

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877  
WEB: WWW.COASTAL.CA.GOV

Th7a



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Staff report prepared by:	Susan Craig
Staff report approved by:	Dan Carl
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## COASTAL DEVELOPMENT PERMIT APPLICATION

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**Application number** .....3-09-068, Arana Gulch Master Plan

**Applicant**.....City of Santa Cruz

**Project location** .....Arana Gulch open space area located approximately 1.5 miles east of downtown Santa Cruz just inland of the Santa Cruz Harbor and framed in by Arana (Gulch) Creek and Hagemann (Gulch) Creek.

**Project description** .....Consolidated coastal development permit application to implement the Arana Gulch Master Plan for the 67.7 acre City-owned greenbelt property. Project includes management and restoration of habitat areas, including certain trail segment retirements; improvements to the existing trail system; installation of new paved multi-use paths, including construction of a bridge over Hagemann Gulch; interpretive displays and trail signage; and installation of fencing to allow limited cattle grazing (to benefit Santa Cruz tarplant).

**File documents**.....Coastal development permit (CDP) file 3-09-068; City of Santa Cruz certified Local Coastal Program (LCP); Arana Gulch Draft Master Plan dated February 2006; Arana Gulch Master Plan Draft Environmental Impact Report (EIR), dated February 2006; Arana Gulch Master Plan Final EIR, dated May 2006.

**Staff recommendation** ...Approval with Conditions

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### A. Staff Recommendation

#### 1. Summary of Staff Recommendation

The City of Santa Cruz is applying for a coastal development permit to implement the Arana Gulch Master Plan for the 67.7 acre City-owned Arana Gulch greenbelt. Although the vast majority of the Arana Gulch property is located within the City of Santa Cruz's city limits, the proposed project also extends into unincorporated Santa Cruz County. The Coastal Act allows for the Coastal Commission to act upon a consolidated CDP application if the local government(s), the applicants in question, and the Commission (through the Executive Director) agree to such a process. The City, the County, and the Coastal Commission have agreed to a consolidated CDP application process for the proposed Arana Gulch Master Plan.



The proposed project would implement the Arana Gulch Master Plan, and includes management and restoration of habitat areas, including certain trail segment retirements; improvements to the existing unpaved trail system; installation of paved multi-use paths, including construction of a bridge over Hagemann Gulch; interpretive displays and trail signage; and installation of fencing to allow limited cattle grazing (to benefit the federally- and state-listed Santa Cruz tarplant). The proposed paved multi-use path system would also provide a continuous west-east multi-use trail connection between Broadway in the City of Santa Cruz and Brommer Street in the unincorporated Live Oak portion of Santa Cruz County.

The main issue raised by the Arana Gulch Master Plan is addressing the potential conflicts between the protection of environmentally sensitive habitat (ESHA) and providing public access. All of Arana Gulch is an ESHA. This includes the tarplant habitat areas, wetlands, and riparian areas. In recent years there has been a documented decline in the tarplant population in Arana Gulch. There is also on-going stress to other natural resources from invasive plant species and unmanaged public access that results in erosion due to the number of “volunteer” trails on the site, many of which crisscross through the main tarplant habitat area. With respect to the tarplant, the decline appears to be correlated with the end of grazing in the Gulch in the 1980s.

One of the main purposes of this proposal is to enhance existing Santa Cruz tarplant habitat, both through direct habitat restoration and through enhanced public access management and education. Moreover, the installation of interpretive and other signage and information in concert with multi-use trails and unpaved trails that explicitly direct public access to remain on the approved trails and inform the public of the sensitive nature of the site, as well as the proposed closure of the numerous existing “volunteer” trails with subsequent restoration of these areas, should substantially reduce the impacts on tarplant habitat and other habitats that currently occur on the site. No new trail alignments will be located in the historic tarplant habitat areas. Portions of two proposed trails will pass through two separate historic tarplant habitat areas, but these portions of trail will be in a similar alignment as existing trails on the site and thus should not substantially impact tarplant habitat in these areas. The trails have been designed to minimize cut and fill in order to minimize disturbance to tarplant habitat, and to minimize changes to hydrology. Appropriate mitigations are required to protect tarplant habitat during construction. The City is also proposing an adaptive habitat restoration plan and improved management of public access to address impacts to tarplant and other sensitive habitats on the site. The Master Plan also requires continued experimental research directed toward refining understanding of the management regime that maximizes long-term success of the tarplant at Arana Gulch, as well as ongoing monitoring on an annual basis to determine the success of the management measures, to monitor the overall well-being of tarplant colonies on the site, and to identify potential threats to tarplant persistence on the site. Revision of the management prescriptions and remedial actions to enhance long-term viability of the tarplant are also required as necessary. Such master plan habitat restoration, enhancement, and long-term management activities generally are consistent with Coastal Act 30240, because they will benefit and are dependent on the resources. However, special conditions that require habitat management plan provisions consistent with those typically required by the Commission are recommended to assure that the proposed Master Plan is fully consistent with the Coastal Act.



With respect to the proposed public access improvements, the main issue is whether the proposed path improvements are allowed in the Arana Gulch ESHA, and whether they will result in significant disruption to the habitat areas. A main concern has been the proposed construction of approximately 0.6 miles of paved, 8-foot-wide multi-use (i.e., pedestrians, bicyclists, wheelchair users, caregivers with strollers, pedestrians with walkers, etc.) paths, and the new bridge spanning Hagemann Gulch. In particular, there is a concern that these access features are not resource-dependent but rather constitute a transportation improvement for bicyclists wishing to easily travel from the City to the County through this location. However, the project has been reduced in scale from its initial design (when it was originally billed as a “commuter bike path” 15 some odd years ago), and has also been specifically designed as an interpretive public access system to improve access to and education about, the resources of Arana Gulch. In fact, one of the primary objectives of the proposed project is to maximize opportunities to educate, inform, and inspire users of the trail system so as to enhance their enjoyment of Arana Gulch and its resources, and possibly more importantly to encourage them to take action to help protect such resources here and elsewhere. Interpretive trail opportunities like this, particularly in close proximity to urban areas with significant numbers of users and potential users, are limited, and thus it is critically important that their interpretive utility in this regard is maximized. Such is even more so the case at Arana Gulch where the Master Plan’s proposed resource protection program includes significant opportunities to inform and educate the public regarding pro-active (as opposed to passive “don’t touch”) management strategies for enhancing sensitive resources (including grazing, mowing, prescribed burns, scraping, etc.) as well as adaptations to these strategies and related experiments and research to maximize resource protection possibilities. In addition, the public access improvements include the removal and restoration of some existing trail segments, the minimization of new trail development to the minimum necessary to provide multi-use, shared public access into and through the Gulch, the avoidance of more significant habitat areas, including wetland and riparian habitats and tarplant habitat, to the extent feasible, and the installation of significant new interpretive and education signage.

The Commission has a long history of approving interpretive public access trails and pathways in ESHA as resource-dependent developments. In this case, the proposed project will result in the improvement of habitat resources in Arana Gulch. In addition, the project will result in a network of public access to and through Arana Gulch that will interpret the resources and educate the visiting public about them. To be effective, this interpretation and education is dependent on being in and around the resources of Arana Gulch and thus, the project is resource-dependent. In addition, it has been sited and designed to prevent impacts which would significantly degrade the habitat areas in question. In short, the paved path can be found consistent with Coastal Act Section 30240. The public access components will also result in significant enhancements to public access, consistent with the public access and recreation policies of the Coastal Act. Special conditions are recommended to assure such consistency by requiring a public access plan that refines certain siting and design issues, that clearly identifies all public access components (including signs and interpretive elements), and that clearly ensures that these features will be available and maintained for public use in perpetuity.

Staff recognizes that the paved path portion of the Master Plan project has engendered much debate and controversy over the years. In particular, due to the fact that any paved path alignment through the



Arana Gulch meadow area will cover Santa Cruz tarplant habitat, any alternative that includes such a paved option includes such an impact. Such is the case with the proposed project. However, the paved path portion of the project is both dependent on the ESHA resource for it to function as an interpretive path, and its installation is not expected to result in significant disruption of habitat values. In addition, it has been sited and designed to prevent impacts which would significantly degrade the habitat areas in question. In short, the paved path can be found consistent with Coastal Act Section 30240. That said, although the path won't result in the level of impacts that Section 30240 does not allow, it will result in some habitat impacts. As a result, some have asked whether there are appropriate path alternatives that can avoid all such impacts altogether.

Clearly, if the objective is simply to get from point A in Santa Cruz County to point B in the City of Santa Cruz (i.e., the elusive "Broadway-Brommer" connection) more quickly than is currently the case (including for pedestrians, bicyclists, wheelchair users, etc.) then there are other alternatives that can meet this objective without placing paved paths in Arana Gulch. In fact, there are multiple permutations of projects that can achieve such an objective outside of Arana Gulch, including several that have been considered by the City and/or identified over time as the paved path project has been pursued by the City (including road and bridge improvements nearby, including even new pedestrian bridges spanning the Harbor and connecting to Frederick Street Park).

There is little doubt that such projects, alone or together, could facilitate such cross-town connectivity, and could do it without paved paths in Arana Gulch. However, and although the original paved path concept of about 15 years ago was largely driven by such circulation connectivity concerns, the objective for the project currently before the Commission cannot be distilled to only, or even mostly, one of getting across town more quickly in this way. Rather, the objective is much broader than that, and includes both comprehensive resource management and enhancement in Arana Gulch, and a strong desire to provide an interpretive path system that can help foster an awareness and appreciation of this special open space area, including for users for whom access to this area is currently unavailable altogether or is difficult (including those in wheelchairs, those less physically able to traverse uneven footpaths, caregivers with strollers, pedestrians with walkers, etc.). In other words, although the paved trail component will facilitate cross town connectivity, including for bicyclists, it is likewise intended to provide a much richer interpretive experience of the Arana Gulch area for a much wider spectrum of the general public than is currently the case. As such, the range of "Point A to Point B" alternatives do not and cannot meet such an objective.

As to alternative siting and designs within Arana Gulch for the paved path, there are obviously options. For example, the path segments could be made more direct (i.e., with less meander) and could be made narrower. Such options would result in reducing habitat coverage to a limited degree. However, such options do not make sense at this location in relation to the project before the Commission. In terms of straighter line segments, the path alignments chosen are fairly straight in most respects, and loops and variations are in place to avoid noted habitat areas (like Area A in the main meadow area, the location of the highest concentration of tarplant individuals in recent surveys) and to provide gentler gradients for the path to both facilitate ADA and other user access, as well as to reduce the potential for erosion, sedimentation, and other related adverse impacts associated with steeper path segments (as is currently



the case with the main access path from the Harbor up to the meadow). With respect to using a pathway narrower than 8 feet in width, this would also be possible. However, an 8-foot path width is a reasonable width to allow two-way use, including when pedestrians, bicyclists, wheelchair users, strollers, and leashed dogs are all using the path in question. In fact, some might argue that a wider path width is necessary to avoid potential user conflicts along the paved path segments, and that 8 feet is too narrow in this respect. In this case, staff believes that the proposed 8-foot-wide paved path width strikes a reasonable balance in this regard, and will allow adequate path utility while avoiding enough coverage as to avoid a significant disruption of habitat values.

In short, the proposed project, as conditioned, represents the most appropriate alternative to meet project objectives and to find consistency with the Coastal Act, including Section 30240.

As conditioned, the project can be found consistent with the Coastal Act, and staff recommends that the Commission approve a CDP for the proposed project. The motion to act on this recommendation is found directly below.

## 2. Staff Recommendation on CDP Application

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

**Motion:** I move that the Commission approve coastal development permit number 3-09-068 pursuant to the staff recommendation.

**Staff Recommendation of Approval:** Staff recommends a **YES** vote. Passage of this motion will result in approval of the 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 the Permit:** The Commission hereby approves a coastal development permit for the proposed development 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.

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## B. Findings and Declarations

The Commission finds and declares as follows:



## 1. Project Location and Description

### A. Arana Gulch Location and Setting

Arana Gulch is a City-owned open space area situated along the eastern boundary of the City of Santa Cruz where it transitions to the unincorporated Live Oak area of Santa Cruz County, just inland of the upper portion of the Santa Cruz Harbor (Harbor) (see Exhibit 1 for a location map and an aerial photograph of the site). This 67.7-acre open space area includes a large meadow area that is generally framed in on both sides by Arana Creek (downcoast) and Hagemann Gulch (upcoast), both of which feed into the upper Harbor. Grassland covers the main expanse of the meadow area. On the eastern portion of the property, the grassland gives way to riparian scrub and forest, sloping down to the broad floodplain of Arana Creek. To the west, Hagemann Gulch, a steep wooded canyon with intermittent Hagemann Creek at its base, forms the southwestern boundary of the property.

The Arana Gulch area is currently a highly used public access area (mostly pedestrian with some bicyclists),<sup>1</sup> with the primary access from the upper Harbor parking lot and dry boat storage area, and from the Agnes Street residential neighborhood on the inland side.<sup>2</sup> At least 2.5 miles of unimproved trails, most of which long existed in one form or another prior to the City's ownership of the property, crisscross and loop the meadow and Arana Creek area within Arana Gulch (see Exhibit 2 for existing trails within the property). The main trail that gets the most use extends from the main entrance at Agnes Street at the north end of Arana Gulch to the upper Harbor area at the south end of Arana Gulch. This main trail ranges from about six to eight feet in width, is made up primarily of hard packed soil, and is subject to ongoing erosion problems, including primarily along the portion of the trail that drops down from the primary meadow elevation to the Harbor elevation (an elevation change of roughly 35 feet). In addition to the main trail, a variety of loop trails have been created through ongoing use that extend along both the perimeter of the meadow area as well as in loops interior to that perimeter. With the exception of limited park signage and fencing, and some crumbling foundation elements from long gone buildings (see below), there are no existing structures or other such development within the Arana Gulch property.

Access connections into Arana Gulch associated with the project (see also project description below) would also include trail development both in the City of Santa Cruz to the west (upcoast) and in unincorporated Santa Cruz County (to the east). In the City, trail development would extend from Frederick Street where it intersects Broadway Avenue along a City owned right-of-way that skirts Harbor Drive and connects to the Arana Gulch property. This area extending from Frederick Street is currently occupied by a parking lot used by a church. In the County, trail development would extend along the upper Harbor access road to 7th Avenue at its intersection with Brommer Street. This area extending to 7th Avenue is currently an access road framed on the seaward side by a largely undeveloped property and on the inland side by a Port District storage yard.

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<sup>1</sup> Vehicular access is not allowed within Arana Gulch.

<sup>2</sup> Additional access can be gained from a variety of locations where Arana Gulch intersects public use areas (including along the creeks themselves), but the signed and identified (and most used) main access points are at Agnes Street and the Harbor.



See Exhibit 1 for a location map and an aerial photograph of Arana Gulch and the surrounding area, and see Exhibit 2 for the locations of existing trails within the property.

## B. Arana Gulch and Proposed Trail History

The Arana Gulch site was once part of 110 acres of ranchlands known as Live Oak Ranch in the late 1800s. Cattle were grazed on the grasslands portion of that property, including the current meadow area at Arana Gulch. In the 1920s, the Arana Gulch property became the site of the East Side Dairy. The dairy operation continued through the mid-1950s. A barn and other structures were once located within the northern portion of the property, but were demolished after the mid-1970s. No historic buildings or significant remnants exist from either the Live Oak Ranch or the East Side Dairy operations, although some limited pieces of old foundations remain from some of the structures associated with the East Side Dairy. Cattle grazing continued on the property until the late 1980s.

