted in the LCP.

ANALYSIS

Both Police and Public Works staff have received complaints from the residents along West Cliff Drive as well as pedestrians using the West Cliff Drive path about night time parking in the bulb-out parking areas along West Cliff Drive. These parking areas are within the right-of-way of West Cliff Drive and are regulated by Police and Public Works Departments. These parking areas differ from the Lighthouse State Park parking areas which are State Property and are closed and locked at 9:00 PM and patrolled by a private security company.

Most of the City lots on West Cliff Drive have been signed with restricted parking hours and/or no overnight camping signs for the last 30 years. The signs are routinely vandalized or stolen and have to be replaced periodically. A series of crimes along West Cliff Drive and throughout the west side of Santa Cruz initiated a neighborhood meeting that included the West Cliff Drive Homeowners Association, the Santa Cruz Neighbors, the Police, Parks and Recreation and Public Works Departments. The Police Chief and neighbors discussed the increase in crime within the west side and along west Cliff Drive and developed the plan for uniform signage in the parking areas.

Police representatives indicate that alcohol and gang related problems have been consistent occurrences over the years at the parking bulb outs. Vandalism, shots fired, disturbances, littering, urinating in public, camping and drug offensives are constant problems for both neighbors and pedestrians using the West Cliff Drive Path. There is typically more criminal activity in the summer, however, these problems persist year round and continue to strain police resources. The Police describe the parking areas and associated criminal activity "a constant battle".

Coastal Commission staff has expresses concern that the restriction of parking hours at these locations could limit public access to those who wish to surf late at night. Although the public parking spaces in the bulb outs would be closed after 10:00 PM staff feels there is adequate parking on any of the adjacent streets as well as along many sections of West Cliff Drive that would allow night time surfers access to the breaks.

The signage will allow police to curtail nefarious activities at these parking locations which will allow the public safe, night time coastal access and safe use of the West Cliff Drive path. Staff feels that the parking restriction could actually increase night time coastal access by making the coast safer for the general public and thereby more attractive. Staff recommends approval of the Coastal Development Permit based on the attached Findings.

FINDINGS

Coastal Permit, Section 24.08.250

1. Maintain views between the sea and the first public roadway parallel to the sea.

The signage is predominantly replacement signs and will not affect coastal views.

2. Protect vegetation, natural habitats and natural resources consistent with the Local Coastal Land Use Plan.

The project has been evaluated for potential environmental impacts in accordance with the California Environmental Quality Act (CEQA) and the City's environmental review procedures. No vegetation, natural habitats or natural resources will be disturbed.

3. Be consistent with any applicable design plans and/or area plans incorporated into the Local Coastal Land Use Plan, in that it implements policies therein.

The parking signage is consistent with the General Plan in that it implements many of the public safety policies therein.

4. Maintain public access to the coast along any coastline as set forth in the Local Coastal Land Use Plan.

Although the public parking spaces in the bulb outs would be closed after 10:00 PM there is adequate public parking on any of the adjacent streets as well as along many sections of West Cliff Drive to allow night time surfers and pedestrian to access the coast. Allowing police to curtail nefarious activities at these parking locations will enable the general public to experience safer coastal access to the ocean as well as the West Cliff Drive path. Increasing the overall safety in the area could make it more attractive to the general public and could actually increase night time coastal use.

AGENDA REPORT

ZA Meeting of October 3, 2007

SUBJECT: West Cliff Drive – Application #07-140

Page 4

5. **Be consistent with the Local Coastal Land Use Plan goal of providing visitor-serving needs as appropriate.**

The signage will maintain visitor serving needs as appropriate in the day and evening while night time users can park on adjacent streets.

6. **Be consistent with the Local Coastal Land Use Plan goal of encouraging coastal development uses as appropriate.**

The signage may increase coastal access at night by providing a safer environment for the general public.

Shoreline Protection Overlay District, Section 24.10.2430

7. **The project protects trees and vegetation and sensitive wildlife habitat.**

The parking signage will not affect trees, vegetation or sensitive wildlife habitat.

