

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
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**Th8a****RECORD PACKET COPY**

Filed: 7/12/00  
49th day: 8/30/00  
180th day: 1/08/01  
49 Day Waiver: 6/22/00  
Staff: K.Colin  
Staff report: 8/24/00  
Hearing date: 9/14/00

**PERMIT AMENDMENT**

**Application number** .....3-95-043-A1, Beach Management Permit

**Applicant** .....City of Santa Cruz, Parks & Recreation Department, (Contact: Carol Scurich, Recreation Superintendent)

**Local government** .....City of Santa Cruz

**Project location** .....Main and Cowell Beach, City of Santa Cruz, County of Santa Cruz (APNs 005-341-01, 005-341-02, 005-341-03, 005-341-16).

**Project description** .....Amend project to extend permit life for five additional years, with no additional changes. Previously authorized development activities requested for continuance include: use of mechanized equipment on beach for maintenance, kelp removal, and recontouring of beach; construction project equipment access; public recreation and education; small scale commercial use of beach; installation of Seaside Company bandstand, Seaside Company picnic deck, and safety equipment; special events; flood control/drainage discharge operations at Neary Lagoon outlet; and signing program.

**File documents** .....Certified Beach Management Plan (June 14, 1995); Coastal Permit 3-95-043 file; Certified City of Santa Cruz Local Coastal Program (1995); City of Santa Cruz LCP Amendment No. 1-94 (March 1995); 3-95-33 City of Santa Cruz and Santa Cruz Seaside Company, Beach Deck (4/13/95); and City of Santa Cruz and James Gilbert, Deck Promenade (9/17/93).

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

**Summary of Staff Recommendation**

Staff recommends that the Commission approve the Coastal Development Permit Amendment, subject to one new condition and a revised special condition, and find that the project is in conformance with the Coastal Act. The City is requesting to extend long-term coastal permit 3-95-043 (Beach Management Permit) for five additional years, with no changes to the permit terms or conditions. To date, the coastal



California Coastal Commission  
September 14, 2000 Meeting in Eureka  
Staff: K.Colin Approved by: *KC*

## Coastal Development Permit Amendment 3-95-043-A1 Staff Report

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permit 3-95-043 has helped guide public agencies and private property owners in the regulation, use, and operations on Main and Cowell Beaches in a manner which protects natural resources, provides for public safety, and enhances the extent and quality of the recreational experience of residents of and visitors to the City of Santa Cruz. In general, "development" covered under coastal permit 3-95-043 consists of: regular maintenance operations, seasonal debris removal, allowed commercial uses, recreational and educational programs, Seaside Company Bandstand and picnic deck, special events, flood and drainage discharge operations, and signing program. Since its approval in May of 1995, Staff observes that coastal permit 3-95-043 has performed as intended and acknowledges the benefits created under said permit. However, staff has identified one issue with which coastal permit 3-95-043 has been unable to directly address to date.

Staff has observed that the discharge of storm water across Cowell beach by the Neary Lagoon discharge has the capacity to create a large pond that restricts the public's ability to access the sea. While coastal permit 3-95-043 implies that the breaching of such a water body is consistent with the provisions of the permit, it does not specifically authorize such an activity. In order to clarify this, Staff recommends that, in order to provide maximum access to the sea and prevent discharge water from stagnating, that the permit include an additional condition allowing the City to breach the pond, under certain circumstances, when public access and/or health issues arise. Staff recommends approval of the project with findings that, as conditioned, there would be no adverse impacts to coastal resources or public access and the amendment request is consistent with the Chapter 3 policies of the Coastal Act.

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## 1. Staff Recommendation on Amendment

The staff recommends that the Commission, after public hearing, **approve** the proposed amendment subject to the standard and special conditions below. Staff recommends a **YES** vote on the following motion:

***Motion.** I move that the Commission approve the proposed amendment to Coastal Development Permit Number 3-95-043 pursuant to the staff recommendation.*

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

***Resolution to Approve a Coastal Development Permit Amendment.** The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit amendment complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.*

## 2. Conditions of Approval

### Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit amendment is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be



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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**

All conditions of coastal permit 3-95-043 remain in full force and effect, except that Special Condition Number III-1 is revised as follows and an additional subsection F is added:

### **Revised Special Condition**

**III-1.** The following types of development and management provisions as described in the Beach Management Plan (BMP) are approved for a five-year period commencing with the effective date of this permit-coastal development permit amendment 3-95-043-A1.

### **New Special Condition Subsection**

**III-1-F Neary Lagoon Discharge Pond Breaching.** The City of Santa Cruz may only breach ponding at Cowell Beach caused by the Neary Lagoon discharge pipe under the following circumstances: (1) all sand moving or breaching activities must remain landward of the mean high water mark (i.e. mechanized equipment shall not be permitted in the wet sand areas); (2) when possible non-mechanized equipment (i.e. shovels) is shall be used; (3) under no circumstances is sand moving or breaching allowed if the San Lorenzo River has migrated and formed a joint water body with the pond created by the Neary Lagoon discharge; (4) the City shall notify the Commission prior to breaching activities.

## **3. Recommended Findings and Declarations**

The Commission finds and declares as follows:

### **A. Project Background**

#### **Project Location & Setting**

The project area of coastal development permit 3-95-043 is comprised of all sandy areas of Main and Cowell Beaches in the City of Santa Cruz, Santa Cruz County. Cowell Beach encompasses all sandy areas west of Santa Cruz Municipal Wharf, while Main Beach covers all sandy areas east of the Wharf (See Figure 1 Below). In total, these beach areas are approximately 1.3-mile long and vary seasonally in width to as little as 200 feet. The beaches are entirely open to the general public. There are multiple pedestrian vertical access ways and lateral access points along the full length of Main and Cowell Beaches. There are no restrictions on the hours of use.

According to the City of Santa Cruz post certification map, all sandy areas of Main and Cowell beaches are within the Commission's original permit jurisdiction, and hence, the Commission retains coastal



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development permit authority.

The Beach Area Boardwalk, adjoining commercial uses, and Municipal Wharf are adjacent to Main and Cowell Beaches and offer an important beach recreational destination. In fact, these areas form the most popular beach destination in Santa Cruz County and are visited by hundreds of thousands of recreationalists each year.

### **Permit History**

The Commission approved coastal development permit 3-95-043 on May 11, 1995 for a 5-year period. See attached exhibit A for Commission findings and conditions for coastal development permit 3-95-043.

Subsequent to the Commission's approval of coastal permit 3-95-043, the City received Commission approval (LCP Amendment 1-95) of a Beach Management Plan (BMP) in the form of an amendment to the Land Use Plan (LUP). The BMP is applicable to the project area of coastal development permit 3-95-043. In this case, coastal development permit 3-95-043 provides the mechanism that allows the implementation of the provisions of the BMP since the Commission retains permit jurisdiction over Main and Cowell Beach areas. As such, the BMP and City of Santa Cruz Local Coastal Program serve only as guidance when reviewing coastal development permit applications for Main and Cowell Beach areas.

Some of the benefits of coastal permit 3-95-043 include the streamlining of interagency processing, reduction in redundancy, and the provision of assurances to the agencies and applicants involved in development activities in the Main and Cowell Beach areas. In addition, coastal permit 3-95-043 helps to guide public agencies and private property owners in the regulation, use, and operations on Main and Cowell Beaches in a manner which protects natural resources, provides for public safety, and enhances the extent and quality of the recreational experience of the residents of and visitors to the City of Santa Cruz.

