

W/16e

Hardison, Laurie@Coastal

AUG 9 2016

From: Deborah Lashever <bohemianexchange@gmail.com>
Sent: Monday, August 08, 2016 7:47 PM
To: SantaCruzRVParkingAppeal@Coastal
Subject: Re: Appeal No. A-3-STC-16-0063 (Overnight RV Parking Restrictions, Santa Cruz)

Dear Commissioners,
I am writing with regard to item 16e on your August 11th, 2016 agenda: **Appeal No. A-3-STC-16-0063 (Overnight RV Parking Restrictions, Santa Cruz)**.

I am concerned that the your staff has recommended passing this motion with the reasoning that there is "no substantial issue" with regard to the proposed ordinance. If you are concerned that the CCC needs "factual and legal support for the local government's decision," then you absolutely must not pass this motion. **It directly violates Coastal Act public access policies, the resounding statement recently released by the Department of Justice, and at least two recent Ninth Circuit Court decisions..**

The fact is, RV dwellers need a place to park overnight. Dwelling in RVs is far safer for homeless people than living directly on the street and is better for the community in general because essential property is contained. Santa Cruz has a few RV parks but many of them are full, especially in the summer--with long waiting lists--and can be cost prohibitive for those living in poverty.

Your staff report states as fact--and bases support of the motion on the assertion--that there are alternative, private places to park so public access to the Santa Cruz coast would not be denied to RV dwellers. That is absolutely not true. I personally spent the good part of four days researching this assertion; contacting 211, SCPD, SC City Planning Dept., SC County departments, SC City Council offices, the SC Chamber of Commerce, each Homeless Service and Church Organization and many independent churches in Santa Cruz to find these places. They do not exist. I repeat, there are zero church or business lots for people in poverty to sleep in safely within their RVs at night in Santa Cruz. None. I must wonder how staff came up with this complete falsehood. If a list of these places does somehow exist, Santa Cruz needs it!

Some beach cities have Safe Parking Zones or Lots that are specifically used for RV dweller parking. Under these circumstances the proposed ordinance could be in compliance with the Coastal Act (and legal with respect to the recent DOJ statement and Ninth Circuit Courts' decisions.) Now it is not.

By not allowing people in RVs to sleep on any street in Santa Cruz the city is essentially banning them--because of their income level-- from access to the Santa Cruz coast. It is expensive to drive large vehicles to get from some remote location back and forth to Santa Cruz--this law would include all Santa Cruz streets, I remind you. People would have to drive completely out of Santa Cruz altogether and return each day. **This absolutely restricts their access to the Santa Cruz coast, due to their poverty, and it, as you are fully aware, is a direct violation of the Coastal Act.**

Further, **this issue has not only local, but regional and statewide significance and precedential value of the local government's decision for future interpretations of its LCP.** It definitely needs to be reviewed further by your staff, the actual facts uncovered, and a de novo hearing scheduled for this matter. It is a serious issue and will set precedent for not only Santa Cruz but all of California.

Also because in reality there are no Safe Parking Lots in Santa Cruz, **this ordinance has been deemed unconstitutional, by violating the 8th Amendment, according to the recent statement by the Department of Justice**, (<https://www.justice.gov/opa/pr/justice-department-files-brief-address-criminalization-homelessness>) **and illegal according to the Ninth Circuit Court of Appeals**, (Bell v. City of Boise, 2013; Jones v. City of Los Angeles, 2006.)

This motion should not be passed. A rather immense "substantial issue" exists. Besides being unconstitutional and illegal it directly violates the California Coastal Act. Santa Cruz needs to come up with better solutions for homelessness than criminalization--just like everyone else. It is a complex issue, to be sure, but criminalization is not the solution.

I have every faith that you will uphold the Coastal Act and vote no on this motion and schedule a de novo hearing regarding this issue the next time the CCC meeting occurs in the Central Coast region. Thank you.

Sincerely,
Deborah Lashever
Concerned Citizen and Resident of Santa Cruz

--
Deborah LaShever
1358 Abbot Kinney Blvd.
Venice, CA 90291
[310.804.6125](tel:310.804.6125)
bohemianexchange@gmail.com

"To change something, build a new model that makes the old model obsolete."
Buckminster Fuller
"It always seems impossible until its done."
Nelson Mandela

--

W16e

Hardison, Laurie@Coastal

From: Maggie Duncan-Merrell <maggiemerrell@gmail.com>
Sent: Monday, August 08, 2016 4:49 PM
To: SantaCruzRVParkingAppeal@Coastal
Subject: Re: Santa Cruz Overnight RV Parking Restrictions Appeal

To Whom it May Concern on the California Coastal Commission-

I am writing today regarding the appeal your commission is hearing on Wednesday, August 10 to review Santa Cruz's RV ordinance. I am hoping your commission will uphold the RV ordinance that was passed with a clear majority by our city council. This ordinance is supported by a large majority of Santa Cruzans and needs to be upheld as it falls right in line with the Coastal Commission's mission statement - "To protect, conserve, restore, and enhance the environment of the California coastline".

Currently there are 21 other coastal cities in California with recreational vehicle regulations that are enforced successfully and are far more stringent than the one Santa Cruz passed. I am confused as to why our city's ordinance, which is extremely conservative with the small window of time 12am-5am, would require so many steps of oversight when multiple other cities simply passed their ordinances with no review from the commission. Huntington Beach, for example, has a blanket no RV parking without a permit ordinance for the entire city 24/7 with signage posted right off the freeway. How did that city manage to pass that ordinance while Santa Cruz gets special scrutiny regarding ours? If our ordinance is overruled, does your commission plan to also eliminate the 21 other city's ordinances?

I realize the appeal was brought by one local agitator, Robert Norse, and perhaps that's why the other cities were able to pass their ordinances without issue. He claims this is an anti-homeless ordinance. It is not. Recreational vehicles are not homes and should not be treated as housing options along our coast line. RV's notoriously leak fluids and are difficult to keep smogged. People who park their RV's in our neighborhoods stay for months on end, simply moving the vehicle every 3 days to avoid towing. Occupants have been witnessed dumping their sewage right into our storm drains as there are no pump out stations anywhere within our city limits. They also leave piles of garbage behind which again ends up in the storm drains and ultimately carried out to sea. Occupants blatantly deal drugs from their RV's as well as allow off leash dogs to roam freely with little regard for cleaning up their waste. There is also a concern about who is occupying these vehicles in our neighborhoods where our children live and play. Is this person a convicted sex offender? Who knows and if this ordinance is overturned are you willing to be responsible for the RVer who grabs one of our children after parking for however long they'd like on our streets?

Recreational or oversized vehicles take up an inordinate amount of space, occupants stay for days on end taking up as many as 3 parking spaces depending on the size of the vehicle which blocks access for many wanting to enjoy a day on our beautiful coastline. Oversized/Recreation vehicles block views of oncoming traffic and the coastline creating a dangerous situation for other cars pulling onto the roadway.

In conclusion, it is my hope that this commission will uphold this very limited RV ordinance. Santa Cruz is a beautiful city that is notoriously expensive. It isn't surprising that people would want to come here to stay, especially right on the coast. However, RV's are not homes and our coast can not turn into an unauthorized, unregulated RV park especially when there is nowhere along the coast to pump out effluent. Please continue to uphold your mission "To protect, conserve, restore, and enhance the environment of the California coastline".

Thank you for your time and consideration on this matter.

Sincerely-

Maggie Duncan-Merrell

AUG 11 2016

W16e ✓
8-5-2016

Dear Coastal Commission,

I am writing to you about Appeal No. A-3 STC - 16-00 Midnight to 5 Am Parking Restrictions in the City of Santa Cruz. Item 16 - e on the agenda.

I live near West Cliff Drive in Santa Cruz. My street is already impacted by RV parking other than these hours. I have picked up a lot of trash left behind after vehicles have left. I once had to explain to my grandchildren what a used condom on the sidewalk was. I lied and said it was an old balloon and managed to get it away before the 5 year old picked it up.

I feel very bad about the homeless. I really do. Allowing these often derelict and oil-leaking vehicles to basically occupy our neighborhoods full-time will not solve our national and city homeless problem in ANY way. The reality is that the word would quickly get out about our lovely near-ocean environment being open to the RV livers and they will come here in increasing numbers from everywhere else.

These vehicles will be basically permanently parked if the nighttime parking restriction is removed. A large amount of trash and human waste will inevitably directly enter the ocean. The gutters on my street lead DIRECTLY to the ocean. I already pick up a huge amount of trash from the parking pullout and pathways directly on the ocean front nearest my home on a regular basis. Endless cigarette butts, fast food remnants, used kleenex and sometimes used toilet paper and used tampons, broken beer bottles and on and on. With people living there basically full-time it will inevitably be drastically and exponentially worse.

I actually cannot even imagine the full negative impact removing the City's nighttime restriction would have on all our neighborhoods and our beloved Monterey Bay Marine Sanctuary and near-shore environment.

Most Sincerely,



Karen Laing

143 Merced Ave., Santa Cruz, CA

95060

RECEIVED
AUG - 8 2016
COASTAL COMMISSION

Hardison, Laurie@Coastal

From: Ellen Sevy <ellen@information.biz>
Sent: Saturday, August 06, 2016 9:35 AM
To: SantaCruzRVParkingAppeal@Coastal
Subject: RE: RV parking and city council recommendation vs Robert Norse

Dear Commissioners,

I am writing this email to express my opinion and concerns as they pertain to the appeal Robert Norse has brought before your commission. I am completely against his appeal.

As a progressive voter and tax paying resident and home owner on the westside of Santa Cruz since 1977 I have worked hard with other neighbors to clean up our neighborhood from the ever increasing numbers of transients and vagrants that are calling Santa Cruz their home all over town. They are not from Santa Cruz with roots here. They have unregistered gross polluting vehicles and utilize the towns free services and roads giving nothing back but trash, needles, feces, rudeness, just to name a few things. Lets remember much of the trash ends up in the bay.

I attended the meeting, at the Santa Cruz City Council, in Nov of 2015 and had hoped for a ban on these oversized vehicles and campers 24/7 throughout city streets. I see this is getting diluted quite a bit. I was also hoping to see codes not allowing oversized vehicles to park 100 feet from a corner also enforced.

Even if it is only banned midnight to 5am it would help solve the problem of police having to go out and knock on camper doors. Everyone knows people are sleeping in campers on the street but nothing can be done because the camper does not come to the door.

I don't feel that letting people park and sleep in vehicles on the street or in church parking lots is helping to improve their situation or the situation it creates for tax paying citizens, residents and neighborhoods. If you can't find a job and housing and mental services in Santa Cruz maybe the vibe instant as great as people think and it is time to move somewhere else where quality of life could improve without putting it on the backs of taxpaying hard working residents.

Thank you
Ellen Sevy

Hardison, Laurie@Coastal

From: Laurie Brixner <lauriebrixner@sbcglobal.net>
Sent: Sunday, August 07, 2016 10:30 PM
To: SantaCruzRVParkingAppeal@Coastal
Subject: Rv ban

First, I do not understand how or why the coastal commission even is involved with this ban. This is a city problem, already proposed a ban from 8am-8pm.. Why does the city need a permit to enforce this decision?

I want it known that I oppose the appeal of the rv ban!

Thank you, Laurie Brixner

Sent from my iPad

From: b santacruz [<mailto:julieannschaul@gmail.com>]

Sent: Wednesday, August 03, 2016 4:43 PM

To: Howell, Erik@Coastal; Kram, Steve@Coastal; Luevano, Mary@Coastal; Turnbull-Sanders, Effie@Coastal; Vargas, Mark@Coastal; Faustinos, Belinda@Coastal; Orr, Trent@Coastal; Morales, Maricela@Coastal; Pestor, Randy@Coastal; Groom, Carole@Coastal; Bochco, Dayna@Coastal; Brady, Rosie@Coastal; Uranga, Roberto@Coastal; Cox, Greg@Coastal; Glade Gurney, Sarah@Coastal; Jack.ainsworth@coastal.ca.gov; Shallenberger, Mary@Coastal; Diaz, Olga@Coastal; Kinsey, Steve@Coastal; McClure, Martha@Coastal; Ryan Moroney; Mitchell, Wendy@Coastal

Subject: 3 reasons to oppose the santa cruz oversize vehicle ordinance

3 reasons to oppose the santa cruz oversize vehicle ordinance

- 1.) the rv ban is bad environmental policy, air quality effected by "move along" policy
- 2.) the rv ban presents a danger creation liability, sleep deprived while driving
- 3.) there are no business or church lots available to park rvs at overnight, causing financial hardship for some rv owners.

Hardison, Laurie@Coastal

From: Jane Mckenzie <janemckenzie@comcast.net>
Sent: Wednesday, August 03, 2016 9:28 AM
To: SantaCruzRVParkingAppeal@Coastal
Subject: FW: Santa Cruz RV Parking Ordinance

Second try.

From: Jane Mckenzie [<mailto:janemckenzie@comcast.net>]
Sent: Wednesday, August 03, 2016 9:22 AM
To: 'santacruzrvparkingappeal@coastalca.gov'
Subject: Santa Cruz RV Parking Ordinance

Commissioners,
I support the City of Santa Cruz and the ordinance to limit RV parking in the City of Santa Cruz.
Thank You,
Jane McKenzie
831-600-7724

California Coastal Commission
Central Coast District Office
Front Street Suite 300
Santa Cruz Ca 95060

Re: Revoking camping ban on city streets, ie. Robert Norse's appeal request.

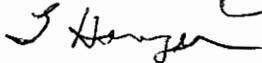
Dear Commissioners,

Referencing the Aug 10 CC meeting: We are against the elimination of the current Santa Cruz street camping ban, which was filed by Robert Norse.

People in vans and buses or converted trucks often park overnight near my house at 314 Swift St, close to the old Natural Bridges school. We have an alley that is semi-abandoned next door and a few times a year I catch someone (read homeless people or transients) heading back there to defecate, use drugs or case out the neighborhood backyards. There have been occasional thefts perpetrated on the neighbors over the years. Currently I don't think there are any dogs in the yards affected but there used to be some and that helped a bit. We have cats; so no luck there!

We try to remain vigilant but one can't do that all day and night long. Since there's already a homeless problem at night at NB school, we've taken to leaving notes on the windshields about overnight camping. Once this year it caused a young angry couple to come to my front door very agitated about cranky/nosy neighbors and such... so I had to explain the troubles we've had. They left somewhat mollified, but it was a bad experience all around because you never know how things will get out of hand or worse. My wife and I would be very upset if the RV camping ban is overturned and cannot envision how damaging that would be to the people of this city. Having lived on Swift street for 30 years we've seen what can happen when vans and buses park up whole neighborhoods, therefore I urge you to reject this appeal and keep the street camping ban in force.

William and Terra Hangen
314 Swift St.
Santa Cruz, CA 95060
831 458 2771
tddare@yahoo.com

REC'D

AUG - 9 2016

COPIES

Hardison, Laurie@Coastal

From: Brady, Rosie@Coastal
Sent: Monday, August 01, 2016 9:06 AM
To: Chapman, Diana@Coastal; Hardison, Laurie@Coastal
Subject: FW: I oppose upcoming city wide parking permit proposal

Can you add this one to the list as well? Thanks!

From: Stephen Good_PLS [<mailto:stephenbgoodall@gmail.com>]
Sent: Sunday, July 31, 2016 10:36 AM
To: Sarb, Sherilyn@Coastal; Henry, Teresa@Coastal; Lee, Deborah@Coastal; Fuchs, Elizabeth@Coastal; Dettmer, Alison@Coastal; Merrill, Bob@Coastal; Carl, Dan@Coastal; Cavalieri, Madeline@Coastal; Ainsworth, John@Coastal; Hudson, Steve@Coastal; Ryan Moroney; Turnbull-Sanders, Effie@Coastal; Bochco, Dayna@Coastal; Luevano, Mary@Coastal; Mitchell, Wendy@Coastal; Shallenberger, Mary@Coastal; Vargas, Mark@Coastal; McClure, Martha@Coastal; Kinsey, Steve@Coastal; Groom, Carole@Coastal; Howell, Erik@Coastal; Uranga, Roberto@Coastal; Faustinos, Belinda@Coastal; Orr, Trent@Coastal; Kram, Steve@Coastal; Pector, Randy@Coastal; Glade Gurney, Sarah@Coastal; Morales, Maricela@Coastal; Diaz, Olga@Coastal; Cox, Greg@Coastal; Brady, Rosie@Coastal
Subject: I oppose upcoming city wide parking permit proposal

I oppose the ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING TITLE 10 "VEHICLES AND TRAFFIC" AT CHAPTER 10.04 "DEFINITIONS" AND CHAPTER 10.40 "STOPPING, STANDING AND PARKING" AND CHAPTER 10.41 "CITY-WIDE PARKING PERMIT" PERTAINING TO THE PARKING OF OVERSIZED VEHICLES.

Stephen Goodall

REC'D
AUG - 1 2016
CALLED
COASTAL
COASTAL

Hardison, Laurie@Coastal

From: Brady, Rosie@Coastal
Sent: Monday, August 01, 2016 10:03 AM
To: Hardison, Laurie@Coastal
Subject: FW: i oppose the santa cruz oversized vehicle ordinance

Same person again... but if you could add this one too. Thank you!