8. **The project is consistent with the following criteria for bluff or cliff development:**

- a. **The development is sited and designed to assure stability and structural integrity of its expected economic life span and minimize alterations to natural landforms.**
- b. **The development will not create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding geologically hazardous areas.**
- c. **The development minimizes alteration of cliffs, bluff tops, faces or bases, and will not interfere with sand movement.**
- d. **The development which proposes use of retaining walls shall be allowed only to stabilize slopes. Sea walls at the toe of sea cliffs to check marine erosion shall be allowed only where there is no less environmentally damaging alternative.**
- e. **The development within one hundred feet of any cliff or bluff line shall follow the recommendations of an approved geologic report by a registered geologist. The area where such a report is required may be increased where the issue of slope stability requires a greater distance from any cliff or bluff line.**

The parking signage is predominantly placed on existing sign posts and will not physically affect any cliff or bluff.

CCC Exhibit 3
(page 4 of 6 pages)

AGENDA REPORT

ZA Meeting of October 3, 2007

SUBJECT: **West Cliff Drive – Application #07-140**

Page 5

9. **The project provides maximum erosion protection, using accepted engineering practices and other methods and specifications set forth in this title.**

The parking signage is predominantly placed on existing sign posts and will not physically affect any cliff or bluff.

10. **The project maintains public view corridors between the sea and the first public roadway parallel to the sea and maintain natural views of the coastline.**

The parking signs will not affect coastal views in that the signs are predominantly on existing sign posts at the same location and height.

11. **The project protects paleontological resources as prescribed in the Land Use Plan.**

The parking signs will not affect paleontological resources in that the signs are predominantly on existing posts.

12. **The project protects and enhances free public access to or along the beach, and sign such access when necessary.**

The parking signs will not take away any free public parking or beach access, they will limit the hours to day time and late evening. Public parking is adjacent to these lots on public streets which can be used after 10:00 PM.

13. **The project includes mitigation measures prescribed in any applicable environmental document.**

There are no mitigation measures required.

14. **The project is compatible with the established physical scale of the area.**

The signs are at the same location and height of the previous signs.

15. **The project is consistent with the design review guidelines of this title and the policies of any applicable area plan.**

The signage is consistent with the Public Works and Police sign criteria.

CCC Exhibit 3
(page 5 of 6 pages)

16. **The project is consistent with the policies of the Local Coastal Program, the General Plan, and the California Coastal Act.**

The parking signage is consistent with the General Plan and the LCP

Submitted by:

Approved by:

Michael S. Ferry, AICP
Associate Planner

Don Lauritson
Senior Planner

CCC Exhibit 3
(page 6 of 6 pages)

Reasons for Appeal: City of Santa Cruz Coastal Development Permit 07-140 (West Cliff Drive Parking Restrictions)

The City of Santa Cruz approved a coastal development permit to recognize the installation of "No Parking 10 p.m. to 5 a.m." signs on the seaward side of West Cliff Drive between Santa Cruz Street and Chico Avenue. West Cliff Drive is an important coastal access and recreational asset for City residents, County residents, and visitors to the area. West Cliff Drive provides access to a number of coastal environments, including sandy beaches, rocky intertidal areas, offshore surfing areas, bluff-top terraces, as well as the West Cliff Drive pedestrian/bike path that extends almost the entire 2.5-mile length of West Cliff Drive. West Cliff Drive also provides access to dramatic ocean and shoreline views. The City-approved project raises Local Coastal Program (LCP) and Coastal Act conformance issues and questions as follows:

I. Coastal Access and Recreation

The LCP and the Coastal Act (including the Coastal Act's public access and recreation policies, LCP Land Use Element Policies 3.5, 3.5.2, 3.5.5, and LCP Parks and Recreation Element Policies 1.7, 1.7.1, and 1.7.6) require that public access and recreation opportunities, including public access parking, be maximized and protected. The City-approved project would prohibit public parking along the seaward side of West Cliff Drive from 10 p.m. to 5 a.m. daily, in conflict with the Coastal Act and LCP mandates to protect, maximize, and enhance public access and recreational opportunities, including parking, along the coast. The effect of the signs (and enforcement of their limitations) would be to reduce public access and recreational opportunities (in this case a reduction in free public parking) at a significant public access destination and resource.

