

LWD
4/17/96
PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
725 FRONT STREET, STE. 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200

TN 10a



Filed: April 17, 1996
49th Day: June 5, 1996
180th Day: October 14, 1996
Staff Report: April 17, 1996
Hearing Date: May 10, 1996
Staff: J. Chase
Doc.No. 38541A15.DOC

PERMIT AMENDMENT CALENDAR

STAFF REPORT

PROJECT INFORMATION

APPLICANT: City of Santa Cruz/Stagnaro's Restaurant

APPLICATION NO.: 3-81-41-A15

PROJECT LOCATION: 59 Municipal Wharf, Santa Cruz

PROJECT DESCRIPTION: Add 2nd story to expand restaurant by approximately 1000 sq.ft.

ZONING: Beach Commercial/Coastal Zone Overlay

LCP JURISDICTION: Santa Cruz City

LOCAL APPROVALS RECEIVED: Zoning Design Permit 3/25/96

SUBSTANTIVE FILE DOCUMENTS: Santa Cruz City certified LCP; Traffic/Parking Summary; Coastal Permit Files 3-81-41 and subsequent amendments.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or 3) The proposed amendment affects conditons required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 CCR 13166.

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission determine that the proposed development with the proposed amendment, subject to the conditions below, is consistent with the requirements of the Coastal Act.

By attracting more visitors, the restaurant addition will intensify wharf use. Conditions of 3-81-41-A5 required specifically identified parking mitigation. Though such mitigation has not been provided, the Commission finds that the City has made considerable progress in managing wharf circulation and parking through its Wharf Entrance Gate, among others, which would indicate a small incremental increase in use would not significantly impact public access. An origin/destination study of wharf users is needed to quantify and substantiate the protection of priority use access, e.g., fishing and boating. As conditioned to require the needed study before further commercial intensification beyond this amendment, the proposed development can be found consistent with the Coastal Act access and recreation policies.

STAFF RECOMMENDATION

Staff recommends that the Commission adopt the following Resolution:

Approval:

The Commission hereby grants a permit for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to carry out its Local Coastal Program in conformance with the provisions of Chapter 3 of the Coastal Act, is located over coastal waters and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

RECOMMENDED CONDITIONS

Standard Conditions

1. Notice of Receipt and acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a

diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for the permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent or interpretation of any conditions will be resolved by the Executive Director or the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24 hour advance notice.

6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

Special Conditions

1. NOTE: Unless specifically altered by this amendment (3-84-41-A15), all conditions attached to the previously approved permit, as amended, remain in effect.

2. PRIOR TO SUBMITTAL OF ANY ADDITIONAL REQUESTS FOR COMMERCIAL INTENSIFICATION OF USE OF THE WHARF AND PRIOR TO JANUARY 1, 1997, the permittee shall submit to the Executive Director for review and approval a completed origin/destination and user group study. The permittee shall review the methodology and the definition of users with the Executive Director prior to distribution of the questionnaire.

3. PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit to the Executive Director for review and approval a construction scheduling plan and a program to prevent construction materials from entering the water.

FINDINGS AND DECLARATIONS

The Commission hereby finds and declares.

1. Background, Location and Description of Development.

The Santa Cruz Municipal Wharf is located off the Main Beach and Boardwalk area in the Beach Area of Santa Cruz City. This is the most heavily visited area in Santa Cruz

County. The proposed project is located on the Santa Cruz Municipal Wharf which is designated a City historic site. The Stagnaro's Restaurant and Fish Market was demolished in 1987 and a new restaurant, fish market and 650 sq.ft. of additional decking were constructed under coastal permit 3-81-41-A2. Condition 3 of 3-81-41-A2 (April 9, 1986) stated:

3. As part of any future application submittal for intensification of wharf uses (including use of 2nd floor decking of the subject building), the permittee shall include parking and circulation provisions that fully mitigate project impacts.

In 1990 the City of Santa Cruz and Stagnaro Brothers requested an amendment to Coastal Permit 3-81-41-A2 to allow for the enclosure of the 2nd floor deck area of Stagnaro's for use as a waiting room for restaurant patrons. The Executive Director reviewed the amendment submittal for the deck enclosure and found that it did not "include parking and circulation provisions that fully mitigate projects impacts" as required by the conditions of coastal permit 3-81-41-A2 and, therefore, rejected the application pursuant to Section 13166 of the California Code of Regulations and returned the file to the applicant.