The City submitted a valid amendment application to the Commission on May 11, 2000. The proposed amendment requests of five-year extension of the permit life with no changes to the original permit conditions or project description.

### **B. Project Description**

Development and management provisions of coastal permit 3-95-043 include,

1. The use of mechanized equipment on the beach for:
  - a) Regular maintenance operations: (1) beach cleaning, e.g., sifting and litter removal; (2) leveling for recreational activities such as volleyball or recontouring to clear stairways et al. after storms; (3) installing lifeguard towers, handicap ramps.
  - b) Seasonal debris removal operations after the last major storms or as necessary depending on weather conditions.
  - c) Marine mammal removal: removal of dead or diseased marine mammals.
  - d) Kelp removal on dry sand areas above high water mark between Memorial Day and Labor Day.



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- e) Safety activities including use of lifeguard vehicles or other emergency machines.
  - f) The periodic use of mechanized equipment for construction or installation where project is in City's permit jurisdiction but access is across beach. Access is subject to a City coastal permit.
  - g) Installation of the Seaside Company deck and handicap ramp.
  - h) Installation of the Seaside Company Bandstand.
2. The use of mechanized equipment is subject to the following management provisions:
- a) The Parks and Recreation Department shall advise other City Departments and shall stipulate in all contracts and agreements with non-City groups that operations or activities that affect the area of the Beach Management Plan area must be undertaken consistent with the Plan. A copy of the Plan or relevant sections of the Plan shall be given to operators.
  - b) All mechanized equipment shall enter and exit the beach at the three (3) points identified on the Beach Management Plan Area Map, Exhibit 2. Except as provided in the BMP, no equipment shall be stored on the sandy beach.
  - c) No mechanized equipment shall operate in the wet sand (below the mean high water mark). Exceptions may occur for emergencies, safety, and for removal of marine mammals.
  - d) Recontouring of the beach along the San Lorenzo River of its sandbar or artificial breaching of the sand bar is not permitted by this permit.
  - e) Maintenance activities shall be scheduled to prevent conflict with access and use of the beach by the public.
  - f) Debris is disposed of at the City landfill. Disposal at other sites within the Coastal Zone requires a coastal permit.
  - g) The operation of any equipment shall be done with safety as the first consideration....
3. City Recreational/Educational Programs as follows:
- a) 14 Volleyball Courts in designated areas for general public and reserved group use.
  - b) Beach oriented recreational/educational classes limited to 20% of the beach.
4. Commercial Uses as follows:
- a) City operated Portable Ocean Equipment Rental Trailer.
  - b) Concessionaire Operated Portable Ocean Equipment Rental Trailer.
5. Special Events consistent with the Commission's Guidelines....

### **Procedural Note**

#### Coastal Development Permit Amendments

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 conditions required for the purpose of protecting a coastal resource or coastal access.



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If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material (14 California Administrative Code Section 13166).

The subject application is being forwarded to the Commission because the Executive Director has determined that the proposed amendment is a material change and affects conditions required for the purposes of protecting coastal resources or coastal access.

## **C. Coastal Act Issues**

### **1. Permit Extension**

As discussed, the City is requesting to extend long-term coastal permit 3-95-043 for five additional years. To date, coastal permit 3-95-043 has helped to guide public agencies and private owners in the regulation, use, and operations at Main and Cowell Beaches in a manner which protects natural resources, provides for public safety, and enhances the extent and quality of the recreational experience of residents of and visitors to the City of Santa Cruz. Since its approval in May of 1995, the Commission observes that coastal permit 3-95-043 has performed as intended and acknowledges the benefits created under said permit. However, one new Coastal Act issue has arisen since the permits original approval and is discussed in detail below.

The Commission finds that, with the incorporation of one new special condition addressing the newly identified issue, the extension of coastal permit 3-95-043 for a period of five additional years will result in a permit that remains consistent with the requirements of the Coastal Act.

### **2. Public Recreation and Access**

Coastal Act § 30604(c) requires that every coastal development permit issued for new development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and recreation policies of [Coastal Act] Chapter 3." Main and Cowell Beaches are located seaward of the first through public road (Cliff Street), and thus, the project must be found consistent with the public access and recreation policies of the Coastal Act.

Coastal Act Sections 30210 through 30214 and 30220 through 30224 specifically protect public access and recreation. In particular:

*§ 30210: In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

*§ 30211: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

*§ 30212 (a): Public access from the nearest public roadway to the shoreline and along the*



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*coast shall be provided in new development projects....*

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

*§ 30214 (a): The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case....*

*§ 30221: Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

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

### **Neary Lagoon Discharge**

There are two large water discharges across Main and Cowell Beaches. The first discharge is the San Lorenzo River that crosses the far-eastern portion Main Beach. Coastal Permit 3-95-043 does not allow for breaching or management of the San Lorenzo River Lagoon. The second discharge is the Neary Lagoon discharge pipe that drains winter storm water flows across the eastern portion of Cowell Beach (west of the Municipal Wharf). See Figure 1 below for discharge locations.



**Figure 1. Aerial View of Depicting Major Water Discharges Across Cowell and Main Beaches.**



California Coastal Commission



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### **Beach Management Permit**

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Before urban encroachment, Neary Lagoon was a natural body of shallow water on the San Lorenzo River flood plain, with its own outlet to the sea. During the past one hundred years, however, the lagoon has been surrounded by urban development, and its outlet channel reduced to a covered storm drain that empties at Cowell Beach. The discharge of Neary Lagoon across Cowell Beach is not constant and only occurs once the lagoon has reached an established elevation. Typically, the established elevation is reached only during winter months. However, once the lagoon has reached the established elevation, the City employs a pump in order to facilitate the flow of the lagoon to the sea by force of gravity.

However, irrespective of lagoon elevations, discharge to the sea is prohibited, under the conditions of Regional Water Quality Control Board (RWQCB) Order Number 94-99 (Case No. CAS049883), from April 1 to October 31 in order to avoid impacts to public access during the high use season. Conditions of RWQCB Order Number 94-99 also require the routing of all lagoon flows, regardless of the time of year, to the wastewater treatment facility when capacity is available.

### **Restrictions to Public Access and Recreation**

Staff has observed that, occasionally over the course of the past five years, the Neary Lagoon discharge pipe has caused a large pond to form at Cowell Beach. In addition to forming after lagoon discharge events, City staff indicates that large wave incidents coupled with high tides have also contributed to the formation of this large pond as well. Under normal circumstances the flow of water from Neary Lagoon to the Monterey Bay is of sufficient velocity to prevent ponding. However, the occurrences of pond formation appear to coincide with a combination of coastal processes that lead to a sand elevation that is higher at the front of the beach than that at the rear. Thus, the resulting berm serves to trap water at the rear of the beach and create a moat that it sometimes many feet deep.

While coastal permit 3-95-043 implies that the breaching of a pond created by the Neary Lagoon discharge is consistent with the permit's terms and conditions, the permit does not contain specific provisions allowing such to occur. As detailed above, coastal permit 3-95-043 allows the use of mechanized equipment for beach cleanup and maintenance activities and allows for beach contouring above the mean high water line. However, in order to protect identified environmentally sensitive species and habitats, the permit does not allow for breaching or management of the San Lorenzo River and Lagoon. Overall, coastal permit 3-95-043 authorizes the City to physically modify the sandy beach areas except when environmentally sensitive species or habitats are present.