II. Visual Resources

The City-approved signs (which are numerous) are red and white metal signs installed on metal poles, and are typical of the parking restriction signs found in many cities. The LCP (including LCP Environmental Quality Element policy 4.1.3, Community Design Element Policy 2.2.1, Land Use Element Policy 1.6, and Economic Development Element Policy 5.6.4) requires protection of the public viewshed, community character, and coastal zone aesthetics within the City. Such policies and protections specifically protect the highly scenic West Cliff Drive shoreline, which is perhaps the most significant coastal vista within the City. The signs appear to have been sited and designed in a manner that negatively impacts public views and the overall West Cliff Drive viewshed and aesthetic, including in terms of sign location and height, as well as in terms of their design.

In sum, the City-approved project reduces public access and recreational opportunities and adversely impacts the public viewshed at a significant visitor destination. As such, the City-approved project does not appear to be consistent with Coastal Act and LCP requirements. These issues warrant further analysis and review of the project by the Coastal Commission.



PUBLIC WORKS DEPARTMENT

809 Center Street, Room 201, Santa Cruz, CA 95060 • 831 420-5160 • Fax: 831 420-5161 • citypw@ci.santa-cruz.ca.us

January 29, 2008

Susan Craig
California Coastal Commission
725 Front Street
Santa Cruz, CA 95060

RECEIVED

FEB 06 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Ms. Craig,

This letter is in response to the State Coastal Commission's appeal of application No. 07-140; Coastal Permit to recognize the installation of "No Parking Tow Away - 10PM to 5AM" signs on West Cliff Drive between Santa Cruz Street and Chico Avenue in the Ocean Front Zone. The signs were approved by the City of Santa Cruz Zoning Authority, authorized by the Local Coastal Plan, at a public hearing with no public opposition. The intention of this letter is to reiterate and magnify the City's position on the signage.

The City of Santa Cruz Police Department has documented alcohol and gang related problems as consistent occurrences over the years at the parking bulb outs along West Cliff Drive. Vandalism, shots fired, disturbances, littering, urinating in public, camping and drug offenses are constant problems for both neighbors and pedestrians in the area. Police describe the parking bulb outs and the associated criminal activity as a constant battle which cumulated in a well publicized shooting in 2006 where stray bullets entered a home on West Cliff Drive.

After that incident, several hundred Westside residents organized to resolve the crime issues in their neighborhood. During a well attended public meeting with neighbors and City staff, the Police Department recommended that the Department of Public Works install signs to limit the allowable parking hours along West Cliff Drive. The residents were so enthusiastic with the idea that they collected over \$1,200 to pay for the signage. Approximately eleven existing signs were replaced and eight new signs were installed that limit the hours of parking.

After the Coastal Commission's appeal, Public Works staff conducted an evening parking space availability study on December 11, 2007 at 10 p.m. The study found 379 available parking spaces located on West Cliff Drive and on the side streets between Santa Cruz Street and Chico Avenue within 300 feet of West Cliff Drive.

CCC Exhibit 5
(page 1 of 3 pages)

Attached is a table which lists the specific locations and numbers of spaces available. The study does not indicate that there would be any reduction to public access or recreational opportunities due to the posting of signage along West Cliff Drive. The study does indicate that there is ample parking available in all locations within 300 feet of West Cliff Drive.

I hope this additional information is helpful to resolve this issue.



Mark Dettle
Director of Public Works



Howard Skerry
Chief of Police

Attachment:
West Cliff Drive Parking Occupancy Survey

CCC Exhibit 5
page 2 of 3 pages)



West Cliff Drive Parking Occupancy Survey
 Survey taken on Saturday December 1, 2007 at 10:00p.m.

