

CALIFORNIA COASTAL COMMISSION

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W14a

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APPEAL STAFF REPORT
SUBSTANTIAL ISSUE DETERMINATION & DE NOVO HEARING

Appeal number A-3-SCO-00-076, **Pleasure Point Road Improvements**
Applicants Santa Cruz County Department of Public Works
Appellants Commissioners Sara Wan and Dave Potter; Charles Paulden
Local government Santa Cruz County
Local decision Approved with conditions (March 17, 2000)
Project location Within the public right-of-ways of 30th, 32nd, and 33rd Avenues, Hawes, Calla, and East Cliff Drives in the Pleasure Point region of the unincorporated Live Oak area of Santa Cruz County.
Project description Construct road, sewer, drainage, sidewalk and streetscape improvements on 30th, 32nd, and 33rd Avenues, and Hawes, Calla, and East Cliff Drives.
File documents Santa Cruz County Certified Local Coastal Program (LCP); Santa Cruz County Coastal Development Permit Application File 99-0842; ReCAP project for the Monterey/Santa Cruz region, including *Live Oak Access Strategy: Administrative Draft* (January 1997).
Staff recommendation ... **Substantial Issue Exists; Approval with Conditions**

Summary of staff recommendation: This is the substantial issue determination and de novo hearing for appeal number A-3-SCO-00-076 (the Commission previously opened and continued the substantial issue hearing for this matter on June 15, 2000). Staff recommends that the Commission find that a substantial issue exists with respect to this project's conformance with the certified Santa Cruz County Local Coastal Program (LCP) and take jurisdiction over the coastal development permit for the project. Staff subsequently recommends that the Commission approve the coastal development permit for this development subject to conditions designed to ensure that the public right-of-way is generally available for public parking purposes, and that runoff is adequately filtered and treated prior to discharge into the offshore Pleasure Point surf area that is a part of the Monterey Bay National Marine Sanctuary.



California Coastal Commission
January 2001 Meeting in Los Angeles

Staff: D. Carl Approved by:
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Exhibit E: Commission Staff Initial Project Comments January 28, 2000 (4 pages)	
Exhibit F: County Response to Commission Staff Comments February 18, 2000 (2 pages)	

1. Staff Report Summary

The County approval that is the subject of this appeal is for a major public works project involving street improvements (including curbs, gutters, sidewalks, parking bays, sewer, drainage, and landscaping) along several streets near the ocean in the Pleasure Point area of Live Oak. The Santa Cruz County-approved street improvements would not use the full extent of the public right-of-way for these street segments. The area of public right-of-way not proposed for improvement ranges from 5 to 15 feet along 30th Avenue and Hawes Drive (or roughly 10% to 25% of the public right-of-way), up to approximately 25 feet along 32nd Avenue and Calla Drive (or roughly 50% of the public right-of-way). Much of this right-of-way area includes a variety of private encroachments.

The Appellants concerns fall generally into four areas: (1) maximizing public access opportunities in the Live Oak beach area; (2) protecting the public viewshed; (3) protecting marine resources; and (4) maintaining the unique character of the Pleasure Point community.

Background

The Live Oak coastal area provides an excellent range of public access and recreation opportunities. Walking, biking, skating, viewing, surfing, fishing, sunbathing, and more are among the recreational activities possible along the Live Oak shoreline. In addition, Live Oak provides a number of different coastal environments including sandy beaches, rocky tidal areas, blufftop terraces, and coastal lagoons. These varied coastal characteristics make the Live Oak shoreline unique in that, within a relatively small area, a diverse range of alternatives for enjoying the coast is available to different recreational users. By not being limited to one large, long beach, or solely an extended stretch of rocky shoreline, the Live Oak shoreline accommodates recreational users in a manner that is typical of a much larger access complex.

The Live Oak beach area is an important recreational asset for Live Oak residents, other County residents, and visitors to the area. Parking is extremely limited in this area, and additional recreational



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amenities and improvements (such as through trails/sidewalks) are in high demand. Publicly available property on which to construct such improvements is lacking and rising coastal land costs limit the County's ability to purchase properties for public uses. This is particularly true in the Pleasure Point area. The LCP contains multiple policies and programs detailing the need for access and recreational enhancement in the Live Oak beach area; the Coastal Act likewise supports such goals and requires that access and recreational opportunities be maximized.

To comply with these LCP and Coastal Act access policies, street improvement projects (such as this) should consider the full use of Live Oak public lands for public rather than private uses. In the past, private development in this area has occurred where the public improvements did not take up the full width of the right-of-way. Such private encroachments into the public right-of-way (i.e. landscaping, fences, planter boxes – even houses) has significantly narrowed the space available for public uses such as parking on these beach streets. Previous research by the Commission in the Live Oak beach area indicates that, on average, approximately 15 feet (or about 30%) of each beach area public street right-of-way has been subject to encroachment by private development.

Substantial Issues

The LCP and Coastal Act protect existing public access areas, such as the Pleasure Point road rights-of-way, and require public access and recreation to be maximized. Most of the private encroachments under the terms of the project as approved by the County would be allowed to stay in place. These encroachments range from 5 to 15 feet (or roughly 10% to 25%) of the 30th Avenue and Hawes Drive right-of-way, up to 25 feet (or roughly 50%) of the Calla and 32nd Avenue right-of-ways. As a result, the necessary public improvements and future public uses are crowded into a smaller space. Also, because the project does not use the full right-of-way, potential public parking, trail, streetscape, and related public amenities are foregone in several instances. Likewise, future potential recreational trail improvements along East Cliff Drive may be prejudiced by the project.¹ Because of this, a substantial LCP conformance issue is raised.

The LCP and Coastal Act protect the public viewshed in Pleasure Point. Because the right-of-way would not be fully used under the County approval, public hardscape would be confined into a limited area as opposed to breaking up such hardscape with a greater amount of landscaping and other such visually softening features. Because of this, a substantial LCP conformance issue is raised.