In 1994, the City of Santa Cruz acquired the 63-acre property known as Arana Gulch as part of a phased effort to acquire greenbelt areas in and around the City. Years prior to that purchase, the City had already acquired a strip of land in the central portion of the property (approximately 4.7 acres) that was originally intended for a roadway extension between Frederick Street in the City of Santa Cruz and 7th Avenue in adjacent unincorporated Santa Cruz County (i.e., the new road segment would have connected Broadway in the City to Brommer Street in the County), but the proposed road connection was very controversial, and the City did not continue to pursue it past the original acquisition. The City also annexed four of the Arana Gulch properties that had been in the County (i.e., the County area east of Arana Creek proper) into the City in April 2007.<sup>3</sup>

Shortly after the 1994 acquisition that combined the City's holdings in Arana Gulch, the City formally opened the property to public use,<sup>4</sup> with the City Parks and Recreation Department managing the area. In 1997, the City Council approved the *Arana Gulch Interim Management Plan*, which outlined limited actions to maintain the property but did not include any land use decisions. At about that same time, the City began pursuing a trail project designed to connect Broadway to Brommer Street along essentially the old once-proposed roadway alignment. Originally the project was primarily billed as a commuter bicycle project,<sup>5</sup> and it originally included two possible project alternatives: 1) a 12-foot-wide paved path traversing the meadow area and connecting to two bridges: a 740-foot long, elevated bridge over Arana Creek to connect the meadow trail to the Harbor access road (and ultimately to Brommer Street in the County), and a bridge over Hagemann Gulch connecting the meadow trail to the parking lot area extending between Frederick Street and Hagemann Gulch (and thus to Broadway in the City), and; 2) a 12-foot-wide paved path traversing the meadow area and connected to a shorter bridge (130 feet long) elevated over Arana Creek and the same bridge over Hagemann Gulch. For both alternatives, the bridge

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<sup>3</sup> Note that the Arana Gulch Master Plan exhibits in this report show the four properties east of Arana Creek as still located in the County because the City created these exhibits before the annexation was final. When reviewing these exhibits, the City-County boundary in this area is now along the area called out as "Arana Gulch Boundary" in that area.

<sup>4</sup> Prior to that time the property was informally used by the general public, including along the series of trails described above.

<sup>5</sup> Although it also would have facilitated other types of access (i.e., pedestrian, wheelchair, etc.).



over Hagemann Gulch would have included two support columns placed directly into the riparian corridor. Both projects included lighting throughout the length of the paved paths and bridges.

The originally proposed alternatives, and the path project as a whole at that time, engendered both significant interest and controversy. Over the course of the years that followed, the City considered a variety of options to address identified concerns, and modified the project over that time in ways small and large. Ultimately, the proposed project was reduced in scale and scope as the City sought to address potential resource impacts (including by reducing the paved path widths to 8 feet, eliminating lighting along the entire trail length, etc.). Perhaps more importantly, over that same time, the project also morphed into a much more comprehensive master plan project for Arana Gulch and the meadow that goes beyond simply a paved path project to include other components related to maintaining and enhancing the open space and habitat values of Arana Gulch. In addition, although the paved trail components would still facilitate bicycle use, including commuter bicycle use, there has clearly been a burgeoning recognition over time that the paved trails would also enhance access for other users (including those in wheelchairs, those less physically able to traverse uneven footpaths, etc.).

Most recently, the City proposed an LCP amendment in 2006 that would have changed the LUP land use designations that affect Arana Gulch (proposed LCP Amendment STC-MAJ-2-06 Part 1). The City ultimately withdrew the LCP amendment,<sup>6</sup> and thus the old land use designations and zoning continue to apply to the property. These land use designations are holdovers from before the City's acquisition that reflect prior use and/or at one time contemplated use for the property, including LCP Land Use Plan (LUP) designations of CF (Community Facilities), L (Low Density Residential), VL (Very Low Density Residential), and NA (Natural Area), and zoning designations that are roughly half single-family residential with a minimum lot size of 5,000 square feet (R-1-5) and half FP (Flood Plain). The proposed 2006 LCP amendment would have changed these designations to one dual LUP designation of NA/PK (Natural Area/Parks), and a combination IP designation of FP (Floodplain) and PK (Parks).

The City indicated that its primary reason for its LCP amendment withdrawal was because the City thought that the staff report recommendation (to designate the site NA (Natural Area) in the LUP and PK (Parks) in the IP) would have precluded and/or prejudiced a future decision on implementation of a master plan with a paved path component (i.e., the current project before the Commission - see project description below). Although Commission staff did not (and do not) agree with this assessment, and continue to believe that the NA/PK designation is appropriate and allows for consideration of paved trails such as are being proposed here, the City ultimately concluded that it preferred to have a CDP

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<sup>6</sup> The City withdrew the LCP amendment just prior to the Commission's scheduled March 2009 hearing on the LCP amendment after reviewing the staff report for the hearing. In that report, Commission staff had identified problems with the City's submittal that warranted modifications to it. Specifically, the primary thrust of the amendment was to remove some of the more intensive development designations that currently apply to sections of the Arana Gulch property (i.e., residential, community facilities) in recognition of the fact that the City did not (and does not) intend to pursue such development of this open space greenbelt property in the future, and to instead designate the property as a natural area, flood plain, and park area. Although this primary objective was generally identified as appropriate by staff, the proposed amendment was deemed problematic because neither the Parks LUP designation nor the Flood Plain IP designation are appropriate for this property in light of its habitat sensitivity (see also ESHA findings that follow). Staff instead recommended that the appropriate LUP designation for this site was NA (Natural Area), and the appropriate IP designation for the site was PK (Parks).



decision on its master plan project prior to an LCP amendment so as to focus the deliberative process directly on the paved path question through a CDP application that includes the paths as opposed to an LCP amendment focused on land use designations that didn't explicitly include nor account for the paths. Although it is generally preferable to have LCP planning precede development associated with it, it is not a requirement (unless the LCP has to change to allow consideration of a project),<sup>7</sup> and the City's approach is reasonable in this case, including because: 1) the LCP does not need to be amended to allow for consideration of the project;<sup>8</sup> 2) the Coastal Commission retains CDP jurisdiction over much of the area where the path would be proposed (and thus the LCP can only provide non-binding guidance there); and, 3) because the City indicated it intended to pursue a consolidated CDP application in any case (and thus the Coastal Act would be the standard of review for the entire Master Plan).<sup>9</sup>

### C. Project Description

The proposed project would implement the Arana Gulch Master Plan, and includes management and restoration of habitat areas, including certain trail segment retirements; improvements to the existing trail system; installation of a new paved multi-use path, including construction of a bridge over Hagemann Gulch; interpretive displays and trail signage; and installation of fencing to allow limited cattle grazing (to benefit Santa Cruz tarplant). The City indicates that the Master Plan has superceded and replaced the interim management plan from 1997. See the Arana Gulch Master Plan attached as Exhibit 9.

At its core, the Master Plan is designed to enhance both public recreational access and coastal resources, each of which is described below.

#### 1. Proposed Public Access Improvements

The existing trail system in Arana Gulch is quite heavily used and currently provides access opportunities for pedestrians and bicycles. However, the trails are currently footpaths on soil resulting in an irregular surface that can be difficult to traverse on a bike (particularly bikes made for road surfaces), can be difficult to traverse for potential access users (disabled or otherwise) that are less physically able to traverse uneven footpaths, and can be impossible to traverse for other user groups dependent on wheeled access (including those in wheelchairs, caregivers with children in strollers, pedestrians needing walkers for assistance, etc.), particularly when trails are wet and soggy. Although the proposed trail improvements would actually reduce the number and length of trails in Arana Gulch through trail retirement (and restoration – see coastal resource enhancement section below), they would also pave a section of existing trail and provide realigned paved trail connections to it, thus providing new

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<sup>7</sup> That is, a "project-driven LCP amendment" (e.g., if an LCP does not allow for a hotel at a site where a hotel is proposed, then the LCP would have to be amended if a hotel at that site is to be considered).

<sup>8</sup> At about the time of the City's withdrawal of the proposed LCP amendment, it was discovered that a City policy requiring a specific plan for the site prior to any development (Policy 2.2.7 – see also Coastal Development Permit Determination section below) was in fact not an LCP policy. Policy 2.2.7 is in fact a City General Plan policy that is not part of the certified LCP, and thus has no LCP status. Also, to be clear, this policy is based on a previous position (no longer held by the City) identifying urban development in Arana Gulch. In fact, the specific plan required by Policy 2.2.7 identifies residential and potentially community facility (schools, playgrounds, etc.) development as part of such specific plan.

<sup>9</sup> See also CDP determination for discussion of the standard of review and the consolidated CDP process.



opportunities for currently underserved and un-served user groups. Existing trails in Arana Gulch (including those maintained by the City and “volunteer” trails) total more than 2.5 miles, and the proposed trail system would total about 2 miles, including 0.6 miles of paved 8-foot-wide multi-use trails, and 1.4 miles of unpaved pedestrian trails. Of the 0.6 miles of new paved trails in Arana Gulch, about two-thirds would be installed on top of the existing hard pack trail, primarily along the main existing trail segment and a smaller section of the existing trail segment that is located nearer Hagemann Gulch, and about one-third would be new paved trails connecting paved trail segments. The multi-use paved trails would feature a hardened surface and a gradient that is compliant with ADA requirements. The paved multi-use trails would be neutral in color to blend with the surrounding environment. Multi-use trails would be designed for pedestrian, bicycle, and wheelchair use, and for dogs on-leash. The unpaved trails would be limited to pedestrian use only. See Exhibit 3 for the proposed trail system.

A new 340-foot multi-use pedestrian/bicycle bridge would be installed across Hagemann Gulch as part of the Canyon Trail at the western edge of the Arana Gulch meadow (see Exhibit 3). This bridge would provide new public access to Arana Gulch from the neighborhoods along the Gulch at the eastern boundary of the City, where none exists now. The new bridge would be supported by abutments located at either side of the top of Hagemann Gulch (no abutments would extend into the creek or into the lower-elevation riparian corridor located at the bottom of Hagemann Gulch). The bridge would be constructed by stringing cables across the span that would be anchored to each abutment, and then placing precast concrete deck panels on top of the cables. Following the placement of the deck panels, a cast-in-place concrete overlay would be placed on the top and the cables would be tensioned. The proposed bridge may be wider than 8 feet in some locations to accommodate interpretive displays and nature viewing areas. No trees would need to be removed to provide for installation of the bridge, although some tree branches would need to be trimmed back.

Together with the bridge trail segment, the trail segment extending from the bridge to Frederick Street, and the trail segment extending along the Harbor access road to 7th Avenue, the designated Canyon View and Creek View Trails would provide a continuous west-east multi-use trail connection between Broadway in the City of Santa Cruz and Brommer Street in the unincorporated Live Oak portion of Santa Cruz County. The Arana Meadow Trail would improve the existing unpaved north-south trail route that extends from Agnes Street to the upper Harbor, and thus to the beach and immediate shoreline via the Port District’s public trail system ringing the Harbor itself (and providing a connection to the beach at Harbor Beach and Twin Lakes State Beach extending toward the ocean).

Construction of the new multi-use Creek View Trail along the northern boundary of the upper Harbor at the dry boat storage parking lot area and through to 7th Avenue (see Exhibit 3) requires an easement from the Santa Cruz Port District<sup>10,11</sup> and coordination with Santa Cruz County. Retaining walls would

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<sup>10</sup> The Santa Cruz Port District Commission granted an easement for the trail at its public meeting on November 24, 2009.

<sup>11</sup> As part of its approval of CDP 3-98-113 (Santa Cruz Harbor Dry Storage), the Coastal Commission required that this portion of the Harbor’s property provide a buffer between the Harbor’s dry boat storage area and Arana Creek. The Commission’s findings in that approval stated: “The City’s General Plan calls for development of a bike/pedestrian trail to connect Broadway and Brommer streets through the Arana Gulch greenbelt property... Alternative D2 is one of the options that the City is considering. This alternative includes using a part of the Port District property... The proposed plans [dry boat storage] have been designed to allow for future development



be needed for the easternmost portion of the paved Creek View Trail on Harbor property so as to locate the trail as far from Arana Creek as possible in this narrow area. The Creek View Trail would pass above the four six-foot-in-diameter culverts that allow Arana Creek to pass under the Harbor's dry boat storage area and adjacent parking lot and to empty into the Harbor's waters. The proposed retaining walls would vary in height up to a maximum height of 6 feet 7 inches. This segment of trail lies within Arana Gulch's 100-year floodplain and 100-year floodway. The trail in this area would be elevated in such a way as to allow a 100-year creek flow event to pass under the trail unimpeded and without any change to upstream conditions. No bridge is proposed over the open water of Arana Creek.

Pedestrian-only trails would include the Coastal Prairie Loop Trail and the Marsh Vista Trail (see Exhibit 3). These pedestrian trails would be maintained as narrow earthen footpaths, about two feet wide, and similar to what currently exists. The Coastal Prairie Loop Trail would loop the majority of the meadow area, and the Marsh Vista Trail would loop off of it nearer to the edge of the meadow where it transitions to the Arana Creek riparian area. As indicated previously, most of the trails in the proposed trail system currently exist, though some minor realignments and improvements would be necessary for erosion control and to enhance interpretive opportunities. Also, about a half-mile of existing soil trails in Arana Gulch would be closed and restored to better protect sensitive habitat areas. Most of Arana Gulch would remain undeveloped, with a focus on protection and enhancement of the sensitive habitat areas (see below). The paved trails would comprise 0.9% of the total area of the Arana Gulch property, meaning that over 99% of the Arana Gulch property would remain unpaved.

The proposed Master Plan would allow dogs on-leash on all designated trails (paved and unpaved) except for the Marsh Vista Trail (to avoid disturbance to wildlife, primarily waterfowl, in the adjacent Arana Creek and associated wetlands). Off-leash dog use and off-trail uses of all types would be strictly prohibited.

To foster maximum appreciation and understanding of Arana Gulch resources, a series of interpretive displays and overlooks would be located along the trails at a series of appropriate locations. One of the primary objectives of the proposed project is to maximize opportunities to educate, inform, and inspire users of the trail system so as to enhance their enjoyment of Arana Gulch and its resources, and possibly more importantly to encourage them to help to protect such resources here and elsewhere. Interpretive trail opportunities like this, particularly in close proximity to urban areas with significant numbers of users and potential users, are limited, and thus it is critically important that their interpretive utility in this regard is maximized. Such is even more so the case at Arana Gulch where the Master Plan's proposed resource protection program includes significant opportunities to inform and educate regarding proactive (as opposed to passive "don't touch") management strategies for enhancing sensitive resources (including mowing, prescribed burns, scraping, grazing, etc.) as well as adaptations to these strategies and related experiments and research to maximize resource protection possibilities (see also resource protection and management section below).

In terms of other features, some limited bench seating may be provided at scenic overlooks, and fencing

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of the Broadway-Brommer pathway if the City develops the D2 alignment and if the development is permitted." Thus, the Commission's approval of CDP 3-98-113 acknowledged that a future trail might occupy a portion of this buffer area.



and signs would be installed as needed to discourage off-trail use. The project does not include any new parking areas; existing parking areas would continue to be available to site visitors (e.g., parking is available along adjacent public streets as well as in the upper Harbor parking lot). Likewise, no new restrooms are proposed, but existing public restrooms in the upper Harbor and at nearby Frederick Street Park (accessed via trails from the Harbor as well as from Harbor Drive and Frederick Street) would remain available.

No lighting would be installed along the trails within the meadow area of Arana Gulch, but low-level lighting would be installed at the Hagemann Gulch Bridge and the portion of the Creek View Trail that is located on Harbor property. The City indicates that lighting would be necessary to meet minimum public safety standards in these areas because tree cover would otherwise limit light in these areas during early morning hours and just prior to sunset (as proposed, the paths would be open from sunrise to sunset).

See Exhibit 2 for the existing trail configuration. See Exhibit 3 for the proposed trail system. See pages 2-4 of Exhibit 3 for cross sections of the proposed trails. See Exhibit 4 for photographs of the existing site conditions at Arana Gulch and for photographic simulations of the proposed trail improvements.