From: Julie Schaul [<mailto:julieannschaul@gmail.com>]

Sent: Monday, August 01, 2016 10:02 AM

To: Brady, Rosie@Coastal; Howell, Erik@Coastal; Kram, Steve@Coastal; Luevano, Mary@Coastal; Turnbull-Sanders, Effie@Coastal; Vargas, Mark@Coastal; Faustinos, Belinda@Coastal; Morales, Maricela@Coastal; Orr, Trent@Coastal; Pestor, Randy@Coastal; Groom, Carole@Coastal; Bochco, Dayna@Coastal; Uranga, Roberto@Coastal; Cox, Greg@Coastal; Glade Gurney, Sarah@Coastal; Diaz, Olga@Coastal; Shallenberger, Mary@Coastal; Jack.ainsworth@coastal.ca.gov; Kinsey, Steve@Coastal; McClure, Martha@Coastal; Mitchell, Wendy@Coastal; Ryan Moroney

Subject: i oppose the santa cruz oversized vehicle ordinance

I Oppose the ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING TITLE 10 "VEHICLES AND TRAFFIC" AT CHAPTER 10.04 "DEFINITIONS" AND CHAPTER 10.40 "STOPPING, STANDING AND PARKING" AND CHAPTER 10.41 "CITY-WIDE PARKING PERMIT" PERTAINING TO THE PARKING OF OVERSIZED VEHICLES.

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AUG - 1 2016

CALIFORNIA
COMMISSION

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
FRONT STREET, SUITE 300
SANTA CRUZ, CALIFORNIA 95060-4508

RECEIVED
AUG - 1 2016
COMMUNITY DEVELOPMENT
DEPARTMENT

July 23, 2016

Dear Coastal Commission:

I am in agreement with the staff recommendation and encourage you to find that this project does not raise a substantial issue of LCP conformance (nor conformance with the public access and recreation policies of the Coastal Act):

- The Coastal Act and LCP **do not establish a preference for RV users.**
- Removing RVs from this equation will free up space for all other users of the coastal zone at this location, a much larger group than the specialized RV group, **thus increasing public access and recreational opportunities overall.** By not continuing to allow RVs from parking for up to 72 hours, the public will gain more access. The same cadre of RVs parking all day, day after day does nothing to open opportunities for casual visitors.
- **Four other beach/shoreline facilities are available in the County and specifically designed for RV parking,** thus elimination of RV parking within the Coastal Zone during the stated non bona fide recreational hours of midnight to 5am, will not result in a significant reduction in public access for RV vehicles overall.
- Bona fide public access and recreation opportunities would not be affected, given that most people are asleep during the hours between midnight and 5 a.m. and are not typically using the beach during these hours.

APPEAL NUMBER: A-3-STC-16-0063

LOCAL GOVT PERMIT NUMBER: CP16-0090

APPLICANT(S): City of Santa Cruz

APPELLANT(S): Robert Norse

DECISION BEING APPEALED:

Appeal by Robert Norse of City of Santa Cruz decision prohibiting RV parking on City of Santa

Cruz public streets between midnight and 5 a.m.

PROJECT LOCATION:

Public parking areas within the rights-of-way of City of Santa Cruz public streets.

Patricia Schell: In support of this project

In agreement with Staff Recommendation- No Substantial Issue

- The City of Santa Cruz has seen an increase in complaints regarding the parking and/or storage of Over-sized Vehicles in residential and commercial areas throughout the City. Safety issues such as inadequate sight distance from driveways and intersections result when such Over-sized Vehicles are parked on public streets or rights of way in the City. Health concerns resulting from the illegal dumping of sewage waste and gray water waste from over-sized vehicles into our storm drains. The parking and/or storage of over-sized vehicles cause visual blight in the City and monopolize residential parking in condensed neighborhoods.

Regards,

Patricia Schell

Resident, City of Santa Cruz

A handwritten signature in black ink, appearing to read "Patricia Schell". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

RECEIVED

AUG - 1 2016

From: Julie Schaul [mailto:julieannschaul@gmail.com]

Sent: Saturday, July 30, 2016 9:21 PM

To: Sarb, Sherilyn@Coastal; Henry, Teresa@Coastal; Lee, Deborah@Coastal; Fuchs, Elizabeth@Coastal; Dettmer, Alison@Coastal; Merrill, Bob@Coastal; Carl, Dan@Coastal; Cavalleri, Madeline@Coastal; Ainsworth, John@Coastal

Subject: Fulltiming is not a crime. No rv ban!

I am Julie schaul of santa cruz fulltimers. i oppose the santa cruz oversized vehicle ordinance rv ban. please read the following recent post from the escapees ceo about fighting for our rights as american citizens. follow my facebook groups for up to date news and trends regarding vehicle dwelling at <http://www.facebook.com/groups/RvParkingRights>

By Shawn Loring #76442, Escapees CEO, and the Escapees Board of Directors

The Good Fight

Those who chose to leave the sedentary life in a stick-and-brick home in favor of living full-time or seasonally in an RV are true adventurers. For many RVers, the ability to live and travel in an RV is the manifestation of the American dream. Full-time, or seasonal, RVers often worked their entire lives with the goal of some day traveling from Canada to Latin America and all parts in-between. Others find ways to incorporate RVing into their lifestyle while they are still working.

Upon announcing to friends and family that they are hitting the dusty trail, it is not uncommon for RVers to be met with quizzical looks and a battery of questions. (I am sure they are secretly jealous.) The fact remains that this lifestyle of freedom and adventure is unusual—wonderful, but askew from the norm. Most of society is confused by the idea of full-time and seasonal RVing, and one way this confusion materializes is in the laws of the land.

From time to time, even with the best of intentions, federal, state and local legislative bodies overlook or neglect the RVing community in the creation of laws and regulations. These laws can impact almost every aspect of this lifestyle, including the ability to register vehicles, establish a domicile and can even interfere with the right to vote.

Advocacy

One of the benefits Escapees provides for the entire RVing community is advocacy. We fight for the rights of RVers, regardless of whether or not they are members, because Escapees is a values-driven organization. And, in the spirit of being a Total Support Network for All RVers, we feel it is our calling to help defend RVers' rights when we can.

For instance, HUD (Housing and Urban Development Department), a federal agency, decided to alter their definition of RVs. While HUD's impetus for the changed language appeared to exclude RVs from HUD manufacturing requirements, their definition of "RVs" distinguished RVs from mobile homes based on their use. Escapees' concern was that language in a federal agency rule could prevent RVers, like you, from living in your RVs full-time or even seasonally. In addition, our research found that state and local entities incorporated HUD's definition of an RV directly into their own rules, laws and regulations. A potential consequence of the insertion of HUD's definition into these state and local rules, laws and regulations, is that your rights are

shaped and limited in unforeseeable ways—limiting your ability to enjoy the RV lifestyle in the manner of your choosing. Escapees wrote a comprehensive explanation of the potential impact of the proposed language and included suggested alternative language to HUD. At the time of this writing, the issue remains unresolved, but Escapees continues to advocate for you.

We often do not advertise our advocacy until we have successful resolution of the issue because we may be more effective as one voice as opposed to close to 60,000 separate voices. As an example, recently, an Anchorage, Alaska, Assembly committee proposed a ban on the popular RVer practice of boondocking in the parking lots of retail stores. The concern was that boondockers create health and safety issues, are unsightly and cause a loss of business for commercial RV parks. Escapees advocacy director Jim Koca #86367, among others, petitioned the committee member who initiated the proposed ordinance. In his letter to the committee member, Jim explained the impact of the ordinance on boondockers and included the “RVer’s Good Neighbor Policy” to demonstrate our endeavor to act in an amiable and community-minded manner. The committee member abandoned the proposed ordinance before he submitted it to the Assembly for action. (We encourage you to review the “RVer’s Good Neighbor Policy,” found on page 18. We strive to be respectful of the communities we visit.)

Escapees Needs You!

However, advocacy is not only one of the callings of Escapees; it is the responsibility of all RVers. There are times when we need your help in the way of sending letters and e-mails, posting comments and calling your federal, state and local representatives. For instance, this year a bill was introduced in South Dakota’s legislature that attempted to exclude full-time RVers who chose South Dakota as their state of domicile from voting in South Dakota. The acts of registering to vote and voting are among the common factors that courts will weigh when determining whether to uphold a domicile election. The legislators attempt to preclude RVers, like you, from voting in South Dakota was tantamount to exclusion from domiciling in South Dakota. Escapees, with your help and others like you sending letters and e-mails, petitioned the senator and congressman who introduced the bill. They received so many responses that they revoked the proposed bill.

It is important to note, that Escapees learned of this proposed legislation from a member. You can help us by alerting Escapees to proposed rules, laws and regulations that may impact the RVing community. Please do not assume that we know about pending legislation as it is impossible for Escapees to track every proposed rule, law and regulation. If you know of an issue that threatens to directly impact the RVing community, please contact Escapees at 888-757-2582 or e-mail [This email address is being protected from spambots. You need JavaScript enabled to view it.](mailto:info@escapees.com) info@escapees.com. Escapees will continue to advocate where and when we can.

As the senator and the congressman removed the bill from the South Dakota congressional committee, the senator stated that he would find a legally valid way to reintroduce the legislation—illustrating while we are victorious at times, there is always a need to keep fighting the good fight.

Thomas Jefferson famously stated, “Do you want to know who you are? Don’t ask. Act! Action will delineate and define you.”

APPEAL NUMBER: A-3-STC-16-0063

LOCAL GOVT PERMIT NUMBER: CP16-0090

APPLICANT(S): City of Santa Cruz

APPELLANT(S): Robert Norse

DECISION BEING APPEALED:

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PROJECT LOCATION:

Public parking areas within the rights-of-way of City of Santa Cruz public streets.

Mike Dilloughery: In support of this project

In agreement with Staff Recommendation- No Substantial Issue

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
FRONT STREET, SUITE 300
SANTA CRUZ, CALIFORNIA 95060-4508

RECEIVED

JUL 29 2016

COASTAL COMMISSION

July 28, 2016

Dear Coastal Commission:

I am in agreement with the staff recommendation. I have written numerous letters and attended City Council meetings pleading for a ban and/or restriction for oversized vehicles and see this as an important issue in the City of Santa Cruz that needs enforcement immediately. These vehicles are hazardous, harmful, and are contributing to the crime rate and environmental degradation of my city.

I encourage you to find that this project does not raise a substantial issue of LCP conformance (nor conformance with the public access and recreation policies of the Coastal Act):

- The Coastal Act and LCP do not establish a preference for RV users.
- Removing RVs from this equation will free up space for all other users of the coastal zone at this location, a much larger group than the specialized RV group, thus increasing public access and recreational opportunities overall. By not continuing to allow RVs from parking for up to 72 hours, the public will gain more access. The same cadre of RVs parking all day, day after day does nothing to open opportunities for casual visitors.
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issues such as inadequate sight distance from driveways and intersections result when such Over-sized Vehicles are parked on public streets or rights of way in the City. Health concerns resulting from the illegal dumping of sewage waste and gray water waste from over-sized vehicles into our storm drains. The parking and/or storage of over-sized vehicles cause visual blight in the City and monopolize residential parking in condensed neighborhoods

Please let the city start enforcing these restrictions based on public outcry and also help us in keeping our Lighthouse Field and city clean in the areas that are within your jurisdiction.

Regards,

Mike Dilloughery

LIFELONG Resident and taxpayer of Santa Cruz County

831 Walnut Ave

Santa Cruz, Ca. 95060

APPEAL NUMBER: A-3-STC-16-0063

LOCAL GOVT PERMIT NUMBER: CP16-0090

APPLICANT(S): City of Santa Cruz

APPELLANT(S): Robert Norse

DECISION BEING APPEALED:

Appeal by Robert Norse of City of Santa Cruz decision prohibiting RV parking on City of Santa

Cruz public streets between midnight and 5 a.m.

PROJECT LOCATION:

Public parking areas within the rights-of-way of City of Santa Cruz public streets.

Corrina Dilloughery: In support of this project

In agreement with Staff Recommendation- No Substantial Issue

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
FRONT STREET, SUITE 300
SANTA CRUZ, CALIFORNIA 95060-4508

JUL 29 2016

July 28, 2016

Dear Coastal Commission:

I am in agreement with the staff recommendation. I have attended City Council meetings urging a ban and/or restriction for oversized vehicles and see this as an important issue in the City of Santa Cruz that needs enforcement immediately.

I encourage you to find that this project does not raise a substantial issue of LCP conformance (nor conformance with the public access and recreation policies of the Coastal Act):

- The Coastal Act and LCP do not establish a preference for RV users.
- Removing RVs from this equation will free up space for all other users of the coastal zone at this location, a much larger group than the specialized RV group, thus increasing public access and recreational opportunities overall. By not continuing to allow RVs from parking for up to 72 hours, the public will gain more access. The same cadre of RVs parking all day, day after day does nothing to open opportunities for casual visitors.
- Four other beach/shoreline facilities are available in the County and specifically designed for RV parking, thus elimination of RV parking within the Coastal Zone during the stated non bona fide recreational hours of midnight to 5am, will not result in a significant reduction in public access for RV vehicles overall.
- Bona fide public access and recreation opportunities would not be affected, given that most people are asleep during the hours between midnight and 5 a.m. and are not typically using the beach during these hours.
- The City of Santa Cruz has seen an increase in complaints regarding the parking and/or storage of Over-sized Vehicles in residential and commercial areas throughout the City. Safety issues such as inadequate sight distance from driveways and intersections result when such

Over-sized Vehicles are parked on public streets or rights of way in the City. Health concerns resulting from the illegal dumping of sewage waste and gray water waste from over-sized vehicles into our storm drains. The parking and/or storage of over-sized vehicles cause visual blight in the City and monopolize residential parking in condensed neighborhoods

Please let the city start enforcing these restrictions based on public outcry and also help us in keeping our Lighthouse Field and city clean in the areas that are within your jurisdiction.

Regards,

Corrina Dilloughery

LIFELONG Resident and taxpayer of Santa Cruz County

831 Walnut Ave

Santa Cruz, Ca. 95060

Hardison, Laurie@Coastal

From: Mary Reynolds <maryreynolds9@gmail.com>
Sent: Wednesday, July 27, 2016 2:38 PM
To: SantaCruzRVParkingAppeal@Coastal
Subject: Re: Santa Cruz RV Ordinance

I may be too late in sending this but would like to add my view to uphold the RV Ordinance under review as proposed by the City of Santa Cruz.

Mary Reynolds
111 Younglove Avenue
Santa Cruz, CA 95060

RECEIVED
JUL 27 2016
CALIFORNIA
COASTAL COMMISSION

Hardison, Laurie@Coastal

From: Gary Brixner <brixner@sbcglobal.net>
Sent: Monday, July 25, 2016 3:31 PM
To: SantaCruzRVParkingAppeal@Coastal
Subject: Rv parking

To whom it may concern. I strongly urge you not to allow rv parking in our neighborhoods. Parking is at a premium with the students, not to mention who is supposed to clean up after these people. If you allow on street parking, and once the word gets out it will quickly be an out of control problem. Thank you.

Gary

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JUL 25 2016

COASTAL

Hardison, Laurie@Coastal

From: Laurie Brixner <lauriebrixner@sbcglobal.net>
Sent: Monday, July 25, 2016 3:46 PM
To: SantaCruzRVParkingAppeal@Coastal
Subject: Enforce 8-8 rv parking

Please do not lift the rv parking ban! As requested by Santa Cruz City Council Keep and enforce the 8-8 rv parking in Santa Cruz City!
Thank you, Laurie Brixner



Just one picture,

Sent from my iPad

RECEIVED

JUL 25 2016

CALIFORNIA
COASTAL COMMISSION
CENTRAL OFFICE

Hardison, Laurie@Coastal

From: Laurie Brixner <lauriebrixner@sbcglobal.net>
Sent: Monday, July 25, 2016 3:57 PM
To: SantaCruzRVParkingAppeal@Coastal
Subject: Do not appeal the RV ban



Sent from my iPad



RECEIVED

JUL 25 2016

CALIFORNIA
COASTAL CONSTRUCTION

RECEIVED

JUL 25 2016

CALIFORNIA
COASTAL COMMISSION

APPEAL NUMBER: A-3-STC-16-0063

LOCAL GOVT PERMIT NUMBER: CP16-0090

APPLICANT(S): City of Santa Cruz

APPELLANT(S): Robert Norse

DECISION BEING APPEALED:

Appeal by Robert Norse of City of Santa Cruz decision prohibiting RV parking on City of Santa

Cruz public streets between midnight and 5 a.m.

PROJECT LOCATION:

Public parking areas within the rights-of-way of City of Santa Cruz public streets.

Patricia Schell: In support of this project

In agreement with Staff Recommendation- No Substantial Issue

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE

FRONT STREET, SUITE 300

SANTA CRUZ, CALIFORNIA 95060-4508

July 23, 2016

Dear Coastal Commission:

I am in agreement with the staff recommendation and encourage you to find that this project does not raise a substantial issue of LCP conformance (nor conformance with the public access and recreation policies of the Coastal Act):

- The Coastal Act and LCP **do not establish a preference for RV users.**
- Removing RVs from this equation will free up space for all other users of the coastal zone at this location, a much larger group than the specialized RV group, **thus increasing public**

access and recreational opportunities overall. By not continuing to allow RVs from parking for up to 72 hours, the public will gain more access. The same cadre of RVs parking all day, day after day does nothing to open opportunities for casual visitors.

- **Four other beach/shoreline facilities are available in the County and specifically designed for RV parking,** thus elimination of RV parking within the Coastal Zone during the stated non bonafide recreational hours of midnight to 5am, will not result in a significant reduction in public access for RV vehicles overall.
- Bona fide public access and recreation opportunities would not be affected, given that most people are asleep during the hours between midnight and 5 a.m. and are not typically using the beach during these hours
- The City of Santa Cruz has seen an increase in complaints regarding the parking and/or storage of Over-sized Vehicles in residential and commercial areas throughout the City. Safety issues such as inadequate sight distance from driveways and intersections result when such Over-sized Vehicles are parked on public streets or rights of way in the City. Health concerns resulting from the illegal dumping of sewage waste and gray water waste from over-sized vehicles into our storm drains. The parking and/or storage of over-sized vehicles cause visual blight in the City and monopolize residential parking in condensed neighborhoods.