Side Streets 300 Ft. Off West Cliff Drive				
LOC.	Side Street	Vacant Spaces	Available Spaces	
1	Santa Cruz St	13	18	
2	Monterey St	12	21	
3	Manor Ave	31	37	
4	Pellon Ave	16	16	
5	Columbia St	11	21	
6	Woodrow Ave	18	23	
7	David Ave	12	20	
8	Sunset Ave	20	20	
9	Almar Ave	26	28	
10	De La Costa Ave	13	20	
Total			397	

Off Street Lots on West Cliff Drive				
LOC.	Lot Across From	Vacant Spaces	Available Spaces	
A	506 West Cliff Dr	17	18	
B	544 West Cliff Dr	12	13	
C	Lighthouse Flt-Surfers	15	16	
D	Lighthouse Lot	closed	28	
E	Lighthouse Flt-Is Beach	closed	18	
F	916 West Cliff Dr	11	11	
G	Lighthouse Flt-Is Beach	16	16	
H	950 West Cliff Dr	33	33	
I	1122 West Cliff Dr	7	7	
J	1242 West Cliff Dr	8	8	
K	1402 West Cliff Dr	8	8	
L	1510 West Cliff Dr	11	12	
M	1712 West Cliff Dr	4	4	
N	2006 West Cliff Dr	8	9	
Total		150	155	

On Street Parking-West Cliff Drive				
LOC.	On Street Parking	Vacant Spaces	Available Spaces	
P	across lighthouse field at Surfers lot	4	4	
Q	across lighthouse field restrooms	6	6	
R	890 West Cliff Dr	4	4	
S	900 blk West Cliff Dr (Columbia to Woodrow)	28	29	
T	1000 blk West Cliff Dr (Woodrow to David)	14	14	
U	1200 blk West Cliff Dr (De La Costa to Fair)	14	14	
V	1400 blk West Cliff Dr (Getchell to John)	8	8	
Total		68	69	

Report for Santa Cruz, California, prepared by the Santa Cruz County Planning Department, dated December 1, 2007. Prepared by: Planning Department, Santa Cruz County, California.

CITY OF SANTA CRUZ
 PUBLIC WORKS DEPARTMENT
 809 Center Street, Room 201
 Santa Cruz, CA 95060

WEST CLIFF DRIVE
 OCCUPANCY SURVEY
 PLAN VIEW

REVISIONS

DATE: 12/01/2007
 DRAWN: BERTINO
 DESIGN: BERTINO
 CHECKED: BURR

REFERENCES:
 FIELD BOOK: N/A
 DRAWING #: N/A

SCALE: 1"=700'
 SHEET: 1 OF 1
 VAULT NO: N/A



APPLICABLE COASTAL ACT PUBLIC ACCESS AND RECREATION POLICIES

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.*

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.*

30212.5: *Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

30213 (in relevant part): *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

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 including, but not limited to, the following: (1) topographic and geologic site characteristics. (2) The capacity of the site to sustain use and at what level of intensity. (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses. (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter. (b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution. (c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.*

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

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.*

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

APPLICABLE CITY OF SANTA CRUZ LOCAL COASTAL PROGRAM POLICIES

Land Use Element Policy 1.6: Minimize, when practical, obstruction of important views and viewsheds by new development. In the Coastal Zone, development shall be sited and designed to and along the ocean and in scenic coastal areas to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and to restore visual quality in visually degraded areas.

Land Use Element Policy 3.5: Protect coastal recreation areas, maintain all existing coastal access points open to the public, and enhance public access, open space quality and recreational enjoyment in a manner that is consistent with the California Coastal Act.

Land Use Element Policy 3.5.2: Ensure that development does not interfere with the public's right to access the ocean (where acquired through use or other legislative authorization).

Land Use Element Policy 3.5.5: Develop and implement plans to maximize public access and enjoyment of recreation areas along the coastline.

Parks and Recreation Element Policy 1.7: Develop plans to repair, maintain and maximize public access and enjoyment of recreational areas along the coastline consistent with sound resource conservation principles, safety, and rights of private property owners.

Parks and Recreation Element Policy 1.7.1: Maintain and enhance vehicular, transit, bicycling, and pedestrian access to coastal recreation areas and points.