Several structural and program changes to the wharf have been implemented. The City of Santa Cruz believes that parking is now available to accommodate intensification of use and has submitted a new amendment request to construct a 2nd story addition to the restaurant to use as a waiting room/oyster bar. The proposed addition is approximately 1000 square feet and under Title 24, the City Zoning Ordinance, would require one parking space per 120 sq.ft. of floor space or 8 parking spaces for the addition.

2. Public Access/Traffic and Circulation

The Santa Cruz Municipal Wharf attracts over three million visitors annually. These visitors patronize the restaurants, retail shops and fish markets as well as fish, rent boats, picnic and sightsee. Most visitors drive their automobiles and park on the wharf. The wharf is served by a two lane, two way roadway varying in width with a cul-de-sac near the wharf terminus providing a turnaround. Vehicular traffic and parking congestion on the Wharf and in the Beach Area has been an ongoing problem. The installation of the Wharf "Entrance Gate" has allowed the City to manage traffic.

Permit History Relevant to Parking Supply

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other

Santa Cruz City/Stagnaro's

areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30212.5 provides:

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.

In 1981 the Coastal Commission approved a 13,500 square foot visitor-serving commercial expansion of the Santa Cruz City Municipal Wharf. Commission findings indicated concerns with adequate parking availability for non commercial uses on the wharf (e.g., fishing and sightseeing) and traffic congestion. The Commission recognized off site impacts on nearby streets and parking lots with wharf intensification of use; especially given the undesirability of providing additional over-the-water decking for parking.

The Commission conditioned the project, pursuant to Section 30252 of the Coastal Act quoted above, to require facilitation of transit service, non automotive circulation, and adequate parking or substitute transit.

Conditions of Coastal Development Permit 3-81-41 gave the City considerable flexibility in mitigating traffic/parking impacts. In 1986 permit amendment 3-81-41-A2 Stagnaro's Restaurant was approved with limits on intensification of use imposed pending a better understanding and resolution of the parking/circulation issues. In 1991 the Commission approved 3-81-41-A5 for redesign of the wharf intersection and the addition of a Wharf Entrance Gate to manage traffic. In 1995 the Commission approved 3-81-41-A12 which provided greater flexibility to the City to manage wharf access.

Currently Wharf Entrance Gate fees allow the first 30 minutes free and charge \$1.00 an hour for each hour through four hours, \$2.00 an hour thereafter reaching a maximum of \$12.00. Additionally, from June 1 through Labor Day weekend employees must park off wharf and use the employee shuttle on Fridays, Saturdays, Sundays and holidays. These management tools give the City some control over wharf traffic congestion.

The following chart summarizes the most significant Coastal Commission required or recommended actions to mitigate parking/congestion impacts in the Beach Area and Wharf and the City's actions.

COMMISSION CONDITIONS	CITY ACTIONS
3-81-41 PARKING CIRCULATION PROGRAM	
Restripe to add parking spaces.	Added 84 spaces
Investigate Shopper Shuttle.	The Shopper Shuttle was planned concurrent with a commercial project. The commercial project was dropped and the Shopper Shuttle is on hold.
Beach and Wharf summer/weekend shuttle	3-81-41-A12 suspended Beach Shuttle for years 1995 and 1996.
Wharf Employee shuttle.	Employee Shuttle continues using Dream Inn lot; negotiations for a long term lease for the lot continue but not secured
Wharf origin/destination study to determine demand levels of parking for recreational and commercial users.	Not done.
Realign wharf entrance with gate, parking, shuttle unloading.	This project completed. See below 3-81-41-A5 Wharf Intersection.
3-81-41-A5 WHARF INTERSECTION	
Retain free pedestrian/bicycle access to Wharf.	Yes.
Free 30 minute grace period for vehicles to Wharf.	Amendment 3-81-41-A12 waived 30 min. grace period 12 times a year for special events
No charge before 10:00 am. Allows early morning fishing.	Yes.
Wharf open at all times except 2-5am.	Yes.
Complete Beach and South of Laurel Parking (BA/SOL) District Feasibility Study by Oct. 11, 1995 or add 34 spaces.	3-81-41-A12 extended the required completion date of the BA/SOL Parking Study from October 1995 to October 11, 1997. Scope of Services for Parking and Traffic Study for BA/SOL received by Commission March 25, 1996.