## 2. Proposed Coastal Resource Protection and Management

In addition to the public access improvements, the proposed Arana Gulch Master Plan also addresses protection and management of environmentally sensitive habitat areas (ESHAs). The City has identified three ESHAs (identified as “Management Areas” in the Master Plan) in this respect at Arana Gulch: 1) Coastal Prairie/Tarplant Management Areas (30.2 acres); 2) Arana Creek Riparian and Wetland Management Areas (34.5 acres), and; 3) Hagemann Gulch Riparian Woodland Management Areas (3.0 acres).

### Coastal Prairie/Tarplant Management Area

The Coastal Prairie/Tarplant management area encompasses the main meadow area of Arana Gulch (see Exhibit 6). A key goal within this area is to enhance the populations of the Santa Cruz tarplant and other native prairie species, while reducing the abundance of invasive non-native grasses.

#### Resource Management Guidelines for Coastal Prairie/Tarplant Management Area

- Implement the Management Program for the Santa Cruz tarplant. This program sets forth potential management actions, monitoring protocols, and an organizational framework involving a botanist to ensure that the program is carried out in the long term. Management actions may include grazing, mowing, scraping, and prescribed burns;
- Avoid and preserve delineated seasonal wetlands located within the grassland;
- Monitor impacts of trail users near sensitive species. As needed, install fencing and/or signs or implement other strategies to deter off-trail use;
- Close unauthorized pathways that transect the coastal prairie habitat;



- Remove non-native invasive shrubs to prevent further loss of coastal prairie acreage;
- Conduct annual fuel break mowing along the property boundaries to reduce the fuel load within the grassland areas;
- Coordinate with the City of Santa Cruz Fire Department to conduct prescribed burns (timing of the prescribed burns to be determined by a qualified botanist);
- Install post and wire livestock fencing (4 to 5 feet in height) in the southernmost portion of the Coastal Prairie/Tarplant Management Area to allow for limited cattle grazing.

#### Public Use Guidelines for Coastal Prairie/Tarplant Management Area

- Provide multi-use interpretive trails connecting surrounding neighborhoods to the upper Harbor area;
- Ensure that pathways minimize disturbance to the coastal prairie habitat and Santa Cruz tarplant;
- Minimize grading and alteration of natural drainage patterns;
- Align trails to avoid all seasonal wetlands within the grassland;
- Provide a pedestrian-only interpretive loop trail that encircles the coastal prairie/tarplant habitat.

See Exhibit 5 for the proposed habitat management areas, Exhibit 6 for the Santa Cruz tarplant areas in relation to the proposed trail system, and Exhibit 8 for the areas proposed for grazing and associated fencing.

#### Arana Creek Riparian and Wetland Management Area

This management area is located along the eastern portion of the project site and features valuable habitat for aquatic species and birds. The proposed unpaved Marsh Vista Trail, which is located in an area similar to an existing “volunteer trail,” will offer overlooks of the creek and the coastal marsh. No dogs would be allowed on the Marsh Vista Trail. Public access within the wetland and stream habitat areas would be prohibited to protect wildlife habitat.

#### Resource Management Guidelines for the Arana Creek Riparian and Wetland Management Area

- Conduct further hydrologic analysis regarding accelerated head cutting and bank erosion along the tidal reach of Arana Creek. Design and implement a bank restoration project that reduces sedimentation and enhances fisheries and wildlife habitat;
- Restore the eroded gully in the northern portion of Arana Gulch. Design and implement a restoration project that reduces sedimentation and blends with the natural setting;
- Remove non-native invasive vegetation;



- Close unauthorized pathways within the wetland and riparian habitat areas;
- Monitor impacts of trail users near sensitive wetland and riparian habitats and, as needed, install fencing and/or signs or implement other strategies to deter off-trail use.

#### Public Use Guidelines for the Arana Creek Riparian and Wetland Management Area

- Enhance the existing trail (Marsh Vista Trail) along the western boundary of the Arana Creek Riparian and Wetland Management Area for pedestrian use only;
- Prohibit dogs within the riparian and wetland habitat of Arana Creek and on the Marsh Vista Trail;
- Conduct non-toxic mosquito abatement as needed in a manner that minimizes impacts to wildlife species.

See Exhibit 5 for the habitat management areas and Exhibit 7 for the wetland areas and the proposed trail system.

#### Hagemann Gulch Riparian Woodland Management Area

This 3-acre wooded canyon along the southwestern boundary of Arana Gulch features a mix of riparian trees and scrub, though the habitat value is reduced by the number of invasive plant species in the canyon. Due to the steep terrain, public use of this area would be limited to a new bridge providing pedestrian, bicycle, and wheelchair access between Arana Gulch and the adjoining neighborhoods.

#### Resource Management Guidelines for the Hagemann Gulch Riparian Woodland Management Area

- Remove non-native, invasive understory species, such as broom and ivy, to the extent feasible;
- Contain expansion of eucalyptus trees and reduce fire hazard by pruning lower branches of eucalyptus and removing smaller trees and saplings;
- Close unauthorized pathways within Hagemann Gulch.

#### Public Use Guidelines for the Hagemann Gulch Riparian Woodland Management Area

- Establish a new west entrance at Hagemann Gulch, consisting of a new multi-use trail and bridge crossing with an interpretive overlook, to provide a multi-use trail connection between Arana Gulch and the residential Seabright neighborhood of Santa Cruz;
- Design the bridge to minimize impacts to heritage trees and habitat values and to blend with the natural setting as much as possible.

See Exhibit 5 for the habitat management areas, Exhibit 3 for the proposed trail system in relation to Hagemann Gulch, and page 3 of Exhibit 4 for photographic simulations of the proposed Hagemann Gulch bridge and multi-use trail.



### Phasing and Implementation of the Management Plan

The Arana Gulch Master Plan would be implemented in phases. Its phasing plan identifies specific projects, projected timelines, and staffing needs to maintain and manage the proposed improvements. The phasing plan is organized into two phases, based on City fiscal year cycles that begin in July of each calendar year. The first phase focuses on establishing a management program<sup>12</sup> for the Santa Cruz tarplant and developing the multi-use interpretive trail system. The second phase is largely focused on continued implementation of the Santa Cruz tarplant adaptive management program, management of the trail system, and restoration of eroded areas. Both phases include continued removal of non-native invasive vegetation.

Major multi-use trail improvements, including the Hagemann Gulch Bridge, and the Canyon and Creek View Trails would be largely funded through federal and state grants previously received by the City. These federal and state grants were received in order to fund the east-west multi-use trail, including the new bridge over Hagemann Gulch. This current grant funding totals approximately \$1.6 million. Future state and federal grant opportunities will also be pursued to help fund natural resource enhancement and erosion control studies and implementation. Some of the state grant programs that may be applicable include programs administered through the Natural Resources Agency, Department of Parks and Recreation, and Department of Water Resources. Local funding will likely be the source for implementation of minor trail improvements and ongoing resource management. The City Council has previously determined that a portion of the revenue generated by the Parks and Recreation facilities' fees collected by the City would go toward the greenbelt properties. In addition, the City Council may consider using the sale of City-owned property, such as along the trail alignment extending from the Hagemann Gulch bridge to Frederick Street, to help fund implementation of the tarplant adaptive management program and provide the local match for state and federal grants. In order to ensure long-term management of the Santa Cruz tarplant, a sustained funding program must be established within the City. This program would be separate from the ongoing annual maintenance funding and Capital Improvement Projects. Ideally, the tarplant management program would be structured similar to an endowment program.

## 2. Coastal Development Permit Determination

### A. Standard of Review

Although the vast majority of the Arana Gulch is located within the City of Santa Cruz's city limits,<sup>13</sup> the proposed project (i.e., implementation of the Arana Gulch Master Plan) also extends into unincorporated Santa Cruz County (i.e., the trail segment extending along the Harbor access road to 7th

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<sup>12</sup> A management plan has been prepared and incorporated as part of the proposed Master Plan for the Santa Cruz tarplant on the Arana Gulch site (BMP Ecosciences, 2005). In addition to ongoing management techniques such as semi-annual mowing and other more intensive techniques such as scraping or prescribed burns, this management plan also prescribes continued experimental research on management techniques and ongoing monitoring, with subsequent revisions of the management prescriptions as appropriate.

<sup>13</sup> Id (note recent annexation not shown on Master Plan exhibits).



Avenue). In addition, although most of the affected property is owned by the City (i.e., Arana Gulch itself and the connection to Frederick Street), the trail segment extending along the inland side of the Harbor's dry boat storage parking lot and along the Harbor access road is located in Santa Cruz County. In addition, a significant proportion of the proposed project is located within the Commission's retained coastal permitting jurisdiction (i.e., that portion of the project area that includes the Arana Creek riparian area and associated woodland). Thus, the proposed project spans three different CDP jurisdictions, and two property ownerships.

To simplify the coastal permitting process in such multi-jurisdictional cases, Coastal Act Section 30601.3 allows for the Commission to act upon a consolidated CDP application if the applicants, the local government(s) in question, and the Commission (through its Executive Director) agree to the Commission processing and acting upon a consolidated CDP application, provided public participation is not substantially impaired. In this case, the City, the County, and the Commission have all agreed to such a consolidated CDP application process. In terms of public participation, the Commission has scheduled this item for hearing in Santa Cruz so as to maximize potential public participation, as it is clear that much of the interested public is engaged in this process. In fact, as of the date of this report, the Commission had received 904 pieces of correspondence on the proposed project. Of that correspondence, approximately 89% has been in favor of approval of the proposed project (809 letters), and approximately 11% has been opposed to the paved pathway portion of the proposed project (95 letters) (see Exhibits 11 and 12).

Pursuant to Coastal Act Section 30601.3, the standard of review for this consolidated CDP application is Chapter 3 of the Coastal Act, with the City's LCP providing non-binding guidance for the portion of the proposed project in the City and the County's LCP providing non-binding guidance for the portion of the proposed project in the County. As such, applicable Coastal Act policies are cited in the analysis that follows, as well as certain LCP policies as guidance as relevant.

## B. Environmentally Sensitive Habitat Area (ESHA)

### 1. Applicable Policies

The Coastal Act is very protective of habitat, including environmentally sensitive habitat areas (ESHA) and wetlands. With respect to ESHA, the Coastal Act defines ESHA as follows:

***Section 30107.5.** "Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

Non-resource dependent development within ESHAs is prohibited, and adjacent development must be sited and designed so as to maintain the productivity of these natural systems. In particular, Coastal Act Section 30240 states:



**Section 30240(a).** *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

**Section 30240(b).** *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The Coastal Act also includes specific protective policies for marine and aquatic environments, including wetlands. Coastal Act Sections 30230, 30231, and 30233 provide:

**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 water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

**Section 30233(a).** *The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
- (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
- (4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*



(5) *Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*

(6) *Restoration purposes.*

(7) *Nature study, aquaculture, or similar resource dependent activities.*

**Section 30233(c).** *In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary...*

Finally, the Coastal Act references general habitat protection in the provisions of Section 30250(a) with respect to coastal resources in general as follows:

**Section 30250.** *(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located ... where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*

In addition, the following certified City of Santa Cruz LCP policies,<sup>14</sup> although not the standard of review, can provide pertinent information and guidance:

**Environmental Quality Element Policy 2.3.1:** *Design and site development to minimize lot coverage and impervious surfaces, to limit post-development runoff to predevelopment volumes, and to incorporate storm drainage facilities that reduce urban runoff pollutants to the maximum extent possible.*

**Environmental Quality Element Policy 4.2:** *Preserve and enhance the character and quality of riparian and wetland habitats, as identified on Maps EQ-8 and EQ-11, or as identified through the planning process or as designated through the environmental review process.*

**Environmental Quality Element Policy 4.2.1:** *Develop, adopt, and implement management plans for City-owned wetland and riparian areas including:...Arana Gulch...*

**Environmental Quality Element Policy 4.2.2:** *Minimize the impact of development upon riparian and wetland areas through setback requirements of at least 100 feet from the center of a watercourse for riparian areas and 100 feet from a wetland. Include all riparian vegetation within the setback requirements, event if it extends more than 100 feet from the water course or if there is no defined water course present.*

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<sup>14</sup> The City's General Plan includes Land Use Element Policy 2.2.7, which requires a specific plan for the Arana Gulch site prior to any development. Per this General Plan policy, the required elements of the specific plan include habitat protections, pedestrian and bicycle linkages through Arana Gulch, as well as clustered development consisting of low-density residential development and a possible community facility, such as a school or a neighborhood park. Although the City's General Plan attaches a wave symbol to this policy (identifying it as a component of the certified LUP), Policy 2.2.7 was never certified as part of the LCP and is not an LCP policy. The City submitted this policy for Commission consideration as part of LCP Amendment 2-93 in 1993, but subsequently withdrew this policy from its submittal.



***Environmental Quality Element Policy 4.2.2.1:*** *Require that all development within 100 feet of these areas be consistent with the applicable management plan provisions<sup>15</sup> under EQ 4.2.1 and L 3.4, if one has been established.*

***City-Wide Creeks and Wetlands Management Plan.*** *For Hagemann (Gulch) Creek and Arana (Gulch) Creek, the following apply:*

*Arana (Gulch) Creek: ...the lower watershed where Arana Gulch Creek broadens into a wetland, Arana wetland, is located within the Arana Greenbelt, and development within or adjacent to Arana Wetland would be subject to the Arana Gulch Management Plan (currently being prepared).<sup>16</sup>*

*Hagemann (Gulch) Reach 1: In 2003, the average width of the vegetated corridor along Reach 1 of Hagemann Gulch was 40 feet. For Hagemann Gulch Reach 1, the Management Plan recommends a 40-foot-wide riparian corridor and a development setback of 60 feet.<sup>17</sup>*

***Environmental Quality Element Policy 4.2.2.3:*** *Prohibit uses such as construction of main or accessory structures, grading or removal of vegetation within riparian and wetland resource and buffer areas and allow permitted uses (such as pervious non-motor vehicular trails, incidental public services, ...) associated with nature study or resource-dependent activities, construction, grading or removal of vegetation necessary for maintenance, landscaping designed to provide a natural buffer and grading necessary as a part of such landscaping plan, passive recreation, habitat preservation, and restoration, that are consistent with the environmental quality policies of the Plan, Section 30222 of the Coastal Act, and adopted management plans. Development in wetlands can be undertaken only where there is no feasible, less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. If any exceptions to this policy are to be considered, it shall be within the context of a resource management plan approved by the Coastal Commission as an amendment to the Land Use Plan.*

***Environmental Quality Element Policy 4.2.4:*** *Preserve riparian and wetland vegetation by minimizing removal and allowing only for uses dependent on the resources, passive recreational use, and maintenance of existing uses according to adopted management plans with compensating mitigation. Remove non-native invasive plants as specified in the management plans. Where consistent with the protection of riparian and wetland areas, provide actual or*

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<sup>15</sup> The Commission certified the City's "City-Wide Creeks and Wetlands Management Plan" as part of the LCP on May 9, 2008. Among other things, the Plan identifies appropriate development setbacks (often less than 100 feet) based on an evaluation of habitat, stream, and land use characteristics of individual watercourses and wetlands.

<sup>16</sup> Thus, the City-Wide Creeks and Wetlands Management Plan envisions that appropriate setbacks in the area of Arana Creek and its associated wetland would be determined by a plan developed specifically for the Arana Gulch open space area. As previously indicated, this Master Plan represents such guidance, and has superceded and replaced the City's 1997 interim management plan for the property.

<sup>17</sup> The setbacks required in the *City-Wide Creeks and Wetlands Management Plan* are meant to apply to residential, commercial, and similar types of development, and were not intended to restrict or prohibit bridge development or bridge redevelopment over the City's watercourses.