In addition, the LCP and Coastal Act protect the offshore Monterey Bay National Marine Sanctuary and the offshore Pleasure Point surfing area. The County-approved project would increase impervious surfacing and allow for substantial additional storm drain facilities with only silt and grease traps to filter typical urban runoff pollutants. The runoff here drains directly into the Sanctuary at the main Pleasure Point surf area. Such urban runoff is known to contain a number of pollutants harmful to coastal water quality and recreational pursuits. Because of this, and because of the importance of the recreational

¹ There are plans for major street improvement projects on East Cliff Drive here at Pleasure Point and upcoast at Twin Lakes State Beach currently in the works. In addition, the County has indicated that the entire length of East Cliff Drive between the Cities of Santa Cruz (at the Santa Cruz Harbor) and Capitola (at Opal Cliffs) may eventually be improved.



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resource offshore at this location, a substantial LCP conformance issue is raised; similarly, there is a question as to conformance with the access and recreation policies of the Coastal Act as they apply to this project.

The LCP protects the unique Pleasure Point community character. The County-approved project would modify this character. As the first large-scale public street improvement project in this area, the project may set the tone for future street improvement efforts. Because of this, it is important to ensure that this project maximizes public access and recreation opportunities, and provides a model for future efforts; what we see from this project will most certainly be indicative of the future streetscape scene for Pleasure Point and Live Oak. With a number of other major planned street improvements projects in the works from the Applicant in the Live Oak beach area (including East Cliff Drive projects), the tone set by this project is likely to affect the long term future of the area. As such, the County-approved project design raises questions of compatibility with the special community character in Pleasure Point and a substantial LCP conformance issue is raised

Thus, Staff recommends that the Commission find that a substantial issue exists with respect to this project's conformance with the certified Santa Cruz County Local Coastal Program (LCP) and take jurisdiction over the coastal development permit for the project.

Project Modifications to Achieve Coastal Act & LCP Consistency

To ensure LCP and Coastal Act consistency, conditions are included to maximize public access and recreation opportunities as directed by the certified County LCP and the Coastal Act. This is achieved by ensuring public parking on both sides of the affected streets, installation of public parking signage and striping, removal of some private encroachments in the public right-of-way, and notification to affected property owners regarding the extent and public nature of the affected street rights-of-way. In addition, all runoff from the project is required to be filtered and treated by an engineered filtration system that will be tested in a larger water quality monitoring program. See the recommended Special Conditions.

Future Planning

The situation of continued private development into the public street rights-of-way in the Live Oak beach area must be addressed because of its impacts on public access. With major street improvement projects, such as that proposed for 30th Avenue in this case, reclamation of the right-of-way is generally feasible. However, reclamation in absence of physical improvements in the reclaimed area (such as pathways, street landscaping, curbs & gutters, etc.) appears to be impractical. Such is the case with this project in that only drainage and sewer improvements within the existing paved area are planned in the side streets. In addition, ongoing encroachments into the public street rights-of-way are not rectified when these streets are not part of these larger projects. In some cases, too, for a variety of reasons, it may be infeasible to reclaim the right-of-way (for example, to do so would remove a row of heritage trees). In order to address the public's interest in the public rights-of-way, the County is encouraged to pursue a two-pronged program that includes both physical reclamation (such as in this subject appeal) and programmatic planning efforts to formally acknowledge the issue.



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In either case, the issue of continued private development in the public right-of-ways should be explicitly addressed by the County within an LCP planning context. Not only has the public allowed private use of expensive coastal real estate, but other uses beneficial to the public for this area such as parking, biking, walking, sitting, and viewing have been foregone. The loss of this opportunity to provide public amenities is particularly important in the Live Oak beach area because of its high recreational values for all Live Oak residents, other County residents, and visitors.

If some lost street right-of-ways are not going to be completely reclaimed for public uses when individual developments are proposed and/or the County pursues street improvement projects, the County should develop an alternative LCP policy to address private development in the public street right-of-way until such time as the land is reclaimed. For example, a rental fee could be charged for each square foot of private encroachment onto public land within the immediate beach area. To mitigate the impacts of the lost public space, this fee could then be earmarked for a systematic program of beach area enhancements (e.g., vista points, parking, signing, recreational trails, landscaping, increased maintenance, etc.) within the fee area. Such improvements could also have the added benefit of addressing perceived resident-visitor conflict within the Live Oak beach area. In this way, public ownership of the street right-of-way would be explicitly recognized, and a fair and equitable funding source (through the rental fees) would be created. A similar LCP program designed to address private encroachments has been successfully implemented in Newport Beach since 1991.

Furthermore, until such time as such a program is in place, and until such time as street improvements are proposed for any particular street, the County may wish to separately pursue necessary drainage and/or sewer improvements in the Live Oak beach area. The sewer collection and transmission system in this area has been plagued by inflow and infiltration problems that ultimately impact adjacent marine resources and ocean recreational uses. Sewer line upgrades, repairs, and/or improvements within the existing roadway prism to address these types of issues should be encouraged. Similarly, substandard streets without curbs, gutters, and/or other runoff collection apparatus have resulted in flooding-related problems in Live Oak beach area streets. On specific streets where these problems have been documented, storm drain and runoff apparatus should be pursued; again, within the existing roadway prism.

Conclusion

The Live Oak beach area is an important recreational asset for Live Oak residents, other County residents, and visitors to the area. Parking is extremely limited in this area, and recreational amenities and improvements (such as through trails/sidewalks) are in high demand. Publicly available property with which to construct such improvements is lacking and high coastal land costs limit the ability of the County to purchase needed land. This is particularly true in the Pleasure Point area. The LCP contains multiple policies and programs detailing the need for access enhancement in the Live Oak beach area; the Coastal Act likewise supports such goals. Within this context, it is incumbent upon public agencies involved to maximize the use of Live Oak public lands for public purposes. In this case, the County-approved project does not adequately protect and enhance public recreational access.