As discussed, the lagoon discharge pipe pumps water for a short period time in order to establish a natural flow by force of gravity to the Monterey Bay. The primary function of the discharge pipe is to reduce the elevation of Neary Lagoon and prevent flooding of adjacent development. Since water flow from the Neary Lagoon discharge is not constant and is restricted to a very limited number of instances under the conditions of RWQCB Order Number 99-49, the formation of a natural stream or lagoon environment at Cowell Beach is not possible.

As mentioned, the discharge of Neary Lagoon across Cowell Beach is prohibited between April 1 and October 31 and, furthermore, occurs only when the wastewater treatment plant can not handle its flow volume. The formation of this large pond at Cowell Beach has, in the past, created a restriction upon the public's ability to access the sea. Coastal Act § 30211 addresses this restriction of public access and



states,

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Coastal permit 3-95-043 does not directly address the restriction of public access caused by the Neary Lagoon discharge. Past occurrences indicate that the discharge has the ability to create an interference with, "the public's right of access to the sea, [...] including but not limited to, the use of dry sand." In addition, if left to stagnate, the formation of such a pond contains the potential to allow human exposure to water that may be unsafe for human contact. Therefore, the Commission finds that, under certain circumstances, the breaching of this pond would be prudent in order to facilitate the maximum provision of public access to the sea, and is consistent with the public access and recreation policies of the Coastal Act. However, while breaching of this pond would be consistent with the public access and recreation policies of the Coastal Act, it is important to note that under certain circumstances the breaching of such a water body would be unacceptable and inconsistent with other provisions of the Coastal Act (See discussion below).

### **3. Marine Resources & Environmentally Sensitive Habitats**

Coastal Act Sections 30230 and 30231 afford protection of marine resources and their associated biological productivity and state,

*§ 30230: Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

*§ 30231: The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

As discussed, the San Lorenzo River and Neary Lagoon discharge are the two major water discharges across the project area. Coastal permit 3-95-043 does not allow for the breaching or management of the San Lorenzo River or Lagoon. The San Lorenzo is a State Protected Waterway and provides habitat for anadromous fish, including Coho Salmon and Steelhead Trout. Furthermore, the San Lorenzo is recognized as one of the most important steelhead streams south of San Francisco.



On rare occasions in the past, the San Lorenzo has migrated west along Main Beach as far as the Santa Cruz Municipal Wharf before exiting into the Monterey Bay. In addition, Staff has observed on a few occasions in the past that the San Lorenzo has migrated down Main Beach and connected with the large pond created by the Neary Lagoon Discharge. If this situation was to occur at a future date, then it would be inappropriate to breach a waterbody in the vicinity of the Neary Lagoon Discharge that is hydrologically connected to the San Lorenzo River. To do so, would interfere with identified environmentally sensitive species and habitats.

Therefore, the Commission finds that, in order to protect environmentally sensitive species and habitats, that only as modified by Special Condition F, can the requested amendment be found consistent with the marine resource and environmentally sensitive species and habitat policies of the Coastal Act.

#### **D. California Environmental Quality Act (CEQA)**

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary for Resources as being the functional equivalent of environmental review under CEQA. Accordingly, the Commission finds that as conditioned the proposed project will not have significant adverse effects on the environment within the meaning of CEQA; that there are no feasible alternatives which would significantly reduce any potential adverse effects; and, accordingly, the proposal, as conditioned, is in conformance with CEQA requirements.



## CALIFORNIA COASTAL COMMISSION

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HEARING IMPAIRED: (415) 904-5200



Th 13b

May 10, 1995

MEMORANDUM TO: Commissioners and Interested Parties

FROM: David Loomis, Assistant District Director DL  
Joy Chase, Coastal Planner

SUBJECT: COMMISSION HEARING MAY 11, 1995  
AGENDA ITEM 13b, 3-95-43, Santa Cruz City, Beach Management

The City of Santa Cruz has requested (letter attached) and the staff recommends that the following clarifications and corrects be made:

Additions are underlined, deletions ~~////////~~.

## III. Special Conditions.

- Page 2. 1. The following types of development and management provisions as described in the Beach Management Plan (BMP) are approved for a five-year period commencing with the effective date of this permit.
- Page 3. B.(4) Recontouring of the beach along the San Lorenzo River or its sandbar or artificial breaching of the sand bar is not permitted by this permit.
- Page 4. 3. The Santa Cruz City Planning Department shall develop and submit to the Executive Director of the Coastal Commission by October 31, 1995 procedures for coordinating coastal development permit processing with the Department of Parks and Recreation for all development not listed in condition 1A-E.

## IV. Findings

Page 13, Finding 4. Special Events. Delete last sentence para. 5. ~~An annual summary of impacts will be submitted to the Coastal Commission.~~

0276J

EXHIBIT NO. A
APPLICATION NO.
3-95-043-A1

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE  
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HEARING IMPAIRED: (415) 904-5200

Filed: 04/28/95  
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Staff: JC-(SC)  
Staff Report: 04/25/95 0259J  
Hearing Date: 05/11/95  
Commission Action: 05/11/95

STAFF REPORT: REGULAR CALENDAR**ADOPTED**

APPLICATION NO.: 3-95-43

APPLICANT: SANTA CRUZ CITY AGENT: Keith Boyle

PROJECT LOCATION: Main and Cowell Beach, Santa Cruz County,

PROJECT DESCRIPTION: Five-Year Permit, Beach Management: use of mechanized equipment on beach for maintenance, kelp removal, recontouring of beach, construction project equipment access etc., recreation, educational, public recreation and small scale commercial use of beach, installation of Seaside Company bandstand and Seaside Company picnic deck, safety equipment etc., special events, signs, flood control/drainage discharge operations at Neary Lagoon outlet.

Zoning: CB Beach Commercial District; OFR Oceanfront Rec.;  
SPO Shoreline Protection Overlay  
Plan designation: CR Coastal Recreation; RVC Regional Visit.Comm.

LOCAL APPROVALS RECEIVED: City Council 4/28/95; CEQA: Negative Declaration 4/6/95

SUBSTANTIVE FILE DOCUMENTS: Uncertified Beach Management Plan, April 28, 1995. Santa Cruz City Local Coastal Program 1995; Santa Cruz City LCP Amendment #1-94, March 1995; 3-95-33 Santa Cruz City and Santa Cruz Seaside Company, Beach Deck, 4/13/95; 3-93-47 Santa Cruz City and James Gilbert, Deck Promenade, 9/17/93.

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission determine that the proposed development subject to the conditions below, is consistent with the public access and recreation policies of the Coastal Act.

EXHIBIT NO. A  
APPLICATION NO.

3-95-043-A1

STAFF RECOMMENDATION

The Staff recommends that the Commission adopt the following Resolution:

I. Approval with Conditions between the first Public Road and the Sea

The Commission hereby grants a permit for the proposed development, subject to the conditions below, 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 implement a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline 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.

II. Standard Conditions

See attached Exhibit A.