*visual access of a low-impact nature (e.g., unpaved, narrow trails, boardwalks, and vista points).*

***Environmental Quality Element Policy 4.3:*** *Preserve the character and quality of grassland habitats, as identified on Map EQ-8 by minimizing disturbance and removal of native grasslands and design landscaping to provide a natural buffer.*

***Environmental Quality Element Policy 4.5:*** *Continue the protection of rare, endangered, sensitive, and limited species and the habitats supporting them as shown in Map EQ-9 or as identified through the planning process or as designated as part of the environmental review process.*

***Environmental Quality Element Policy 4.5.2:*** *Preserve the Santa Cruz Tar Plant by requiring appropriate buffers from any development and a management plan for onsite preservation.*

Likewise, Santa Cruz County LCP guidance also provides policies geared to protection of the County's natural resources, such as the Arana Creek area located at the City-County boundary in the project area. Applicable policies include:

***Santa Cruz County LCP Policy 5.2.4 - Riparian Corridor Buffer Setback:*** *Require a buffer setback from riparian corridors in addition to the specified distances found in the definition of riparian corridor. This setback shall be identified in the Riparian Corridor and Wetland Protection ordinance and established based on stream characteristics, vegetation and slope. Allow reductions to the buffer setback only upon approval of a riparian exception. Require a 10 foot separation from the edge of the riparian corridor buffer to any structure.*

***Santa Cruz County LCP Policy 5.2.5 - Setbacks From Wetlands:*** *Prohibit development within the 100 foot riparian corridor of all wetlands. Allow exceptions to this setback only where consistent with the Riparian Corridor and Wetlands Protection ordinance, and in all cases, maximize distance between proposed structures and wetlands. Require measures to prevent water quality degradation from adjacent land uses, as outlined in the Water Resources section.*

***Santa Cruz County LCP Policy 5.2.7 - Compatible Uses With Riparian Corridors:*** *Allow compatible uses in and adjacent to riparian corridors that do not impair or degrade the riparian plant and animal systems, or water supply values, such as non-motorized recreation and pedestrian trails, parks, interpretive facilities and fishing facilities. Allow development in these areas only in conjunction with approval of a riparian exception.*

## 2. ESHA Analysis

### General Setting

Vegetation on the 67.7-acre Arana Gulch open space site consists of coastal prairie grassland, riparian scrub and woodland, oak woodland, seasonal wetlands, emergent wetlands, and open water. Stands of eucalyptus groves and remnants of landscape plantings are also found within the project site. The gently rolling coastal terrace area of the site is occupied by grassland that is largely dominated by non-native species but that has some characteristics of native coastal prairie grassland. Oak woodland occurs on the



lower east-facing slope of Hagemann Gulch and, to a lesser extent, on the mid and lower east-facing slopes above Arana Creek. Riparian scrub and woodland occupy the narrow bottom of Hagemann Gulch and much of the broad bottomland adjacent to Arana Creek, and locally extends onto the adjacent slopes where it transitions into oak woodland. A large area of mixed vegetation in the central portion of the Arana Creek bottomland, which is influenced by brackish tidal flow and a high water table, is characterized as emergent wetland. See Exhibit 5 for the locations of these various habitat areas.

Three special status animal species are present within the Arana Gulch open space area: Steelhead (*Oncorhynchus mykiss*), Western red bat (*Lasiurus blossevillii*), and San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*). Steelhead, which is federally-listed as threatened, are present in extremely small numbers in Arana Creek. Western red bat, which is considered a California “Species of Special Concern” by the California Department of Fish and Game, roosts in foliage primarily in riparian and wooded habitats along Arana Creek. The San Francisco dusky-footed woodrat, also a California “Species of Special Concern,” occurs along Arana Creek and in the Hagemann Gulch woodlands.

At least one special-status plant species,<sup>18</sup> Santa Cruz tarplant (*Holocarpha macradenia*) occurs on the Arana Gulch site. Santa Cruz tarplant is a small to medium-sized annual herb in the sunflower family (Asteraceae). It is glandular, aromatic, and more or less sticky to the touch, and produces solitary or clustered flower heads with short but prominent yellow ray flowers. The species is federally-listed as threatened and State-listed as endangered (in 2000 and 1979, respectively). It is also listed on List 1B of the California Native Plant Society’s (CNPS) inventory of rare, threatened, or endangered plants. In 2002, the U.S. Fish and Wildlife Service designated 65 acres of Arana Gulch as critical habitat for the Santa Cruz tarplant. This critical habitat designation provides additional protections for the Santa Cruz tarplant under the Endangered Species Act.

Although degraded to a degree by invasive plant species, the Arana Gulch open space area continues to provide important habitat for rare and important species, in particular the Santa Cruz tarplant and three special status animal species. The site also includes coastal prairie grassland, oak woodland, and a variety of wetland and stream habitats. These habitat areas are easily disturbed and degraded by certain human activities and developments. Therefore, the entire Arana Gulch open space area constitutes an environmentally sensitive habitat area (ESHA) as defined by the Coastal Act.<sup>19</sup> Per the Coastal Act, only resource-dependent development is allowed in such ESHA, and only if the habitat is protected against any significant disruption of habitat values.

In this case, there is little question that the bulk of the Master Plan pertaining to habitat enhancement

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<sup>18</sup> In addition to tarplant, observations of Choris’s popcorn flower (*Plagiobothrys chorisianus*) have also been reported at Arana Gulch, Choris’s popcorn flower is a low-growing, white-flowered annual herb in the borage family, that has two recognized varieties (var. *chorisianus* and var. *hickmanii*), both of which occur in Santa Cruz County. Although neither variety is currently listed by the federal government or the state, var. *chorisianus* is listed on List 1B of the CNPS Inventory. In 1998, approximately 100 plants of Choris’s popcorn flower were observed within Santa Cruz tarplant Area A by CNPS representatives. These plants could not be satisfactorily identified as to variety. The species has not been observed on the site since 1998, but a seed bank may still be present there.

<sup>19</sup> This ESHA area does not include the buffer areas north of the Harbor’s dry boat storage parking lot that serves as a habitat buffer area (including per CDP 3-98-113), and does not include connecting trail segments from the proposed bridge to Frederick Street and along the Harbor access road.



measures can be found consistent with the Coastal Act in this respect (e.g., closure of “volunteer” trails with subsequent restoration of these areas, removal of non-native plant species, grazing to benefit the Santa Cruz tarplant, etc.). The primary ESHA question, and the central controversy to date with the proposed project, is the proposed pathway system where it crosses the meadow and Hagemann Gulch.<sup>20</sup> The Commission has a long history of approving trail projects, including boardwalks and paved and unpaved paths, within a variety of habitats determined to be ESHA.<sup>21</sup> In general in such approvals, the Commission has found that although trails through ESHA may cover a portion of an environmentally sensitive habitat to allow for public access to and through the ESHA, trail development may be considered a form of nature study or similar resource-dependent activity because: (1) it is a development type that is integral to the appreciation and comprehension of the biophysical elements that comprise an environmentally sensitive habitat area; and (2) the trail is dependent upon the presence of the natural area resource through which it passes to provide a nature study experience. Thus, trails through ESHA may serve both functional (i.e., providing physical access through a particular site) and interpretative purposes, including nature study. In other words, such trails can constitute resource-dependent interpretive trails.

In fact, one of the primary objectives of the proposed project is to maximize opportunities to educate, inform, and inspire users of the trail system so as to enhance their enjoyment of Arana Gulch and its resources, and possibly more importantly to encourage them to take action to help protect such resources here and elsewhere. Interpretive trail opportunities like this, particularly in close proximity to urban areas with significant numbers of users and potential users, are limited, and thus it is critically important that their interpretive utility in this regard is maximized. Such is even more so the case at Arana Gulch where the Master Plan’s proposed resource protection program includes significant opportunities to inform and educate the public regarding pro-active (as opposed to passive “don’t touch”) management strategies for enhancing sensitive resources (including mowing, prescribed burns, scraping, etc.) as well as adaptations to these strategies and related experiments and research to maximize resource protection possibilities.

In this case, both the existing trail system and the proposed new trail system are located in Arana Gulch ESHA. As previously described, existing trails in Arana Gulch total more than 2.5 miles, and the proposed trail system would total about 2 miles, including 0.6 miles of paved 8-foot-wide multi-use

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<sup>20</sup> Id (other areas are not located in ESHA).

<sup>21</sup> The following is a non-comprehensive list of some of the projects the Commission has approved that include trail development through ESHA. The trails in these projects include paved and unpaved trails and boardwalks. Some provide pedestrian-only access, while others allow multi-use access, including bicycles and wheelchair access: CDP 3-01-101 (Del Monte Beach re-subdivision – boardwalk through dune habitat); 3-01-003 (Grover Beach Boardwalk – boardwalk through dune habitat); CDP 3-87-258 (Asilomar State Beach Boardwalk – boardwalk through dune habitat); CDP A-3-SLO-04-035 (PG&E Spent Fuel Storage – unpaved paths through coastal terrace prairie habitat); CDP 3-05-071 (Morro Bay Harborwalk – road and trail through dune habitat); CDP A-1-MEN-06-052 (Redwood Coast Public Access Improvements – unpaved paths through rare plant habitat and riparian habitat); 80-P-046-A1 (Humboldt County Public Works Subdivision – compacted gravel trail through riparian habitat); CDP 3-00-092 (Monterey Dune Recreation Trail and Parking Lot – paved multiuse path through dune habitat); CDP 1-07-005 (Crescent City Harbor Trail North Segment – Class I and Class III multiuse trails involving some wetland fill); CDP 3-97-062 (Sand City bike path – paved path through dune habitat); CDP 3-06-069 (Fort Ord Dunes State Park Improvements – unpaved path through dune habitat); CDPs 3-98-095 and 3-98-095-A1 (Elfin Forest Boardwalk – boardwalk through terrestrial habitat ESHA).



trails, and 1.4 miles of unpaved pedestrian trails. Of the 0.6 miles of new paved trail in Arana Gulch, about two-thirds would be installed on top of the existing hard pack trail (mostly along the existing Arana Meadow Trail segment and the existing trail segment located adjacent to Hagemann Gulch), and the remainder would be new paved trails connecting paved trail segments. In other words, in ESHA there would be 0.4 miles of new paved trails located on top of an existing hard-packed trail segment, there would be 0.2 miles of new paved trails located in areas without trails currently, and there would be 1.4 miles of unpaved trails, of which about 75% would primarily follow existing trail alignments, with some upgrading or slight realignments.

In making a determination as to the appropriateness of the proposed trail system in relation to ESHA, it is important to understand the dynamics of that ESHA in relation to the proposed trail system.

#### Santa Cruz Tarplant<sup>22</sup>

Santa Cruz tarplant historically occurred around the northern and eastern sides of San Francisco Bay from Marin County to Alameda County, and around the northern end of Monterey Bay from Santa Cruz to extreme northern Monterey County, growing in coastal prairie habitats. All known historic native populations in the San Francisco Bay area are now extirpated. About 24 Santa Cruz tarplant populations were known historically from Santa Cruz County. At least 11 of the Santa Cruz County populations are extirpated or possibly extirpated. As of 2000, 11 of Santa Cruz County populations were known to be extant. However, most of those populations have declined substantially since the early 1990s and are threatened with extirpation. The main reasons for the decline of Santa Cruz tarplant, and the main threats to its future viability, are conversion of habitat to urban development and agriculture, and alteration of its habitat due to invasion of non-native species and cessation of grazing.

Persistence of the Santa Cruz tarplant in its coastal prairie habitat depends upon successful completion of reproduction and the production of seeds. The seeds can probably reside in the soil seed bank for five to ten years or so, awaiting favorable conditions such as adequate moisture, temperature, and light before blooming into annual plants. These conditions are promoted by periodic disturbance by fire, grazing, and soil surface exposure (“scraping”) that can reduce non-native grass cover and thatch, especially when coincident with ample winter rainfall.

Surveys for the Santa Cruz tarplant at Arana Gulch have been done since 1977, when cattle grazing was still ongoing on the site. In the mid-1980s, approximately 115,000 plants, in four distinct patches on the site, were present. These four sub-populations have been designated as Areas A, B, C, and D (see Exhibit 6). In the late 1980s, cattle grazing ceased on the site. Between 1989 and 1995, Santa Cruz tarplant numbers on the site decreased precipitously. Although the City has attempted to revive the Santa Cruz tarplant population on the site by scraping, weed-whacking, or raking in certain areas of the site, the numbers have continued to decline. No plants have been seen in Areas B or C since 1998; the only time tarplant were observed in these areas since 1989. No plants have been seen in the relatively large Area D since 2004, when two plants were found there. Area A continues to have a population of

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<sup>22</sup> The following tarplant discussion is based primarily on Arana Gulch Master Plan Draft Environmental Impact Report (EIR), dated February 2006, and Final EIR, dated May 2006.



Santa Cruz tarplant, but their numbers have generally been in decline in Area A since 2004 (see Exhibit 6 for 2004-2008 plant surveys). This continued decline has led to the conclusion that cattle grazing may be essential to the viability of the Santa Cruz tarplant population at Arana Gulch.

Notwithstanding such decline per recent monitoring, it is assumed that a seed bank may still be present throughout Arana Gulch, including Areas A through D as have been identified from past monitoring of tarplant occurrences.<sup>23</sup> Thus, with appropriate management measures, the species could potentially be restored to the area from the dormant seed bank.

Construction of new paved trails would cover areas of tarplant habitat within the width of the trail.<sup>24</sup> Other trail improvement activities for both new unpaved trail segments as well as improvements to existing unpaved trail segments, could also impact underlying habitat.

In terms of unpaved trails, existing unpaved trails pass through Santa Cruz tarplant Areas A, C, and D (see Exhibit 2). The trails that crisscross the central meadow area, including Area A, would be closed and restored to coastal prairie habitat (see Exhibit 3). A new realigned replacement unpaved trail following the edge of the meadow would take their place to provide loop continuity around Area A.<sup>25</sup> Other unpaved trail improvements would be limited to minor re-contouring of existing trail segments, including to avoid ongoing resource damage (due to erosion, etc.). Only the existing unpaved Coastal Prairie Loop Trail would continue to extend through one of the historic tarplant areas, in this case Area D, where two plants were last observed in 2004.

In terms of paved trails, the proposed Arana Meadow Trail would be constructed on top of the hard packed existing trail alignment running through historic tarplant Area C, where plants were last observed in 1998. The rest of the proposed paved trail through the meadow ESHA consists of the proposed Creek View Trail and the proposed Canyon Trail, neither of which extend through one of the four historic tarplant areas. The Creek View Trail follows a new alignment intended to address the grade change and erosion problems associated with the existing main trail stem extending to the meadow from the Harbor. This existing problematic trail alignment would be restored, and the new paved alignment installed along a gentler gradient looping back to connect to the main stem at the Arana Meadow Trail. The Canyon Trail would be partially along a new alignment, and partially on top of an existing trail segment, and would skirt Area B.

Thus, in summary, portions of the proposed paved Canyon Trail and paved Creek View Trail would traverse the overall meadow tarplant habitat area, but would avoid any historic tarplant areas, and only

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<sup>23</sup> It should be noted that Areas A, B, C, and D were defined without the advantage of the more precise mapping provided by Global Positioning Systems (GPS) or Geographical Information Systems (GIS), and the boundaries of these areas are approximate only.

<sup>24</sup> Additional habitat for 1 to 2 feet outside the trail footprint could also be disturbed if pedestrians and bicyclists do not stay strictly within the trail width, and some additional disturbance on areas where the trail crosses slope areas (ranging from about 1 foot to 7 feet) is likely to account for cut/fill slopes for the trail (see trail cross sections on pages 2-4 of Exhibit 3).