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Although one option in this case would be to require full use of the entire right-of-way for public improvements, the reality is that, other than 30th Avenue, only limited drainage/sewer lines are planned. If parking can be guaranteed on these side streets, it makes little practical sense to require removal of private development in right-of-way areas that wouldn't otherwise be used for public purposes. To do so would be aesthetically displeasing, would alter the informal character of these Pleasure Point streets, and would not result in any additional public access enhancements. By ensuring appropriate public parking, and notifying affected property owners of the true nature and extent of the right-of-way, public access will be improved in this area consistent with the special character of Pleasure Point. These improvements can be expected to be enjoyed by Live Oak residents, other County residents, and visitors to the area alike.

Staff therefore recommends approval of the project with conditions.

2. Local Government Action

On March 17, 2000, the Santa Cruz County Zoning Administrator approved the proposed project subject to multiple conditions. See Exhibit B for the County's staff report, findings and conditions on the project. Notice of the Zoning Administrator's action on the CDP was received in the Commission's Central Coast District Office on Thursday, May 11, 2000. The Commission's ten-working day appeal period for this action began on Friday, May 12, 2000 and concluded at 5pm on Thursday, May 25, 2000. Two valid appeals (see below) were received during the appeal period.

3. Appeal Procedures

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable because it is a major public works facility, and portions of the project are located between the sea and the first public road paralleling the sea and/or within 300 feet of the mean high tide line.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under Section 30604(b), if the Commission conducts a de novo



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hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. A portion of this project is located between the nearest public road and the sea and thus, this additional finding must be made in a de novo review in this case.

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

4. Appellants' Contentions

A. Appeal of Commissioners Sara Wan and Dave Potter

The two Commissioner Appellants contend that the County-approved project raises substantial issues with respect to the project's conformance with core LCP issues regarding access, recreation, scenic and water quality issues. Please see Exhibit C for the Commissioner Appellants' complete appeal document.

B. Appeal of Charles Paulden

Charles Paulden contends that the proposed project would negatively impact the special character of the Pleasure Point community, the offshore surfing area, and the onshore built and natural environment. Please see Exhibit D for Mr. Paulden's complete appeal document.

Please note that Mr. Paulden's appeal alleges inconsistencies with a large number of County objectives, policies, and programs. Roughly half of those references cited in the appeal are General Plan policies and not LCP policies. In addition, a large number of others are not specifically applicable to the project at hand (for example, the cited wastewater treatment policies do not apply to stormwater runoff). As such, not all policy references in Mr. Paulden's appeal document are contained in the "applicable policies" sections of this staff report. The complete Santa Cruz County LCP is available for review at the Commission's Central Coast District office and is a substantive file document for these findings. In any case, Mr. Paulden's LCP contentions are addressed in these findings.

C. Summary of Appeal Issues

The Appellants contentions fall generally into four areas: (1) maximizing public access opportunities in the Live Oak beach area; (2) protecting the public viewshed; (3) protecting marine resources; and (4) maintaining the unique character of the Pleasure Point community. Each of these is discussed in the



findings that follow.

5. Procedural History (Post-County Action)

On June 15, 2000, the Commission opened and continued the substantial issue hearing on the appeal because the County administrative record on this matter had not yet been received and thus Commission staff was unable to prepare a staff report with a full analysis and recommendation in time for the Commission's June meeting. Since that time, Commission staff has been working closely with County staff to address appeal issues and, as reflected in the recommended conditions, have mutually agreed to certain project modifications that would ensure Coastal Act and LCP consistency. The County Board of Supervisors has indicated that they prefer not to alter the project before Commission action; thus, they will evaluate the final conditions that the Commission may attach to its action on the proposal to determine whether or not they are acceptable.

6. Staff Recommendation on Substantial Issue

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

*Motion. I move that the Commission determine that Appeal Number A-3-SCO-00-076 raises **no** substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act.*

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

Resolution To Find Substantial Issue. The Commission hereby finds that Appeal Number A-3-SCO-00-033 presents a substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act regarding consistency with the Certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.

7. Staff Recommendation on Coastal Development Permit

The staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development.



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Motion. I move that the Commission approve Coastal Development Permit Number A-3-SCO-00-076 pursuant to the staff recommendation.

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

Resolution To Approve The Permit. The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of the Santa Cruz County Local Coastal Program, and that it is located between the sea and the first public road nearest the shoreline and it will be in conformity with the access and recreation policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

8. Conditions of Approval

A. Standard Conditions

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



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the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

B. Special Conditions

1. **Supplemental Striping and Encroachment Removal Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit a Supplemental Striping and Encroachment Removal Plan to the Executive Director for review and approval. The Plan shall provide for white striping along both sides of the entire length of 32nd Avenue, Hawes Drive, and Calla Drive. The white striping shall be located along the drainage swales and shall provide adequate width between the striping and any residential improvements to allow a vehicle to be parked (i.e., eight feet). For any parking areas defined by the white striping within the County right-of-way that would not provide adequate parking width, the intervening private development encroachment shall be removed from the right-of-way.

The Plan shall be submitted with evidence of review and approval by the appropriate Santa Cruz County official.

The Plan shall indicate that the County shall, in perpetuity, keep the parking areas so defined on 32nd Avenue, Hawes Drive, and Calla Drive free of private development that might preclude public parking. Upon notification from interested parties, including but not limited to the Coastal Commission, that private development is adversely impacting the public's ability to park on these streets, the County shall have 30 days within which to investigate and remove any offending encroachments. If there is a question as to whether or not any private development in the County right-of-way is impacting the public's ability to park on these streets, then the Executive Director shall be consulted and the Executive Director's opinion shall govern as to whether the private development must be removed.

The Permittee shall undertake development in accordance with the approved Plan. Any proposed changes to the approved Revised Plans shall be reported to the Executive Director. No changes to the approved Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

2. **Sign Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit a Sign Plan to the Executive Director for review and approval. The Plan shall provide for:
 - (a) Appropriate signs at each intersection of 30th Avenue, 32nd Avenue, and 33rd Avenue with East Cliff Drive, Hawes Drive, and Calla Drive indicating that public parking is provided to the right of the white striped lines for the length of the each street.
 - (b) Appropriate signs to identify 30th Avenue as a public access route to the shoreline at Pleasure Point. At a minimum, such signs shall be posted at the intersection of Portola Drive and 30th Avenue and both ends of the public access pathway opposite 30th Avenue between East Cliff



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Drive and Pleasure Point Drive.