ADOPTED

III. Special Conditions:

1. The following types of development and management provisions as described in the Beach Management Plan (BMP) are approved by this permit:

- A. The use of mechanized equipment on the beach for:
- (1) Regular maintenance operations: (a) beach cleaning, e.g., sifting and litter removal; (b) leveling for recreational activities such as volleyball or recontouring to clear stairways et al. after storms; (c) installing lifeguard towers, handicap ramps.
  - (2) Seasonal debris removal operations after the last major storms or as necessary depending on weather conditions.
  - (3) Marine mammal removal: removal of dead or diseased marine animals.
  - (4) Kelp removal on dry sand areas above mean high water mark between Memorial Day and Labor Day.
  - (5) Safety activities including use of lifeguard vehicles or other emergency machines.
  - (6) The periodic use of mechanized equipment for construction or installation where project is in City's coastal permit jurisdiction but access is across the beach. Access is subject to a City coastal permit.
  - (7) Installation of the Seaside Company Bandstand.
  - (8) Installation of the Seaside Co. deck and handicap ramp.
- B. The use of mechanized equipment is subject to the following management provisions:
- (1) The Parks and Recreation Department shall advise other City Departments and shall stipulate in all contracts and agreements with non-City groups that operations or activities that affect the area of the Beach Management Plan area must be undertaken consistent with the Plan. A copy of the Plan or relevant sections of the Plan shall be given to operators.

EXHIBIT NO. A

APPLICATION NO.

3-95-043-A7

- (2) All mechanized equipment shall enter and exit the beach at the three (3) points identified on the Beach Management Plan Area Map, Exhibit 2. Except as provided in the BMP, no equipment shall be stored on the sandy beach.
- (3) No mechanized equipment shall operate in the wet sand (below the mean high water mark). Exceptions may occur for emergencies, safety, and for removal of marine mammals.
- (4) Recontouring of the beach along the San Lorenzo River or its sandbar or artificial breaching of the sand bar is not permitted by this permit.
- (5) Maintenance activities shall be scheduled to prevent conflict with access and use of the beach by the public.
- (6) Debris is disposed of at the City landfill. Disposal at other sites within the Coastal Zone requires a coastal permit.
- (7) The operation of any equipment shall be done with safety as a first consideration. Dependent on the piece of equipment, the operator will provide the necessary safety monitors, procedures and equipment to ensure the public safety. In the case of four wheel drive vehicles, the operators will follow guidelines set by the City's Lifeguard Service. The Lifeguard Service will assist with any heavy equipment safety monitoring when requested. Major considerations for safety are: crowd size, weather and environmental conditions, availability of safety monitors, job urgency.

C. City Recreational/Educational Programs as follows:

- (1) 14 Volleyball Courts in designated areas for general public and reserved group use.
- (2) Beach oriented recreational/educational classes limited to 20% of the beach.

D. Commercial Uses as follows:

- (1) City Operated Portable Ocean Equipment Rental Trailer.
- (2) Concessionaire Operated Portable Ocean Equipment Rental Trailer.

E. Special Events consistent with the Commission's Guidelines. The City will provide a schedule of all special events, land and water, to the Executive Director of the Coastal Commission on a yearly basis in January. The Commission staff is notified of any changes. The schedule shall include type of event, date, times, specific location and any fees proposed. Special Events shall not, unless in special circumstances approved by the Executive Director, restrict the beach more than 50%. If the Executive Director determines a potential for significant impacts on coastal resources or access, a separate coastal development permit from the Commission is required. The City shall monitor for irregularities or noncompliance with permits and report to the Executive Director consistent with the BMP.

2. The Parks and Recreation and the Planning Department shall confer with Coastal Commission annually in January on the status of "development" permitted. Significant changes shall require an amendment to this permit.

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ADOPTED

3. The Santa Cruz City Planning Department shall develop and submit to the Executive Director of the Coastal Commission by October 31, 1995 procedures for coordinating coastal development permit processing with the Department of Parks and Recreation for all items not listed in condition 1A-E.

4. The City shall submit a coastal permit amendment request to incorporate any modifications to the Beach Management Plan that the Coastal Commission approves that would require a modification to the permit. The request shall be submitted within 90 days of the Commission's notification to the City that an amendment is required.

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#### IV. Findings and Declarations.

The Commission hereby finds and declares:

##### 1. LOCATION, DESCRIPTION, OWNERSHIP, PURPOSE

Location: The Beach Management Plan addresses Santa Cruz City's most popular beach area. It includes the beaches adjacent to the Seaside Company's Santa Cruz Beach and Boardwalk, the Municipal Wharf, and the Dream Inn and extends from the San Lorenzo River/Railroad Trestle at its east end to the west to the bluffs. The beach east or downcoast of the Municipal Wharf is commonly referred to as the Main Beach; the beach west of the Wharf is named Cowell Beach. Hundreds of thousands of recreationalists visit this beach each year. See Exhibit 1 attached.

Description: The Beach Management Plan is a required component of the certified Santa Cruz City Land Use Plan. Parks and Recreation Policy 1.7.3 states:

PR 1.7.3 Prepare and implement a beach management plan for Main and Cowell Beaches including all properties, public and private, that addresses drainage onto the beach, litter control and beach maintenance, lagoon levels at Neary Lagoon, special events coordination, distribution of recreational uses, handicapped areas, and interpretive signs to ensure safe public access and protection of environmentally sensitive areas. Any future land division of properties including sandy beach shall contain use restriction consistent with this plan. When a management plan is adopted by the Coastal Commission, it is the City's desire to work with the Coastal Commission to provide for a long term coastal development permit for appropriate elements of the management plan.

The Beach Management Plan was approved by the Santa Cruz City Council on April 28, 1995. It will be reviewed as an LCP amendment by the Commission in June. The uncertified plan provides adequate information to analyze the "development" components of the plan for a coastal permit. The permit has been conditioned to require the City to submit a coastal permit amendment request to incorporate any modifications to the Beach Management Plan that the Coastal Commission might approve that would require a modification to the permit.

Six major categories of development are addressed:

1. Beach maintenance requiring use of mechanized equipment, removal of debris, recontouring of beach, et al.
2. Use of beach for City Recreational/Educational Programs/Public Recreation.
3. Commercial Use of Beach.
  - a. City ocean equipment rental service.
  - b. Concessionaire ocean equipment rental service.
  - c. Santa Cruz Seaside Company bandstand.

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- d. Santa Cruz City Municipal Wharf/Beach Street Promenade/Ideal Fish Deck (separate coastal development permit 3-92-47).
- e. Santa Cruz City/Seaside Company Beach Deck and Volleyball Courts (separate permit 3-95-33).
4. Special Events
5. Signing
6. Flood Control/Drainage Discharge Operations at Neary Lagoon Outlet as related to the beach.

Ownership/Public Trust: Santa Cruz County Assessor's parcel records indicate four property owners have deeded lands within or directly fronting the management plan area: Santa Cruz City, Santa Cruz Seaside Company, Santa Cruz Hotel Associates, and James Gilbert. Most of the Santa Cruz City lands were granted to the City by State Lands pursuant to Chapter 342 of the statutes of 1872. For areas where the State Lands boundary is in dispute, no formal determination has been undertaken by the State Lands Commission and Assessor's records cannot be assumed to legally reflect property ownership. The City also has a recreational easement over a large portion of the sand beach on parcels which are shown on Assessor's Parcel Maps as under the ownership of the Santa Cruz Seaside Company.

All the sand area is within the Coastal Commission original jurisdiction according to the Santa Cruz City certified Local Coastal Program Post Certification Appeal Map. Hence, as currently identified the beach sand areas are public trust lands, and the Coastal Commission retains coastal development permit authority.