Regards,

Patricia Schell

Resident, City of Santa Cruz

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
FRONT STREET, SUITE 300
SANTA CRUZ, CALIFORNIA 95060-4508

RECEIVED

JUL 26 2016

CALIFORNIA
COASTAL COMMISSION

July 26, 2016

APPEAL NUMBER: A-3-STC-16-0063

LOCAL GOVT PERMIT NUMBER: CP16-0090

APPLICANT(S): City of Santa Cruz

APPELLANT(S): Robert Norse

DECISION BEING APPEALED:

Appeal by Robert Norse of City of Santa Cruz decision prohibiting RV parking on City of Santa

Cruz public streets between midnight and 5 a.m.

PROJECT LOCATION:

Public parking areas within the rights-of-way of City of Santa Cruz public streets.

Andrew C. Meyer: In support of this project

In agreement with Staff Recommendation- No Substantial Issue

Dear Coastal Commission:

I am in agreement with the staff recommendation and encourage you to find that this project does not raise a substantial issue of LCP conformance (nor conformance with the public access and recreation policies of the Coastal Act):

- The Coastal Act and LCP **do not establish a preference for RV users.**
- Removing RVs from this equation will free up space for all other users of the coastal zone at this location, a much larger group than the specialized RV group, **thus increasing public access and recreational opportunities overall.** By not continuing to allow RVs from parking for up to 72 hours, the public will gain more access. The same cadre of RVs parking all day, day after day does nothing to open opportunities for casual visitors.
- **Four other beach/shoreline facilities are available in the County and specifically designed for RV parking,** thus elimination of RV parking within the Coastal Zone during the stated non bona fide recreational hours of midnight to 5am, will not result in a significant reduction in public access for RV vehicles overall.
- Bona fide public access and recreation opportunities would not be affected, given that most people are asleep during the hours between midnight and 5 a.m. and are not typically using the beach during these hours.

- The City of Santa Cruz has seen an increase in complaints regarding the parking and/or storage of oversized vehicles in residential and commercial areas throughout the City. Safety issues such as inadequate sight distance from driveways and intersections result when such oversized vehicles are parked on public streets or rights of way in the City. Health concerns resulting from the illegal dumping of sewage waste and gray water waste from oversized vehicles into our storm drains. The parking and/or storage of oversized vehicles causes visual blight in the City and monopolizes residential parking in condensed neighborhoods.

Regards,

Andrew C. Meyer

Resident, City of Santa Cruz

From: chuck jagoda [mailto:chuckjagoda1@gmail.com]
Sent: Saturday, July 30, 2016 9:06 PM
To: Ryan Moroney
Subject: To Members of the Coastal Commission

Hello,

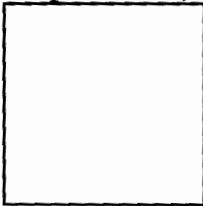
I'm a California resident and advocate for homeless people.

Please know that I am opposed to the Santa Cruz Oversize Vehicle Ordinance.

Thank you and please take into consideration the rights of people who live in larger vehicles.

Chuck
Jagoda

Stop the Ban, Palo Alto



Hardison, Laurie@Coastal

From: Niall <niall.macken@gmail.com>
Sent: Tuesday, July 26, 2016 1:34 PM
To: SantaCruzRVParkingAppeal@Coastal
Subject: Santa Cruz RV Ordinance Review: Say YES!!

Dear Coastal Commission,

I urge you to **uphold** the RV Ordinance under review as proposed by the City of Santa Cruz.

It is very important that the people of Santa Cruz have the proper tools to address illegal RV camping and waste disposal on our streets and marine gateways (streets and streams).
This in no way targets law abiding RV'ers.

Niall
Younglove Ave, Santa Cruz.
niall.macken@gmail.com

RECEIVED

JUL 26 2016

COASTAL COMMISSION

Hardison, Laurie@Coastal

From: janice serilla <mackerilla@gmail.com>
Sent: Tuesday, July 26, 2016 1:40 PM
To: SantaCruzRVParkingAppeal@Coastal
Subject: RV ordinance

Dear Coastal Commission,

I urge you to **uphold** the RV Ordinance under review as proposed by the City of Santa Cruz.

It is very important that the people of Santa Cruz have the proper tools to address illegal RV camping and waste disposal on our streets and marine gateways (streets and streams). As well as the crime and urban blight that goes along with many of these RV's. Some of these RV's are in such bad shape that they should not be even in operation.

This in no way targets law abiding RV'ers.

Janice Serilla
Younglove ave. santa cruz, CA 95060

--

www.janiceserilla.com
mackerilla@gmail.com

831 325-3905

REC-111111
JUL 26 2016
COASTAL COMMISSION

W16e

From: Peggy Lee Kennedy [<mailto:peggylee.kennedy@gmail.com>]

Sent: Sunday, August 07, 2016 9:25 PM

To: Sarb, Sherilyn@Coastal; Henry, Teresa@Coastal; Lee, Deborah@Coastal; Fuchs, Elizabeth@Coastal; Dettmer, Alison@Coastal; Merrill, Bob@Coastal; Carl, Dan@Coastal; Cavalieri, Madeline@Coastal; Ainsworth, John@Coastal; Hudson, Steve@Coastal; Ryan Moroney; Turnbull-Sanders, Effie@Coastal; Bochco, Dayna@Coastal; Luevano, Mary@Coastal; Mitchell, Wendy@Coastal; Shallenberger, Mary@Coastal; Vargas, Mark@Coastal; McClure, Martha@Coastal; Kinsey, Steve@Coastal; Groom, Carole@Coastal; Howell, Erik@Coastal; Uranga, Roberto@Coastal; Faustinos, Belinda@Coastal; Orr, Trent@Coastal; Kram, Steve@Coastal; Pestor, Randy@Coastal; Glade Gurney, Sarah@Coastal; Morales, Maricela@Coastal; Diaz, Olga@Coastal; Brady, Rosie@Coastal

Subject: Comment Item 16e Wed Aug 10, 2016

Re: Appeal No. A-3-STC-16-0063 (Overnight RV Parking Restrictions, Santa Cruz)

California Coastal commissioners and Staff,

I support the appeal and strongly recommend scheduling a full de novo hearing.

The Santa Cruz city ordinance removing oversized vehicles (RVs) from midnight to 5am is over-reaching and provides no mitigation for the coastal residents it intentionally removes.

The Coastal Act was not created as an approval tool to be used by wealthy communities to remove the poorest people from the coastal zone. In fact, equal access to the coast is written into the Coastal Act and it must be protected.

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

As a third generation Venice resident, I happen to know that creating laws, such as the oversized vehicle law, specifically used to remove homeless people and used to make the coast exclusive for high income populations, is a common tactic.

I would like to correct some misinformation I read in your staff letters regarding Venice:

- The City of Los Angeles created an oversized vehicles ordinance, LAMC 80.69.4, which is far less sweeping than the one proposed in Santa Cruz. The Los Angeles oversized ordinance requires majority consent from a block prior to signs being installed. Plus it is in effect from 2-6am.

- The City of Los Angeles moved forward with this unfortunate measure to remove vehicle housed people in Venice after the California Coastal Commission denied the Overnight Permit Parking (OPD), LAMC 80.54, CDP for the Venice Coastal Zone. (Please see Coastal Commission Agenda June 2009, June 2010, and June 2013 Venice OPDs)
- The City of Los Angeles has not provided one legal parking space for a vehicle housed homeless person or family. NOT ONE SPACE TO DATE - NOT ONE SPACE. This is despite a persistent and growing crisis of homelessness.

The City of Los Angeles is a blatant Coastal Act violator regarding the current Venice beach curfew and it absolutely should not be used as an example for any Coastal Commission approvals. Especially not used as a sample to replicate the shameless heartless way it has used law enforcement as the primary tool dealing with homelessness.

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

**W16e**

Appeal Filed:	6/29/2016
49th Day:	8/17/2016
Staff:	Rosie Brady - SC
Staff Report:	7/22/2016
Hearing Date:	8/10/2016

APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION ONLY

Appeal Number: A-3-STC-16-0063

Applicant: City of Santa Cruz

Appellant: Robert Norse

Local Government: City of Santa Cruz

Local Decision: Coastal development permit application number CP16-0090 approved by the Santa Cruz City Zoning Administrator on June 1, 2016.

Location: Public parking areas within the rights-of-way of City of Santa Cruz public streets.

Project Description: Prohibit overnight recreational vehicle (RV) parking on public streets between midnight and 5 a.m.

Staff Recommendation: No Substantial Issue

Important Hearing Procedure Note: This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. (*See generally* 14 CCR Section 13115.) Generally and at the discretion of the Chair, testimony is limited to three minutes total per side. Please plan your testimony accordingly. Only the Applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. (*Id.* Section 13117.) Others may submit comments in writing. (*Id.*) If the Commission determines that the appeal does raise a substantial issue, the de

novo phase of the hearing will occur at a future Commission meeting, during which the Commission will take public testimony. (*Id.* Section 13115(b).)

SUMMARY OF STAFF RECOMMENDATION

The City of Santa Cruz approved a coastal development permit (CDP) to limit overnight recreational vehicle parking city-wide from midnight to 5 a.m. The City contends the parking restrictions are necessary to address public safety concerns due to unlawful behaviors and nuisance activities (e.g. disturbing the peace, littering, vandalism, overnight camping, etc.) related to RVs parked on City streets overnight. The City contends the approved project will not negatively impact public access because there are numerous overnight campsite locations in the area for RVs to stay in proximity to the coast; the project does not affect cars, large SUVs, or trucks; and the ordinance establishes a permit program to allow overnight RV parking on a limited basis.

The Appellant's primary argument is that the approved CDP is inconsistent with the City of Santa Cruz Local Coastal Program (LCP) and Coastal Act policies related to public access because the ordinance does not provide maximum public access and because it limits access for RV users.

Parking restrictions often are proposed in local jurisdictions generally because of recognized problems with parking related to public safety, public nuisance, inappropriate camping, and other issues. In such cases, it is important that the problem be clearly identified and substantiated, and that the response be as focused as possible to address the problem while avoiding public access impacts as much as possible. In this case, Commission staff worked closely with the City to narrowly tailor the ordinance in such a way that it would not impact bona fide public access by limiting the hours from midnight to 5 a.m. (the City had initially proposed the ban from 8 p.m. to 8 a.m.).¹ Thus, RV users are still able to park near the coastline and access the coast for 19 hours of the day.² Moreover, the approved project only affects RVs, whose owners have the option of staying overnight in nearby RV camps rather than on City streets. For those who may not be able to afford formal RV camping, certain churches and businesses in the City allow RV users to stay on their private property overnight for free.

The approved parking restriction is narrowly tailored to address the documented nuisance problems associated with overnight RV parking and the hours are limited to ensure maximum public access otherwise. Accordingly, the project does not raise a substantial issue with respect to conformance with the City's LCP or the Coastal Act public access policies.

¹ As will be explained further in the staff report, the scope of the Commission's consideration of the appealed project at the substantial issue hearing stage is limited to "appealable" areas of the City, consisting of a sub-group of City street parking areas meeting the criteria specified in Public Resources Code section 30603(a). If the Commission conducts a de novo hearing for the appeal, then the Commission will consider the project in the entirety of the City's coastal zone.

² This 12am to 5am restriction is consistent with the Commission's action on the City's No Parking restrictions in West Cliff Drive (A-3-STC-07-057) as well as the Beach Management Plan's curfew for Cowell's Beach (CDP 3-11-027-A1), both of which impose use restrictions from midnight to 5a.m.

As a result, staff recommends that the Commission determine that the appeal contentions do not raise a substantial LCP conformance issue, and that the Commission decline to take jurisdiction over the CDP for this project. The single motion necessary to implement this recommendation is found on page 4 below.

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EXHIBITS

- Exhibit 1 – Project Location Map
- Exhibit 2 – City-approved Parking Ordinance
- Exhibit 3 – Applicable LCP and Coastal Act Policies
- Exhibit 4 – City’s Final Local Action Notice
- Exhibit 5 – Appeal of Santa Cruz City’s CDP Decision
- Exhibit 6 – Applicant Correspondence

I. MOTION AND RESOLUTION

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the Commission will not hear the application de novo and that the local action will become final and effective. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission determine that Appeal Number A-3-STC-16-0063 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603. I recommend a yes vote.*

***Resolution to Find No Substantial Issue.** The Commission finds that Appeal Number A-3-STC-16-0063 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.*

II. FINDINGS AND DECLARATIONS

A. PROJECT BACKGROUND, DESCRIPTION AND LOCATION

On December 8, 2015, the City of Santa Cruz's City Council approved Ordinance No. 2015-17, which amended non-LCP components of the Municipal Code to prohibit oversized and recreational vehicles (RVs) from stopping, standing, and parking on all City streets from 8 p.m. to 8 a.m. Commission staff informed the City of the need for a CDP to authorize this action for streets located in the coastal zone, given the potential impacts on public access to the shoreline, and expressed concern about the extent of the parking prohibition. The City agreed to process a CDP for this action, and over the course of the next several months, Commission staff worked with City staff to craft a revised ordinance that addressed City residents' concerns about RV overnight parking on City streets while ensuring that the parking restrictions do not lead to public access impacts. Specifically, the primary change recommended by Commission staff, which the City ultimately adopted, was to limit the hours of the overnight parking restriction from midnight to 5 a.m. as opposed to 8 p.m. to 8 a.m. as originally proposed by the City. Both the City and Commission staff ultimately agreed that this change would most appropriately balance the City's interest in public safety and the LCP policies that require maximum public access. (See **Exhibit 6**, Commission staff's letter of support for the revised ordinance). The City then approved a CDP to recognize the ordinance, which prohibits RV³ parking between midnight

³ The City's adopted ordinance defines "recreational vehicles" as any motorized vehicle (as that term is defined in Section 670 of the California Vehicle Code) or combination of motorized vehicles and/or non-motorized vehicles or trailers that meets or exceeds twenty-two feet in length at any time or that satisfies a combination of the two following criteria, exclusive of fixtures, accessories or property: seven feet in height and seven feet in width.

and 5 a.m. on all City streets, including those streets within the coastal zone.⁴ Residents of the City of Santa Cruz may obtain up to six permits annually to park their own RV overnight within 400 feet of their residences, or to give such a permit to their out-of-town visitors for the same purpose with the same locational restriction. Each permit allows 72 hours of such parking. However, the City's action prohibits anyone from sleeping overnight in an RV on City streets, regardless of whether the RV is allowed to be parked overnight on City streets by temporary permit.

See **Exhibit 1** for a location map; see **Exhibit 2** for the revised ordinance language.

B. CITY OF SANTA CRUZ CDP APPROVAL

On June 1, 2016 the City of Santa Cruz Zoning Administrator approved a CDP to prohibit overnight RV parking on City streets within the coastal zone from midnight to 5 a.m.

The City's Final Local Action Notice was received in the Coastal Commission's Central Coast District Office on Wednesday, June 15, 2016. The Coastal Commission's ten-working-day appeal period for this action began on Thursday, June 16, 2016 and concluded at 5 p.m. on Wednesday, June 29, 2016. One valid appeal (see **Exhibit 5**) was received during the appeal period.

C. APPEAL PROCEDURES

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. (*See* Pub. Res. Code Section 30603(a)(1)-(4).) In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. (*Id.* Section 30603(a)(5).) The project here is appealable for those City streets located: 1) between the first public road and the sea; 2) within 300 feet of the beach or the coastal bluff or the mean high tide line where there is no beach, or; 3) within 100 feet of a wetland or stream.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. (*Id.* Section 30603(b).) Section 30625(b) of the Coastal Act requires the Commission to consider a CDP for an appealed project de novo unless a majority of the Commission finds that "no substantial

⁴ Only the parking areas within the City's appealable zone (see **Section C. Appeal Procedures** below) are subject to this appeal. If the Commission finds that the appeal does raise a Substantial Issue of conformance with the LCP, the parking restrictions as they apply to **all** City streets in the coastal zone (i.e. within and outside of the appealable zone) would be analyzed in the de novo review.

issue” is raised by such allegations.⁵ (*Id.* § 30625(b)(2).) Under Section 30604(b), if the Commission conducts the de novo portion of an appeals hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. Some of the City streets within the scope of the City’s CDP approval are located between the nearest public road and the sea and thus the additional finding required by Section 30604(c) would need to be made (in addition to a finding that the proposed development is in conformity with the City of Santa Cruz LCP as required by Section 30604(b)) if the Commission were to approve the project following the de novo portion of the hearing. Finally, as previously discussed, the scope of the Commission’s consideration of the appeal at the substantial issue hearing stage is limited to those City street parking areas meeting the criteria specified in Section 30603(a) above. If the Commission conducts a de novo hearing for the appeal, then the Commission will consider the project in the entirety of the City’s coastal zone.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons opposed to the project who made their views known before the local government (or their representatives), and the local government. (14 CCR Section 13117.) Testimony from other persons regarding the substantial issue question must be submitted in writing. (*Id.*) Any person may testify during the de novo CDP determination stage of an appeal (if applicable).

D. SUMMARY OF APPEAL CONTENTIONS

The Appellant contends that the City-approved project raises LCP consistency questions relating to public access. Specifically, the Appellant contends that the approved project violates applicable LCP policies because it does not provide public access to people of all income levels, including those who live in RVs. The Appellant further contends that the short-term permitting process allowing overnight RV parking for persons who own adjacent property or are guests of such property owners is inconsistent with the LCP’s public access policies because it excludes those who do not have a residence in Santa Cruz or do not know someone with a residence in Santa Cruz. The Appellant further contends that the CDP was approved without any provision for safe overnight RV parking for those who live in their RVs and cannot afford to stay in RV parks, and that as a result the City’s action is discriminatory against homeless people. And finally, the Appellant contends that the City’s concerns about RVs impacting marine water quality are not justified.