Important Elements Not Completed

The chart illustrates both the progress and deficits of the City's efforts.

Two important elements which will provide the basis for a comprehensive parking/traffic program which were required by Commission permit conditions have not been completed:

- 1) the Wharf origin/destination study to determine demand of types of uses
- 2) the traffic/parking study for the beach area.

In addition a public transportation option, the Beach Shuttle has been temporarily suspended.

Parking Program Manager's Assessment

Submitted with the application was discussion by the City's Parking Programs Manager which concluded that "the City's experience operating the Wharf Gate over the last eighteen months (August 1994-February 1996) has demonstrated adequate capacity to serve recreational visitors, business customer, employee and merchant parking demands. This capacity results from better management opportunities allowed by the Wharf Gate itself".

The discussion reported that non commercial recreational visitor parking demand was previously based on a single origin/destination survey in 10/20/78 which estimated demand at 181 spaces out of 543 spaces parking supply. According to the Parking Programs Manager this exaggerates non commercial visitor parking needs. In 1990 Ergo Engineering for Stagnaro Brothers Restaurant Parking and Circulation (May 24, 1990) calculated current commercial parking requirements for the Wharf at 362 spaces and wharf parking supply at 427. Sixty-five spaces were uncommitted to commercial use.

According to previous Commission findings, the uncommitted spaces were to be held as a cushion to assure that the wharf would not be so overcommitted as to impact access to non commercial users. Hence no intensification of use on the wharf was to be permitted until completion of the Beach Area circulation/parking study including a Wharf origin/destination survey.

Coastal Act Priority Uses: In addition to Coastal Act Section 30252 which protects public access in general other Coastal Act policies delineate types of use/access that have priority.

Section 30213 states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30224 provides for encouragement of increased recreational boating by among other means limiting non water dependent lands uses that congest access corridors and Section 30255 provides that coastal dependent development shall have priority over other developments on or near the shoreline.

A major Coastal Act concern regarding parking on the Santa Cruz Wharf is the availability of spaces for non commercial recreational use such as sightseeing, fishing, and picnicking. The State maintains a continuing and strong interest in preserving public opportunities pursuant to the public trust doctrine. The State of California acting through the Wildlife Conservation Board committed to a Cooperative Agreement (1961) to construct the Santa Cruz Fishing Pier on a matching fund basis and the City agreed to provide maintenance and upkeep. The conditions of the agreement included the following provisions:

It is understood that said public fishing pier, and every part thereof, shall at all times during the term hereof, be available to the public without charge for access to fishing and the public shall have free unrestricted ingress and egress, except at such times as the maintenance and upkeep operations of the city do not permit it.

Discussion

The proposed restaurant addition is under the Coastal Act a priority visitor serving use. However, greater priority is given to coastal dependent and public recreational uses such as fishing, boating and picnicking. The proposed development would add a demand of 8 spaces and reduce the available uncommitted parking to 57 spaces.

The City has not fulfilled its requirements under previous coastal permits including the origin/destination study and the Beach Area parking/traffic study and a comprehensive approach to protection of coastal access awaits these studies.

The lack of the parking/traffic study has made analysis of impacts difficult. Since the traffic study is tied to the controversial redevelopment planning for the Beach Area, it has been delayed repeatedly.

However, it should be noted that the Commission received on March 25, 1996, the Scope of Services for Parking and Traffic Study for the Beach Area /South of Laurel Area Redevelopment Project Area Master Plan. Hence, this task is now underway.

According to the City's Parking Program Manager after installation of the Wharf Gate records show that about 33% of all traffic stays less than 30 minutes; 40 to 60% stay less than 1 hour. The wharf gates have been closed only 6 times since August 1994 - twice for

special events, once because of mechanical failure; and 3 times for traffic congestion. In all three cases the wharf was reopened within 30 minutes. This record is an improvement over past years, when the Wharf was closed several times in a month and over a season.

In addition the Wharf Manager operates the Wharf Gate so that there is no accumulation of charges until 10:30 a.m.; thus allowing free vehicular access in the early hours that are favored by fisherman. In addition fishing charter and boat rental patrons as well as bait shop users can receive validations that limit fees to \$1.00 an hour. Previously, parking meters operated from 8:00 am at a fee of \$.75 an hour.