Purpose: According to the City the Beach Management Plan (BMP) is to guide the activities of public agencies and private property owners in the use and operations of the City of Santa Cruz Main and Cowell Beach as a means to protect natural resources, provide for public safety, and to maximize the extent and quality of the recreational experience of the residents of and visitors to the City of Santa Cruz.

By describing the existing permanent and temporary facilities and uses which occur on an ongoing and seasonal basis and outlining the most common practices employed by the City staff in regular maintenance and operations duties, the City has provided the information needed to process a long term coastal development permit. The long term permit will streamline interagency processing, reduce redundancy, and provide assurances to the agencies and applicants involved.

Planning: The Beach Management Plan as a planning document begins to provide a picture of how and by whom the beach itself is used. Whether there are actually conflicts between beach activities/users because of a finite beach area and a growing number of users, cannot be assumed. Data on the origin of users, many of whom are outside the immediate area, their activities while in the beach area, length of stay, mode of transportation, and comments on the experience would provide the background to prevent or prepare for managing future demands.

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This information can be developed concurrent with the development of the Beach Area Plan for the commercial areas of the beach and the Wharf Management Plan. For planning purposes the Santa Cruz City Main Beach area, the adjacent Beach Area boardwalk and commercial uses and the Municipal Wharf form a beach recreational destination. It is the most popular in Santa Cruz. The Beach Area provides the upland support facilities, e.g., parking, as well as other recreational facilities for the beach user. The City's Beach Area Plan which addresses the boardwalk and commercial uses is currently undergoing a major replanning and a plan for Wharf Management may begin in the near future.

The future completion of these plans and their coordination with the Beach Management Plan will help provide an integrated picture of the downtown beach complex and the availability of support facilities, particularly parking and transit options.

The Neary Lagoon wetland, the San Lorenzo River and its summer Lagoon, and the coastal waters of the Monterey Bay Sanctuary are adjacent or nearby natural resources. Separate planning for these areas include the Neary Lagoon Management Plan and the San Lorenzo River Enhancement Plan.

The Neary Lagoon Management Plan was approved by the Coastal Commission in 1992. The lagoon discharges across Cowell Beach to the ocean, and water quality, discharge standards, and public notification are directly related to the beach area. See Finding 8.

The San Lorenzo River Enhancement Plan is a comprehensive planning document addressing the rivermouth lagoon formation and breaching of the sandbar among others. Though these can directly impact the beach recreationalist, the City has chosen to respond to questions regarding beach impacts in separate city planning and the coastal permit process.

## 2. ONGOING BEACH MAINTENANCE AND SAFETY ACTIVITIES

The BMP provides for the following ongoing activities requiring the use of mechanized equipment on the beach:

(1) Regular maintenance operations: (a) regular beach cleaning, e.g., sifting and litter removal; (b) leveling for recreational activities such as volleyball or recontouring to clear stairways et al.; (c) installing lifeguard towers, handicap ramps.

(2) Seasonal debris removal operations: The City schedules a yearly beach cleaning, typically in the early spring, after the last major storms including removal of logs, pilings, construction materials, stumps etc. from the beach and surfline. The removal generally takes about two or three days and provides a safe and clean recreational area. Additional major debris removal may be necessary depending on weather conditions.

(3) Marine mammal removal: removal of dead or diseased marine animals. Live animals are reported to the appropriate agency for action.

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(4) Kelp removal on dry sand areas above mean high water mark between Memorial Day and Labor Day. Periodically kelp is washed ashore in significant quantities. Large numbers of kelp flies may be associated with the kelp. The flies are not a disease vector and do not present a health hazard. The breakdown of the kelp is a natural element of the ecosystem that provides food for intertidal animals which subsequently sustain a number of shorebirds. The flies are aesthetically unattractive and a nuisance to summer visitors.

(5) A full range of safety operations including use of lifeguard vehicles, installation of lifeguard towers, et al.

(6) In addition the BMP allows for the periodic use of mechanized equipment for construction or installation purposes. On occasion the City processes coastal development permits for projects in their jurisdiction that require access and some staging operations from the beach area which is within the Commission's original jurisdiction. For example, the Seaside Company removes old and installs new rides that require equipment access across the beach. Heavy equipment may be used for short periods of time from a few hours to several days. Equipment used includes but is not limited to cranes, front end loaders and tractors.

The BMP provides that the City will include in its review of the larger project the issue of mechanized equipment access and shall provide that it is consistent with access and safety requirements.

To limit impacts on public use and and assure protection of habitat resources and provide a safe recreational area the BMP requires:

(1) The Parks and Recreation Department shall advise other City Departments and shall stipulate in all contracts and agreements with non-City groups that operations or activities that affect the area of the Beach Management Plan area must be undertaken consistent with the Plan. A copy of the Plan or relevant sections of the Plan shall be given to operators.

(2) All mechanized equipment shall enter and exit the beach at the 3 points identified on the Beach Area Map. Except as provided in the BMP, no equipment shall be stored on the sandy beach.

(3) No mechanized equipment shall operate in the wet sand (below the mean high water mark). Exceptions may occur for emergencies, for safety, e.g., removal of objects in surfline during spring storm cleanup and for removal of dead animals.

(4) Recontouring of the beach along the San Lorenzo River or its sandbar or artificial breaching of the sand bar is not a part of this plan.

(5) To the greatest degree possible maintenance activities shall be scheduled to prevent conflict with access and use of the beach by the public.

(6) Debris is ordinarily disposed of at the City landfill. Disposal at other sites within the Coastal Zone requires a coastal permit.

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(7) The operation of any equipment shall be done with safety as a first consideration. Dependent on the piece of equipment, the operator will provide the necessary safety monitors, procedures and equipment to ensure the public safety. In the case of four wheel drive vehicles, the operators will follow guidelines set by the City's Lifeguard Service. The Lifeguard Service will assist with any heavy equipment safety monitoring when requested. Major considerations for safety are: crowd size, weather and environmental conditions, availability of safety monitors, job urgency.

### Discussion

Marine Resources: By restricting the use of mechanized equipment to the sandy beach area above the mean high water mark except in cases of emergencies or removal of animals, impacts to mollusks and other marine organisms that inhabit the intertidal area are limited. By limiting the time and location of kelp removal, enough kelp will remain to provide for flies and other animals. The Department of Fish and Game concurs that the limitations are sufficient to prevent any significant impacts on marine resources.

Therefore, the proposed use of mechanized equipment for the purposes described above is consistent with Sections 30230 and 30231 of the Coastal Act regarding sustaining the biological productivity of marine resources and maintaining optimum populations of marine organisms.

Access and Recreation: Specific equipment access entranceways are designated on the BMP Area Map (see Exhibit 2). The BMP schedules most maintenance activities in the morning before visitors arrive to prevent conflicts between uses. The BMP requires that all beach maintenance crews, public or private, be apprised of and shall meet the requirements on use of mechanized equipment. All maintenance and safety activities undertaken by the City are to provide a more aesthetic, healthy, and safe environmental for the public. This improves access and recreational experiences for the public and is consistent with the provisions of the access and recreation policies of the Coastal Act.

Therefore, the proposed mechanized equipment use described above is consistent with the access and recreation policies of the Coastal Act.

### 3. ACCESS AND RECREATION

Access and Recreation: The Public Access policies of the Coastal Act (Sections 30210-30214) provide for maximizing public access and recreation, protecting existing public access, and providing for protection, encouragement and provision of lower cost visitor and recreational facilities.