⁵ The term “substantial issue” is not defined in the Coastal Act or in its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government’s decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government’s decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. Even when the Commission chooses not to hear an appeal (by finding no substantial issue), appellants nevertheless may obtain judicial review of a local government’s CDP decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, Section 1094.5.

Please see **Exhibit 5** for the entire appeal contentions.

E. SUBSTANTIAL ISSUE DETERMINATION

Public Access

The central issue raised by the appeal is whether the approved RV parking restrictions are consistent with the City's certified LCP and the public access and recreation policies of the Coastal Act. The LCP and the Coastal Act require that public access and recreational opportunities (including public access parking) along the coast be protected and maximized (Coastal Act Section 30210, LCP Land Use Element Policies 3.5 and 3.5.5), while also taking into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances of each case (Section 30214 and Land Use Element 3.5.3). The Coastal Act also protects upland areas necessary to support coastal recreational uses, which includes parking areas (Section 30223). The LCP also requires that public access be maximized, and specifically requires that vehicular access be maintained to coastal recreation areas (Parks and Recreation Element Policies 1.7 and 1.7.1, respectively). (See **Exhibit 3** for these policies). These requirements explicitly recognize and protect maximum public access and areas suitable for water-oriented recreational activities. Use of the term "maximum" in both the LCP and the Coastal Act, as distinct from "provide," "encourage" or even "protect," requires that coastal zone development affirmatively seek to maximize public recreational opportunities, consistent with public safety concerns and the protection of public and private rights. Thus, both the LCP and the Coastal Act protect public access, and any infringement on such access and recreation opportunities must be narrowly tailored to address the specific issues raised.

The beaches in the City of Santa Cruz are a significant public access resource area that are heavily used by the public for typical beach activities, including visiting the beach and recreational use – albeit to a limited extent at night. Coastal Act Section 30210 and LCP Land Use Element Policy 3.5.3 require "maximum access," but also explicitly moderate this requirement with the need to be cognizant of public safety needs. Section 30214 and LCP Land Use Element 3.5.3 identify the need to implement public access provisions in a way that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances of each case.

Parking restrictions are often proposed in local jurisdictions generally because of recognized problems with parking related to public safety, public nuisance, inappropriate camping, and other issues. In such cases, it is important that the problem be clearly identified and substantiated, and that the response be as focused as possible to address the problem while avoiding public access impacts as much as possible. In this case, the City identified public safety as the primary reason for the proposed RV parking restrictions. Specifically, the City's staff report provides:

The nuisance issues are generally related to the behaviors of some oversized vehicle owners. Staff has confirmed at minimum four incidents of illegal discharge into storm drains in the past two years. Those numbers reflect a fraction of the number of informal complaints the City received regarding illegal dumping from RVs throughout the City. In addition to illegal discharges, staff identified other issues related to RV parking including occupants' criminal and illegal activities. A report from the Police Vehicle Abatement Officer estimated 400 notices of illegal parking were placed on RVs and makeshift RVs from July 2013 to July

2014. The vehicle abatement officer routinely receives complaints about littering, bicycle theft, pirating of private water connections, gasoline theft, and wastewater leaking onto the pavement in close proximity to parked RVs. The officer also receives concerns about increased foot traffic to and from these vehicles consistent with drug activity. Community members complain that long-term RV parking creates blight in their neighborhoods.

The City-approved project would affect the ability of RV users to park their RVs on City streets between midnight and 5 a.m. However, as discussed above, the City worked with Commission staff to avoid significant coastal access impacts by limiting the duration of the prohibition for RV parking such that the majority of bona fide public access and recreation opportunities would not be affected, given that most people are asleep during the hours between midnight and 5 a.m. and are not typically using the beach during these hours. Moreover, this time limitation is consistent with other Commission CDP actions on parking and use restrictions in the City of Santa Cruz. For example, in 2008, the Commission previously authorized prohibiting all parking along West Cliff Drive and Pelton Avenue in the City of Santa Cruz between midnight and 5 a.m. and found those restrictions consistent with the City of Santa Cruz LCP.⁶ Similarly, the Commission's approval of CDP 3-11-027-A1 in 2014, which authorized the Santa Cruz Main Beach Management Plan, allows for a nighttime curfew on Cowells Beach from midnight to 5 a.m. in order to address public safety issues identified by the City. Similarly, here the restriction for RV parking on City streets acknowledges the importance of public access and will only be implemented during hours that have a minimal effect on bona fide public access, i.e. from midnight to 5 a.m.

The Commission finds that the proposed parking restriction program appropriately balances competing demands in a way that recognizes the importance of providing public access. Even after sunset, the Harbor, beaches, and the boardwalk in Santa Cruz remain a significant public access resource area that is used significantly by the public. For example, night-time public use of the coast in the City includes bonfires at Seabright beach (which has a 10 p.m. curfew implemented by California State Parks), nighttime surfing, visitors to the Boardwalk until 11 p.m. or later, and other late night activities that may occur in the Harbor. The City acknowledged the demand for public access, and the ordinance provides maximum public access by only limiting RV parking after midnight and before 5 a.m. Furthermore, regular size vehicles, trucks, and SUVs have unrestricted access to these parking areas.

This restriction responds to the identified problems in such a way as not to penalize general public access users who are legitimately accessing the coast at night during a potentially high use time, but instead putting an appropriate limit on that use that recognizes the nuisance problems that RV parking on City streets overnight have historically been associated with. Common experience supports the conclusion that bona fide public access is limited during the hours between midnight and 5 a.m. The Commission finds that midnight is an appropriate starting time and 5 a.m. is an appropriate ending time for the RV overnight parking restriction in this case considering that bona fide public access and use of the coast is minimal during this period of the night.

Furthermore, any potential impact on public access for RV users is mitigated by both existing alternative options and alternative options proposed as part of this ordinance for those seeking

⁶ See A-3-STC-07-057.

access to the coast in an RV. The ordinance implements a permit program for out-of-town visitors to obtain a permit to park an RV overnight on City streets. A resident of Santa Cruz may obtain up to six permits annually to give to their out-of-town visitors or use to park their own RV. With a permit, an RV owner may park an RV within 400 feet of the address of the Santa Cruz resident. The permit allows 72 hours of access to park on the City streets. However, the ordinance prohibits anyone from sleeping overnight in an RV on City streets, regardless of whether the RV is allowed to be parked overnight by permit.

For RV owners who do not own property or do not know someone in Santa Cruz with a residence, there are several churches in the area that already allow RVs to stay overnight for free. Chapter six of the City's Municipal Code⁷ (not part of the LCP) allows RV owners to park and camp in their vehicles at participating churches (up to three vehicles per night per church). The Association of Faith Communities' church parking program is called the "Safe Spaces Parking Program" and hosts RVs for free overnight stays. In addition, RV owners can park and camp in their vehicles on private business lots if allowed by the owners (up to two vehicles per property), and on private residential lots (up to one vehicle per property).

Other Contentions

The Appellant contends that there was not an adequate basis for the City to find that the parking restrictions will protect marine water quality. The LCP encourages the protection of marine water quality (LCP Policies, Environmental Quality Element Section 2.1, 2.3, and 2.6 – see **Exhibit 3**). One of the most polluted beaches in the state is Cowell's Beach,⁸ which is located just upcoast from Main Beach, the Boardwalk, and the Santa Cruz Municipal Wharf. In its approval the City found that the restriction on overnight RV camping on City streets would protect marine water quality. This was based on four instances where the City caught RV owners illegally dumping waste into storm drains. However, after the City analyzed the water quality problem at Cowell's Beach further, it was determined the correlation between marine water quality and illegal dumping of waste may not be causative of the high bacteria count at Cowell's. Thus, the City has not clearly established a correlation between illegal waste dumping of overnight-parked RVs and water quality impacts. Therefore, any reference in the City's approval

⁷ Santa Cruz Municipal Code Chapter 6.36.020 "Camping Permitted" (d) Camping: (i) In the yard of a residence with the consent of the owner or occupant of the residence, where the camping is in the rear yard, or in an area of a side yard or front yard that is separated from view from the street by a fence, hedge or other obstruction; or (ii) Inside of a licensed and registered motor vehicle in the parking lot on the site of a religious institution with the written consent of such institution, where the driver/occupant of such vehicle is in possession of a valid driver's license, provided that no more than three vehicles shall be permitted at any one location; or (iii) Inside of a licensed and registered motor vehicle in the parking lot on the site of a business institution in a non-residential district with the written consent of both the business institution and property owner, where the driver/occupant of such vehicle is in possession of a valid driver's license, provided that no more than two vehicles shall be permitted at any one location; (iv) Inside a licensed and registered vehicle in a residential off-street driveway with the written consent of the owner and occupant of the residence, where the driver/occupant of such vehicle is in possession of a valid driver's license, provided that no more than one vehicle shall be permitted at any one location. No particular location shall be used for camping under this provision for more than three days during any one calendar month.).

⁸ Cowell's Beach was number one on Heal the Bay's "beach bummer list" for the dirtiest water quality of all beaches in California in 2014 and 2015. To address the water quality problem, the City Council of Santa Cruz approved the Cowell's Working Group to analyze sources for the high bacteria count.

of the RV parking prohibition with respect to water quality protections does not have a clear evidentiary basis.

F. CONCLUSION

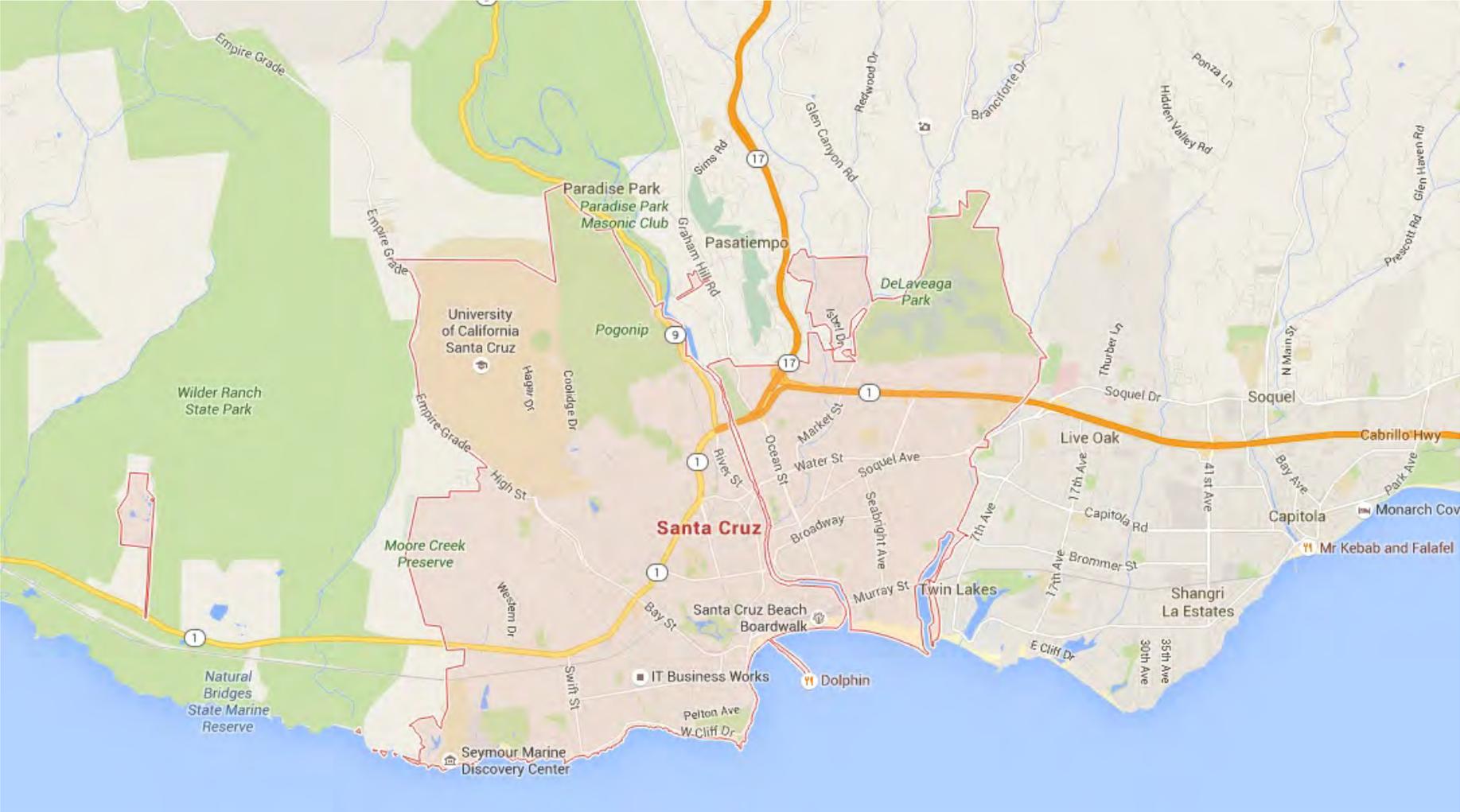
When considering a project that has been appealed to it, the Commission must first determine whether the project raises a substantial issue of LCP conformity, such that the Commission should assert jurisdiction over a de novo CDP for such development. At this stage, the Commission has the discretion to find that the project does not raise a substantial issue of LCP conformance. As explained above, the Commission has in the past relied on the following five factors in its decision of whether the issues raised in a given case are “substantial” or not: the degree of factual and legal support for the local government’s decision; the extent and scope of the development as approved or denied by the County; the significance of the coastal resources affected by the decision; the precedential value of the City’s decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance.

In this case, these five factors, considered together, support a conclusion that this project does not raise a substantial issue of LCP conformance (nor conformance with the public access and recreation policies of the Coastal Act). First, regarding the degree of factual and legal support for the City’s decision, the proposed restrictions on overnight RV parking were narrowly tailored to limit any negative impacts to public access and recreation opportunities to the maximum extent feasible while still addressing the City’s identified needs for this restriction. Specifically, the City adopted this ordinance to address documented public safety, health, and nuisance concerns while limiting the hours of restriction to a time of the night when bona fide public access is minimal. Furthermore, any public access impacts to RV owners is mitigated by the overnight parking permit program provided by the ordinance as well as existing options for RV owners to park their vehicles on private property under the program provided by Chapter six of the City’s Municipal Code.

Second, regarding the scope of the development, the effect on intensity of use for coastal resources is minimal. The ordinance only restricts overnight parking of RVs on City streets (but not other vehicles such as cars and trucks), and only during the hours of midnight to 5 a.m. when limited bona fide public access can reasonably be expected to occur. Furthermore, overnight access and use restrictions already exist in portions of the City’s coastal zone (*e.g.*, West Cliff Drive, Pelton Avenue, Cowell’s Beach), so the scope of impact for the new ordinance is reduced further when accounting for these existing restrictions. Third, regarding the significance of the coastal resources affected by the City’s decision, public access and recreation of the coast are paramount concerns of both the Coastal Act and the LCP. However, for the reasons explained above, the ordinance will have minimal impact on bona fide public access. Fourth, regarding the precedential value of the City’s decision for future interpretations of its LCP, Commission staff worked closely with the City to ensure that the project is consistent with the LCP, so the City’s action will not create an adverse precedent for future interpretation of the LCP. Fifth, regarding whether the appeal raises issues of local or regional/statewide significance, the issues raised are of statewide concern, but the parking restrictions are similar to regulations permitted up and down the coast to protect public safety, while ensuring compliance with the Coastal Act and LCP public access policies.

For the reasons stated above, the Commission finds that Appeal Number A-3-STC-16-0063 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act and is consistent with the certified LCP and the public access policies of the Coastal Act.

Project Location



ORDINANCE NO. 20__-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING TITLE 10 "VEHICLES AND TRAFFIC" AT CHAPTER 10.04 "DEFINITIONS" AND CHAPTER 10.40 "STOPPING, STANDING AND PARKING" AND CHAPTER 10.41 "CITY-WIDE PARKING PERMIT" PERTAINING TO THE PARKING OF OVERSIZED VEHICLES.

BE IT ORDAINED By the City of Santa Cruz as follows:

Section 1. Chapter 10.04 "Definitions" is hereby amended by adding Sections 10.04.085 "Loading and unloading," 10.04.104 "Out-of-town visitor," 10.04.106 "Oversized vehicle" and 10.04.165 "Resident," as follows:

A. Section 10.04.085 "Loading and unloading," is added, to read as follows:

"10.04.085 LOADING AND UNLOADING.
"Loading and unloading" shall mean actively moving items to or from an oversized vehicle including the activities required to prepare the vehicle for travel or storage."

B. Section 10.04.104 "Out-of-town visitor" is added, to read as follows:

"10.04.104 OUT-OF-TOWN VISITOR.
"Out-of-town visitor" shall mean any person who does not reside in the City of Santa Cruz, who is temporarily visiting as a guest of a resident of the city, and who has applied for and obtained an oversized vehicle overnight parking permit."

C. Section 10.04.106 "Oversized Vehicle" is added, to read as follows:

"10.04.106 OVERSIZED VEHICLE.
"Oversized vehicle" shall mean any motorized vehicle as defined of Section 670 of the Vehicle Code or combination of motorized vehicles and/or non-motorized vehicles or trailers that meets or exceeds twenty-two feet in length at any time or a combination of the two following criteria, exclusive of fixtures, accessories or property: seven feet in height and seven feet in width.
(a) To determine the height, width or length of the vehicles defined in this section, any extension to the vehicle caused by mirrors, air conditioners, or similar attachments as allowed by Section 35109, 35110 or 35111 of the Vehicle Code as may be amended shall not be included.
(b) Oversized vehicle does not include pickup trucks, vans, or sport utility vehicles, which are less than twenty-five feet in length and eight feet in height."