The City believes that the Wharf Entrance Gate has effectively directed wharf employees to the employee shuttle lot thus significantly reducing parking demand on the wharf. There is however no legal agreement to assure that the privately owned parking area will remain as the employee remote shuttle lot. The City is currently negotiating with the owners for a long term lease.

The information submitted by the Parking Program Manager would indicate that the managed access to the wharf is having a positive effect on wharf congestion. It would also indicate that the City is making a concerted effort to protect general public and coastal dependent users access to the wharf and has begun work on the long awaiting parking/circulation study.

However, the conditional requirement for the origin/destination study has not been fulfilled. The study could yield information on who actually uses the wharf and what effects the Wharf Entrance Gate has on their use. A picture of who the users are and what determines their length of stay would provide information on the accessibility of the wharf to the general public for fishing and sightseeing. The origin/destination study should be undertaken this summer. With the Entrance Gate in place this type of survey can be easily distributed.

The City has taken a major step to appropriate management by beginning the parking/traffic study process. The Wharf Gate has also provided a means to manage impacts on the wharf itself but the secondary effects are unclear. To identify the actual wharf uses, this permit has been conditioned require that no additional intensification of use of the wharf shall be permitted until the origin/destination survey is complete and submitted to the Executive Director for review and approval.

Construction Schedule: The applicant indicates that work will not begin until after Labor Day to avoid conflicts with peak use by summer visitors. The permit has been conditioned to require submittal of the construction schedule for review and approval of the Executive Director.

Therefore, as conditioned, to disallow additional intensification of use of the wharf pending submittal of the origin/destination and user group study by the City and to require submittal of construction schedule, the proposed development will have no significant adverse impacts on public access and on coastal resources in conflict with Coastal Act Access and Recreation policies.

3. Visual Resources.

The existing buildings on the wharf have been built at various times over the past 50 years and vary in architectural style. When rebuilt in 1990 the Stagnaro Restaurant was designed to retain the major elements of the original building. The Local Coastal Program Beach Area Plan includes a chapter on Wharf Design Criteria and policies on wharf use. The design criteria limit allowable restaurant square footage to 7000 sq.ft.. The current restaurant is 4676 sq.ft.; with the addition of 1000 sq.ft. it will remain within the standard. The enclosure covers only a portion of the 2nd story deck and is surrounded by a railed decking adding variation to the design. The proposed second story maintains the nautical character and will not exceed the current maximum height of the existing structure nor exceed the height of nearby buildings. The proposed project is consistent with Sections 30251 and 30253 (5) of the Coastal Act to protect the visual qualities of scenic coastal areas and to protect the "character" of special coastal communities.

4. Marine Environment

The proposed project does not include any work directly in the water. Decking surrounds the restaurant structure. However construction debris could impact the marine environment if not appropriately managed. The permit has been conditioned to require submittal of a program to prevent construction materials from entering the water to assure consistency with Sections 30230 and 30231 of the Coastal Act which protect the water quality and biological productivity of coastal waters.

5. LCP/CEQA

The City found the proposed expansion to be Categorical Exempt under Section 3C of CEQA. The site is located on the municipal wharf over open coastal waters and is therefore within the Commission's original jurisdiction. The proposed development, as conditioned, will be consistent with the California Coastal Act, and will not create any significant adverse impacts within the meaning of the California Environmental Quality Act.