Coastal Act Recreation Policies (Sections 30220-30224) in part provide for protection of coastal areas suited for water oriented recreational activities, of oceanfront land suitable for recreational use and of upland areas necessary to support coastal recreational uses.

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The subject beach is public beach wholly devoted to public access and recreational uses and support. Some of the proposed activities have the potential to impact general public use of the beach in favor of commercial or special uses, e.g., special events. The Coastal Act supports the establishment of a balance which optimizes use of the beach and prevents conflicts between users.

Access/Public Works: Coastal Act Section 30252 provides that 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,... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation..., and Coastal Act Section 30254 provides that where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use ... public recreation, commercial recreation, and visitor serving land uses shall not be precluded by other development.

Special events, in particular, have the potential to impact the parking supply for the beach.

A. City Recreational/Educational Programs. The city maintains 14 volleyball courts for public use. The designated area of the courts is shown on the Plan Area Map attached as Exhibit 2. Courts may be reserved by special groups.

The City runs two recreational/educational programs on the main beach: Junior Lifeguards and Recreation classes. Several hundred young people participate in the lifeguard program. The City offers a variety of beach oriented recreational classes to the community including volleyball, surfing and windsurfing. Recreational/educational activities most commonly take place on Cowell Beach. It is City policy that these programs not restrict more than 20% of the beach area and in practice, uses do not often occupy more than 5 or 10% of the beach.

The City offers coastal-related educational/recreational opportunities for the community and region while assuring that general public access and recreation are not significantly impacted. Therefore, the Santa Cruz City Beach Recreational/Educational Programs, as proposed, are consistent with the Access and Recreation Policies of the Coastal Act.

B. The Seaside Company Bandstand. The original bandstand was erected in 1963 and located on the beach in front of the Hurricane ride on the Boardwalk. The bandstand and beach area in front of the bandstand are used for a variety of events, including but not limited to: magic shows, body building contests, Sunday Sunrise Services, tanning contests, Clam Chowder Cook Off, group beach games, music concerts, Band Review awards, cheerleading competitions, DCARA (Deaf Counseling Advocacy & Referral Agency) Day Awards, sand castle contests, the City of Santa Cruz's Birthday celebration as well as the "Summertime, Summer Nights" free public concert series.

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The original bandstand was destroyed in the 1989 earthquake; in its place a bandstand is erected seasonally by the Seaside Company, installed each April and removed in October. It is an approximate 2000 square foot stage located in the same area as the original structure.

The Bandstand events are open to the public without fee.

It is the City's policy that the installation and removal of the bandstand be undertaken consistent with the maintenance and safety policies of the Beach Management Plan discussed above. Therefore, the proposed development will not impact natural resources or public access. The events themselves precede the Coastal Act.

C. Commercial Uses, Public and Private. The Santa Cruz City Land Use Plan prohibits coverage of sandy beach with new permanent structures (Parks and Recreation Policy 1.7.2.1). Public Recreation Policy PR 1.7.10 of the certified Land Use Plan limits development on beaches as follows:

PR 1.7.10 Consider only essential public access, low impact recreational improvements and necessary public facility improvements, such as drainage control devices, handicapped ramps, fire rings, non group picnic tables, and ocean equipment rental, etc., as additional conditionally permitted uses on beaches if approved in a beach management plan.

Additionally a public/private seasonal group portable picnic deck may be established as a conditional use in the area of the existing Seaside Company temporary seasonal deck as long as the parameters of the deck's use, size, security, access and significant public benefit are established in the City's Beach Management Plan.

The area is zoned OF-R Ocean Front (Recreational) District. Principal permitted uses are limited to beach access not including buildings or structures except stairways and handrails; outdoor classes, parking areas, picnic grounds with tables, benches, barbeque pits but not including other structures, public fishing facilities, safety structures. Administrative use permits are required for beach, surfing and fishing equipment, fish markets, signs, navigation aids not including structures, walls or fences 3 1/2 feet or less. Special use permits are required for navigation aids involving structures, public restroom facilities or temporary structures.

These limitations provide protection against encroachment on sandy beach by structures and non-public uses.

(a) Ocean Equipment Rental Services. Two rental services operate on the beach. A City operated rental service on the Main Beach rents boogie boards, wetsuits, fins, and beach umbrellas which are stored on a trailer which is moved daily on and off the beach by a 4x4 vehicle. This service operates during the times the Lifeguard Service operates. A private concessionaire rents ocean equipment including sailboards and surfboards on Cowell Beach. The trailer is also installed daily. Sail and surf boarding are restricted to the west side of the Municipal Wharf off of Cowell Beach.

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These small portable rental units provide water oriented recreational equipment for the public, supporting and enhancing recreational use of the coast consistent with access and recreation policies of the Coastal Act.

Other Commercial Uses: Two other commercial uses are major development projects which are undertaken with cooperative agreements between the City and the private property owners. Both projects are covered in the Beach Management Plan but are complex projects which require individual permit review. They are described here to provide a comprehensive view of the BMP.

(a) Santa Cruz City/James Gilbert Promenade/Deck: The Coastal Commission approved a permit for Santa Cruz City/James Gilbert (3-93-47) to develop a public walkway/deck from the Municipal Wharf along the ocean side of the Ideal Bar and Grill diagonally 200 feet east to the Beach Street Promenade. The deck will surround the Ideal Restaurant and a public restroom. The approximately 15,000 square foot deck will have public picnic tables to accommodate 30 visitors and benches and lighting which will be maintained by the Ideal Fish Restaurant. An approximate 1500 sq.ft. area of the deck adjacent to the restaurant will have 15 additional tables and will be reserved for restaurant use while the restaurant is in operation.

Pursuant to the conditions of coastal development permit 3-93-47 the permittee shall offer to dedicate a permanent non exclusive easement to the restaurant deck area to the City and the City shall provide an operational plan for both the restaurant area and the public area as part of its zoning permit. These documents shall govern the management and use of the deck.

(b) Santa Cruz City/Seaside Company Beach Deck and Volleyball Courts. The Santa Cruz Seaside Company constructs a temporary 3500 square foot deck over the sandy beach just off from the arcade. There are approximately 42 picnic tables on the deck which can seat approximately 476 people. The deck is set up May 1st and is removed October 30th. From June 1 through October 30, Seaside Company installs two sets of volleyball standards for use by groups who reserve the beach deck area.

The BMP consistent with LCP Parks and Recreation Policy 1.7.10 provides that an agreement between the Seaside Company and the City include: 1) parameters for the public's ability to use the deck and limit the city's liability when the deck is in use, 2) requires the Seaside Company to reserve at least one full midweek day for use by the public only and on the remaining days the Seaside Company will have the right to reserve the deck for private use as long as no more than 40% of the available days are scheduled, 3) establishes the Seaside Company's responsibility for the design, acquisition, installation, maintenance, removal and storage of a handicap accessible ramp which extends from the grassy knoll area to the deck and an accessible ramp extension from the deck to the water line, 4) development of a signage program by Seaside Company that encourages public use, 5) Seaside Company will be responsible for the security, collection of garbage, and other short term deck and ramp maintenance.

This development was discussed separately in permit 3-95-33 approved by the Commission in April 1995.