D. Section 10.04.165 “Resident” is added, to read as follows:

“10.04.165 RESIDENT.

“Resident” shall mean a person who customarily resides and maintains a place of abode or who owns land within the City of Santa Cruz. It shall not mean a person who maintains an address at a post office box, mailbox drop, or who rents a room without it being the primary place of abode.”

Section 2. Chapter 10.40 “Stopping, standing and parking” is hereby amended by adding Sections 10.40.120 “Parking of Oversized Vehicles,” to read as follows:

“10.40.120 PARKING OF OVERSIZED VEHICLES.

(a) No person shall stop, stand, park or leave standing any oversized vehicle on any public highway, street or city parking lot at any time during overnight hours, unless otherwise authorized by this article. The specific hours during which the prohibition established by this section is applicable shall be established by City Council resolution.

(b) No person shall permit, cause or allow any electrical, water, gas, telephone or other utility connection (such as electrical cords, extension cords, hoses, cables, or other items) to encroach into any public right-of-way including across or above any street or sidewalk from a residential or commercial property to an oversized vehicle or trailer parked on a public highway, street or city parking lot.

(c) Oversized vehicles shall not be parked at any place within 100 feet of a crosswalk, intersection, boulevard, stop sign, official electric flashing device or approach to any traffic signal.

(d) The provisions of Subsection (a) shall not apply to any of the following:

(1) Oversized vehicles owned by a resident or out-of-town visitor displaying a permit for overnight parking issued by the city manager or his/her designee in accordance with this article. The issuance of a permit shall not allow any other activity otherwise prohibited by law.

(2) Oversized vehicles displaying a permit issued by the city manager to a hotel as defined in Sections 24.22.450 and 24.22.550, respectively, for the exclusive use of its registered guests.

(3) Oversized vehicles involved in an emergency or being repaired under emergency conditions. Emergency parking may be allowed for twenty-four consecutive hours where an oversized vehicle is left standing at the roadside because of mechanical breakdown or because of the driver’s physical incapacity to proceed.

(4) Oversized vehicles belonging to federal, state or local authorities or public utilities that are temporarily parked while the operator of the oversized vehicle is conducting official business.

(5) Oversized vehicles actively engaged in the loading and unloading and deliveries of person, merchandise, wares, supplies, goods or other materials in the course of construction or other work from or to any adjacent building or structure.

- (6) Parking of any oversized vehicle during the pendency of any state of emergency declared to exist within the City of Santa Cruz by the city council, city manager or governor.
- (e) Any resident may obtain an oversized vehicle overnight parking permit to park an oversized vehicle registered to them adjacent to his/her residence. Any resident may obtain an oversized vehicle overnight parking permit to park an oversized vehicle belonging to an out-of-town visitor. The city manager or his/her designee may issue a permit for overnight parking of an oversized vehicle to any resident or out-of-town visitor subject to the following provisions:
- (1) The oversized vehicle shall be owned, leased, rented by, or registered to, a resident or out-of-town visitor.
 - (2) The oversized vehicle shall park at the street curb immediately adjacent to the residence, or within four hundred feet of that person's residence if this area is not available for parking due to curb configuration or codified parking restrictions.
 - (3) The oversized vehicle overnight parking permit shall be prominently displayed in the lower driver's side of the windshield or the nearest window of the vehicle. The permit shall be clearly visible from the exterior of the oversized vehicle and shall not cover the Vehicle Identification Number. Trailers shall display the permit on the side of the trailer so that the permit is visible from the street.
 - (4) The oversized vehicle shall not be used for camping, lodging, residing or for accommodation purposes. Nothing in this section shall be construed to permit sleeping or camping in a vehicle as prohibited by the Santa Cruz Municipal Code.
 - (5) The city manager or his/her designee may deny or revoke an oversized vehicle overnight parking permit if, upon a review of the location where the oversized vehicle will be parked, the city manager or his/her designee determines that it would create a traffic hazard or otherwise would adversely affect public safety, traffic flow or access.
- (f) Overnight Parking Permit Duration.
- (1) Each resident oversized vehicle overnight parking permit shall be valid for one year. A resident oversized vehicle permit allows a resident to park an oversized vehicle for four periods of up to seventy-two consecutive hours per calendar month. The oversized vehicle must be absent from the location authorized by Subsection (d)(2) for a minimum of twenty-four consecutive hours to be lawfully parked overnight at the location again.
 - (2) Each oversized vehicle overnight parking permit issued to an out-of-town visitor shall be valid for a maximum of seventy-two hours.
 - (3) No more than six out-of-town visitor permits shall be issued to a resident in a calendar year.
- (g) Parking Permit fee. The parking permit fee for oversized vehicles shall be established by city council resolution.
- (h) Fraudulent Permit Penalty. Every person who displays a fraudulent, forged, altered or counterfeit oversized vehicle parking permit or permit number is guilty of an infraction for the

first offense. Any subsequent offense within offense committed within one (1) calendar year of a previous citation may, at the discretion of the city attorney, be charged as an infraction or a misdemeanor.

(i) Overnight Parking Permit Denial. The city may deny the issuance of an oversized vehicle overnight parking permit for up to one year if the city manager or his/her designee finds that any of the following conditions exist:

- (1) The applicant or the person the applicant is visiting is not a bona fide resident.
- (2) The resident or out-of-town visitor guests of a resident have been issued two or more citations in the same calendar year for either exceeding the allotted seventy-two-hour permit time and/or parking greater than four hundred feet from the designated residence or land owned address.
- (3) The out-of-town visitor is not a guest of the resident applicant.
- (4) An owner of an oversized vehicle has procured any oversized vehicle parking permit through fraud or misrepresentation, for example, the information submitted by the applicant is materially false.
- (5) The hotel or motel establishment is issuing oversized vehicle permits to non-paying guests of the commercial establishment and/or the guests are camping in the vehicle rather than residing in the commercial establishment.

The fines assessed for violation of this section shall be established by city council resolution.

Section 3. Chapter 10.41 “Citywide Permit Parking” is hereby amended at Section 10.41.060 “Authority to Issue Parking Permits” to read as follows:

“10.41.060 AUTHORITY TO ISSUE PARKING PERMITS.

The local authority shall be authorized to issue parking permits for the city’s permit parking programs, pursuant to the requirements of this Chapter, for vehicles that do not fall within the definition of “oversized vehicles” as defined by Section 10.04.106.”

Section 4. Severability. If any section, subdivision, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portion of the ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subdivision, subsection, paragraph, sentence, clause or phrase of this ordinance.

Section 5. This ordinance shall take effect and be in force thirty (30) days after final adoption.

PASSED FOR PUBLICATION this 24th day of November, 2015, by the following vote:

AYES:

NOES:
ABSENT:
DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk Administrator

PASSED FOR FINAL ADOPTION this ___th day of ___ 20__ by the following vote:

AYES:
NOES:
ABSENT:
DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk Administrator

This is to certify that the above
and foregoing document is the
original of Ordinance No. 201_-_
and that it has been published or
posted in accordance with the
Charter of the City of Santa Cruz.

City Clerk Administrator

Applicable Coastal Act Policies

Section 30210 Access; recreational opportunities; posting

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.

Section 30214 Implementation of public access policies; legislative intent

(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.

Section 30223

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

Applicable Land Use Plan Policies

Parks and Recreation Element:

Section 1.7

Develop plans to repair, maintain and maximize public access and enjoyment of recreational areas along the coastline consistent with sound resource conservation principle, safety, and rights of private property owners.

Section 1.7.1

Maintain and enhance vehicular, transit, bicycling and pedestrian access to coastal recreation areas and points.

Land Use Element:

Section 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.

Section 3.5.3

Require new development and public works projects to provide public access from the nearest public roadway to the shoreline and along the coast, except where it is inconsistent with public safety, protection of fragile coastal resources, or where adequate access exists nearby.

Section 3.5.5

Develop and implement plans to maximize public access and enjoyment of recreations areas along the coastline.

Environmental Quality Element:

Section 2.1

Meet or exceed State Water Resources Control Board standards for discharge of sewage and storm waters to the Monterey Bay.

Section 2.3

Ensure that new development or land uses near surface water and groundwater recharge areas do not degrade water quality.

Section 2.6

Cooperate with private and public agencies to protect water quality throughout the region.



RECEIVED

JUN 15 2016

Dept. of Planning and Community Development

809 Center Street, Room 206

Santa Cruz, CA 95060

(831) 420-5100

Notification of Final Local Action on Coastal Permits

Date: June 14, 2016

To: Attn: Ryan Moroney, Coastal Planner
California Coastal Commission
Central Coast District
725 Front St., Ste 300
Santa Cruz, CA 95060

From: City of Santa Cruz Planning Department

FINAL LOCAL ACTION NOTICE

REFERENCE # 3-STC-16-0569

APPEAL PERIOD 6/16/16-6/29/16

Please be advised of the following actions:

Zoning Administrator hearing of June 1, 2016.
(date)

Local appeals **have not** been filed on the following case:

Local appeals **have been** filed on the following case:

File No CP16-0090 Address: Public Right-of-Way
Stopping, Standing and Parking pertaining to the parking of oversized vehicles.

Adopted findings and conditions are attached. Were previously submitted.

Planning Commission hearing of _____
(date)

Local appeals **have not** been filed on the following case:

Local appeals **have been** filed on the following case numbers:

File No.: _____ Address: _____

Adopted findings and conditions are attached. Were previously submitted.

City Council hearing of _____
(date)

Local appeals **have not** been filed on the following case:

Local appeals **have been** filed on the following case numbers:

File No.: _____ Address: _____

Adopted findings and conditions are attached. Were previously submitted.

This project is not appealable to the California Coastal Commission. Section 24.04186.

Action Agenda for coastal permits acted upon is attached.



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
809 Center Street ~ Room 206 ~ Santa Cruz, CA 95060 ~ (831) 420-5100

ZONING PERMIT

PROJECT #:CP16-0090

OWNER: CITY OF SANTA CRUZ
SCOTT COLLINS
809 CENTER ST., ROOM 10
SANTA CRUZ CA 95060

APN(s)/Address(es):

The following permit(s) was/were approved on 06/01/2016 by the Zoning Administrator and will be effective on 06/13/2016 unless appealed. If the final day for filing an appeal (ten calendar days following the approval date) occurs on a weekend day or holiday, the final filing date shall be extended to the following workday. If no appeal is filed, the effective date shall be the day after the final appeal filing date.

- Coastal Permit*
- Design Permit

By: 

Eric Marlatt, Zoning Administrator

This permit is issued to the owner of the property. In executing this permit, applicant/owner agrees to comply with all terms of permit(s), including conditions of approval, if any. Permit must be exercised within 36 months of date of issuance (above) unless otherwise indicated in conditions of approval. See reverse for information regarding appeals and property reassessment.

* Coastal Permit - This Coastal Permit **is appealable** to the California Coastal Commission following appeal to the Planning Commission and City Council. Appeals must be filed within ten (10) working days after final action by City Council. There is no fee. Appeal forms are available in the Regional Office of the Coastal Commission: 725 Front St, Suite 300, Santa Cruz CA 95060.

CC: County Assessor's Office
File
Coastal Commission

In accordance with Chapter 24.04 of the Santa Cruz Municipal Code, any interested person may appeal a final action of a hearing body or staff. Appeal of a decision of the City Planning Director or the Zoning Administrator must be made to the Planning Commission through the Planning Department. Appeals of a decision of the City Planning Commission or Historic Preservation Commission must be made to the City Council through the City Clerk. All appeals must be made in writing and state the nature of the application and the basis upon which the decision is considered to be in error. Appeals must be accompanied by the required appeal fee. **Appeals must be received no later than ten (10) calendar days following the action from which the appeal is being taken. If the tenth day falls on a weekend or holiday, the appeal period is extended to the next business day.

Whenever any permit is denied or withdrawn, no new application for the same or substantially the same project may be filed for a period of one year from the date of said denial or withdrawal. Where an application has been denied without prejudice, application for the same or substantially the same project may be filed within said period of one year.

In accordance with Section 65863.5 of the Government Code, a copy of this permit has been sent to the County Assessor. It is the Assessor's duty, under Section 402.2 of the Revenue and Taxation Code, to reassess the property to the extent permitted by law. If, after receiving your notice of assessment, your opinion of value differs from the Assessor's valuation, you have the right of protest and appeal. Contact the Assessor's Office immediately to discuss the valuation. If there is still a difference of opinion, you may request a hearing before the Assessment Appeals Board. Application for such hearing must be filed in writing with the Clerk of the County Board of Supervisors, County Courthouse, 701 Ocean St, Santa Cruz CA 95060, between July 2 and August 26 of each tax year.

EXHIBIT "B"

FINDINGS FOR APPROVAL FOR THE PROJECT ON PROPERTY AT

Overnight Parking Regulations for Oversize Vehicles in the Public Right-of-way—Application No. CP16-0090

Coastal Permit to recognize the approval of an ordinance of the City of Santa Cruz amending section 10.04, 10.40 and 10.41 of the Santa Cruz Municipal Code pertaining to regulation of overnight parking for oversize vehicles.

FINDINGS

Coastal Permit, Section 24.08.250

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

The ordinance revision will not affect coastal views. This ordinance is expected to enhance views by regulating overnight parking of RVs adjacent to the coast.

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

The ordinance is designed to discourage illegal dumping of sewage and grey-water from RVs that may contribute to the high bacteria levels at Cowell Beach and other coastal areas. The project has been evaluated for potential environmental impacts in accordance with the California Environmental Quality Act (CEQA) and the City's environmental review procedures. No vegetation, natural habitats or natural resources will be disturbed.

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

The ordinance revision is consistent with the General Plan, all Area Plans and Local Coastal Plan in that it implements many of the public safety policies therein. A report from the Police Vehicle Abatement Officer estimated at least 400 notices of illegal parking were placed on RVs and makeshift RVs from July 2013 to July 2014. The vehicle abatement officer routinely receives complaints about littering, bicycle theft, pirating of private water connections, gasoline theft, and wastewater leaking onto the pavement in close proximity to parked RVs. The officer also receives concerns about increased foot traffic to and from these vehicles consistent with drug activity. Community members complain that long-term RV parking creates blight in their neighborhoods and obstructed coastal views in some instances.

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

The parking restriction will increase coastal access by making the coast safer for the general public and thereby more attractive. There are numerous locations in the area that provide overnight facilities for RV camping. The Upper Harbor has RV camping facilities as well as Forest of Nisene Marks, Manresa, New Brighton, San Andres KOA, Seacliff and Sunset State Beaches. These are appropriate overnight camping areas designed to accommodate large vehicles that are seeking coastal access. Bona fide recreational access to the beach will not be impacted.

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

There are numerous appropriate locations in the area that provide overnight facilities for RV camping. The Upper Harbor has RV camping facilities as well as Forest of Nisene Marks, Manresa, New Brighton, San Andres KOA, Seacliff and Sunset State Beaches. These are appropriate overnight camping areas designed to accommodate large vehicles that are seeking coastal access. Bona fide recreational access to the beach will not be impacted.

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

The revised ordinance will enhance coastal access by providing a safer environment for the general public. Bona fide recreational access to the beach will not be impacted.

Shoreline Protection Overlay District, Section 24.10.2430

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

The ordinance revisions will not affect trees, vegetation or sensitive wildlife habitat.

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

- a. The development is sited and designed to assure stability and structural integrity of its expected economic life span and minimize alterations to natural landforms.**
- b. The development will not create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding geologically hazardous areas.**

- c. **The development minimizes alteration of cliffs, bluff tops, faces or bases, and will not interfere with sand movement.**
- d. **The development which proposes use of retaining walls shall be allowed only to stabilize slopes. Sea walls at the toe of sea cliffs to check marine erosion shall be allowed only where there is no less environmentally damaging alternative.**
- e. **The development within one hundred feet of any cliff or bluff line shall follow the recommendations of an approved geologic report by a registered geologist. The area where such a report is required may be increased where the issue of slope stability requires a greater distance from any cliff or bluff line.**

The ordinance revisions will not affect any cliff or bluff.

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

The ordinance revisions will not affect any cliff or bluff.

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

The ordinance revisions will not affect any cliff or bluff. Signage will predominantly be placed on existing sign posts and will not physically affect any cliff or bluff.

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

The ordinance revisions will not affect any cliff or bluff.

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

The ordinance will not take away any free public parking or bona fide beach access.

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

There are no mitigation measures required.

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

The ordinance revisions will not affect any area and any signage will be placed on existing sign posts.

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

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

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

The ordinance amendments are consistent with the General Plan and the LCP



Action Agenda
ZONING ADMINISTRATOR
Regular Meeting

10:00 a.m., Wednesday, June 1, 2016
City Council Chambers
809 Center Street

The following is an unofficial representation of the Zoning Administrator's actions.
Minutes are official upon approval.

Call to Order by Zoning Administrator Eric Marlatt

Oral Communications—None

Announcements - No action shall be taken on these items.

Public Hearings

Old Business -

Continued from the May 18, 2016 Zoning Administrator Meeting

**1. Overnight Parking Regulation for Oversize Vehicles in the Public Right-of-way
CP16-0090**

Coastal Permit to recognize the approval of an ordinance of the City of Santa Cruz amending section 10.04, 10.40 and 10.41 of the Santa Cruz Municipal Code pertaining to regulation of overnight parking for oversize vehicles. (Environmental Determination: Categorical Exemption) (City of Santa Cruz, owner/filed 3/8/16) MF

This project requires a Coastal Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Recommendation: That the Zoning Administrator acknowledges the environmental determination and approves the Coastal Permit per the findings noted in the staff report and the Conditions of Approval, listed as Exhibit "A".