<sup>25</sup> Without the replacement trail, users would need to drop down into the Harbor and then back up the existing unpaved trail. Given the grade change (about 35 feet), and experience with use patterns in such cases, it seems likely that users would create a trail segment that followed the meadow's edge, even if this area were blocked off. Thus, the replacement trail makes good common sense in terms of providing trail continuity where users would normally attempt access.



the paved segment along the Arana Meadow Trail would cross an existing historic tarplant area, albeit in a location where the existing primary hard-packed trail currently crosses the same area. The proposed project also includes the installation of interpretive displays and trail signage, and management of the tarplant Area A habitat with cattle grazing and associated fencing.

As cited above, Coastal Act Section 30240 prohibits any significant disruption of ESHA and limits development within such areas to uses dependent upon the resource. The proposed project includes interpretive and other signage to inform users of the trails about the sensitive nature of the Santa Cruz tarplant habitat areas, and other sensitive resources on the site. The proposed habitat restoration activities that pertain to coastal prairie include the removal of non-native grassy vegetation by cattle grazing (see Exhibit 8 for more details regarding the proposed grazing and fencing), as well as mowing with removal of cut material, prescribed burning, and removal of invasive non-native plant species. The proposed grazing area encompasses tarplant Area A, which has historically featured the greatest number of tarplants. It is anticipated that 1 to 3 cow/calf pairs would be grazed from approximately January through June initially, with the potential for longer periods as recommended by qualified botanists experienced with grazing regimes and tarplant habitat. The proposed Master Plan also includes the installation of fencing and/or signs or implementation of other strategies to deter off-trail use, closure of unauthorized pathways that transect the coastal prairie habitat, removal of non-native invasive shrubs to prevent further loss of coastal prairie acreage, mowing and prescribed burns. Although the construction of paved trails would result in coverage of tarplant habitat within the width of these trail segments, much of such area has already been impacted by long-term existing trail use along similar alignments (see Exhibits 2 and 3 for the existing and proposed trail alignments), with resultant existing impacts to any Santa Cruz tarplant seed bank that might still be located in these areas that are currently used as trails. The area underlying all of the paved trail segments would be scraped in such a way as to preserve potential seed bank from the soil horizon where such bank is potentially located for use in habitat enhancement elsewhere on the site.

The multi-use trails have also been designed to minimize cut and fill, in order to minimize disturbance to ESHA. The project includes mitigations (see Exhibit 10) to protect the historic tarplant areas during construction by requiring a fenced construction corridor to minimize disturbance to habitat located outside of this corridor, and also by requiring that the corridor width is the minimum necessary to allow trail construction. The multi-use trails would also be constructed to minimize any changes in hydrology, including site drainage or runoff, to avoid drainage impacts to tarplant population areas. To maintain natural surface conditions, the multi-use trail design would include out-sloping to diffuse the runoff down slope and would also include frequent discharge points to minimize runoff concentrations. To maintain the natural subsurface flow conditions in the coastal prairie habitat area, the sub-base of the paved trails would be made of a permeable material.<sup>26</sup>

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<sup>26</sup> The use of permeable pavement for the surface of the multi-use trails is a possibility in this regard. However, permeable pavement generally requires more maintenance than non-permeable pavement, and such additional required maintenance could lead to more impacts over time, including in terms of potential replacement. The City's proposed trail design should effectively address any erosion concerns that might result from the use of impermeable pavement as proposed, and the underlying permeable layer should help to maintain natural shallow subsurface flow conditions.



The U.S. Fish and Wildlife Service (USFWS) has reviewed the proposed project, and has concluded that it has acceptable impacts under the federal endangered species act, and, perhaps more importantly, that it has the potential to improve tarplant habitat at Arana Gulch. Specifically, in September 2008 USFWS issued a Biological Opinion (see Exhibit 13) regarding the proposed project, including with respect to the proposed trail alignments that would traverse tarplant habitat in locations where there are no existing trail alignments. After reviewing the current status of the Santa Cruz tarplant and its critical habitat, USFWS concluded that the effects of the proposed project would not be likely to jeopardize the continued existence of the Santa Cruz tarplant, or adversely modify its critical habitat. USFWS further notes that: 1) the proposed Creek View and Canyon trail alignments will avoid the historic Santa Cruz tarplant colonies in Area A; 2) the direct impacts of these trails would only affect about 0.4 acres of the 65 acres of critical habitat at Arana Gulch; 3) proposed and required measures will reduce the adverse effects of the proposed project on Santa Cruz tarplant and its critical habitat; and, 4) the proposed project may benefit the Santa Cruz tarplant and its critical habitat by improving Santa Cruz tarplant habitat quality at Arana Gulch through the implementation of a tarplant adaptive management program.

In summary, with respect to Santa Cruz tarplant habitat, one of the main purposes of this proposal is to enhance existing Santa Cruz tarplant habitat, both through direct habitat restoration and through enhanced public access management and education. Moreover, the installation of interpretive and other signage and information in concert with multi-use trails and unpaved trails that explicitly direct public access to remain on the approved trails and inform the public of the sensitive nature of the site, as well as the proposed closure of numerous unauthorized trails with subsequent restoration of these areas, should substantially reduce the impacts on tarplant habitat that currently occur on the site. No new trail alignments will be located in the historic tarplant habitat areas A-D. A portion of the proposed Arana Meadow Trail and the Coastal Prairie Loop Trail will pass through two separate historic tarplant habitat areas, but these portions of trail will be in a similar alignment as existing trails on the site and thus should not substantially impact tarplant habitat in these areas. The trails have been designed to minimize cut and fill in order to minimize disturbance to coastal prairie habitat, and to minimize changes to hydrology. Appropriate mitigations are required to protect tarplant habitat during construction.

The Master Plan requires continued experimental research directed toward refining understanding of the management regime that maximizes long-term success of the tarplant at Arana Gulch, as well as ongoing monitoring on an annual basis to determine the success of the management measures, to monitor the overall well-being of tarplant colonies on the site, and to identify potential threats to tarplant persistence on the site. Revision of the management prescriptions and remedial actions to enhance long-term viability of the tarplant are also required if necessary.

The project includes an adaptive management plan for the Santa Cruz tarplant, including a number of management strategies such as mowing, scraping, prescribed burns, and cattle grazing. Of these management strategies, cattle grazing appears to provide the greatest benefit to the Santa Cruz tarplant.<sup>27</sup> Given that the tarplant numbers have been generally declining in recent years and that it is

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<sup>27</sup> And the City has experience with using grazing in this manner from their management of the Moore Creek Preserve property on the west side of town with similar habitats.



estimated that the tarplant's seed bank is only viable for about ten years or so, it is critical that grazing be resumed on the site as soon as possible.

To conclude with respect to Coastal Act Section 30240, this section only allows resource dependent development in the tarplant ESHA, and only when such development will not result in any significant disruption of habitat values. In essence, Section 30240 presents a two-part conformance test. In terms of the first part, resource dependency, it is clear that one of the primary objectives of the proposed project is to maximize opportunities to educate, inform, and inspire users of the trail system so as to enhance their enjoyment of Arana Gulch and its resources, and possibly more importantly to encourage them to action in helping to protect such resources here and elsewhere. Interpretive trail opportunities like this, particularly in close proximity to urban areas with significant numbers of users and potential users, are limited, and thus it is critically important that their interpretive utility in this regard is maximized. Such is even more so the case at Arana Gulch where the Master Plan's proposed resource protection program includes significant opportunities to inform and educate regarding pro-active (as opposed to passive "don't touch") management strategies for enhancing sensitive resources (including mowing, prescribed burns, scraping, etc.) as well as adaptations to these strategies and related experiments and research to maximize resource protection possibilities. The path system, including the paved components, is dependent upon the presence of the tarplant habitat area through which it passes to provide a relevant tarplant habitat interpretive experience. Thus, the proposed pathway system, including the paved sections of it, is dependent on the ESHA resource for it to function as an interpretive path. In that respect, the proposed pathway system meets the first test of Coastal Act Section 30240.

As to the second test, it is indisputable that the pathway system extends through the identified tarplant habitat area. And it is likewise indisputable that the paved portions of it would cover a portion of the habitat area with pavement. However, implementation of the Master Plan, including the limited measures necessary to maintain the existing unpaved footpaths, the realignment of one unpaved trail segment to avoid existing areas where tarplant has recently been identified, and the installation of the paved path, will not result in any significant disruption of habitat values. The habitat information in this respect has been evaluated by the Commission's senior ecologist, Dr. John Dixon, and his professional opinion is that although there will inevitably be some disruption of habitat values in the habitat areas, the proposed project will not result in a significant disruption of habitat values as that term is understood in a Section 30240 context. There are multiple reasons that indicate that to be the case.

First, with respect to the unpaved path segments, the realignment of the one unpaved path segment in the southern portion of the meadow will move trail use out of areas where existing impacts to tarplant species are currently occurring. Yes, installation of the realigned footpath will disturb an area of habitat not currently disturbed, but this area of disruption is limited, and the footpath will not cover the soils with pavement. In fact, the immediate soil horizon, including any potential tarplant seed bank, along the realigned path alignment would be scraped free and used to enhance tarplant habitat on the site. In terms of the maintenance of this realigned segment and of existing unpaved trail segments, the limited maintenance proposed (minimal trail realignments as necessary for erosion control and safety, etc.) will simply maintain these areas as passable for foot traffic. These measures with respect to the unpaved path segments should not lead to any new disruption of habitat values, and may, in fact, lead to some



enhancement as potentially the seed bank may be freed to germinate along the edge of these path segments. In tandem with Master Plan habitat enhancement components, including removing and restoring about a half mile of redundant paths, including paths that currently extend through areas most recently identified with tarplant specimens, the net effect as it relates to the unpaved path segments is habitat enhancement, and certainly not significant disruption.

Second, with respect to the paved path segments, the paved sections will cover habitat areas. As such, there is no doubt that there will be a disruption of habitat values in these areas. However, the paved paths will not cover any existing known expressed occurrences of tarplant, and will extend through only one of the identified sub-population areas (Area C, where tarplant was last identified in 1998) in an alignment that is already occupied by the main hard-packed trail currently in heavy use at the site. In other words, adding pavement on top of the hard pack area helps to minimize potential disruption of habitat values. Furthermore, as indicated above, seed bank would be scraped free along the paved path alignments to allow such seed bank to thrive as part of the overall resource enhancement measures for the meadow. In addition, the new paved path segments of the portions of the Creek View Trail and Canyon View Trail that cross the meadow in areas where there has not been existing trail use are limited to a linear area of about 700 feet. All told, the 700 linear feet of paved path will occupy a very small area on the meadow, in a configuration that should lead to a limited disruption of habitat values confined to those alignments. In addition, the paths have been designed to limit impacts to shallow subsurface hydrology, thus protecting against impacts in relation to hydrologic function and the habitat. And, when considered in tandem with Master Plan habitat enhancement components, it seems clear that the project will result in a net enhancement of tarplant habitat values. Even when taken out of context (i.e. if the paved paths were to be installed without the adaptive tarplant management program of the Master Plan), the paved paths would result in limited disruption of the habitat values of the habitat area, and would not result in significant disruption of those habitat values of the tarplant area.

In short, implementation of the Master Plan, including the paved path component, will not result in a significant disruption of the habitat area. As a result, the proposed pathway system meets the second test of Coastal Act Section 30240(a). Thus, and as detailed in the preceding findings, the proposed project, including the paved path segments, is consistent with Coastal Act Section 30240(a).

In terms of Section 30240(b), and for similar reasons, the portions of the proposed project located adjacent to the habitat areas (but not inside of them) have likewise been sited and designed in such a way as to not significantly degrade such habitat areas, and are compatible with the continuance of such habitat areas. Again, the pathway system will be located near such habitat areas, but there is adequate separation, including near Hagemann Gulch and Arana Creek (see also below), to provide effective buffering for the habitat areas in such a way as impacts that might significantly degrade those areas are not expected. In fact, potential impacts to these areas due to adjacency issues are limited by siting, design, and management implementation over time (including enforcing access restrictions into these areas off the path, avoiding lights along the path, ensuring that path runoff is adequately filtered and treated to avoid significant adverse impacts from runoff, limiting path access to daytime use, etc.). Thus, the proposed project, including the paved path segments, is consistent with Coastal Act Section 30240(b), and thus consistent with Section 30240 overall.



Thus, if the proposed Master Plan is fully and rigorously implemented, including with respect to adaptive tarplant and related habitat management over time where the objective is maximum resource enhancement, and including with respect to maximizing interpretive utility, then the proposed project represents an appropriate development within ESHA, including in terms of its trail components that are resource-dependent interpretive trails that will not significantly disrupt habitat values. To ensure that this is the case, special condition 2 requires submission of project plans that relocate the unpaved portion of the Arana Meadow Trail in such a way as to avoid tarplant Area A while avoiding significant grade changes in its connection to the Coastal Prairie Loop Trail. This condition also specifies the measures that will be taken to remove and restore existing paths that crisscross the tarplant habitat. Special Condition 3 requires submittal of an Arana Gulch Habitat Management Plan that includes the habitat monitoring and management protocols as typically required by the Commission. Special Condition 6 requires that construction site documents and a construction coordinator be available during construction of the path system, and Special Condition 7 requires that a deed restriction be recorded against all properties governed by this permit. As conditioned, the project should result in significant interpretive and resource enhancement in Arana Gulch.

As conditioned, and with respect to the Santa Cruz tarplant, the Commission finds the proposed development consistent with the cited resource protection policies of the Coastal Act.

#### Other Sensitive Habitats and Species

The primary habitat areas of concern in addition to the tarplant habitat issues discussed above are in relation to Arana Creek and related wetland area and Hagemann Gulch.

#### **Arana Creek**

In terms of the Arana Creek area, the unpaved Marsh Vista Trail and the portion of the paved Creek View Trail adjacent to the dry boat storage area would be the closest trail segments to this area. The Marsh Vista Trail (access limited to pedestrians only; no dogs allowed) would provide interpretation of this area as it skirts along the contour of the edge of the meadow area along the existing unpaved trail alignment. The trail is located at least 40 feet from Arana Creek in an area where there are existing “volunteer” trails.

However, the proposed alignment of the Marsh Vista Trail is located directly adjacent to what may be three seasonal wetlands near the Agnes Street entrance to Arana Gulch (see page 1 of Exhibit 7). The City, however, did not do a formal wetland delineation of these three areas, but rather did a conservative mapping of these potential wetland areas. Special Condition 2 requires that, if these areas delineate as seasonal wetlands, that this portion of the trail be located at least 100 feet from these seasonal wetlands. There is adequate space on the site to avoid these areas while maintaining effective trail continuity and minimizing habitat impacts otherwise.

A portion of the unpaved Coastal Prairie Loop Trail is located within a few feet of a seasonal wetland (shown as SW-2009 on page 2 of Exhibit 7). This area was delineated as a seasonal wetland using



Coastal Commission wetland delineation criteria. Special Condition 2 requires relocation of the portion of the Coastal Prairie Loop trail adjacent to SW-2009 to provide a 100-foot buffer between the trail and the seasonal wetland.<sup>28</sup>

The paved Creek View Trail would extend to within about 10 feet of Arana Creek where it enters into the four six-foot-in-diameter culverts that extend under the Harbor's dry boat storage area and Harbor parking lot and empties into Harbor waters. In other words, this portion of the trail would cross the historic fill that created the Harbor in the first place, on top of the culverts that are currently buried and topped by the Port District's dry boat storage area. There would also be an overlook with an interpretive display at this location. The proposed trail in this area is located outside the boundaries of the seasonal wetlands associated with Arana Creek, and the trail will be located above the creek, along the edge of the Harbor's dry boat storage area in an alignment similar to an existing unpaved trail. There would be no bridge over Arana Creek or fill within the adjacent wetlands associated with the creek. To protect steelhead that may be found in the creek, the project includes appropriate best management practices to minimize sediments from entering the stream system during construction (see Exhibit 10 for the project's required mitigation measures).