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#### 4. SPECIAL EVENTS

The Santa Cruz City Beach is the site of many special events. Most are held annually, such as beach volleyball tournaments. All special events in the Beach Management Plan area are processed by the Parks and Recreation Administration Office and the City Council. The permit for events conform to the City's Municipal Code Chapters 10.64 Commercial Events and 10.65 Non-Commercial Events to ensure conflicts, overlap and impacts are minimized. These codes prevent substantial interference with the community's peace and safety and review the event based on traffic, security, safety, and cleanup and other requirements. The City procedures require coordination of Police, Fire and Public Works Departments for special events.

In addition to the standards in the Chapters 10.64 and 10.65, special (temporary) events are subject to the City zoning ordinance Section 24.08.230.2 V which requires that all special events in the Coastal Zone be evaluated for exclusion status pursuant to Coastal Commission Guidelines for the Exclusion of Temporary Events from Coastal Commission Permit Requirements. The Guidelines are incorporated into the BMP as Appendix E. Under the guidelines temporary events must be reviewed for, among other things, significant impacts on general public use of public recreational areas including parking and traffic and fees associated with the event.

The BMP provides that a schedule of all special events, land and water, shall be submitted to the Executive Director of the Coastal Commission on a yearly basis in January. The Commission staff is notified of any changes. The schedule includes type of event, date, times and specific location and any fees proposed. Special Events shall not, unless in special circumstances, restrict the beach more than 50%.

The Director of Parks and Recreation reviews the applications for special events held within the Beach Management Plan Area for their status under the Guidelines. Events which have not been previously permitted or excluded by the Coastal Commission are identified. The Executive Director of the Coastal Commission reviews the schedule. If any events are identified as having a potential for significant impacts on coastal resources, at the request of the Executive Director the City submits more detailed information for a determination of Commission permit review status. If the Executive Director determines a potential for significant impacts on coastal resources or access, a separate coastal development permit from the Commission is required.

The Parks and Recreation Department is responsible for monitoring and maintaining records of any negative impacts on coastal resources.

Coastal issues are displacement of general public from the beach and potential traffic and parking impacts. The beach is approximately 1 1/3 mile in length and during the summer varies in width up to 200 feet. The City informally restricts events to no more than 50% of the beach. This is an urban beach fringed by commercial visitor serving uses. The City discussed special events

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with the Seaside Company Boardwalk and the Wharf businesses to assess potential conflicts with the Bandstands or other activities but there are no formal arrangements. The compilation of special event data will begin to develop data which can be used in the future for managing any conflicts which might arise. Business opportunities appear to be enhanced by the events. Traffic and parking congestion impacts are unclear since adequate baseline data is not available. Completion of a City's parking/traffic study is expected in two years.

Therefore, as conditioned, to require reporting to the Commission on special events, the proposed development is consistent with the access and recreation policies of the Coastal Act.

#### 5. SIGNING PROGRAM

Information and interpretive signage has been placed at all access points to the beach. Primary among these are signs which delineate the rules and laws on the beach and basic safety principles. Additional signage for locations of rest rooms, disabled access, specific safety issues and acknowledgement of beach improvement contributions will be placed as needed. All signs will be reviewed a minimum of once a year for consistency and appropriateness to the beach area. Signs which restrict public access, except for health and safety reasons or special events, shall require a coastal permit. The BMP signing program is consistent with the access and recreation policies of the Coastal Act.

#### 6. FLOOD CONTROL AND DRAINAGE DISCHARGE OPERATIONS

The major discharge across the Main Beach is the San Lorenzo River. The BMP does not allow for breaching or management of the San Lorenzo River Lagoon which is subject to the policies of the San Lorenzo River Management and Enhancement Plan.

The second largest flow of water on to the City's main beach is the discharge from Neary Lagoon. The 14 acre lagoon is surrounded by urban development. The Santa Cruz Waste Treatment Plant is located on its shore as are residential complexes. Neary Lagoon management is regulated by the Neary Lagoon Management Plan (NLMP), a component of the City's General Plan/Local Coastal Program (GP/LCP). The lagoon is managed as a unique natural habitat with important recreational and educational resources for residents and visitors.

The Neary Lagoon discharge regulated by the Neary Lagoon Management Plan and Regional Water Quality Control Board permits.

#### 7. LOCAL COASTAL PROGRAM/CEOA

The Santa Cruz City Local Coastal Program was certified in 1985. It was completely restructured and revised by the City and approved by the Commission in 1994. The development site is in the Commission's original jurisdiction and the primary standard of review for development is the Coastal Act. A coastal permit for the "developments" in the beach area will facilitate and reduce processing.

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As discussed in Finding 1 above a Beach Management Plan was a Land Use Plan requirement of PR 1.7.3 which also noted the City's interest in a long term permit. The Beach Management Plan approved by the City on April 25, 1995 will be scheduled for a subsequent Commission hearing.

A Beach Management Plan as a format for a coastal permit provides the context for the numerous individual activities that usually in themselves in the City of Santa Cruz have beneficial or few or well managed affects on overall public access and recreational use. The Beach Management Plan as a planning document begins to provide a picture of how and by whom the beach itself is used. The inevitable increase in residential and visitor populations will have cumulative impacts which can be better managed by coordinating the planning for the Santa Cruz City Main Beach area (BMP), the adjacent Beach Area boardwalk and commercial uses (BAP), and the Municipal Wharf for which a management plan is proposed. These areas form a recreational destination. Finding 1 discusses the BMP and the LCP.

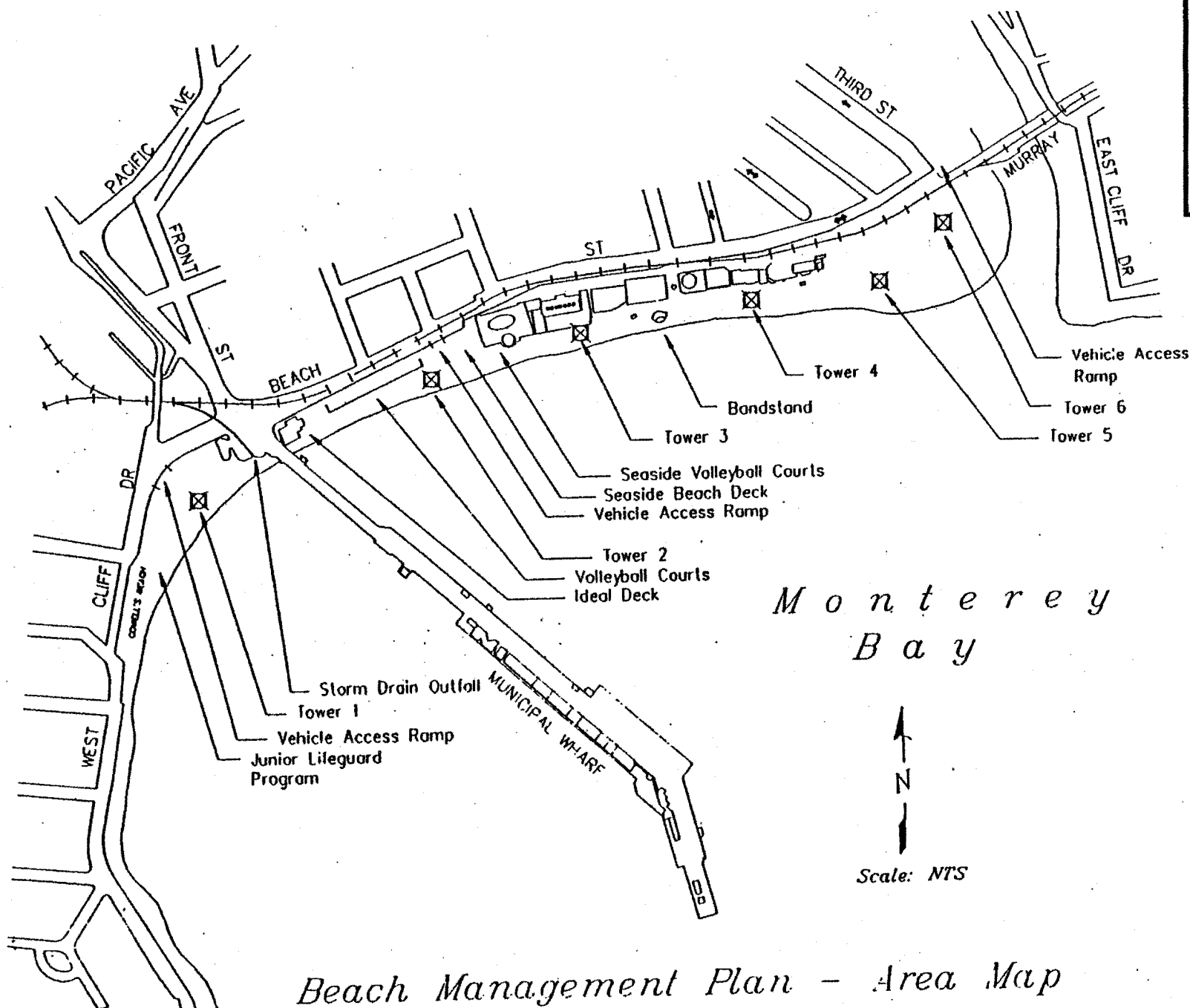
Therefore, as discussed in the preceding findings, the proposed development as conditioned will not have any significant impact on coastal resources or public access, is consistent with the policies of Chapter 3 of the Coastal Act, and will not prejudice the ability of the City of Santa Cruz to implement its Local Coastal Program consistent with the Coastal Act.