Action: the Zoning Administrator acknowledged the environmental determination and approved the Coastal Permit per the findings noted in the staff report and the Conditions of Approval, listed as Exhibit "A".

New Business

2. 115 Fair Avenue CP16-0053 APN 003-283-19

Coastal Permit and Design Permit to construct a first and second floor addition to a single-family house including a new attached accessory dwelling unit, resulting in a house that exceeds 3,000 square feet in the R-1-5/CZ-O/SP-O zone district. (Environmental determination: categorical exemption) (STEVEN BRODSKY, owner/filed: 03/15/2016) CC

This project requires a Coastal Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Recommendation: That the Zoning Administrator acknowledges the environmental determination and approves the Coastal Permit and Design Permit per the findings noted in the staff report and the Conditions of Approval, listed as Exhibit "A".

Action: the Zoning Administrator acknowledged the environmental determination and approved the Coastal Permit and Design permit per the findings noted in the staff report and the Conditions of Approval, listed as Exhibit "A".

3. 102 Linden CP16-0056 APN: 009-143-20
Administrative Use Permit to construct a detached Accessory Dwelling Unit over existing garage in the R 1 5 zoning district (Environmental Determination: Categorical Exemption) (Pat Powers, filed: 5/12/2015) MF
Recommendation: That the Zoning Administrator acknowledges the applicant's request to withdraw the project.

Action: the Zoning Administrator acknowledged the applicant's request to withdraw the project.

4. Adjacent to 101 Tosca Terrace CP16-0075 APN: public right-of-way
Administrative Use Permit and Design Permit to install a Wireless facility to include an at-grade equipment cabinet containing one electric meter panel and two Radio Remote Units (RRU) with three panel antennae within a radome enclosure on the top of a replacement utility pole within the right-of-way in the R-1-5 zone district. (Environmental Determination: Categorical Exemption) (Jason Osborn, filed: 4/6/2016) MF
Recommendation: That the Zoning Administrator acknowledges the environmental determination and approves the Administrative Use Permit and Design Permit per the findings noted in the staff report and the Conditions of Approval, listed as Exhibit "A".

Action: the Zoning Administrator acknowledged the environmental determination and approved the Administrative Use Permit and Design Permit per the findings noted in the staff report and the Conditions of Approval, listed as Exhibit "A".

Adjournment—10:12am

The next Zoning Administrator meeting will be held on, June 15, 2016 at 10:00 a.m. in the City Council Chambers.

Any writing related to an agenda item for the open session of this meeting distributed to the Zoning Administrator less than 72 hours before this meeting is available for inspection at the City Planning Department, 809 Center Street, Room 107 or on the City's website www.cityofsantacruz.com. These writings will also be available for review at the Zoning Administrator meeting in the public review binder at the rear of the Council Chambers.

Appeals must be received by the Planning Department within ten (10) calendar days following the date of the action from which such appeal is being taken. An appeal must be accompanied by a five hundred fourteen dollar (\$514) filing fee, unless the item involves a Coastal Permit that is appealable to the California Coastal Commission, 725 Front St., Suite 300, Santa Cruz, CA 95060 in which case there is no fee.

The City of Santa Cruz does not discriminate against persons with disabilities. Out of consideration for people with chemical sensitivities, we ask that you attend fragrance free. Upon request, the agenda can be provided in a format to accommodate special needs. Additionally, if you wish to attend this public meeting and will require assistance such as an interpreter for American Sign Language, Spanish, or other special equipment, please call the City Clerk's Department at 420-5030 at least five days in advance so that we can arrange for such special assistance, or email CityClerk@cityofsantacruz.com. The City Clerk's Department system number: 1-800-735-2922.



ZONING ADMINISTRATOR AGENDA REPORT

DATE: May 25, 2016

AGENDA OF: June 1, 2016

ITEM NO.: CP16-0090

City-Wide

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

PROJECT DATA

Property Owner: City of Santa Cruz
Representative: Scott Collins, Assistant to the City Manager

Application Type: Coastal and Design Permits to recognize an ordinance of the City of Santa Cruz regulating overnight recreational vehicle parking.

Zoning Designation: City-wide within the public right-of-way (ROW)
Project Consistency: Not applicable (NA)
General Plan: NA
Project Consistency: NA
Land Use:
 Existing: Public parking
 Proposed: Public Parking

Parking: Number of spaces does not change
Coastal Review: Coastal Permit required
Environmental Review: Categorical Exemption: 15282-(j); 15301 Class 1-c,g
Mandatory Action Date: 60 days after acknowledgement of Environmental Exemption
Planner: Michael S. Ferry, AICP

PROJECT DESCRIPTION

On December 8, 2015 the City Council approved Ordinance No. 2015-17 amending Santa Cruz Municipal Code (SCMC) Title 10 "Stopping, Standing and Parking" pertaining to the parking of oversized vehicles. The approved ordinance and staff report to the council is attached to this report. That approval prohibited oversized vehicle overnight parking from 8:00 p.m. to 8:00 a.m. After approval of the ordinance, Coastal Commission staff contacted the City expressing concerns that the approved ordinance was limiting bona fide public recreation hours of use of the Monterey Bay. Coastal staff indicated they would support the ordinance revisions if they were amended to modify the hours of to 12:00 a.m. to 5:00 a.m. which was previously approved by the Coastal Commission for parking restrictions on West Cliff Drive. The City Council has agreed to the recommended changes in hours.

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SUBJECT: Ordinance to regulate overnight RV parking – Application No. CP16-0090

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Section 24.08.210 of the Zoning Ordinance requires approval of a Coastal Permit for development within the Coastal Zone that is not specifically exempted. This ordinance revision is defined in the Local Coastal Plan (LCP) as “development” because it could change the intensity of the use of the ocean or access thereto, and parking restrictions are not specifically exempted in the LCP. Section 24.08.410-12 of the Zoning Ordinance requires approval of a Design Permit for public projects located in the Coastal Zone.

ANALYSIS

This ordinance revision was the result of the impacts that oversized/recreational vehicles (RVs) have had on the community, public safety and environment. On April 9, 2013 as part of a Cowell Beach Water Quality Update presentation, City Council adopted a motion to direct the City’s Transportation and Public Works Commission to review and make recommendations to reduce illegal discharges into City storm drains through educational outreach, RV parking permit programs or new disposal sites. In directing this review, Council was particularly interested in understanding the degree to which illegal dumping of sewage and grey-water from RVs contributed to the high bacteria levels at Cowell Beach, and which regulations and educational efforts the City should pursue to prevent future occurrences of such dumping.

Subsequently, in late 2013, the Public Safety Citizen Task Force recommended that the City review and implement strict parking ordinances related to RV parking on City streets, and called for additional enforcement of existing parking restrictions. This recommendation was developed in response to concerns from Task Force members and community members that RVs created neighborhood and City park nuisance issues.

On November 17, 2014, the Transportation and Public Works Commission reviewed potential programs to curb illegal dumping and ordinances to restrict RV parking in impacted areas. Staff presented several programmatic options to reduce dumping, including a voucher program to encourage legal dumping at nearby private businesses, and a program to educate RV owners. The Commission unanimously supported the concept and in addition, the Commission reviewed two proposed RV parking ordinances:

- An ordinance designed to manage oversized vehicle parking in targeted areas; and,
- An ordinance designed to create a citywide RV parking permit program

The Commission unanimously recommended moving those proposed ordinances forward to City Council for their consideration.

Oversize Vehicles

On May 4, 2016 the Zoning Administrator approved Coastal and Design Permit CP16-0045 to recognize the approval of an ordinance of the City of Santa Cruz amending section 10.40.220 and adding section 10.40.235 to the Santa Cruz Municipal Code pertaining to regulation of parking vehicles and trailers within marked parking spaces along curbs in accordance with California State Vehicle Code Section 22508.

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Community members regularly complain about larger RVs limiting available public parking along West Cliff Drive. The issue is particularly acute near Lighthouse Field, home to popular surf breaks and limited parking. Community complaints are typically aimed at single RVs occupying multiple coastal parking spaces for hours on end, limiting opportunities for other vehicles. The most egregious cases include instances where two RVs park parallel and in line with each other (one parked in front of the other), simultaneously taking up 4 to 5 public parking spaces, thus impacting residential and visitor coastal access. Nuisance behavior complaints are frequently lodged for these same vehicles.



The City also receives complaints from residents regarding RVs that remain in their neighborhoods for long periods of time, seemingly for the purpose of human habitation. City streets are not designed for long-term camping or residence. Long-term RV parking in neighborhoods limits available parking for residents and their visitors. Such uses further

raise issues of sanitation, and according to complaints received from residents, long-term RV parking and habitation impacts the ability of residents to feel secure in their neighborhoods.

There are numerous locations in the area that provide overnight facilities for RV camping. The Upper Harbor has RV camping facilities as well as Forest of Nisene Marks, Manresa, New Brighton, San Andres KOA, Seacliff and Sunset State Beaches. These are appropriate overnight camping areas designed to accommodate large vehicles that are seeking coastal access.



As a major tourist destination, Santa Cruz accommodates visitors traveling into the community via many forms of transportation, including oversized vehicles. Many Santa Cruz residents own and store their RVs on their premises as well. The nuisance issues are generally related to the behaviors of some oversized vehicle owners. Staff has confirmed at minimum four incidents of illegal discharge into storm drains in the past two years. Those numbers reflect a fraction of the number of informal complaints the City received regarding illegal dumping from RVs throughout the City. In addition to illegal discharges, staff identified other issues related to RV parking including occupants' criminal and illegal activities. A report from the Police Vehicle Abatement Officer estimated at least 400 notices of illegal parking were placed on RVs and makeshift RVs.

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from July 2013 to July 2014. The vehicle abatement officer routinely receives complaints about littering, bicycle theft, pirating of private water connections, gasoline theft, and wastewater leaking onto the pavement in close proximity to parked RVs. The officer also receives concerns about increased foot traffic to and from these vehicles consistent with drug activity. Community members complain that long-term RV parking creates blight in their neighborhoods and obstructed coastal views in some instances.

In responding to community complaints, City Manager Office staff consulted with relevant internal departments (Public Works, Police, Parks and Recreation, Planning and the City Attorney's office) to understand the current regulatory approach to RV parking, reviewed best practices of similar coastal cities, and reviewed recent case law surrounding parking restrictions. These efforts resulted in the development of an ordinance that effectively abates the environmental and nuisance impacts within the existing legal, City resource and regulatory constraints.

The City previously addressed RV environmental and parking impacts through state and municipal codes enforced by City personnel. Those restrictions were enforced by Public Works parking enforcement operating during the day, and the Police assume parking restriction enforcement duties in the evening, largely on a complaint basis due to the large volume of calls for service for other safety issues at that time. Despite consistent City enforcement of existing parking and environmental regulations, RV impacts persist. As it relates to long-term RV parking in neighborhoods, the City is limited to a state statute that restricts storage of vehicles on public streets. In essence, RVs can park in one location for up to 72 hours before they have to move a few hundred feet, and then can park for another 72 consecutive hours in that location. This limitation inhibits the ability of the City to effectively respond to community concerns identified above. After analyzing the available options, staff developed the proposed two-pronged plan: programmatic efforts to minimize illegal dumping, and ordinance revisions to abate nuisance and parking impacts.

Minimize illegal dumping



Protecting the environment against pollution is important, and this area rises as a key consideration in RV management. Programs to be developed to reduce illegal dumping include:

Public Information - Develop an informative flyer regarding water quality, the City's storm drain system and legal RV wastewater discharge locations. The flyer would be distributed to RV owners when contact is made by City parking enforcement (Public Works or Police) and will be made available at local non-profit service provider locations. Exhibit 4

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Voucher Program - Develop and fund a voucher program with a partial or full subsidy of the \$15 dump fee. Coordinate with local non-profit service providers to distribute and track the vouchers. Continue with efforts to identify and build a suitable dumping site within City limits. The City is working with potential vendors to provide this program. Educational materials and illegal dumping mitigation programs could be funded through the Clean River, Beaches, and Ocean Special Parcel Tax (Measure E Fund).

City-wide RV parking permit

In response to nuisance issues related to long-term RV parking, City Council approved Ordinance No. 2015-17 amending Santa Cruz Municipal Code (SCMU) Title 10 “Stopping, Standing and Parking” pertaining to the parking of oversized vehicles in December 2015. The City agrees that the approved ordinance limits bona fide public recreation hours and the City Council has agreed to modify the hours to 12:00 a.m. to 5:00 a.m. as was previously approved by the Coastal Commission for parking on sections of West Cliff Drive and Pelton Avenue.

The City ordinance revision implements a citywide oversized vehicles and trailers parking permit program which limits on-street oversized vehicle parking to City residents and visitors of City residents only during the hours of 12:00 a.m. to 5:00 a.m. This ordinance allows registered hotel guests with RVs to park their vehicles on City streets in close proximity to their hotel. Unpermitted oversized vehicles will be initially warned for parking on City streets between the hours of 12 a.m. to 5 a.m. and cited for each subsequent violation. Owners of unpermitted oversized vehicles would need to seek parking in one of the seven RV Parking lots/campgrounds in the area or on-street parking for their vehicle outside City limits. Additionally, several churches within the City of Santa Cruz participate in a program that provides private parking lot access to vehicles inhabited by individuals experiencing homelessness, including oversized vehicles.

The ordinance defines oversized vehicles as any motor vehicle and/or non-motorized vehicles or trailers that meets or exceeds 22 feet in length, or both 7 feet in height and 7 feet in width. It would only impact larger recreational vehicles, typically those that have had the largest impact on neighborhoods in comparison to smaller RVs. The revisions include a citywide permit program, which allows enforcement throughout the City, thereby limiting the potential of the RV issues moving from one neighborhood to another. Signage at the City’s entrances and warning notices included with educational materials regarding permit registration and proper wastewater dumping will be provided prior to a citation being issued. RV owners will be able to obtain permits online 24 hours a day, or by visiting City public counters during normal business hours. The ordinance requires that an oversized vehicle park near its local, registered address and allow a limited amount of guest/visitor permits per local address. Permits will be provided for a minimal charge, not to exceed \$5.

SUMMARY

In response to community concerns about RV parking impacts to neighborhoods and the environment, City Council approved an ordinance that creates a citywide RV parking permit

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program. The ordinance limits the number of days for on-street RV parking and to City residents and their visitors only during the hours between 12:00 a.m. to 5:00 a.m., without impacting bona fide coastal access. This ordinance does not apply to large SUVs and trucks.

While no single and simple solution exists that adequately abates the noted impacts, the ordinance revision is an attempt to balance the needs of parking access with our community's quality of life and environmental resources that are being affected by oversized vehicles.

RECOMENDATION

Staff recommends approval of the Coastal Development and Design Permits based on the attached Findings.

FINDINGS

Coastal Permit, Section 24.08.250

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

The ordinance revision will not affect coastal views. This ordinance is expected to enhance views by regulating overnight parking of RVs adjacent to the coast.

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

The ordinance is designed to discourage illegal dumping of sewage and grey-water from RVs that may contribute to the high bacteria levels at Cowell Beach and other coastal areas. The project has been evaluated for potential environmental impacts in accordance with the California Environmental Quality Act (CEQA) and the City's environmental review procedures. No vegetation, natural habitats or natural resources will be disturbed.

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

The ordinance revision is consistent with the General Plan, all Area Plans and Local Coastal Plan in that it implements many of the public safety policies therein. A report from the Police Vehicle Abatement Officer estimated at least 400 notices of illegal parking were placed on RVs and makeshift RVs from July 2013 to July 2014. The vehicle abatement officer routinely receives complaints about littering, bicycle theft, pirating of private water connections, gasoline theft, and wastewater leaking onto the pavement in close proximity to parked RVs. The officer also receives concerns about increased foot traffic to and from these vehicles consistent with drug activity. Community members complain that long-term RV parking creates blight in their neighborhoods and obstructed coastal views in some instances.

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

The parking restriction will increase coastal access by making the coast safer for the general public and thereby more attractive. There are numerous locations in the area that provide overnight facilities for RV camping. The Upper Harbor has RV camping facilities as well as Forest of Nisene Marks, Manresa, New Brighton, San Andres KOA, Seacliff and Sunset State Beaches. These are appropriate overnight camping areas designed to accommodate large vehicles that are seeking coastal access. Bona fide recreational access to the beach will not be impacted.

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

There are numerous appropriate locations in the area that provide overnight facilities for RV camping. The Upper Harbor has RV camping facilities as well as Forest of Nisene Marks, Manresa, New Brighton, San Andres KOA, Seacliff and Sunset State Beaches. These are appropriate overnight camping areas designed to accommodate large vehicles that are seeking coastal access. Bona fide recreational access to the beach will not be impacted.

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

The revised ordinance will enhance coastal access by providing a safer environment for the general public. Bona fide recreational access to the beach will not be impacted.

Shoreline Protection Overlay District, Section 24.10.2430

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

The ordinance revisions will not affect trees, vegetation or sensitive wildlife habitat.

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

a. **The development is sited and designed to assure stability and structural integrity of its expected economic life span and minimize alterations to natural landforms.**

b. **The development will not create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding geologically hazardous areas.**

c. **The development minimizes alteration of cliffs, bluff tops, faces or bases, and will not interfere with sand movement.**

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- d. **The development which proposes use of retaining walls shall be allowed only to stabilize slopes. Sea walls at the toe of sea cliffs to check marine erosion shall be allowed only where there is no less environmentally damaging alternative.**
- e. **The development within one hundred feet of any cliff or bluff line shall follow the recommendations of an approved geologic report by a registered geologist. The area where such a report is required may be increased where the issue of slope stability requires a greater distance from any cliff or bluff line.**

The ordinance revisions will not affect any cliff or bluff.

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

The ordinance revisions will not affect any cliff or bluff.