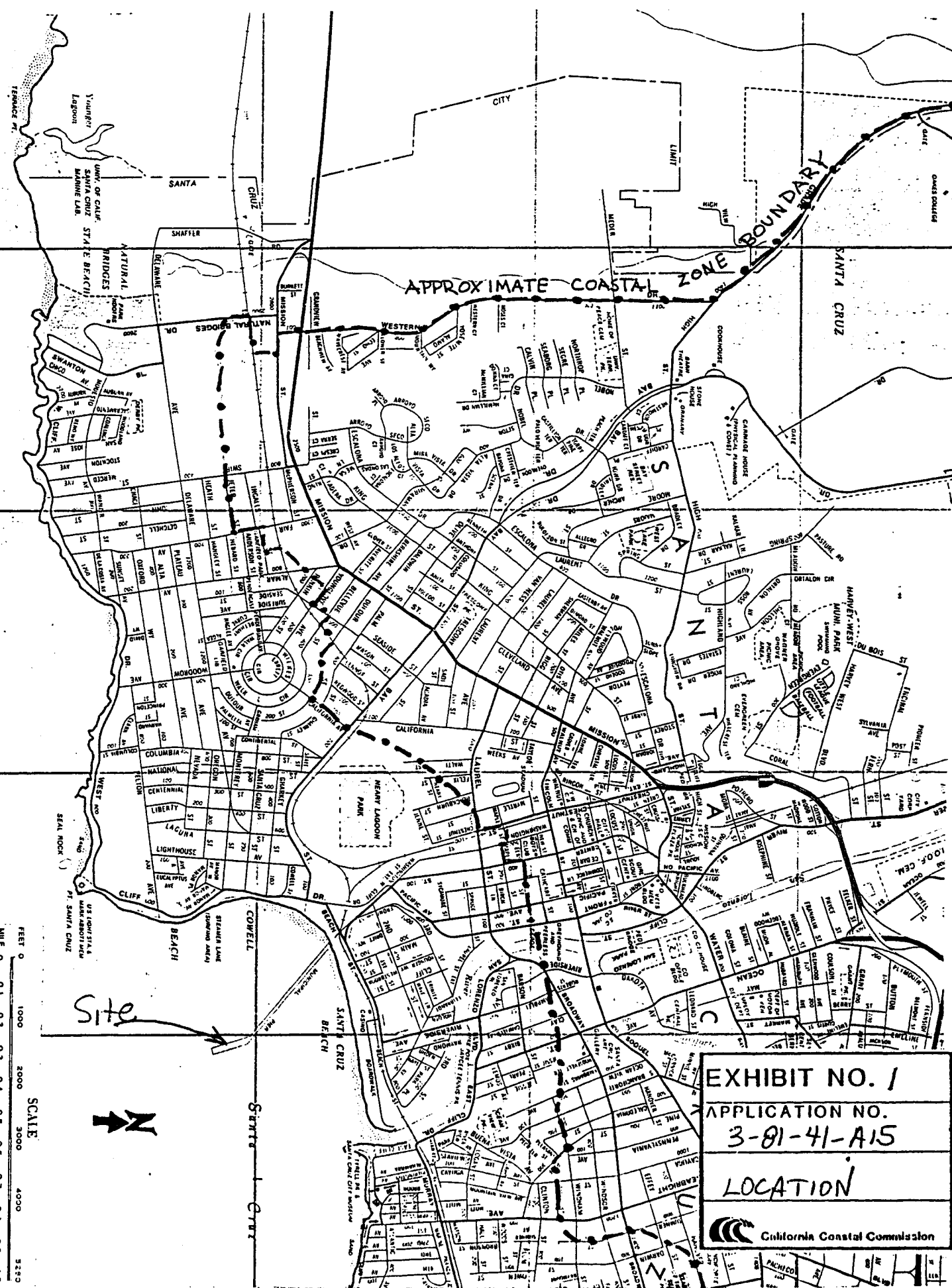
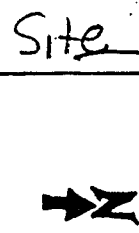
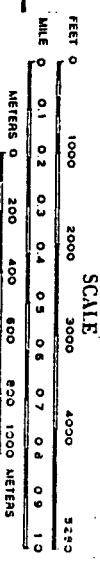