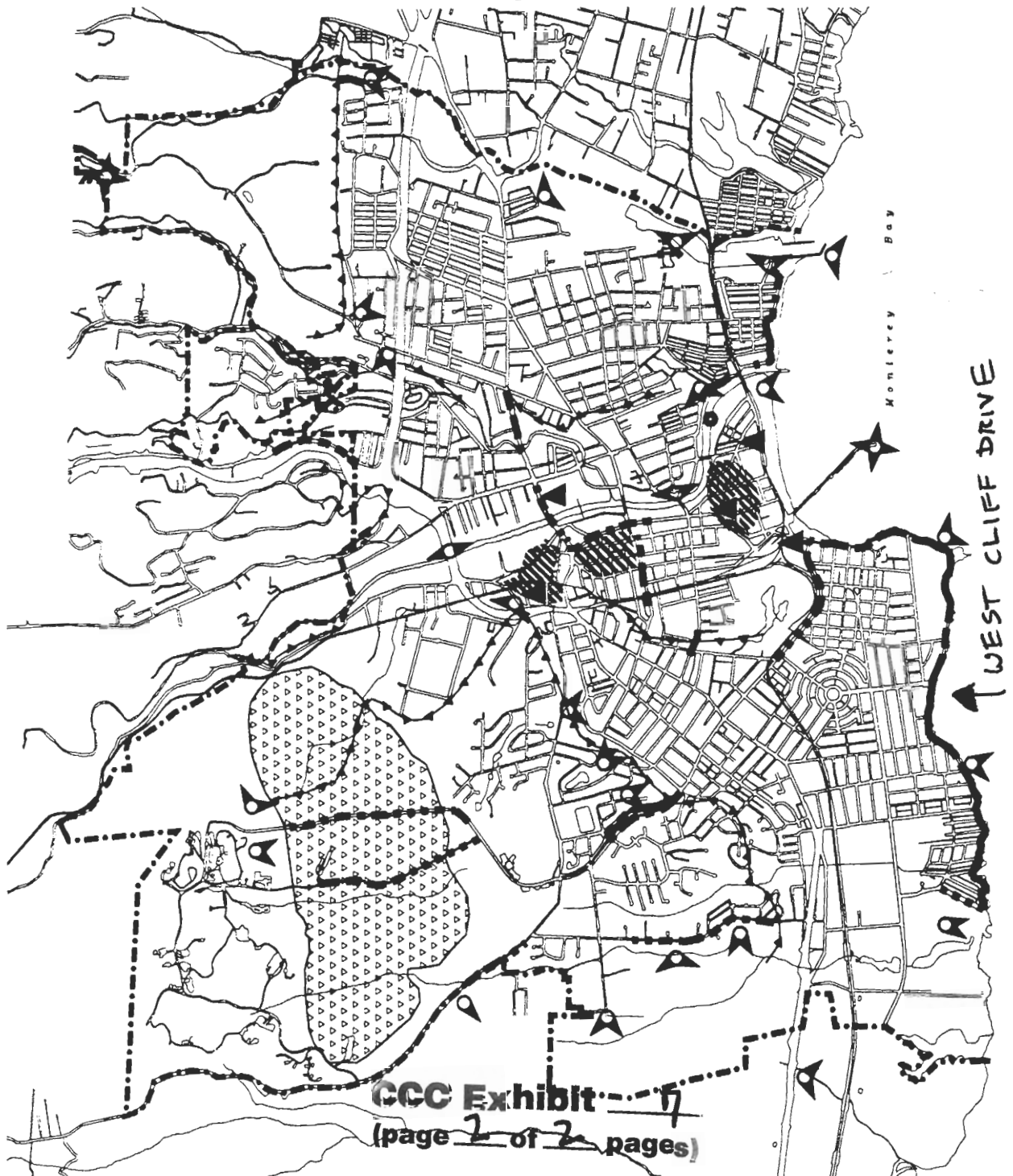
Parks and Recreation Element Policy 1.7.6 (in relevant part): develop and implement an integrated design, land use, recreation, cliff stabilization, and landscaping plan for West Cliff and east Cliff Drives to enhance public access, safety, and recreational enjoyment in these areas.

Environmental Quality Element Policy 4.1.3: Require coastal protective structures, signs, and public facilities to be sensitive to the natural setting and minimize the alteration of the natural shoreline.

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... bluffs, scenic coastal areas...

Economic Development Element Policy 5.6.4: Improve visual appearance of visitor routes and entrances to the City.

MAP CD-3: SCENIC VIEWS
The City of Santa Cruz, California



SOURCE: City of Santa Cruz
Planning Department, 1992

FILE: L:\TERRY\MAPS\CD\CD\SCEN-2.DR
REVISED 21.58 10/27/1992