Construction of a portion of the Creek View Trail near Arana Creek could affect special-status roosting bats (Western red bat) due to activity during construction. Although no trees are proposed for removal to install this section of trail, if trimming of trees is required, this could also impact roosting bats. The proposed project includes appropriate mitigations to protect the special-status Western red bat in case tree trimming is required, including conducting surveys prior to the establishment of bat maternity colonies, and consultation with the California Department of Fish and Game (CDFG) if an active roosting site is found.

The proposed Master Plan also includes resource management strategies to enhance the habitat of the Arana Creek riparian and wetland areas, including restoration of the eroded gully in the northern portion of Arana Creek, removal of non-native invasive vegetation, closure of unauthorized pathways that currently exist within the wetland and riparian habitat areas, and, if necessary, installation of fencing and/or signs to deter off-trail use in these areas.

### **Hagemann Gulch**

The proposed project includes a 340-foot bridge over Hagemann Gulch (see Exhibit 3). The bridge will accommodate interpretive displays and nature viewing areas. Riparian scrub and oak woodland are found in Hagemann Gulch. The proposed bridge and trail construction would not result in direct removal of riparian scrub and woodland habitat. No abutments would extend into the intermittent creek located at the bottom of Hagemann Gulch, and no trees would need to be removed to provide for installation of the bridge, although some tree branches would need to be trimmed back. Ground disturbance during construction would occur only in the vicinity of the bridge abutments on either side of the bridge, located at the edge of the oak woodland habitat; this disturbance is expected to be fairly minor and confined to the immediate area at the top of the gulch. San Francisco dusky-footed woodrat

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<sup>28</sup> Id (adequate space to relocate).



nests have been documented within the riparian scrub habitat of Hagemann Gulch. However, all bridge construction activities and equipment staging will occur outside the riparian scrub habitat. To ensure that construction of the bridge does not impact nesting birds, the project mitigations include nesting and roost surveys to be performed by a qualified biologist from March to July. If an active nest is found, the City will consult with the appropriate resource agencies (USFWS) to determine appropriate construction buffers or other avoidance measures. Finally, the proposed project includes appropriate construction best management practices to reduce potential erosion and sedimentation into Hagemann Gulch during bridge construction.

The proposed Master Plan also includes resource management strategies to enhance the habitat of the Hagemann Gulch riparian woodland area, including removal of non-native understory species to the extent feasible, containing the expansion of eucalyptus trees by pruning the lower branches of established eucalyptus trees and removing smaller trees and saplings, and by closing unauthorized pathways within Hagemann Gulch.

No lighting would be installed along the trails within the meadow area of Arana Gulch. Low-level lighting would be installed at the Hagemann Gulch Bridge and the portion of the Creek View Trail that is located on Harbor property. The City indicates that such lighting would be necessary in these areas for safety reasons because of tree cover that would limit light in these areas during early morning hours and at sunset (the paths would be open from sunrise to sunset). The Master Plan envisions the use of low-level, down-shielded lighting in these areas, but provides no further specifics or details regarding lighting.

It is likely, if not expected, that such lighting will adversely impact wildlife habitat values in these areas, and that it should be minimized to the degree possible, including by eliminating it entirely if feasible. In tandem with necessary refinements to ensure the pathway system is open during daylight hours (see public access findings that follow), some lighting may be required in this respect. However, in order to find the project consistent with the habitat protection policies of the Coastal Act, it should be eliminated or reduced as much as possible. See special condition 2.

### **Arana Creek and Hagemann Gulch Conclusion**

As with tarplant issues discussed above, if the proposed Master Plan is fully and rigorously implemented, including with respect to construction BMPs, creek related habitat management over time where the objective is maximum resource enhancement, and maximizing interpretive utility, then the proposed project represents an appropriate development with respect to Arana Creek and Hagemann Gulch, including in terms of its trail components that can and should be considered resource-dependent interpretive trails that will not significantly disrupt habitat values and thus meet the tests of Section 30240(a). Likewise, in terms of Section 30240(b), and for similar reasons, the portions of the proposed project located adjacent to the habitat areas (but not inside of them) has likewise been sited and designed in such a way as it is not expected to significantly degrade such habitat areas, and is compatible with the continuance of such habitat areas. Again, the pathway system will be located near such habitat areas, but there is adequate separation, including near Hagemann Gulch and Arana Creek, to provide effective buffering for the habitat areas in such a way as impacts that might significantly degrade those areas are



not expected. In fact, potential impacts to these areas due to adjacency issues are limited by siting, design, and management implementation over time (including enforcing access restrictions into these areas off the path, avoiding lights along the path, ensuring that path runoff is adequately filtered and treated to avoid significant adverse impacts from runoff, limiting path access to daytime use, etc.). The project is conditioned to further protect these habitat areas. Thus, the proposed project, including the paved path segments, is consistent with Coastal Act Section 30240(b), and thus consistent with Section 30240 overall.

To ensure that this is the case, special conditions are attached that require a lighting plan premised on avoiding lighting altogether or limiting lighting to the maximum extent feasible, and that require an appropriate buffer between trails and seasonal wetlands.

As conditioned, and with respect to Arana Creek and Hagemann Gulch issues, the Commission finds the proposed development consistent with the cited resource protection policies of the Coastal Act.

### 3. ESHA Conclusion

As conditioned, the proposed project represents an appropriate resource-dependent development that should not result in a significant disruption of habitat values for development in ESHA, and, for development adjacent to the ESHA areas (but not inside of them), that has been sited and designed in such a way as it is not expected to significantly degrade such habitat areas, and such that it is compatible with the continuance of such habitat areas. Again, the proposed project should result in overall habitat enhancement for the special resources at Arana Gulch coincident with interpretive access enhancement in the same area, including allowing more and different user groups to experience such resources effectively and appropriately. The proposed project is consistent with Coastal Act Section 30240 and the other cited resource protection policies of the Coastal Act.

In making this finding, and as previously indicated, the Commission continues to recognize that the paved path portion of the Master Plan project has engendered much debate and controversy over the years. In particular, due to the fact that any paved path alignment through the Arana Gulch meadow area will cover Santa Cruz tarplant habitat, any alternative that includes such a paved option includes such an impact. Such is the case with the proposed project.

As discussed above, the paved path portion of the project is both dependent on the ESHA resource for it to function as an interpretive path, and its installation is not expected to result in any significant disruption of habitat values. In addition, it has been sited and designed to prevent impacts which would significantly degrade the habitat areas in question. In short, the paved path can be found consistent with Coastal Act Section 30240. That said, although the path won't result in the level of impacts that Section 30240 does not allow, it will result in some habitat impacts. As a result, some have asked whether there are appropriate path alternatives that can avoid all such impacts altogether.

### **Alternatives to the Proposed Project**

The EIR for the Master Plan evaluated four alternatives: 1) No Project Alternative; 2) Reduced Creek View Trail Alternative; 3) Unpaved Trail System with Hagemann Gulch Bridge Alternative; and, 4)



#### Unpaved Trail System without Hagemann Gulch Bridge Alternative.

The No Project Alternative would keep the site in its existing condition. Under this alternative, no Master Plan and no Santa Cruz Tarplant Adaptive Management Program would be adopted and implemented. While the No Project Alternative would eliminate potentially significant impacts of the proposed project, this alternative would not provide the benefits offered by the proposed project, such as long-term resource management strategies, including the Santa Cruz Tarplant Adaptive Management Program, or a new west entrance and connection to the Seabright neighborhood. The site would remain in its current state with existing unpaved trails, some of which have created erosion problems. As such, the No Project alternative would not support achievement of the project objectives.

The Reduced Creek View Trail Alternative would include all of the project-proposed trail system within the City-owned property, but would not include the trail segment within the Harbor's property, i.e. the proposed paved multi-use trail segment along the northern edge of the Harbor's dry boat storage area would be eliminated. Unpaved trail access from the Harbor to Arana Gulch would continue to be provided by the existing trail segment along the western edge of the dry boat storage area. This alternative would have similar impacts to those of the proposed project, except that any impacts associated with trail construction on Harbor property would be eliminated. No retaining wall would be constructed in the vicinity of the existing culverts at the base of Arana Creek, and therefore this alternative would result in fewer impacts in that area than the proposed project. However, this alternative would not meet the project objective of providing an ADA-compliant trail through the Harbor's property to connect to the other proposed ADA-compliant trails.

The Unpaved Trail System with Hagemann Gulch Bridge Alternative would provide the same trails as proposed by the project, but none of the trails would be paved. This alternative would provide public access for pedestrians and some bicyclists, but would not comply with ADA requirements. While the cost of construction would be reduced if trail surfacing remained unpaved, it is uncertain whether state and federal transportation grants previously received by the City would fund the Hagemann Gulch bridge if the multiuse paths were not paved. If the bridge were not funded by these grants, it is uncertain if the bridge would be constructed unless a new funding source was secured. Funding for the Santa Cruz Tarplant Adaptive Management Program would also be uncertain. This alternative would have impacts similar to those of the proposed project, except that there would be fewer impacts associated with construction of paved trails. It was assumed that the Harbor's property would not be used for trail construction and that the existing unpaved trail at the edge of the upper Harbor would remain. Thus, impacts associated with the proposed retaining wall in this area would be eliminated.

The Unpaved Trail System without Hagemann Gulch Bridge Alternative would provide access for pedestrians and some bicyclists, but would not comply with ADA requirements. It would provide a north-south trail connection, like the proposed project, but would not include a new west entrance or east-west trail connection. Under this alternative, funding for the Santa Cruz Tarplant Adaptive Management Program would also be uncertain. Under this alternative, there would be fewer impacts associated with construction of a bridge and paved trails compared to the proposed project.



The project's EIR alternatives analysis concluded that the No Project Alternative would not be the environmentally superior alternative because the site would be left without an effective management plan that includes implementation measures to protect onsite resources. Of the three remaining alternatives, the Unpaved Trail System without Hagemann Gulch Bridge Alternative would be the environmentally superior alternative because it would provide for the least amount of construction at the site. Thus, onsite resources, such as Santa Cruz tarplant habitat and other habitats, would be least affected. This alternative, however, would not meet the project objectives of providing ADA-compliant, multi-use trails, and would not provide a new west entrance and connection to the Seabright neighborhood. Thus, access within Arana Gulch would be significantly limited compared to the proposed project. Additionally, funding might not be available for long-term resource management of the site, specifically the Santa Cruz Tarplant Adaptive Management Program.

The EIR did not evaluate an off-site alternative that would provide a trail connection from the Seabright neighborhood in the City of Santa Cruz to the unincorporated County because the intent of the proposed project is to develop a Master Plan for the 67.7-acre Arana Gulch property, and any off-site alternative would not meet this intent. Clearly, however, if the objective is simply to get from point A in Santa Cruz County to point B in the City of Santa Cruz (i.e., the elusive "Broadway-Brommer" connection) more quickly than is currently the case (including for pedestrians, bicyclists, wheelchair users, etc.) then there are other alternatives that can meet this objective without placing paved paths in Arana Gulch. In fact, there are multiple permutations of projects that can achieve such an objective outside of Arana Gulch, including several that have been considered by the City and/or identified over time as the paved path project has been pursued by the City. These include adding recreational trail access across the Union Pacific train trestle immediately inland of the Murray Street Bridge across the Harbor;<sup>29</sup> improving recreational trail connectivity on Murray Street Bridge itself;<sup>30</sup> improving bike lanes along Soquel Drive/Avenue inland of Arana Gulch;<sup>31</sup> constructing a trail segment that entered the Upper Harbor from Brommer and extended through the Harbor proper and then connected to Frederick Street Park through a switchback trail or ramp of some sort; connecting Frederick Street Park to Stagg or Mello Lanes (which extend perpendicular from Brommer and dead end at the bluff above the Harbor) via a new recreational trail (only) bridge; and variations and permutations of each of those options.

There is little doubt that such projects, alone or together, could facilitate such cross-town connectivity, and could do it without paved paths in Arana Gulch. However, and although the original paved path concept of about 15 years ago was largely driven by such circulation connectivity concerns, the objective for the project currently before the Commission cannot be distilled to only, or even mostly,

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<sup>29</sup> The Murray Street bridge extends across the Harbor about 0.5 miles towards the ocean from the Arana Gulch site, separating the Upper Harbor area (inland of the bridge) from the Lower Harbor area seaward of the bridge). The Union Pacific Railroad trestle is immediately inland of the bridge. The Santa Cruz County Regional Transportation Commission has been actively pursuing acquisition of the railroad corridor through Santa Cruz County for many years. Ultimately, it is envisioned that such acquisition would allow for new recreational trail improvements along this corridor throughout the County, including at this location.

<sup>30</sup> The City of Santa Cruz is separately pursuing a CDP to upgrade the Murray Street Bridge, and it is anticipated that such upgrades will include such recreational trail improvements. Currently, the Murray Street Bridge includes a sidewalk on one side, and limited bike lane area otherwise.

<sup>31</sup> Such improvements were recently completed by the City.



one of getting across town more quickly in this way. Rather, the objective is much broader than that, and includes both comprehensive resource management and enhancement in Arana Gulch, and a strong desire to provide an interpretive path system that can help foster an awareness and appreciation of this special open space area, including for users for whom access to this area is currently unavailable altogether or is difficult (including those in wheelchairs, those less physically able to traverse uneven footpaths, caregivers with strollers, etc.). In other words, although the paved trail component will facilitate cross town connectivity, including for bicyclists, it is likewise intended to provide a much richer interpretive experience of the Arana Gulch area for a much wider spectrum of the general public than is currently the case. As such, the range of “Point A to Point B” alternatives do not and cannot meet such an objective.

As to alternative siting and designs within Arana Gulch for the paved path, there are obviously options. For example, the path segments could be made more direct (i.e., with less meander) and could be made narrower. Such options would result in reducing habitat coverage to a limited degree. However, such options do not make sense at this location in relation to the project before the Commission. In terms of straighter line segments, the path alignments chosen are fairly straight in most respects, and loops and variations are in place to avoid noted habitat areas (like Area A in the main meadow area, the location of the highest concentration of tarplant individuals in recent surveys) and to provide gentler gradients for the path to both facilitate ADA and other user access, as well as to reduce the potential for erosion, sedimentation, and other related adverse impacts associated with steeper path segments.<sup>32</sup> With respect to using a pathway narrower than 8 feet in width, this would also be possible. However, an 8-foot path width is a reasonable width to allow two-way use, including when pedestrians, bicyclists, wheelchair users, strollers, and leashed dogs are all using the path in question. In fact, some might argue that a wider path width is necessary to avoid potential user conflicts along the paved path segments, and that 8 feet is too narrow in this respect. In this case, the Commission finds that the proposed 8-foot-wide paved path width strikes a reasonable balance in this regard, and will allow adequate path utility while avoiding enough coverage as to avoid a significant disruption of habitat values.

In short, the proposed project, as conditioned, represents the most appropriate alternative to meet project objectives and to find consistency with the Coastal Act, including Section 30240.

## C. Public Access and Recreation

### 1. Applicable Policies

Coastal Act Sections 30210 through 30224 specifically protect public access and recreation. Applicable policies include:

**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.*

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<sup>32</sup> As is currently the case with the main access path from the Harbor up to the meadow.



**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(a)(1).** *(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*

**30213.** *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.*

**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.*

In addition, Coastal Act Section 30252(3) requires new development to maintain and enhance public access opportunities by providing non-automobile circulation:

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



*development...*

Finally, Coastal Act Section 30240(b), previously cited, also protects parks and recreation areas, and states:

**30240(b).** *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

These overlapping Coastal Act policies require that public recreational opportunities be maximized, while ensuring that natural resources are protected.