The City issued a Negative Declaration in April 1995.

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BMP AREA MAP



Beach Management Plan - Area Map



PARKS & RECREATION DEPARTMENT  
323 Church Street, Santa Cruz, California 95060 • 831-420-5270 • Fax 831-420-5271

Kevin Colin  
California Coastal Commission  
Central Coast District Office  
726 Front Street, suite 300  
Santa Cruz, CA 95060

RECEIVED  
MAY 11 2000  
CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Dear Mr. Colin:

The City of Santa Cruz received a coastal permit five years ago which provided guidance to public and private property owners for the use, maintenance and operation of the City of Santa Cruz Main and Cowell Beach. Over the past five years, the City of Santa Cruz in concert with property owners have continued to use the Beach Management Plan as a means to protect natural resources, to provide public safety, and to maximize the quality of the recreational experience for all those who visit the area.

In order to continue to our efforts, the City of Santa Cruz requests an amendment to the project presented in coastal permit 3-95-43. The Coastal Commission's original approval of this five-year permit was on May 11, 1995 and the permit is shortly due to expire. In light of this approaching date, the City requests that the project be amended to renew the permit for an additional five years. The City is not requesting any modifications to the original permit but is only requesting an extension.

Thank you for your consideration.

Sincerely,

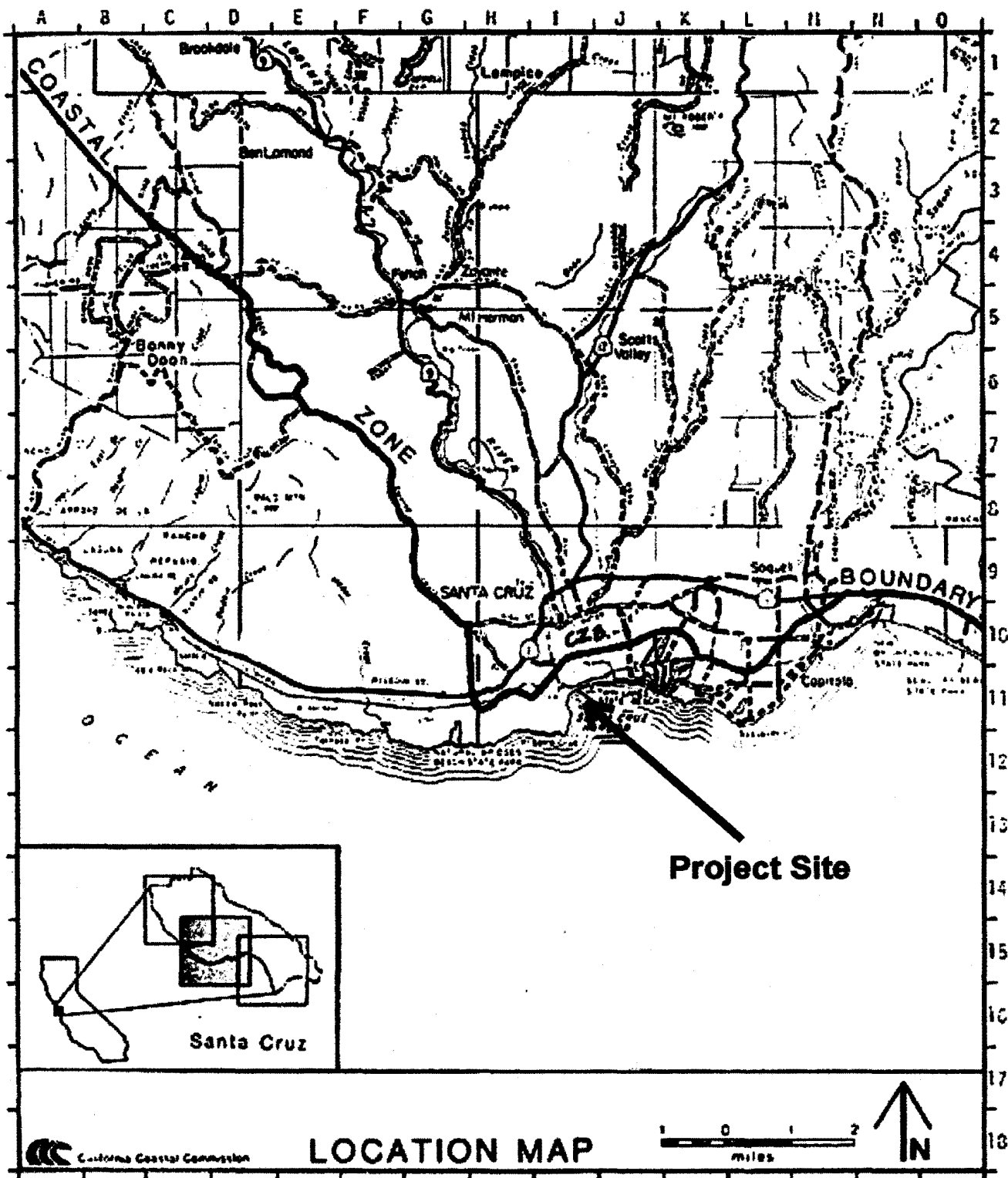
Carol Scurich  
Recreation Superintendent

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EXHIBIT NO. B

APPLICATION NO.

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County of Santa Cruz

Sheet 2 of 3

**Exhibit C**  
**Application No. 3-95-043A1**