- (c) Immediate removal of all signs not posted by Santa Cruz County that restrict general public parking. The Plan shall indicate that the County shall, in perpetuity, keep 30th Avenue, 32nd Avenue, 33rd Avenue, East Cliff Drive, Hawes Drive, and Calla Drive free of privately posted signs restricting general public parking. Upon notification from interested parties, including but not limited to the Coastal Commission, that any such sign is adversely impacting the public's ability to park on these streets, the County shall have 30 days within which to investigate and remove any offending signs. If there is a question as to whether or not any private sign is impacting the public's ability to park on these streets, then the Executive Director shall be consulted and the Executive Director's opinion shall govern as to whether the sign must be removed.
- (d) Identification of any signs posted by Santa Cruz County that restrict parking in any way on 30th Avenue, 32nd Avenue, 33rd Avenue, East Cliff Drive, Hawes Drive, and Calla Drive. Each County sign so identified shall be accompanied by an explanation as to why parking must be restricted (e.g., to ensure access to a fire hydrant). If the Executive Director does not concur that parking should be restricted as indicated, the Permittee shall submit a filed application for a coastal development permit for any such sign(s) within 30 days of notification by the Executive Director.

The Sign Plan shall be submitted with evidence of review and approval by the appropriate Santa Cruz County official.

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

- 3. Drainage Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit a Drainage Plan to the Executive Director for review and approval. The Plan shall provide for the installation of two engineered filtration mechanisms specifically designed to remove vehicular contaminants and other typical urban runoff pollutants² more efficiently than a standard silt and grease trap at two points nearest as possible to the storm water line discharge into the Monterey Bay. The Drainage Plan shall account for the following:

- (a) The drainage system shall be designed to filter and treat (i.e., a physical and/or chemical reduction of pollutants achieved through active filtration) the volume of runoff produced from

² Typical urban runoff pollutants describes constituents commonly present in runoff associated with precipitation and irrigation. Typical runoff pollutants include, but are not limited to: paints, varnishes, and solvents; hydrocarbons and metals; non-hazardous solid wastes and yard wastes; sediment from construction activities (including silts, clays, slurries, concrete rinsates, etc.); ongoing sedimentation due to changes in land cover/land use; nutrients, pesticides, herbicides, and fertilizers (e.g., from landscape maintenance); hazardous substances and wastes; sewage, fecal coliforms, animal wastes, and pathogens; dissolved and particulate metals; and other sediments and floatables.



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each and every storm event up to and including the 85th percentile 24-hour runoff event prior to its discharge to the Monterey Bay. The drainage system and its individual components (such as drop inlets and filtration mechanisms) shall be sized according to the specifications identified in the California Storm Water Best Management Practice Municipal Handbook (California Storm Water Management Task Force, March 1993);

- (b) All vehicular traffic and parking areas shall be swept and/or vacuumed at regular intervals and at least once prior to October 15th of each year. Any oily spills shall be cleaned with appropriate absorbent materials. All debris, trash and soiled absorbent materials shall be disposed of in a proper manner. If wet cleanup of any of these areas is absolutely necessary, all debris shall first be removed by sweeping and/or vacuuming, all storm drains inlets shall be sealed, and wash water pumped to a holding tank to be disposed of properly and/or into a sanitary sewer system.
- (c) All drainage system elements shall be permanently operated and maintained. At a minimum:
 - (1) All storm drain inlets, traps/separators, and/or filters shall be inspected to determine if they need to be cleaned out or repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) prior to April 15th each year; and (3) during each month that it rains between November 1st and April 1st. Clean-out and repairs (if necessary) shall be done as part of these inspections. At a minimum, all traps/separators and/or filters must be cleaned prior to the onset of the storm season, no later than October 15th of each year; and,
 - (2) Debris and other water pollutants removed from filter device(s) during clean-out shall be contained and disposed of in a proper manner; and
 - (3) All inspection, maintenance and clean-out activities shall be documented in an annual report submitted to the Executive Director no later than June 30th of each year.
- (d) The Permittee is encouraged to develop connections from the storm drain system to the sanitary sewer system to allow polluted runoff to be directed from the storm drain system to the sanitary sewer, particularly during times of low-volume flows, wet street cleaning episodes, or hazardous spills.
- (e) It is the Permittee's responsibility to maintain the drainage system in a structurally sound manner and its approved state.

The Drainage Plan shall include a monitoring plan component to account for the following:

- (f) The Permittee shall monitor the runoff from the replacement outfalls at regular intervals for a minimum of 5 years. The same monitoring shall take place at two nearby ocean outfalls between the replacement outfall and 41st Avenue: (1) an outfall draining a similar area of the Pleasure Point street system where the runoff has been filtered through standard silt and grease traps only; and (2) an outfall draining a similar area of the Pleasure Point street system where the runoff has not been filtered.



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- (g) All monitoring measures, including, but not limited to a description of pollutants to be monitored and sampling methodologies shall be identified and approved by the Executive Director. The sampling program shall be designed to quantitatively assess the effectiveness of each storm drain filtration device and the costs associated with maintenance of the product. Sampling protocols shall meet currently accepted professional standards (i.e., as outlined in *Monitoring Guidance for Determining the Effectiveness of Nonpoint Source Controls* (US EPA, 1997) and/or *NPDES Stormwater Sampling Guidance Document* (US EPA, 1992)) and must be approved by both the Executive Director and the Executive Officer of the Central Coast Regional Water Quality Control Board.
- (h) The Permittee shall prepare annual reports (for a minimum of 5 years) that shall be submitted to the Executive Director for review and approval. The reports shall provide a breakdown and comparison of the constituent contaminants found in the runoff from the replacement outfall and the two comparison outfalls, and shall include a cost effectiveness evaluation of the filtration mechanisms and other management practices employed in each case.
4. **Notification of Encroachments into the Right-of-Way.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit a Notification Letter to the Executive Director for review and approval. At a minimum, the Notification letter is intended to inform all property owners and residents along the affected streets (i.e., 30th Avenue, 32nd Avenue, Hawes Drive, and Calla Drive) of the extent of the public right-of-way for each respective street, the need to maintain the 8 foot public parking area to the right of the white striping on the affected streets, and the need to keep the area free of privately-posted signs that act to restrict public parking in the public right-of-way. The Notification Letter shall be sent to each property owner and resident along the affected streets within 30 days of the Executive Director's approval of the Notification Letter.
5. **Santa Cruz County Conditions.** All previous conditions of approval imposed on the project by the Santa Cruz County pursuant to an authority other than the California Coastal Act remain in effect (Santa Cruz County Application Number 99-0842; see Exhibit B). To the extent such Santa Cruz County conditions conflict with the Coastal Commission's conditions for Coastal Development Permit Number A-3-SCO-00-076, such conflicts shall be resolved in favor of the conditions for Coastal Development Permit Number A-3-SCO-00-076.