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

The ordinance revisions will not affect any cliff or bluff. Signage will predominantly be placed on existing sign posts and will not physically affect any cliff or bluff.

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

The ordinance revisions will not affect any cliff or bluff.

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

The ordinance will not take away any free public parking or bona fide beach access.

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

There are no mitigation measures required.

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

The ordinance revisions will not affect any area and any signage will be placed on existing sign posts.

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

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

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

The ordinance amendments are consistent with the General Plan and the LCP

Design Permit, Section 24.08.430

17. **The site plan shall be consistent with physical development policies of the General Plan, any required or optional element of the General Plan, any area plan or specific plan or other city policy for physical development. If located in the Coastal Zone, a site plan shall also be consistent with policies of the Local Coastal Program.**

The project is consistent with the General Plan, the Beach South of Laurel Plan and the Seabright Area Plan in that the ordinance amendment will result will benefit the community along stretches of the coast that are currently impacted. Bona fide recreational access to the beach will not be impacted and it will not reduce free public parking or beach access.

18. **The exterior design and appearance of buildings and structures and the design of the site plan shall be compatible with design and appearance of other existing buildings and structures in neighborhoods which have established architectural character worthy of preservation.**

This finding is not applicable.

19. **Design of the site plan shall respect design principles in terms of maintaining a balance of scale, form and proportion, using design components, which are harmonious, materials and colors that blend with elements of the site plan and surrounding areas. Location of structures should take into account maintenance of view; rooftop mechanical equipment shall be incorporated into roof design or screened from adjacent properties. Utility installations such as trash enclosures, storage units, traffic-control devices, transformer vaults and electrical meters shall be accessible and screened.**

This finding is not applicable.

20. **Where a site plan abuts, or is in close proximity to, uses other than that proposed, the plan should take into account its effect on other land uses. Where a nonresidential use abuts or is in close proximity to a residential use, the effect of the site plan should maintain the residential quality of adjacent or nearby areas.**

This finding is not applicable.

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21. **The orientation and location of buildings, structures, open spaces and other features of the site plan shall be such as to maintain natural resources including significant trees and shrubs to the extent feasible, maintain a compatible relationship to and preserve solar access of adjacent properties, and minimize alteration of natural land forms, building profiles, location, and orientation must relate to natural land forms.**

The view of the ocean will remain unchained.

22. **The site plan shall be situated and designed to protect views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan shall restore and enhance visual quality of visually degraded areas.**

The view of the ocean will remain unchained.

23. **The site plan shall minimize the effect of traffic conditions on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances, exit drives and walkways; through the adequate provision of off-street parking and loading facilities; through an adequate circulation pattern within the boundaries of the development; and through the surfacing and lighting of off-street parking facilities.**

There are numerous appropriate locations in the area that provide overnight facilities for RV camping. The Upper Harbor has RV camping facilities as well as Forest of Nisene Marks, Manresa, New Brighton, San Andres KOA, Seacliff and Sunset State Beaches. These are appropriate overnight camping areas designed to accommodate large vehicles that are seeking coastal access. Bona fide recreational access to the beach will not be impacted.

24. **The site plan shall encourage alternatives to travel by automobile where appropriate, through the provision of facilities for pedestrians and bicyclists, including covered parking for bicycles and motorcycles where appropriate. Public transit stops and facilities shall be accommodated as appropriate, and other incentive provisions considered which encourage non-auto travel.**

The finding is not applicable.

25. **The site shall provide open space and landscaping which complement buildings and structures. Open space should be useful to residents, employees, or other visitors to the site. Landscaping shall be used to separate and/or screen service and storage areas, separate and/or screen parking areas from other areas, break up expanses of paved area, and define open space for usability and privacy.**

The finding is not applicable.

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26. **The site plan shall reasonably protect against external and internal noise, vibration and other factors, which may tend to make the environment less desirable. The site plan should respect the need for privacy of adjacent residents.**

The finding is not applicable.

27. **Signs shall complement the site plan and avoid dominating the site and/or existing buildings on the site or overwhelming the buildings or structures to which they are attached. Multiple signs on a given site should be of a consistent theme.**

The ordinance revisions will not affect views in that any signage will be placed on existing sign posts.

28. **Building and structures shall be so designed and oriented to make use of natural elements such as solar radiation, wind, and landscaping for heating, cooling and ventilation.**

This finding does not apply.

29. **The site plan shall incorporate water-conservation features where possible, including in the design of types of landscaping and in the design of water-using fixtures. In addition, water restricting showerheads and faucets shall be used, as well as water-saving toilets utilizing less than three gallons per flush.**

This finding does not apply.

30. **In all projects in Industrial (I) Zones, all buildings and structures shall be so designed and oriented to make use of natural lighting wherever possible.**

This finding does not apply.

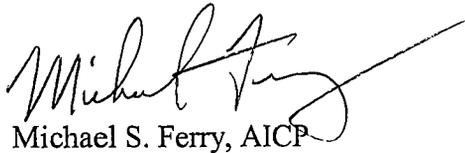
AGENDA REPORT

ZA Meeting of June 1, 2016

SUBJECT: **Ordinance to regulate overnight RV parking – Application No. CP16-0090**

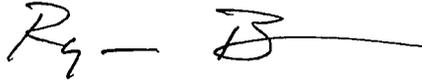
Page 12

Submitted by:



Michael S. Ferry, AICP
Senior Planner

Approved by:



Ryan Bayne
Senior Planner

Attachments:

Ordinance 2015-17 (to be revised)

City Council agenda report, November 24, 2015

Letter from California Coastal Commission dated April 27, 2016

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 900
SANTA CRUZ, CA 95060-4508
VOICE (831) 427-4863 FAX (831) 427-4877



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Robert Norse
Mailing Address: 309 cedar PMB 14B
City: Santa Cruz Zip Code: 95060 Phone: 831-423-4837

SECTION II. Decision Being Appealed

1. Name of local/port government: Santa Cruz City Council

2. Brief description of development being appealed:

Banning RV parking city-wide with no provision for permitting traveler or unhoused resident use during early morning hours, excluding that group from public access.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

City-wide within coastal impact zone (city law impacts entire city)

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

RECEIVED

JUN 29 2016

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:
APPEAL NO: A-3-STC-16-0063
DATE FILED: 6/29/2016
DISTRICT: Central Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: June 28, 2016 (City Council)

7. Local government's file number (if any): CP 16-0090

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

City of Santa Cruz

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

(2)

(3)

(4)

To the Coastal Commission

Re: Item #25 on the Afternoon Session of the June 28, 2016 Santa Cruz City Agenda,

HUFF (Homeless United for Friendship & Freedom) opposes the proposed ban on RV parking city-wide during the nighttime hours of midnight to 5 PM. We believe it violates the City LDC as well as being part of a broader unstated anti-homeless policy of eliminating visible poverty from public areas without respecting the rights of the entire community to have access to those areas.

It limits public access unnecessarily to the Coastal Zone.

It discriminates against poor people (and indeed anyone) who live in or drive RV's by denying them coastal access.

It puts a particular burden on those whose only affordable housing is a vehicle by making it illegal to park them at night.

It discriminates against those who **DO NOT** own or rent property in Santa Cruz by denying them a permit process.

It was done with no determination of its impact on those living in their vehicles in the City and threatens their health and safety.

It is especially cruel and abusive considering the acknowledged shelter crisis.

The Zoning Administrator's claim in his June 1st report (p.3) that parking/camping areas are available nearby ignores the inaccessibility of these areas to extremely low-income folks, just the kind of people who habitate RV's and need legal places to park during the banned hours.

The citing of 4 incidents of illegal discharge within 2 years does not justify the wholesale exclusion of all RV vehicles. The vague claims of "criminal and illegal activities" is without specific documentation. The 400 notices of illegal RV parking in a year is not understood in context with the broader number of illegal parking for vehicles generally. Nor is it clear what the nature and significance of these notices are except to cast a shadow of suspicion on those who live in RV's. Finding 3 on p. 6 of the Zoning Administrator's report is similarly vague, containing no record of citations, arrests, or convictions for the "littering, bicycle theft, private water pirating, gasoline theft, wastewater leaking, and drug activity".

Contrary to finding 4 (p. 7), the parking restricts specifically limit RV access to the beach for poor people in RV's. "Bona fide recreational access to the beach"—if you consider that applies to everyone, not just to those with money is clearly affected and restricted. Contrary to finding #12 (p. 8) the project sacrifices free access to or along the beach and removes entirely free and accessible parking for RV's.

Nor has any study been done regarding the impact of this ordinance on those whose only housing is a vehicle in a city with shelter for less than 5% of its homeless community.

It does include **NOT** a provision for Safe Parking spaces at night, such as Santa Barbara provides, that might provide a refuge or safety valve for those banned at night.

It prejudices the right to travel, by eliminating the right to park an RV in Santa Cruz for those visiting.

It was passed without meaningful police documentation of the alleged problems justifying the unusual exclusionary policy.

It is being done without a procedure for consulting the neighborhoods involved as is the accepted practice for requiring permits to park in other cities (as well as in Santa Cruz for vehicles generally).

The oversized vehicle restriping law passed last year provides overly broad authority to the traffic engineer to expand the zone in which parking spaces for larger vehicles can be completely eliminated without recourse to public comment or public vote. This particularly impacts homeless folks who live in such vehicles, and specifically in Coastal zones where it can be expanded by traffic engineer action.

The LCP acknowledges (p. 9) that a basic goal of the Coastal Act is to "maximize access to the coast for people of **all income ranges...**" (my emphasis). Similar item #10 on p. 11 on 'distributing public and private recreational opportunities, visitor accommodations and support facilities in a manner which ensures public access, [and] equality of coastal recreation..."

We feel this law should be sent back to the appropriate Commission or City Council committee for more public input with the individuals seriously affected (poor people who live in their vans, homeless service providers, tourists who visit the city) and to more closely consider its consistency with the City's LCP.

We feel specific documentation on the abuses real and alleged that supposedly motivate this law rather than the anecdotal stories presented are necessary to fairly and full consider the issue. We suggest specific remedies other than total ban are appropriate. The current law is an overly broad approach that hurts poor and homeless people particularly. And shames our community generally.

Robert Norse *Homeless United for Friendship & Freedom*

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

[see attachment]

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Robert Ausp
Signature of Appellant(s) or Authorized Agent

Date: 8/29/16

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

From: Rosie Brady
To: "rnorse3@hotmail.com"
Subject: Coastal Commission Appeal Process
Date: Monday, June 27, 2016 4:55:00 PM
Attachments: [Letter from Santa Cruz Mayor \(April 5, 2016\).pdf](#)
[RE Overnight Oversized Vehicle Ordinance.msg](#)
[Letter to City re CDP requirement for RV ban 4.27.2016.pdf](#)
[ZA Report.pdf](#)
[Letter of Support for CP16-0090.pdf](#)

Hi Robert,

Here is the link for the Coastal Commission appeal form: <http://www.coastal.ca.gov/cdp/CDP-AppealForm-cc.pdf>

Unfortunately, we do not accept appeals by email. You may fax the appeal to our office at (831) 427-4877, bring it in to the office, or mail it. If you fax the appeal, please send or bring the original to the office as well.

Also, the zoning administrator report is attached. The Coastal Permit findings section in that report discusses how the project complies the Local Coastal Program(LCP). Here is the link for the LCP: <http://www.cityofsantacruz.com/home/showdocument?id=51167>. The report's analysis finds that the ordinance is consistent with the LCP.

Also, here is the email coastal staff sent to the City mentioning the need for a coastal permit to approve the ordinance passed in November, a copy of the letter the City sent to the Commission in response, and Coastal Staff's response to that letter. Also, the letter indicating Commission Staff's support for the ordinance when the city issued itself a coastal permit at the ZA hearing on June 1st.

Let me know if you have any other questions.

Best,
Rosie

From: Rosie Brady
Sent: Friday, June 17, 2016 3:23 PM
To: 'rnorse3@hotmail.com'
Subject: Coastal Commission Appeal Process

Hi Robert,

In response to your question about the appeal process, here are two useful resources on the Coastal Commission website: <http://www.coastal.ca.gov/cdp/appeals-faq.pdf> and <http://www.coastal.ca.gov/cdp/cdp-forms.html>

First, to file an appeal you must have standing or be an aggrieved person. Did you protest the project

at the local level- either in writing or making a public comment at the hearing? Also, for this project you do not need to exhaust local appeals and you can appeal directly to the commission, because the city requires a filing fee to appeal a project through the local process. When there is a filing fee to appeal locally, you can appeal directly to the commission.

Second, the Central District Staff worked closely with the City to resolve any Coastal Act or LCP inconsistencies before the City issued the Coastal Permit on June 1st approving the RV overnight ordinance. Attached is a letter from Dan Carl indicating Coastal Commission Staff support for the ordinance, which was sent to the City before the Zoning Administrator decided the matter. If the matter is appealed, coastal staff will most likely recommend a no substantial issue recommendation to the Commission, because of the balance that was struck between the City's interests and the Commission's interest in protecting public access to coastal resources.

Please let me know if you have any questions about the RV ordinance or the appeal process in general.

Thanks!
Rosie

PS my direct line is ([REDACTED])

Rosie Brady, Coastal Program Analyst

Central Coast District Office
Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060
(831) 427-4863- main office

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



April 27, 2016

Cynthia Mathews, Mayor
City of Santa Cruz
809 Center Street, Room 10
Santa Cruz, CA 95060

Re: City of Santa Cruz Overnight RV Parking Ban

Dear Mayor Mathews:

Thank you for your letter dated April 5, 2016 and addressed to Jack Ainsworth regarding the above-referenced RV parking ban ordinance designed to restrict the parking of RVs on all City of Santa Cruz streets between the hours of 8pm and 8am. We understand that the ordinance was adopted to help address identified issues related to overnight RV parking, and we are sympathetic to the issues that the City seeks to address through this regulation. However, as we have previously stated, because the ordinance would eliminate larger vehicle users' access to the coast during these hours, it constitutes a change in intensity of use and access that constitutes development under Section 30106 of the Coastal Act and the City's LCP, and therefore requires a coastal development permit (CDP). While we believe that some level of overnight oversized vehicle parking regulation may indeed be appropriate, such regulation needs to be tailored to address the identified problems in a way that minimizes impacts to legitimate public access and recreation. As we have previously discussed with the City, a 12-hour ban goes beyond simply prohibiting overnight parking and extends into bona fide public recreational use hours. That said, Commission staff could support a more limited overnight restriction, such as midnight to 5am as previously approved by the Coastal Commission in 2008 for parts of West Cliff Drive. We are ready to work with the City to facilitate the processing of a similar CDP.

In addition, your letter asserts that numerous other jurisdictions have apparently adopted overnight oversized-vehicle parking regulations that were not authorized by a formal CDP process. Commission staff previously provided the City with a legal analysis regarding why a CDP is required for the oversized-vehicle overnight parking regulations. We have not been able to research all of the jurisdictions cited as having implemented overnight oversized vehicle ordinances within the coastal zone to determine what process, if any, was followed with regards to coastal permitting. With the exception of San Diego, we cannot verify which of these jurisdictions actually consulted with Commission staff prior to enacting these ordinances. If Commission staff was never contacted, it is not accurate to assume that these programs were "exempted" from CDP requirements. It is likely that some of the programs referenced may have been instituted without CDPs because no one from those jurisdictions asked Commission staff whether permits were required.

In San Diego, district staff determined that a CDP was not required because the ban only applied during the very early hours of the morning (from 2am to 6am) and included other provisions to address potential issues.

Your letter refers to only one jurisdiction obtaining a CDP for such an overnight parking ban: the City of Los Angeles' application for a CDP to prohibit RV parking overnight in the Venice Beach area. In that case, the City was attempting to address a booming homeless population and create more on-street parking for residents. In consultation with the Commission, the City complied with our determination that a CDP was required, and their permit was ultimately appealed to the Commission.¹ Although the Commission denied the permit, the City later passed an ordinance that limited the overall size of parked vehicles in Venice Beach, while simultaneously providing other public parking options for RVs. Thus, the Venice Beach example is consistent with our position that a CDP is required for such an overnight parking ban in Santa Cruz. It also illustrates that ordinances can be found exempt if they also adequately mitigate impacts to access.

Again, we would like to reiterate that Commission staff is willing to work with the City through the local coastal permitting process and we are confident that an appropriate solution to the identified overnight parking problems can be reached consistent with Coastal Act and LCP access policies. If you have any questions or would like to discuss this matter further, please don't hesitate to contact me at the 831-427-4863.

Sincerely,

Susan Craig FOR:

Dan Carl
Central Coast District Director
California Coastal Commission

cc: California Resources Secretary John Laird
California State Senator Bill Monning
California State Assemblymember Mark Stone
Supervisor Ryan Coonerty

¹ We would note that City of Los Angeles's actions to impose these restrictions was the subject of numerous appeals and litigation, including a lawsuit specifically challenging the issue of whether such regulation is development requiring a CDP; the lawsuit was ultimately dropped.



MAYOR AND CITY COUNCIL

809 Center Street, Room 10, Santa Cruz, CA 95060 • (831) 420-5020 • Fax: (831) 420-5011 • citycouncil@cityofsantacruz.com

April 5, 2016

Mr. Jack Ainsworth
Acting Executive Director
California Coastal Commission
45 Fremont Street, No. 2000
San Francisco, CA 94105

Dear Mr. Ainsworth:

I am writing you on behalf of the Santa Cruz City Council to voice its collective disappointment and displeasure with a decision made by the Central Coast District Office staff regarding oversized vehicle parking regulations and to seek a just remedy. The City Council adopted an Overnight Oversized Vehicle ordinance in December 2015, which restricts the parking of large vehicles on city streets between the hours of 8:00 p.m. to 8:00 a.m. The ordinance, modeled largely on other coastal cities' efforts, was adopted in order to help address documented nuisance crimes related to long-term overnight oversized vehicle parking.