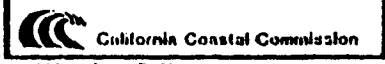
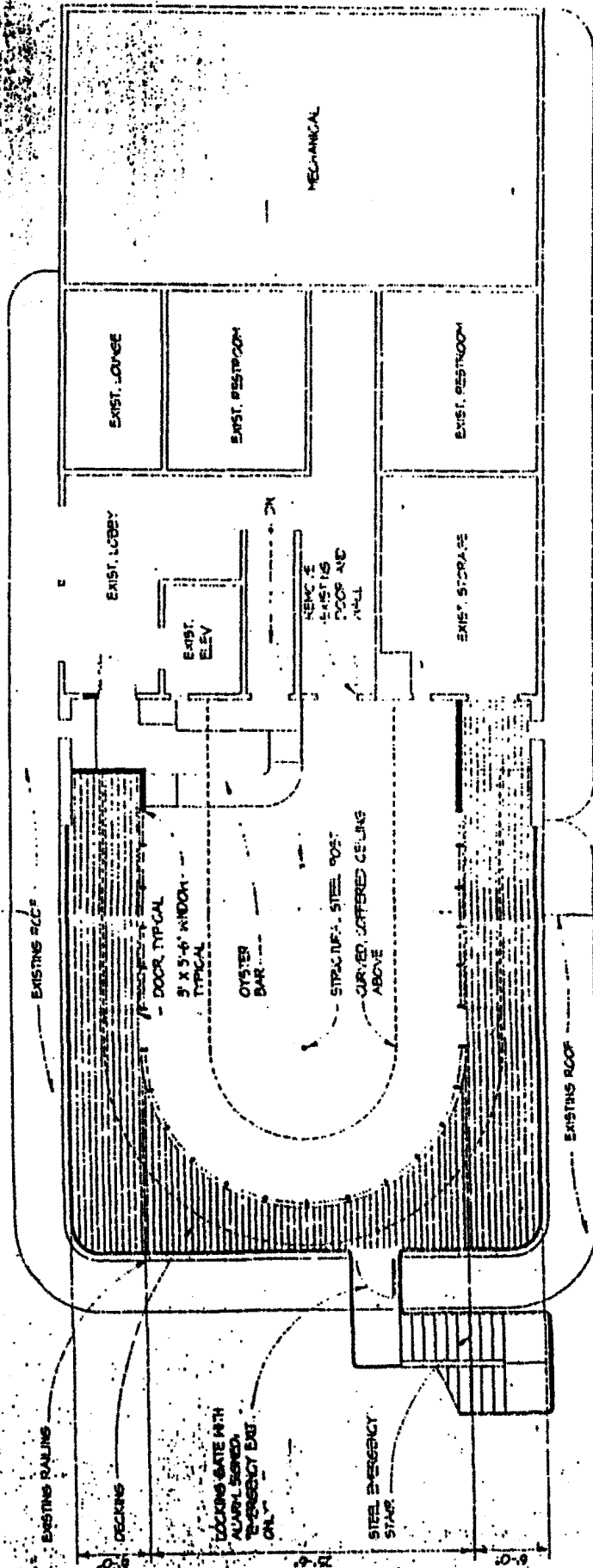