Recommended Findings and Declarations

The Commission finds and declares as follows:

9. Project Description



California Coastal Commission

A. Project Location

The proposed street improvement project is located in the Pleasure Point region of the unincorporated Live Oak area of Santa Cruz County.

1. Regional Setting

Situated on the northern shore of the Monterey Bay, Santa Cruz County is bordered to the north and south by San Mateo and Monterey Counties. Santa Cruz County is characterized by a wealth of natural resource systems ranging from mountains and forests to beaches and the Monterey Bay itself. The Bay has long been a focal point for area residents and visitors alike providing opportunities for surfers, fishermen, divers, marine researchers, kayakers, and boaters, among others. The unique grandeur of the region and its national significance was formally recognized in 1992 when the area offshore became part of the Monterey Bay National Marine Sanctuary – the largest of the 12 such federally protected marine sanctuaries in the nation.

Santa Cruz County's coastal setting, its mild climate, and multicultural identity combine to make the area a desirable place to both live and visit. As a result, Santa Cruz County has seen extensive development and regional growth over the years. In fact, Santa Cruz County's population has nearly doubled since 1970 alone with projections showing that the County will be home to over one-quarter of a million persons by the year 2000.³ This growth not only increases the regional need for housing, jobs, roads, urban services, infrastructure, and community services but also the need for parks and recreational areas. For coastal counties such as Santa Cruz where the vast majority of residents live within a half-hour of the coast, coastal recreational resources are seen as a critical element in helping to meet these needs. Furthermore, with coastal parks and beaches themselves attracting visitors into the region, an even greater pressure is felt at coastal recreational systems such as that found in Live Oak. With Santa Cruz County beaches providing arguably the warmest and most accessible ocean waters in all of Northern California, and with the population centers of the San Francisco Bay area and the Silicon Valley nearby, this type of resource pressure is particularly evident in Live Oak.

Live Oak is part of a larger area including the Cities of Santa Cruz and Capitola that is home to some of the best recreational beaches in the Monterey Bay area. Not only are north Monterey Bay weather patterns more conducive to beach recreation than the rest of the Monterey Bay area, but north bay beaches are generally the first beaches accessed by visitors coming from the north of Santa Cruz. With Highway 17 providing the primary access point from the north (including San Francisco and the Silicon Valley) into the Monterey Bay area, Santa Cruz, Live Oak, and Capitola are the first coastal areas that visitors encounter upon traversing the Santa Cruz Mountains. As such, the Live Oak beach area is an important coastal access asset for not only Santa Cruz County, but also the entire central and northern California region.

³ Census data from 1970 shows Santa Cruz County with 123,790 persons; by 1996, California Department of Finance estimated that this number had increased to 243,000 persons; Association of Monterey Bay Area Governments (AMBAG) projections show that the population was expected to increase to 259,905 by the year 2000.



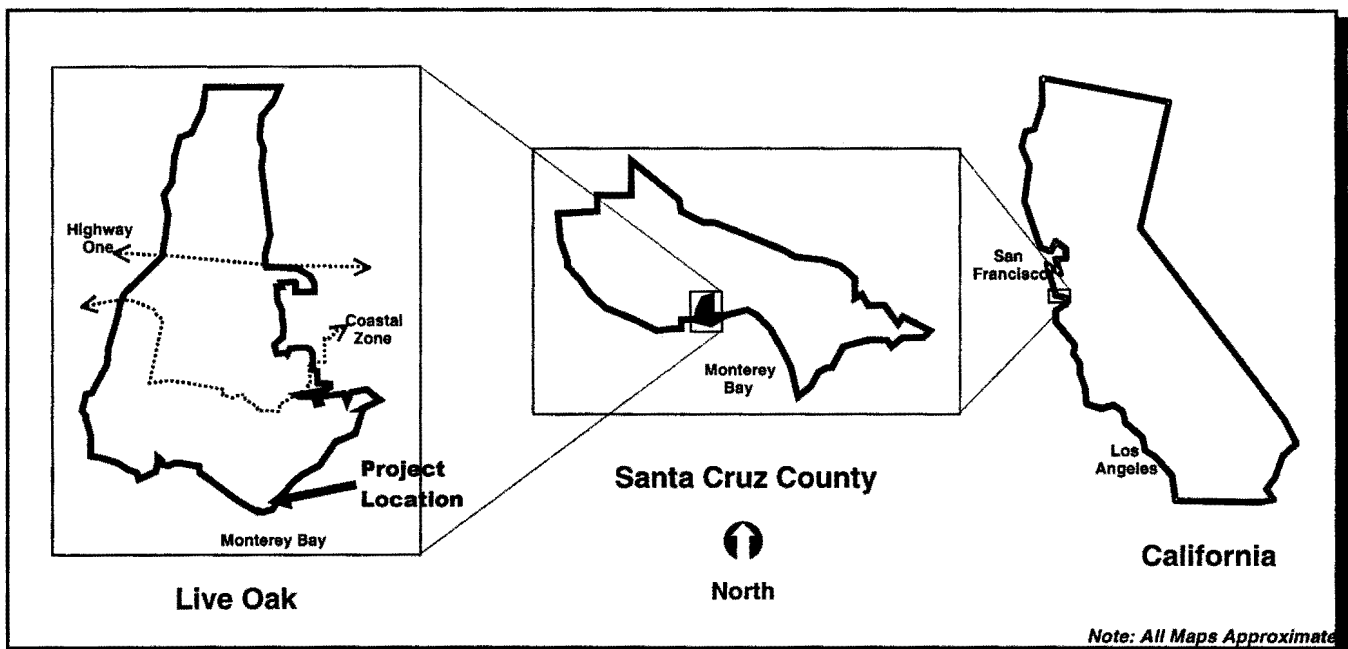
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See figure below and Exhibit A for maps of project location.