In addition, the following certified City of Santa Cruz LCP policies, although not the standard of review, can provide pertinent information and guidance:

**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 3.5.5:** *Develop and implement plans to maximize public access and enjoyment of recreation areas along the coastline.*

For that portion of the project in Santa Cruz County, LCP Circulation (LUP Chapter 3) policies encourage a coordinated recreational circulation system for access to beach recreational areas and give priority to road improvements that provide access to coastal recreational resources, including:

**LUP Policy 3.8.7 Recreation.** *Plan bicycle routes to facilitate access to recreational areas such as regional parks, beach areas, and major tourist commercial/recreational facilities. Promote recreational bicycle routes to promote “eco tourism”.*

**LUP Policy 3.14.1 Capacity.** *Reserve capacity on the existing County road system for recreational traffic.*

The County’s LCP Parks, Recreation, and Public Facilities (LUP Chapter 7) policies and programs generally protect existing public access and encourage public access and recreational enhancements such as public parking, trails, and other facilities to increase enjoyment of coastal resources and to improve access within the Live Oak coastal region, including:

**LUP Objective 7.1a Parks and Recreation Opportunities.** *To provide a full range of public and private opportunities for the access to, and enjoyment of, park, recreation, and scenic areas, including the use of active recreation areas and passive natural open spaces by all ages, income groups and people with disabilities with the primary emphasis on needed recreation facilities and programs for the citizens of Santa Cruz County.*

**LUP Objective 7.7a Coastal Recreation.** *To maximize public use and enjoyment of coastal*



*recreation resources for all people, including those with disabilities, while protecting those resources from the adverse impacts of overuse.*

***LUP Objective 7.7b Shoreline Access.*** *To provide a system of shoreline access to the coast with adequate improvements to serve the general public and the coastal neighborhoods which is consistent with the California Coastal Act, meets public safety needs, protects natural resource areas from overuse, protects public rights and the rights of private property owners, minimizes conflicts with adjacent land uses, and does not adversely affect agriculture, subject to policy 7.6.2.*

***LUP Program 7.7f (Establish Access Signing).*** *Establish an access signing program which: (1) Removes incorrect, misleading, and confusing signs. (2) Develops, installs, and maintains standard signs for primary destinations and neighborhood accessways and designates appropriate locations for these signs. (Responsibility: County Parks, Public Works)*

***LUP Policy 7.6.3 Utilization of Existing Easements.*** *Seek to utilize existing publicly owned lands where possible to implement the trail system, subject to policy 7.6.2.*

***LUP Policy 7.6.8 Trail Funding and Construction.*** *When utilizing roadside betterment funds in the development of bicycle, pedestrian and equestrian trails, construct such trails off the pavement within the public right-of-way and separated from traffic by an appropriate distance. Include trail design and construction in all public road development projects on designated trail routes, subject to policy 7.6.2.*

***LUP Policy 7.7.1 Coastal Vistas.*** *Encourage pedestrian enjoyment of ocean areas and beaches by the development of vista points and overlooks with benches and railings, and facilities for pedestrian access to the beaches...*

***LUP Policy 7.7.4 Maintaining Recreation Oriented Uses.*** *Protect the coastal blufftop areas and beaches from intrusion by nonrecreational structures and incompatible uses to the extent legally possible without impairing the constitutional rights of the property owner, subject to policy 7.6.2.*

## 2. Analysis

The proposed Arana Gulch master plan includes a trail system within Arana Gulch that would be approximately 2 miles in length (see Exhibit 3). The trail system would include paved 8-foot-wide multi-use (pedestrian, bicycle, wheelchair, and other use) trails (0.6 miles) and unpaved pedestrian-only trails (1.4 miles). The proposed trail system also includes a multi-use bridge across Hagemann Gulch that would provide new access from the City's eastside neighborhoods adjacent to the Arana Gulch area into Arana Gulch (there presently is no direct access from these neighborhoods into Arana Gulch). Interpretive displays and overlook areas would be located along the trail routes at locations that minimize impacts to sensitive habitats. Limited bench seating may be provided at scenic overlooks. Additional signage would be installed as needed to discourage off-trail use. Signage would state that access into the Arana Gulch open space area would be allowed between sunrise and sunset.



The proposed trail system and associated improvements are for the specific purpose of expanding and enhancing public recreational interpretive access, including in terms of low-cost access opportunities, in the public open space area of Arana Gulch. Coastal Act policies demand that maximum public recreational access opportunities and low-cost recreation facilities be protected, encouraged, and provided. The proposed project, including the proposed improved trail system, and including for different users (i.e., pedestrian, bicycle, wheelchair, stroller, etc) will further Coastal Act goals in the City of Santa Cruz and Santa Cruz County. The 8-foot wide multi-use paths are adequately sized to handle the expected flow of users, while the unpaved pedestrian-only paths will provide a slower-paced, lower key experience in Arana Gulch.

In addition to providing interpretive opportunities to view nature and wildlife, the proposed trail system would also provide multi-use trail connections from adjacent communities through Arana Gulch to the coast and the Monterey Bay Sanctuary Scenic Trail (Sanctuary Scenic Trail), a component of the California Coastal Trail (CCT). The Sanctuary Scenic Trail is a recreational and interpretive trail system that links existing and proposed trail segments into a continuous coastal trail around the Monterey Bay, and provides a multi-use path for walkers, joggers, bicyclists, local residents, and visitors. The Sanctuary Scenic Trail also provides for appropriate loop and off-shoot segments from the main backbone of the trail, including, in this area, the Santa Cruz Harbor trail that circles the Harbor. The proposed project will connect these Harbor trails to Arana Gulch trails, thus extending the utility and value of the Sanctuary Scenic Trail and the CCT, in addition to providing enhanced public access into Arana Gulch itself.

In addition, the proposed project will fill a relative gap in access between Frederick Street and 7th Avenue, thus allowing a direct trail connection between these two areas and facilitating overall non-automobile circulation, including a primary bicyclist connection.

As proposed, the trail system would be open to the public from sunrise to sunset. Typically, however, the Commission has required that public access amenities be open to general public use from one hour prior to sunrise to one hour after sunset. This timing makes best use of all daylight hours, including the early morning and early evening hours when there is some light in the sky but the sun is not officially “up,” and does not unduly penalize early morning and sunset users making use of such facilities.

If the proposed Master Plan is fully and rigorously implemented, including with respect to maximizing public recreational access utility (such as appropriate siting for benches, overlooks, bicycle parking at the three main entrances to Arana Gulch, and related features), providing clear signage and direction, and providing access during daylight hours from one hour before sunrise to one hour after sunset, then the proposed project represents a valuable public recreational access project. To ensure that this is the case, special condition 4 requires an access management plan that specifically describes all public access amenities associated with the proposed trail system, including interpretive and other signage, number of benches and their locations, trash cans, bicycle racks at entrances to the Arana Gulch open space area, hours of use from one hour prior to sunrise to one hour after sunset, etc. With these amenities, the project will make the Arana Gulch open space area more accessible, educational, and enjoyable for a wider variety of users. This condition also requires that the public access signage reflects



that these trails are components of the CCT and Sanctuary Scenic Trail, and that the signs recognize the local and state agencies, including the City, the County, and the Commission, that have made these trails possible.

The project will further the goals and intent of the applicable LCP and Coastal Act policies and standards by improving public recreational access and low-cost visitor-serving amenities in and around the Arana Gulch open space area. The project will enhance access and recreation opportunities by providing multi-use, non-motorized paths capable of accommodating a greater number of persons, including those with disabilities, in a manner that will allow them to experience and better understand the resources in Arana Gulch. It will also provide an improved connection with the existing Harbor portions of the multi-use Sanctuary Scenic Trail/CCT. As conditioned, the Commission finds the proposed development consistent with the cited public recreational access policies of the Coastal Act.

#### D. Visual Resources

##### 1. Applicable Policies

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.*

Coastal Act Section 30240(b), previously cited, also protects the aesthetics of coastal recreation areas such as Arana Gulch and the Harbor. Section 30240(b) states:

***Section 30240(b):** Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

In addition, the following certified City of Santa Cruz LCP policies, although not the standard of review, can provide pertinent information and guidance:



***Community Design Element Policy 2.1:*** Preserve natural features providing visual definition to an area within the City.

***Community Design Element Policy 2.1.5:*** Protect and enhance unique natural areas including... Arana Gulch Flood Plain...

Likewise, the County's LCP is protective of coastal zone visual resources. The LCP states:

***Objective 5.10.a Protection of Visual Resources.*** To identify, protect, and restore the aesthetic values of visual resources.

***Objective 5.10.b New Development in Visual Resource Areas.*** To ensure that new development is appropriately designed and constructed to minimal to no adverse impact upon identified visual resources.

***LUP Policy 5.10.2 Development Within Visual Resource Areas.*** Recognize that visual resources of Santa Cruz County possess diverse characteristics.... Require projects to be evaluated against the context of their unique environment and regulate structure height, setbacks and design to protect these resources consistent with the objectives and policies of this section....

***LUP Policy 5.10.3 Protection of Public Vistas.*** Protect significant public vistas...from all publicly used roads and vistas points by minimizing disruption of landform and aesthetic character caused by grading operations,... inappropriate landscaping and structure design.

***LUP Policy 5.10.6 Preserving Ocean Vistas.*** Where public ocean vistas exist, require that these vistas be retained to the maximum extent possible as a condition of approval for any new development.

***LCP Section 13.20.130(b)(1) Entire Coastal Zone, Visual Compatibility.*** The following Design Criteria shall apply to projects site anywhere in the coastal zone: All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas.

***LCP Section 13.20.130(d)(1) Beach Viewsheds, Blufftop Development.*** The following Design Criteria shall apply to all projects located on blufftops and visible from beaches: Blufftop development and landscaping...in rural areas shall be set back from the bluff edge a sufficient distance to be out of sight from the shoreline, or if infeasible, not visually intrusive.

The LCP also explicitly recognizes the Live Oak area (i.e., the area on the east side of Arana Gulch, including the access road into the Harbor) as a special area. The LCP states:

***Objective 8.8, Villages, Towns and Special Communities.*** To recognize certain established urban and rural villages as well as Coastal Special Communities for their unique characteristics and/or popularity as visitor destination points; to preserve and enhance these communities through design review ensuring the compatibility of new development with the existing character



*of these areas.*

***LUP Policy 8.8.1 Design Guideline for Unique Areas.*** *Develop specific design guidelines and/or standards for well-defined villages, towns and communities.... New development within these areas listed in Figure 8-1...shall conform to the adopted plans for these areas, as plans become available.*

***Figure 8-1 Areas with Special Design Criteria or Guidelines....Area: Live Oak Planning Area;***  
*Design Guideline Source: Live Oak Community Plan (to be completed)...*

## 2. Analysis

The project site is located in the Arana Gulch open space area in the City of Santa Cruz. The natural setting of the Arana Gulch open space area provides a visual respite from the surrounding heavily urbanized areas of the City and County (see page 2 of Exhibit 1 for an aerial photograph of the Arana Gulch open space area and the surrounding urban environment). As discussed above, the site contains a variety of habitats, such as coastal prairie/tarplant habitat, riparian and wetland habitat, and riparian woodland. The riparian corridors are associated with Arana Creek and Hagemann Gulch, located on the east and west sides of the site respectively. In general, Arana Gulch has relatively low visibility from nearby roads and other surrounding public viewpoints because of the heavy vegetation and terrain of Hagemann Gulch on the west and Arana Creek on the east.

There are views of the Upper Harbor from a large portion of the project site, including from the central meadow area. Residential uses are visible from the northern portion of the site and parts of the central meadow area of the site. There are generally limited views from other parts of the site because of topography and heavy vegetation. The long range views from the site include scenic views of the mountains when looking north from many points on the site, especially the meadow area.

In general, and in part due to its undeveloped nature, and in part to the habitats previously discussed, the Arana Gulch area is a significant visual resource. Its importance in this regard is only magnified by the fact that it is located in the midst of a fairly urbanized area, but one can escape to Arana Gulch and in a very short time find oneself immersed in the natural world with only limited vestiges of urban development visible along its edges.

The project includes the installation of 0.6 miles of three 8-foot-wide paved multi-use paths and approximately 1.4 miles of unpaved paths (see Exhibit 4 for photographic simulations of the proposed paths). The proposed trail access improvements (except for the bridge over Hagemann Gulch and the retaining wall near Arana Creek) are at-grade facilities, so their visual impact will be minimal, i.e. neither long-range views of the hills nor scenic views of the Upper Harbor will be impacted by the proposed project. Also, the paved paths will be colored a neutral tone to better blend with the surrounding coastal prairie environment.

The proposed project includes closing selected existing unauthorized pathways and restoring these areas. These improvements, plus the proposed habitat restorations and enhancements, will improve the visual experience for pedestrians, bicyclists, and wheelchair users alike. Likewise, the habitat



enhancement portion of the proposed project should enhance visual resources as well as habitat resources.

The proposed project includes a new bridge over Hagemann Gulch and retaining walls along the Canyon View Trail (see Exhibit 4 for existing conditions and photographic simulations of these project components). The bridge and the railings at this location represent one of the most prominent visual features of the proposed project. This 8-foot-wide section of trail would be paved for bicycle, pedestrian, and wheelchair access. The railings for the bridge would be made of steel pipe with a galvanized finish to match the neutral tones of the paved bridge pathway. No views will be obstructed by the proposed bridge and no trees will be required to be removed to construct the bridge, although some trees will need to be pruned back to allow for construction. Although the bridge will be visible from certain points in the Arana Gulch open space, the relatively low profile of the bridge and the neutral finishes should not significantly degrade the site's visual character.

Construction of the portion of the Creek View Trail on Harbor property would require associated retaining walls and railings adjacent to Arana Creek (see page 6 of Exhibit 4). The trail, the retaining walls, and the railings would be visible from the Upper Harbor and from a portion of the southern end of Arana Gulch. The introduction of a human-made structure into the natural landscape of this portion of the Arana Gulch open space area would result in a change in the visual character of this area.

Fortunately, path and related design has been proposed to be sensitive to these aesthetics. Provided the siting, design, and materials (including structural elements, finishes, and landscaping) are chosen to be subordinate to this setting, they can be found consistent with the Coastal Act's visual resource protective policies (see special condition 2). The same cannot be said for the proposed fence on the inland side of the trail skirting the Harbor. Such fence, even if mesh as proposed, will serve to create a "chute" effect for the trail extending from the Harbor access road to the entrance to Arana Gulch where the path alignment extends up to the meadow. A fence in this area, while proposed for a good reason (to help keep path users out of the buffer area along the upper Harbor dry boat storage area), will have a significant adverse impact on public views and enjoyment of this trail segment. The Master Plan includes adequate provisions to address the need to keep users on paths, and the fence can safely be removed without impacting this objective. See special condition 2.

The proposed project also includes post and wire fencing (4 to 5 feet in height) and a water trough for the areas proposed for cattle grazing to benefit the Santa Cruz tarplant and reduce invasive grass species. Although this fencing and water trough will extend above grade, the fencing will be open in nature and both the fencing and the water trough, and the cattle grazing, will have a rural aesthetic that will blend with the open space visual aesthetic of Arana Gulch (provided the posts area finished in such a way as blend with the surroundings – see special condition 2). The project also includes interpretive and other signage that will extend above grade, though the purpose of the proposed signage is to direct access and educate the public, so some visibility is necessary. However, in order to ensure that the signs minimize visual intrusion and are compatible with the open space setting, Special Condition 2 requires the Applicant to submit plans that describe the overall dimensions of the signage and the type of materials to be used. Likewise, the Applicant is required to provide a signing detail for the required interpretive



displays that will inform the public of the site's sensitivities.