City staff identified existing ordinances in many other cities, in particular San Diego, as models for Santa Cruz, largely for two reasons: (1) these jurisdictions experienced improved public safety conditions post-implementation of overnight oversized vehicles regulations; and, (2) their ordinances were implemented in the Coastal Zone without a Coastal Development Permit. A wide expanse of the City of Santa Cruz resides within the Coastal Zone, with much of the related overnight oversized vehicle public nuisance issues occurring near the coast. Therefore, the City took pains to mirror its ordinance to those like San Diego, with confidence that it would receive similar coastal regulatory consideration.

City staff researched the 30 plus coastal California cities that have implemented overnight oversized vehicle ordinances within the Coastal Zone. We made contact with 21 of those cities, and have yet to hear back from the others. Of those 21 cities contacted (including some within the Central Coast District), only one had a Coastal Development Permit on file for their oversized vehicle ordinance. (Please see attached e-mail to Central Coast District Office staff describing the purpose of our ordinance and research on coastal cities' comparable ordinances.) When provided this information, Central Coast District Office staff acknowledged that their research turned up no written justification for San Diego Coast District's decision regarding San Diego's ordinance. Central Coast District Office staff further explained that they would consider our request to be subject to the same coastal review process as other cities, like San Diego. We were comforted by the fact that your staff said that they understood the need to treat Santa Cruz the same as other local governments on the coast with regards to application of the Coastal Act.

Mr. Jack Ainsworth
April 5, 2016
Page 2

Therefore, it came as a surprise and major disappointment to us to receive an e-mail (attached) from Central Coast District Office staff requiring the City to apply for a permit. They rationalized their decision on the basis of a memo drafted by former Coastal Commission Executive Director Peter Douglas in 1993, which states that any development, including parking regulations, in the Coastal Zone should require a Coastal Development Permit.

The City has a long history of supporting coastal access for our residents and the millions of diverse visitors who enjoy our beaches and coast each year. We were one of the first cities in the State to adopt a Local Coastal Program. Additionally, we have made a point to obtain coastal permits for past parking regulations in the beach area, understanding that daytime metering and other parking regulations may impact access for segments of our community and visitors. However, we do not believe this specific ordinance significantly impacts coastal access, as it only regulates certain parking in the evening hours. It appears that Coastal Commission staff from other district offices uphold that view, with over 30 plus similar ordinances in effect in the coastal zone statewide (and only one city, according to our research, has a Coastal Development Permit for overnight oversized vehicle parking regulations).

We rightfully seek equal and consistent consideration and application of the Coastal Act for our effort to address a nuisance issue in our community. If your San Diego Coast District Office determined that the Coastal Commission does not have jurisdiction on overnight oversized vehicle parking regulations in San Diego, then your Central Coast District Office should reach the same determination with our similar ordinance. It is the fair and right thing to do. Therefore, we strongly urge you to reconsider and overturn the decision made by your staff and allow the City to implement and enforce this very reasonable ordinance. As the City has waited patiently on Central Coastal District Office staff for three months now, we also request a quick resolution on this matter.

Thank you for your consideration, and we are available at any time to discuss this matter in further detail.

Sincerely,


Cynthia Mathews
Mayor

Attachments: E-mail from City staff to the Central Coast District Office
E-mail from Central Coast District Office staff to City

cc: California Coastal Commissioners
California Secretary for Natural Resources John Laird
California State Senator Bill Monning
California State Assemblymember Mark Stone
Santa Cruz City Council
Supervisor Ryan Coonerty

Suzanne Haberman

From: Scott Collins
Sent: Monday, March 07, 2016 6:05 PM
To: Moroney, Ryan@Coastal; 'Craig, Susan@Coastal'
Cc: Tony Condotti; Martin Bernal
Subject: Overnight Oversized Vehicle Ordinance

Hi Susan and Ryan,

Per our discussion with Ryan last Friday, he requested that City staff provide a brief overview of our justification as to why we believe the City of Santa Cruz should move forward in implementing the Overnight Oversized Vehicle ordinance without a CDP. Ryan mentioned that Coastal Staff would be able to review this material, and other material we provided to you, and respond to us no later than next week (given the level of interest from Councilmembers and community members). We appreciate your review and thoughts on this matter.

- 1) **Camping ordinance already in effect within the City of Santa Cruz.** Ordinance 2015-17 is a city-wide restriction on parking of oversized vehicles on City streets. To the extent that is applicable in the coastal zone, it does not restrict coastal access for people, but rather only regulates storage of vehicles on City streets. To the extent that this may operate to limit access for individuals who would like to spend the night in an RV or other oversized vehicle within the coastal zone, the City's camping ordinance (SCMC Ch. 6.36) already prohibits individuals from *camping or sleeping* in their vehicles on city streets and city parking lots overnight. Others who may park an RV in the City while staying with relatives or friends can obtain a parking pass for temporarily parking on City streets under the terms of the Ordinance. Accordingly, impact of this ordinance on coastal access for individuals who are otherwise lawfully using City streets in the coastal zone would be minimal.
- 2) **California Coastal Cities, no jurisdiction established with regard to overnight recreational vehicle parking regulations.** City of Santa Cruz staff have contacted a majority of the identified **35 California coastal local governments** with recreational vehicle/oversized vehicle parking regulations on the books within the coastal zone, and found only one case of a coastal development permit (Venice Beach) being issued by Coastal for such regulations. The City of San Diego, City of Carlsbad and other coastal cities have very recently implemented and enforced similar oversized vehicles regulations with no coastal development permit requirements.
- 3) **Legal RV day and overnight Parking available in Santa Cruz County.** City streets are not designed for RV camping, as there are no safe methods for waste disposal, and camping in vehicles creates a public nuisance within City neighborhoods, business districts and tourist serving areas. As this ordinance prohibits overnight parking of non-residential oversized vehicle parking within the City, a question was raised about legal parking options for RVs within the County. According to a recent review online of RV parking lots/camps, staff identified over 20 such legal lots within the County for RV parking. These affordable parking lots and camps have hook-ups for RVs, to allow for safe disposal of RV waste. And many are in very close proximity to the coastline, including several state beach lots/campgrounds.
- 4) **8am to 8pm overnight oversized vehicle parking regulation.** Over 10 coastal California cities currently impose a 24-hour ban on recreational/oversized vehicles parking in their communities, including the

coastal zone (and none obtained CDPs for this parking regulation in the coastal zone). The City's 8pm-8am regulation for oversized vehicles is far less restrictive by comparison. These hours were adopted by City Council in order to reasonably allow residents to lodge complaints to the Police Dept/Parking enforcement regarding violations. Later hour enforcements would by design necessitate a pro-active only response by our already overtaxed police force. An 8pm-8am enforcement window allows for resident complaints to help address oversized vehicle camping nuisance issues in our neighborhoods. Further, these hours will have minimal impact on coastal access.

- 5) The City of Santa Cruz is simply seeking similar and consistent application in regards to coastal access and coastal commission jurisdiction on overnight oversized vehicle parking regulations. Therefore, we request that the City of Santa Cruz move forward without a coastal development permit.

Best,
Scott

Scott Collins
Assistant to the City Manager
City of Santa Cruz
831-420-5017
scollins@cityofsantacruz.com

From: [Martin Bernal](#)
To: [Bren Lehr](#)
Cc: [Scott Collins](#)
Subject: Overnight Oversized Vehicle Ordinance Attachments
Date: Thursday, March 17, 2016 11:01:50 AM
Attachments: [Douglas Memo re CDP for parking changes.pdf](#)

The below email and the attached PDF would be attachments to the report. Can you confirm Scott?

From: Moroney, Ryan@Coastal [mailto:Ryan.Moroney@coastal.ca.gov]
Sent: Wednesday, March 16, 2016 10:12 AM
To: Scott Collins
Cc: Tony Condotti; Martin Bernal; Craig, Susan@Coastal
Subject: RE: Overnight Oversized Vehicle Ordinance

Scott:

We did have a chance to discuss the City's RV parking regulations changes, which as we understand them include: 1) amendments to the Santa Cruz Municipal Code (SCMC) which would, according to the staff report, designate marked curbside parking spaces on W. Cliff and Pelton Ave. as spaces which would in effect prohibit RV parking, and 2) amendments to Title 10 of the SCMSC which would make it unlawful to stop, stand, park or leave standing any RV on any public highway, street, or city parking lot between 8pm and 8am, unless certain exemptions apply.

You have requested our review and thoughts on these regulations, and specifically whether the amendments require a Coastal Development Permit (CDP). In order to make such determination, the threshold question is whether the amendments constitute "coastal development" as that term is defined by the City's Local Coastal Program (LCP). (See 24.22.212). The City's LCP definition of development mirrors that of the Coastal Act, and includes any "change in the intensity of use of water, or access thereto." As explained in the attached memorandum, it is the Commission's position that any action which has the effect of changing the intensity of use of state waters or of access to such waters constitutes "development" for purposes of the Coastal Act. In this case, the proposed restrictions on RV parking would result in a change in access to state waters or access thereto as persons using RVs would no longer be able to park along W. Cliff Drive or Pelton (two heavily utilized coastal access parking locations) to access this coastline at any time, nor would these individuals be allowed to park along any coastal access sites within the City outside the hours of 8am to 8pm. Thus, by operation, the proposed regulations "change" the ability to access to state waters for individuals using RVs and there result in a change to the intensity of use of the resource. It is therefore our opinion that a Coastal Development Permit is required for both amendments.

That said, the fact a coastal development permit is required for these regulations does not necessarily mean that the regulations are inconsistent with the Coastal Act or LCP. Rather, each case must be evaluated in light of the particular applicable facts and circumstances. The Commission staff is extremely sensitive to the budgetary and public safety concerns of the City. At the same time, those concerns must be balanced against broader public interests relative to public use of and

access to public coastal resources such as beaches and state waters. Relative to public safety concerns, we want to emphasize that nothing in what we have said here interferes with or prevents a law enforcement agency from taking any and all actions it deems appropriate to address a particular public safety emergency.

In terms of the issues you identified below with respect to other local jurisdictions that apparently have similar RV regulations in effect, we would be interested in better understanding the details of each such program and particularly evidence that such programs were explicitly exempted by the Commission. Absent that evidence, we would presume that such regulations are not permitted. In addition, you may be interested to know that we have a meeting scheduled with the County this Thursday of this week and will be discussing the County's proposed new RV parking regulations at that time.

We hope that this analysis is helpful to the City. As we discussed in our meeting on Nov. 17, 2015, we continue to believe that an appropriate balance can be struck through the coastal permitting process that meets the City's public safety needs and can also be found consistent with the public access policies of the Coastal Act and LCP.

Thank you for your consideration and please do not hesitate to contact me with any further questions or concerns.

Ryan Moroney
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, California CA 95060
(831) 427-4863
Ryan.Moroney@coastal.ca.gov
<http://www.coastal.ca.gov/>



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CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 VOICE AND TDD (415) 904-5200



RECEIVED
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CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST

October 29, 1993

TO: Planning Directors of Coastal Cities and Counties, and Other Interested Persons

FROM: Peter Douglas, Executive Director *Peter Douglas*

SUBJECT: COASTAL DEVELOPMENT PERMIT REQUIRED WHEN IMPOSING OR INCREASING FEES OR MODIFYING THE HOURS OF OPERATION OF PUBLIC BEACHES OR PUBLIC BEACH PARKING LOTS, PIERS OR BOAT LAUNCHING RAMPS

The Coastal Commission has received numerous inquiries as to whether the imposition or increase of fees or making a change in operating hours of public beaches, shoreline parks or public beach parking lots, piers or boat launching ramps requires a coastal development permit. It appears these inquiries result from increasing pressures on local governments to charge fees and/or change the hours of operation of such facilities based on budgetary and public safety concerns. In addition to these inquiries, the Commission has taken action on several specific coastal development permit applications for such activities of which you should be aware. We think it appropriate to respond on a statewide basis and apologize for our delay.

The answer is yes, in most cases. For purposes of this communication, it is important to distinguish between the various types of facilities and actions being discussed. The descriptions below of the types of facilities referred to in this memorandum are not intended to constitute any sort of legal definition but rather provide the context for the discussion that follows. Public beaches refers to all sandy beach areas under public ownership or control, whether or not subject to the public trust. Shoreline parks are public recreation areas that may or may not include sandy beach located immediately adjacent to or in close proximity to state waters and which can be used by the public to gain access to such waters. Public parking facilities include any parking areas or portions of such areas (eg. parking lots, on-street or curbside parking spaces, parking structures) open to the public that are used by the public to gain access to public beaches or state waters. Public piers and public boat launching ramps are self-explanatory.

Pursuant to the California Coastal Act a coastal development permit is required for any "development", unless specifically exempted under a variety of provisions or procedures set forth in the Coastal Act or pursuant to other provisions of law (eg. the doctrine of vested rights). The Coastal Act defines "development" as including, among other things, a "...change in the intensity of use of water, or of access thereto...." (Public Resources Code Section 30106.) After a local coastal program (lcp) has been fully certified

for a city or county, the coastal development permit issuing responsibilities of the Commission are delegated to that local government. Coastal permitting responsibilities stay with the Commission for any development on any land or water areas subject to the public trust. In addition, certain coastal permit actions by local government are appealable to the Commission, including those for the types of facilities and actions that are the subject of this memo. Local coastal programs (lcp) have incorporated the Coastal Act definition of "development" requiring a coastal development permit from the local government implementing a fully certified lcp.

It is the Commission's position that any action which has the effect of changing the intensity of use of state waters or of access to such waters is a "development" for purposes of the Coastal Act and requires a coastal development permit from the Commission or, in appropriate circumstances, from a local government implementing a fully certified lcp or the Commission on appeal. Because the imposition or substantial increase of a user fee for beach access parking, pier or boat launching ramp use, or for beach or shoreline park use would, in our opinion, result in a change in access to state waters, a coastal development permit is required. For purposes of this memo and for purposes of guidance, "substantial increase" means any fee increase of 25% or more in any given year or 50% or more on a cumulative basis over any three consecutive year period. Similarly, any action changing the hours of operation or availability for public use of, for example, any beach, shoreline park, parking facility, pier or boat launching ramp or facility requires a coastal development permit. A coastal development permit is required even if little or no physical construction is necessary to implement the action calling for a fee, a fee increase or a change in hours of operation.

As mentioned before, whether the coastal development permit must be obtained from the Commission or the appropriate local government depends on whether the local government has in place a fully certified lcp and has been delegated the coastal development permit issuing authority pursuant to the Coastal Act. In some cases, even where a fully certified lcp is in place, the Commission may have retained coastal development permitting authority because the affected lands are subject to the public trust or otherwise fall into a category of retained permit jurisdiction. If there is a question about whether the Commission or the local government is responsible for processing and acting on a coastal development permit, please contact the appropriate Coastal Commission office. Even where a local government has coastal development permit issuing responsibility, it is important to know that the action is probably appealable to the Coastal Commission and, because the issue involves public access and is of vital concern to the Commission, may well be appealed.

The fact a coastal development permit is required for the type of actions described above does not mean a permit application will necessarily be denied. Rather, each case must be evaluated in light of the particular applicable facts and circumstances. The Coastal Commission has already reviewed and acted on several proposals to change the hours of operation of public beaches, parking facilities, accessways, boat launching ramps, and a pier. These proposals involved the cities of San Diego, Carlsbad and Long

Planning Directors of Coastal Cities
and Counties, and Other Interested

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Beach. It is our intent to prepare a memo on this subject that will provide guidance to local government, other public agencies and members of the public relative to the type of factors the Commission has considered and examples of concerns that should be taken into account when these types of proposals are being formulated. The Commission is extremely sensitive to the budgetary and public safety concerns of local governments. At the same time, the Commission must carefully balance those concerns against broader public interests relative to public use of and access to public coastal resources such as beaches and state waters. It is for this reason, among others, that the Commission has not approved any request to close public beaches to the public on a continuing basis. On the other hand, the Commission has approved the closure of public beach parking lots at certain hours during the night. Finally, it should be remembered that because these types of actions requiring coastal development permits involve questions of public access, the legal standard of review is the Chapter 3 policies of the Coastal Act relating to public access.

Relative to public safety concerns, we want to emphasize that nothing in what we have said here interferes with or prevents a law enforcement agency from taking any and all actions it deems appropriate to address a particular public safety emergency, including any action to close to all public use a beach, parking facility or park. Similarly and pursuant to the Coastal Act, if a local government takes an action to close a public facility pursuant to a legally approved declaration of "public nuisance", no coastal development permit is required. We should caution however, Commission staff will look carefully at any action using the "public nuisance" exception to the coastal development permit requirement when the result of such action is to close to public use for any extended period of time a public beach, parking facility or any other facility providing public access to the beach or state waters.

Because there has been some ambiguity and uncertainty about the coastal permit requirements for the types of actions covered by this memo, it is not our intent to pursue any coastal act violation actions at this time. However, we ask every entity that has taken any action described here as requiring a coastal development permit and for which such a permit has not been approved to contact our office to determine the appropriate steps to complete and process a coastal permit application. We realize that in some cases the action requiring a coastal permit may have been taken some time ago. Notwithstanding the passage of time, a coastal permit will still be required and must be secured. We also understand there have been many instances where local jurisdictions have increased parking fees. We recognize that not every increase in parking fees requires a coastal permit. Accordingly, please contact our office for clarification on how we intend to proceed in these cases.

We would appreciate your passing this memo on to anyone you think may have an interest in the matter. We are particularly anxious that this memo get to the responsible people in your jurisdiction who manage your parking and recreation programs. Thank you for your cooperation and attention to this matter.

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