2. Live Oak Area

Live Oak represents the unincorporated segment of Santa Cruz County located between the City of Santa Cruz and the City of Capitola. The Live Oak coastal area is well known for excellent public access opportunities for beach area residents, other Live Oak residents, other Santa Cruz County residents, and visitors to the area. Walking, biking, skating, viewing, surfing, fishing, sunbathing, and more are all among the range of recreational activities possible along the Live Oak shoreline. In addition, Live Oak also provides a number of different coastal environments including sandy beaches, rocky tidal areas, blufftop terraces, and coastal lagoons. These varied coastal characteristics make the Live Oak shoreline



unique in that a relatively small area can provide different recreational users a diverse range of alternatives for enjoying the coast. By not being limited to one large, long beach, or solely an extended stretch of rocky shoreline, the Live Oak shoreline accommodates recreational users in a manner that is typical of a much larger access complex.

Primarily residential with some concentrated commercial and industrial areas, Live Oak is a substantially urbanized area with few major undeveloped parcels remaining. Development pressure has been disproportionately intense for this section of Santa Cruz County. Because Live Oak is projected to absorb the majority of the unincorporated growth in Santa Cruz County, development pressure will



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likely continue to tax Live Oak's public infrastructure (e.g., streets, parks, beaches, etc.).⁴ Given that the beaches are the largest public facility in Live Oak, this pressure will be particularly evident in the beach area.

3. Pleasure Point Streets

The proposed project is located on several streets within the Pleasure Point region of Live Oak. The Pleasure Point area is a dense residential area fronting the world-renowned Pleasure Point surfing area extending downcoast from Soquel (aka Pleasure) Point. Offshore, rolling waves engender throngs of visitors year-round. Onshore, narrow streets, almost all lacking curbs, gutters, or sidewalks, are fronted by nearly fully built out residential development. The proposed project would take place within the public right-of-ways of 30th, 32nd, and 33rd Avenues, and Hawes, Calla, and East Cliff Drives. East Cliff Drive is the main laterally-running street in the coastal Live Oak area, and serves as the primary through coastal trail from the City of Santa Cruz to Capitola. 30th Avenue serves as a main accessway for visitors, connecting inland streets to the coast from Portola Drive, while the other streets provide more localized circulation and parking. See Exhibit page 1 of Exhibit A.

B. Project Description

Each of the streets involved in the proposed project would be modified in different ways:

- **30th Avenue:** new curbs, gutters, storm drains, and a sidewalk along the west side of the street; replace sewer line; repaving. Approximately 1,200 feet of street improvements.
- **32nd Avenue, Hawes Drive, and Calla Drive:** new paved drainage swales and storm drains; replace sewer line; repaving. Approximately 1,800 feet of street improvements.
- **33rd Avenue:** new sewer clean-out line and new storm drains.
- **East Cliff Drive:** replace storm drain; limited new curbs and gutters to match existing at the corner of East Cliff and 30th; repaving as necessary.

In addition, the Applicant proposes to replace the existing storm outfall at Pleasure Point. Runoff from the street area involved in the proposed project would be conveyed first through silt and grease traps, and then through the replaced storm drain line and on into Monterey Bay.

See Exhibit A for proposed site plans.

C. County Approval

⁴ The LCP identifies Live Oak at buildout with a population of approximately 29,850 persons; based on the County's recreational formulas, this corresponds to a park acreage of 150-180 acres. Though Live Oak accounts for less than 1% of Santa Cruz County's total acreage, this projected park acreage represents nearly 20% of the County's total projected park acreage.



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The County approved the project subject to a number of conditions. In general, the County findings characterize the project as a basic road improvement project designed to improve pedestrian and vehicular access, and improve drainage, in an area of Live Oak where such improvements are generally lacking. See Exhibit B for the County staff report, findings, and conditions approving the Applicant's proposed project.

10. Substantial Issue Findings

The Appellants contentions fall generally into four areas: public access and recreation, visual resources, marine and offshore recreational resources, and community character. Each of these is discussed in detail in the findings that follow. As summarized below, these issues raise a substantial issue with respect to the project's conformance with the Santa Cruz County LCP.

A. Access and Recreation

1. Applicable Policies

Similar to the Coastal Act, the LCP encourages maximum public access and requires the protection of existing public access and recreation areas. The LCP is filled with policies reflecting these general Coastal Act inspired goals including:

LCP Land Use (LUP Chapter 2) policies identifying public recreational use as a higher priority than private residential use in the public street right-of-way, including:

LUP Objective 2.22 Coastal Dependent Development. To ensure priority for coastal-dependent and coastal-related development over other development on the coast.

LUP Policy 2.22.1 Priority of Uses within the Coastal Zone. Maintain a hierarchy of land use priorities within the Coastal Zone:

First Priority: Agriculture and coastal-dependent industry

Second Priority: Recreation, including public parks; visitor serving commercial uses; and coastal recreation facilities.

Third Priority: Private residential, general industrial, and general commercial uses.

LUP Policy 2.22.2 Maintaining Priority Uses. Prohibit the conversion of any existing priority use to another use, except for another use of equal or higher priority.