In conclusion, the proposed project primarily involves low-lying, at-grade development that will not obstruct long-range views. The proposed paved paths will be neutral in color. The proposed restoration components of the project, including habitat restoration and removal of unauthorized trails, will improve the existing visual resources of Arana Gulch. Other elements of the project, including the Hagemann Gulch Bridge and the portion of the Creek View Trail on the Harbor's property will be more visible but have been designed, and can be conditioned, to be as low profile and neutral in color and tone as possible to minimize visual impacts. The cattle grazing and associated fencing and water trough, as conditioned, will blend with the rural aesthetic of Arana Gulch. This approval is conditioned to require submission of a public access amenities plan (including signage, benches, etc.) to ensure that these amenities do not impact sensitive resources, including visual resources. The Commission therefore finds the proposal, as conditioned to address visual resource impacts, is consistent with Section 30251 of the Coastal Act.

### 3. Conditions of Approval

#### 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 Project.** Subject to these standard and special conditions (including modifications to the project and/or the project plans required by them), this coastal development permit authorizes implementation of the Arana Gulch Master Plan, including management and restoration of habitat areas; improvements to the existing trail system, including new paved and unpaved paths, improvement of existing unpaved paths, and removal and restoration of existing paths to be abandoned; construction of a new bridge over Hagemann Gulch; installation of interpretive displays and trail signage; installation of fencing, including to allow limited cattle grazing, all as more specifically described in the Arana Gulch Master Plan as modified by the Arana Gulch Master Plan Final EIR mitigation measures (see Exhibits 9 and 10).
2. **Final Project Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of Final Project Plans to the Executive Director for review and approval. The Final Project Plans shall be substantially in conformance with the Arana Gulch Master Plan documents submitted to the Coastal Commission (see Exhibits 9 and 10) except that they shall be revised and supplemented to comply with the following requirements:

### (a) Path Modifications.

1. **Wetland Avoidance.** All path segments shall avoid extending through any delineated wetland areas on the site, and all new path segments shall be located at least 100 feet from delineated wetland areas on the site with the exception of the setbacks for the path components crossing Hagemann Gulch and extending adjacent to Arana Creek via the Canyon Trail and the Creek View Trail (see Exhibit 7). To ensure that this is the case, the Final Project Plans shall be accompanied by and include a wetland delineation performed by a biologist experienced in Coastal Act wetland delineation and subject to Coastal Act wetland criteria clearly showing path areas meeting this criteria.
2. **Arana Meadow Trail.** The unpaved portion of the Arana Meadow Trail shall be relocated in such a way as to continue to avoid Santa Cruz tarplant Area A while avoiding significant grade changes in its connection to the Coastal Prairie Loop Trail.
3. **Unpaved Paths.** The Final Project Plans shall include specific details, including representative cross sections, clearly identifying all measures to be taken to create the new unpaved path segments as well as to modify the existing unpaved path segments. All unpaved path segments shall be made to match as much as possible in appearance.
4. **Abandoned/Restored Paths.** All paths that are not part of the designated path system shall be abandoned, and the area restored as part of the habitat in which it is located. All such paths shall be clearly identified on the Final Project Plans, and all measures to be taken to effectuate the abandonment/restoration shall be clearly identified.
5. **All Paths Clearly Shown.** All path segments, including those extending to the Broadway/Frederick Street intersection from the Hagemann Gulch bridge and including



those extending from near Arana Creek to the Brommer Street/7<sup>th</sup> Avenue intersection shall be clearly identified. These extending path segments shall be sited and designed to match the aesthetics of the rest of the path system as much as possible in siting, design, and flow, including being constructed in as curvilinear a manner as possible, and including native and non-invasive landscaping areas adjacent to them to help separate them visually and physically from adjacent uses and development, including vehicular use areas.

- 6. Path Maintenance.** All measures to be taken to ensure that the path system is maintained in its approved state in perpetuity shall be clearly identified.
- (b) Fencing/Barrier Detail.** All fencing and barriers shall be clearly identified in site plan and elevation views. All such fencing and barriers shall be limited to that that is conclusively shown to be necessary to protect habitat and direct path system users, and shall be sited and designed to minimize to the maximum degree possible visual impacts. All fencing/barriers along that portion of the Creek View Trail adjacent to the Upper Harbor area shall be eliminated with the exception of a railing near Arana Creek if conclusively shown to be required to adequately ensure public safety.
- (c) Lighting Detail.** Lighting shall be prohibited with the exception of low-level lighting at the entrance locations into the path system, and with the exception of low-level lighting otherwise conclusively shown to be required to adequately ensure public safety, where such public safety lighting is limited to the greatest degree possible. Any lighting shown on the Final Project Plans shall be accompanied by justification for it, and clear identification of its parameters (i.e., luminosity, glare field, expected times when it would be on, etc.). All approved lighting shall be sited and designed to minimize impacts on habitat areas to the maximum degree possible.
- (d) Entrance Detail.** All improvements associated with entrance locations into the path system, including at Agnes Street and at the northern end of the Upper Harbor, shall be clearly identified in cross section and elevation views. All associated development (e.g., fencing, signs, benches, trash cans, recycling cans, bike racks, etc.) shall be clearly identified.
- (e) Non-native and/or Invasive Plants Prohibited.** Non-native and/or invasive plant species shall be prohibited. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a ‘noxious weed’ by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist in Arana Gulch.
- (f) Design.** The Final Project Plans shall clearly identify all measures that will be applied to ensure that the project design, including all structures and including all other project elements (e.g., bridge, paved paths, unpaved paths, fencing and barriers, retaining walls, railings, benches, lighting, signs, water troughs, landscaping, etc.) clearly reflects a rural open space theme and aesthetic (i.e., simple, spare, and utilitarian lines and materials; natural materials (wood, stone, brick, etc.); corten (weathered) steel or equivalent; earth tone colors; etc.) with a pedestrian-



oriented form and scale. At a minimum, the plans shall clearly identify all structural elements, materials, and finishes (including through site plans and elevations, materials palettes and representative photos, product brochures, etc.).

- (g) Minor Adjustments.** The Final Plans shall provide that minor adjustments to final plans may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

The Permittee shall undertake development in accordance with the approved Final Project Plans.

3. **Arana Gulch Habitat Management Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit for Executive Director review and approval three copies of a final Arana Gulch Habitat Management Plan (HMP) The HMP shall provide for the restoration, enhancement, and long-term management of all Arana Gulch habitat areas (including, as referenced by the Arana Gulch Master Plan, the Coastal Prairie/Tarplant Management Area, the Arana Gulch Riparian and Wetland Management Area, and the Hagemann Gulch Riparian Woodland Management Area) as self sustaining and functioning habitats. The HMP shall be prepared by a qualified experts in restoration ecology for each of the habitat types, and shall take into account the specific condition of the site (including soil, exposure, temperature, moisture, wind, etc.), as well as restoration, enhancement, and management goals. The HMP shall be substantially in conformance with the Master Plan documents submitted to the Coastal Commission, including the August 1, 2005 document entitled “A Management Program for Santa Cruz Tarplant (*Holocarpha macradenia*) at Arana Gulch”), including that it can be submitted in a package that includes relevant Master Plan documentation with an addendum that addresses this condition, provided it complies with the following requirements:

- (a) A baseline assessment, including photographs, of the current physical and ecological condition of the restoration and enhancement area. All existing topography, stream features, and vegetation shall be depicted on a map.
- (b) A description of the goals of the plan, including in terms of topography, hydrology, vegetation, sensitive species, and wildlife usage.
- (c) A description of planned site area preparation and invasive plant removal.
- (d) A planting plan including the planting palette (seed mix and container plants), planting design, source of plant material, plant installation, erosion control, irrigation, and remediation. The planting palette shall be made up exclusively of native taxa that are appropriate to the habitat and Arana Gulch region. Seed and/or vegetative propagules shall be obtained from local natural habitats so as to protect the genetic makeup of natural populations. Horticultural varieties shall not be used.
- (e) A plan for documenting and reporting the physical and biological “as built” condition of the site area within 30 days of completion of the initial plan implementation activities. This simple



report will describe the field implementation of the approved plan in narrative and photographs, and report any problems in the implementation and their resolution.

(f) A plan for monitoring and maintenance, including:

- A schedule.
- Interim performance standards keyed to final success criteria.
- A description of field activities, including monitoring studies.
- The monitoring period.
- Adaptive management procedures, including provisions to allow for modifications designed to better restore, enhance, manage, and protect habitat.
- Provision for submission of annual reports of monitoring results to the Executive Director for the duration of the required monitoring period, beginning the first year after submission of the “as-built” report. Each report shall be cumulative and shall summarize all previous results. Each report shall document the condition of the site area with photographs taken from the same fixed points in the same directions. Each report shall also include a “Performance Evaluation” section where information and results from the monitoring program are used to evaluate the status of the project in relation to the interim performance standards and final success criteria. To allow for an adaptive approach to management, each report shall also include a “Recommendations” section to address changes that may be necessary in light of study results or other new findings.

(g) Final success criteria for each habitat type, including, as appropriate:

- Species diversity, including total number of taxa, number of native taxa, and number of invasive non-native taxa.
- Percent cover of total vegetation, percent cover of native vegetation, and percent cover of invasive non-native taxa.
- Wildlife usage as evidenced by incidental observations.
- Erosion control.
- Control of invasive non-native plant taxa.
- Maintenance of suitable habitat for sensitive species or other individual “target” species.
- Requirement that success be determined after a period of at least three years wherein the study site has been subject to no remediation or maintenance activities other than weeding.

(h) Monitoring study design for each habitat type, including, as appropriate:



- Goals and objectives of the study.
  - Field sampling design.
  - Study sites, including experimental/revegetation sites and reference sites.
  - Field methods, including specific field sampling techniques to be employed. Photomonitoring of experimental/revegetation sites and reference sites shall be included.
  - Data analysis methods, including descriptive and inferential statistics with specified acceptable variance and significance levels to examine sample size, univariate and multivariate comparisons, and/or other parameters as appropriate and necessary to assess progress toward and meeting of success criteria.
  - Presentation of results.
  - Assessment of progress toward meeting success criteria.
  - Recommendations.
  - Monitoring study report content and schedule.
- (i) Provision for submission of a final monitoring report to the Executive Director for review and approval at the end of the final monitoring period. The final report must be prepared by a qualified restoration ecologist. The report must evaluate whether the site area conforms to the goals and success criteria set forth in the approved final resource plan.
- (j) Provision for possible further action. If the final report indicates that the project has been unsuccessful, in part or in whole, based on the approved success criteria, then the Permittee shall prepare a revised or supplemental resource plan to compensate for those portions of the original plan that did not meet the approved success criteria.
- (k) Provisions for minor adjustments to the HMP by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

All language in the HMP shall be modified so that it is directive (e.g., “shall” rather than “should”).

The HMP shall include implementation procedures, cost estimates, identification of funding, and reporting procedures. The Permittee shall submit to the Executive Director a yearly report of the implementation measures, tasks accomplished during the past year, and the results of annual status and trends monitoring.

PRIOR TO COMMENCEMENT OF CONSTRUCTION, the HMP shall be implemented by establishing the Adaptive Management Working Group (AMWG), receiving prioritized first-year management recommendations from the AMWG, and initiating implementation of the highest priority recommendations in the field.



The Permittee shall undertake development in accordance with the approved Arana Gulch Habitat Management Plan.

- 4. Public Access Management Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit for Executive Director review and approval two sets of full-scale public access management plans (Access Plans). The Access Plans shall clearly describe the manner in which general public access associated with the approved project is to be managed and provided, with the objective of maximizing public access to the public access areas of the site (including all pathways) and all related areas and public access amenities (i.e., overlooks, interpretive signs and facilities, bench seating, etc.) described in this special condition. The Access Plans shall be substantially in conformance with the Arana Gulch Master Plan documents submitted to the Coastal Commission (see Exhibits 9 and 10), except as modified by these special conditions, and shall at a minimum include the following:
- a. Clear Depiction of Public Access Areas and Amenities.** All public access areas and amenities, including all of the areas and amenities described above, shall be clearly identified as such on the Access Plans (including with hatching and closed polygons so that it is clear what areas are available for public access use).
  - b. Amenities.** Public access amenities (such as benches, bicycle racks, trash and recycling receptacles, etc.) shall be provided, including at a minimum: at least five benches at dispersed locations throughout the path system designed to best utilize views and interpretation possibilities; at least five overlook areas designed to best utilize views and interpretation possibilities, where the overlooks do not necessarily need to correspond to the bench locations; and adequate bicycle racks and trash/recycling receptacles at entrance locations into the path system, including at Agnes Street and at the northern end of the Upper Harbor.
  - c. Public Access Signs/Materials.** The Access Plans shall identify all signs, handouts, brochures, and any other project elements that will be used to facilitate, manage, and provide public access as part of the approved project, including identification of all public education/interpretation features that will be provided on the site (educational displays, interpretive signage, etc.). Sign details showing the location, materials, design, and text of all public access signs shall be provided. The signs shall be designed so as to provide clear information without impacting public views and site character. At a minimum, public access directional signs shall be placed at each entrance into the path system and at each path intersection. At a minimum, appropriate (to Arana Gulch and Santa Cruz Harbor issues, information, habitat, and history) public access interpretive signs, displays, and/or features shall be placed at each entrance into the path system and at each overlook location. Public access signage shall acknowledge the participants in the design and provision of the Arana Gulch Master Plan (including its interpretative access components) including the City, the County, the Port District, the California Coastal Commission, and other applicable entities, and shall clearly reflect that the path system is a component of the California Coastal Trail and the Monterey Bay Sanctuary Scenic Trail.



- d. No Public Access Disruption.** Development and uses within the public access areas that disrupt and/or degrade public access (including areas set aside for private uses, and barriers to public access such as trash enclosures, temporary structures, private use signs, etc.) shall be prohibited. The public use areas shall be maintained in a manner that maximizes public use and enjoyment.
- e. Public Access Use Hours.** All public access areas and amenities shall be available to the general public free of charge during at least daylight hours (i.e., one hour before sunrise to one hour after sunset).
- f. Minor Adjustments.** The Access Plans shall provide that minor adjustments may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.
- g. Public Access Areas and Amenities Maintained.** The public access components of the project shall be maintained in their approved state in perpetuity.

The Permittee shall undertake development in accordance with the approved Public Access Plan, which shall govern all general public access to the site pursuant to this coastal development permit.

- 5. Construction Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two sets of a Construction Plan (in full-size format with a graphic scale) 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 areas where development is prohibited. All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to minimize construction impacts on habitat areas.
- (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 all areas where development is prohibited (including using unobtrusive fencing or equivalent measures to delineate construction areas). 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. Lighting habitat areas is prohibited.
  - 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.

- The construction site 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 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 site; 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.
- The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

The Permittee shall undertake development in accordance with the approved Construction Plan.

**6. Construction Site Documents & Construction Coordinator. DURING ALL CONSTRUCTION:**

**(a) Construction Site Documents.** A copy of the signed coastal development permit shall be maintained in a conspicuous location at the construction job site at all times, and such copy 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 public review requirements applicable to it, 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.

**7. Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit for Executive Director review and approval documentation demonstrating that the Permittee has executed and recorded against all properties governed by this permit (i.e., all of Arana Gulch, and all areas in which approved path segments are located) a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to



terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description and graphic description of the parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

#### 4. 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 effects which the activity may have on the environment.

In July 2006, the City of Santa Cruz, acting as the lead CEQA agency, certified an EIR for the project and adopted a Statement of Overriding Considerations for the project regarding an unavoidable significant environmental impact on Santa Cruz tarplant habitat. The EIR has been upheld in two legal challenges.

As explained in the alternatives section above (in the ESHA finding), the City considered four alternatives to the proposed project and the proposed trail alignments and determined that the proposed project was the only alternative that met all of the project objectives, including constructing or restoring paths and implementing the Santa Cruz Tarplant Adaptive Management Program and other habitat-enhancing measures within Arana Gulch. The City did not evaluate off-site alternatives for providing an east-west trail connection between the City and the unincorporated County because any off-site alternative would not meet the intent of developing a Master Plan for the City's Arana Gulch property.

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. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate suggested 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. All above findings 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 modified, would have on the environment within the meaning of CEQA. Thus, 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).