EXHIBIT NO. 1
APPLICATION NO.
3-01-41-A15
LOCATION





SITE PLAN
3-81-41-AIS

TOP OF
EXIST. PARAPET

ALUMINUM STOREFRONT

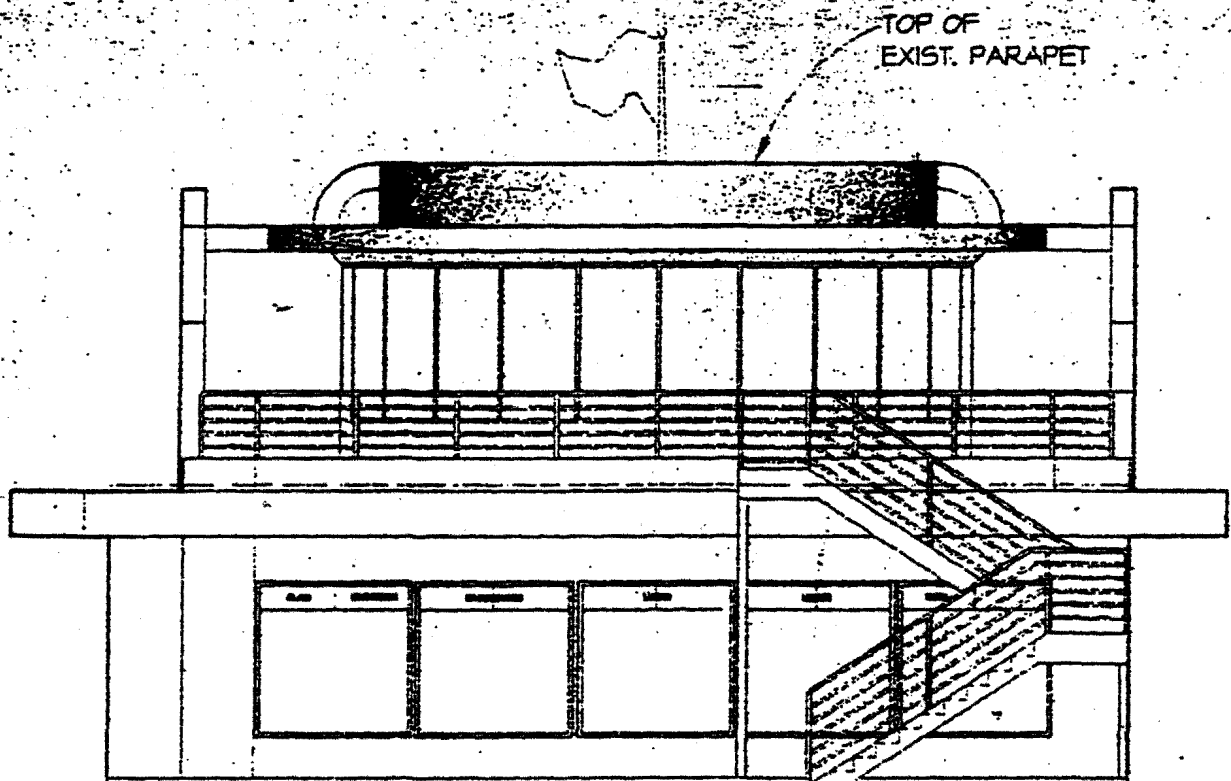
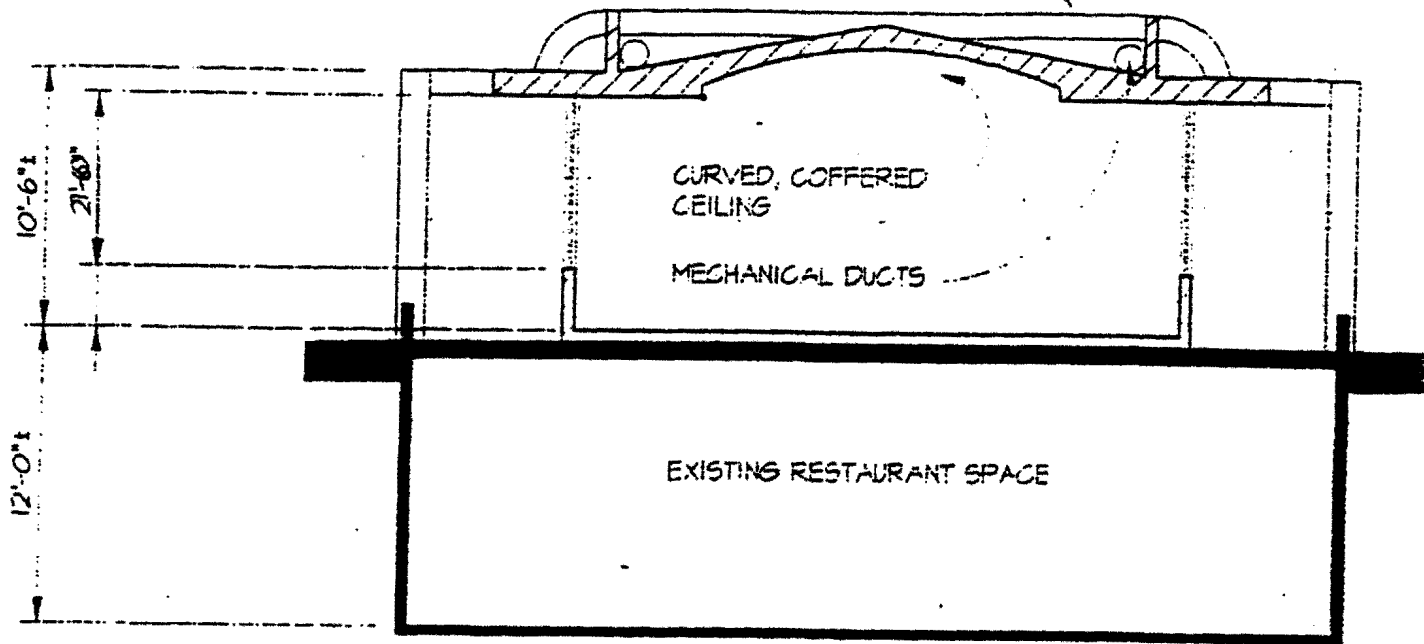
EXIST. RAILING

EAST ELEVATION
1/8" = 1'-0"

1
3

3-81-41-A15
CALIFORNIA COASTAL COMMISSION
EXHIBIT 3

EXISTING PARAPET



2
3

SOUTH ELEVATION

3-81-41-A15

1/8" = 1'-0"

CALIFORNIA COASTAL COMMISSION

EXHIBIT 4