LCP Circulation (LUP Chapter 3) policies encouraging a coordinated recreational circulation system for access to beach recreational areas and giving priority to road improvements that provide access to coastal recreational resources, including:

LUP Policy 3.8.7 Recreation. Plan bicycle routes to facilitate access to recreational areas such



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as regional parks, beach areas, and major tourist commercial/recreational facilities. Promote recreational bicycle routes to promote "eco tourism".

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

LUP Policy 3.14.2 Priority to Recreational Improvements. *In the development of transportation improvement programs, consider giving priority to road improvements which provide access to recreational resources.*

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

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

LUP Objective 7.7a Coastal Recreation. *To maximize public use and enjoyment of coastal recreation resources for all people, including those with disabilities, while protecting those resources from the adverse impacts of overuse.*

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

LUP Program 7.7a (Improve Parking). *Improve existing parking areas through the use of fencing, striping, landscaping, bike racks, and safety improvements; provide safe stairways for beach access as part of the program to upgrade vehicular parking. (Responsibility: Public Works, Board of Supervisors)*

LUP Program 7.7b (Increase Live Oak Parking). *Increase parking opportunities to serve visitors to the Live Oak coastline in locations where such facilities are feasible and compatible with the neighborhood and the natural setting. Provide on- and off-street parking improvements and facilities within walking distance of the beaches and bluffs, or located at more remote locations and linked by shuttle transportation. Identify appropriate locations and improvements in cooperation with the local community. (Board of Supervisors, Planning Department, County Parks, Public Works)*



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LUP Program 7.7f (Establish Access Signing). Establish an access signing program which:

- (1) Removes incorrect, misleading, and confusing signs.*
- (2) Develops, installs, and maintains standard signs for primary destinations and neighborhood accessways and designates appropriate locations for these signs. (Responsibility: County Parks, Public Works)*

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

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

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

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

LUP Policy 7.7.10 Protecting Existing Beach Access. Protect existing pedestrian...and bicycle access to all beaches to which the public has a right of access, whether acquired by grant or through use, as established through judicial determination of prescriptive rights.... Protect such beach access through permit conditions...

LUP Policy 7.7.11 Vertical Access. Determine whether new development may decrease or otherwise adversely affect the availability of public access, if any, to beaches and/or increases the recreational demand. If such impact will occur, the County will obtain as a condition of new development approval, dedication of vertical access easements adequate to accommodate the intended use, as well as existing access patterns...

2. County-Approved Project

The County-approved project can and should be considered a street improvement project designed with public access in mind. Clearly, the County was working towards the goals enumerated in the LCP of improving coastal recreational access including formalized parking and sidewalks to enhance the coastal recreational experience for visitors and residents alike. In terms of parking, the County-approved project would provide formal parking along both sides of 30th Avenue and, as such, would not generally result in



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the loss of any existing on-street parking there. In fact, by formalizing the street edges along 30th Avenue, a net parking gain might be realized given that the undeveloped street edges in many cases are developed in ways that preclude parking (see below). On the other side streets, the County has not proposed any developments that would fall outside of the existing roadway prism; accordingly, the project would not impact the existing access situation there either. It is clear to the Commission that the County has approached the project mindful of the public's ability to access this special area of coast.

However, the real issue with this project is not so much what it is, but rather the degree to which it falls short of addressing public access and recreational issues in light of the range of coastal access issues in the project area and the Live Oak beach area region overall. In other words, the question is whether or not the project has gone far enough towards the LCP and Coastal Act goals of maximizing access and protecting existing public access opportunities given the current state of inadequate parking and related coastal access in the Pleasure Point area.

3. Consistency with Applicable LCP Policies

A. Live Oak Beach Area Parking Background

Live Oak beachgoers traveling by automobile have long found parking spaces to be a scarce commodity in the beach area. Those beachgoers in need of parking spaces include Live Oak residents who do not live directly next to the beach, Live Oak residents who choose to drive for other reasons (e.g., those traveling with small children or with beach equipment), other Santa Cruz County residents traveling to Live Oak beaches, and visitors from out of the area. Further, given that many beach area parcels lack sufficient off-street parking, beach area residents also require beach area parking spaces. With over one million persons each year utilizing Live Oak beaches and jockeying for a limited number of parking spaces, there is an opportunity to enhance both resident and visitor enjoyment of the beach area through parking improvements.⁵

Given that the model of a large parking facility directly associated with a beach area (e.g., as is often found at State Parks) is not present in Live Oak, beach parking supply has long been an issue in Live Oak. In fact, the original LCP parking assessments from the late 1970's identified the Live Oak beach area as having the "most severe parking deficiencies" in Santa Cruz County with an estimated parking deficit of 745 parking spaces.⁶ Unfortunately, in the time since the LCP's parking assessment, three informal beach area parking lots that had served as primary parking areas have been lost to private development and most of a fourth to a storm event.⁷ In tandem with the lack of new parking facilities, the continuing popularity of Live Oak beaches suggests the probability of an increased parking deficit

⁵ LUP Coastal Recreation Programs 7.7.a and 7.7.b agree with this assessment specifically citing the need to "increase parking opportunities to serve visitors to the Live Oak coastline" and to "improve existing parking areas."

⁶ As described in the LCP's public access working paper and the LCP's shoreline access assessment.

⁷ Parking lots along East Cliff Drive at 14th and 21st Avenues have been otherwise developed, another at 18th Avenue has been closed to the public, and the Twin Lakes State Beach parking lot was mostly destroyed during 1979-80 winter storms.



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today.

Formal beach parking areas in Live Oak are confined to the few scattered parking lots that currently supply about 200 parking spaces. Over one-half of these parking lot spaces are found in private, pay parking lots inland from Twin Lakes State Beach on 7th Avenue that allow for some weekend beach use with the other half in public lots at Moran Lake (40 spaces) and 41st Avenue (54 spaces). Given that a parking fee is charged during summer weekend and holidays at both the private lots and the Moran Lake parking lot, only the parking lot at 41st Avenue and East Cliff Drive currently provides free public parking on a year-round basis.

Although the scattered parking lots provide a valuable service in the beach area, the bulk of the beach parking supply is provided by on-street parking spaces. In particular, given that there are no beach parking lots from Schwann Lake through to Moran Lake, on-street parking is the only option for the high use beach areas of Black's Point, Sunny Cove and Santa Maria Cliffs/26th Avenue Beaches. Likewise, Pleasure Point area streets provide nearly all parking for the offshore surf recreational area. As a result, Live Oak beach neighborhood streets become the main parking 'facility' when beach area residents, other Live Oak residents, other Santa Cruz County residents, and visitors to the area look for beach parking. However, these parking seekers are challenged to find legal and safe parking arrangements for their vehicles.

Those seeking on-street parking spaces near to the Live Oak beaches must contend with an escalating series of issues, each of which removes a portion of the public parking space supply. First, given that the streets between East Cliff Drive and the ocean are narrowed to an average of 35 feet (see encroachments background below), there is limited space available to accommodate both parked cars and through traffic lanes. Second, the lack of a formal street edge (e.g., curbs and gutters) allows individual property owners to define the edge of the street in ways which reduce available parking spaces (e.g., with planters, pull-in parking areas, etc.). Third, an inconsistently applied traffic lane striping program (i.e., only some streets are striped and only some of these on both sides of the street), removes beach area parking by defining a space along the street that is too narrow to park a car. Fourth, 'no parking' signs, both those posted by private citizens and by County Public Works, further reduce available parking spaces. And finally, where on-street parking spaces are still available on Live Oak beach area streets, a Live Oak Parking Program (LOPP) permit fee is charged during peak user times of the year.⁸

In general, resident-visitor conflict can be alleviated and public enjoyment of the beach area enhanced through parking improvements. In terms of beach parking lots, though opportunities for additional lots are scarce due to the mostly developed nature of the beach area, there are a few available locations along

⁸ The LOPP began in the summer of 1981 as a means to relieve traffic and parking congestion in the Live Oak beach neighborhoods and it has been in operation every summer weekend and holiday since. Though overall congestion remains, the LOPP fee helps to pay for enforcement operators in the beach area who have contributed to more orderly parking in the beach area. However, by charging a beach parking fee for the use of public streets, the LOPP has also decreased parking opportunities for those who do not live within the LOPP zone (i.e., other Live Oak residents, other Santa Cruz County residents, and other visitors to the beach area), particularly those of low income. Though only assessed in the Live Oak beach area, the parking fees and any fines are not directly reinvested in Live Oak for parking improvements; rather, these monies go to the County general fund.



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East Cliff Drive that could be pursued to relieve parking pressure in the beach neighborhoods (e.g., along Coastview Drive at Corcoran Lagoon). It is more likely, however, given the costs of land acquisition and development for parking lots, that on-street parking improvements are the best hope for addressing parking concerns in the Live Oak beach area. It is for this reason that major street improvement projects such as the subject appealed project must be critically examined for their ability to address LCP public access parking concerns.

B. Live Oak Beach Area Encroachments Background

In general, Live Oak beach area streets are very narrow because of private encroachments into the public street right-of-way. These private encroachments (such as landscaping, fences, planter boxes – even houses) have significantly narrowed the space available for public use on these beach streets. In fact, previous research by the Commission in the Live Oak beach area indicates that, on average, approximately 15 feet (or about 30%) of the width of each Live Oak beach area public street right-of-way has been otherwise covered with private development.⁹

The street right-of-way encroachments in Live Oak represent an uncompensated private use of public property and a loss of public access opportunities such as biking, walking, and parking. This public loss is particularly relevant in this area given the recreational importance of the Live Oak beaches. By eliminating large portions of the roadway that could otherwise be developed for on-street parking and other roadside improvements, the implementation of the above-referenced Santa Cruz County LCP policies and programs calling for improved parking and recreational access facilities becomes more difficult to achieve in the Live Oak beach area.

C. Substantial Issue Determination – Public Access and Recreation

It is within the above-described regional coastal access context that the subject appeal is before the Commission. Based on this context, it could be argued that Live Oak beach area street improvement projects should reclaim the public right-of-way for public uses to ensure that public access is maximized and that the public right-of-way is protected from interference with non-public uses. In this case, much of the public road rights-of-way would be allowed to stay covered with private encroachments by the project as approved by the County. This coverage ranges from 5 to 15 feet (or roughly 10% to 25%) of the 30th Avenue and Hawes Drive right-of-way, up to 25 feet (or roughly 50%) of the Calla and 32nd Avenue right-of-ways. On 30th Avenue, the project area street with the most comprehensive set of planned improvements; these encroachments would be limited to 5 to 12 feet. Because these 30th Avenue improvements would effectively define the public-private boundary with sidewalks and curb/gutter, this 5 to 12 foot area (or roughly 10% to 25% of the public right-of-way) would be lost to public access for all practical purposes. On the side streets where new paving and paved drainage swales are proposed (32nd Avenue, Hawes Drive, and Calla Drive), the undeveloped area on the residential sides of the swales would be left alone and would, in most cases, still generally provide for on-street parking. This side-area would, however, continue to have a variety of private encroachments into the right-of-way (e.g., fences and landscaping). Because the swales would appear to define the public-

⁹ Live Oak Access Strategy: Administrative Draft (January 1997)



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private boundary, these potential on-street parking areas between the swales and the edge of the right-of-way could be lost to additional encroachments or other access-barring private development.

In addition, the County approved project did not include any provisions for a signage program designed to (a) remove privately-posted signs restricting parking in the public right-of-way, and/or (b) install public parking signs so that it was clear that the public was allowed to park in the right-of-way areas between the swales and the edge of the right-of-way. Such a sign program is identified by LCP Program 7.7(f). The project area would remain at least partially within the Live Oak Preferential Permit Parking Program area.¹⁰

Because the project does not use the full right-of-way, potential public parking, trail, streetscape, and related public amenities in the unused public area are foregone. Although parking would be generally enhanced on 30th Avenue, public improvements on 30th Avenue are crowded into a tighter space leaving little room for landscape strips, bike lanes, and/or a sidewalk on the opposite side of the street to better enhance the public's ability to access and enjoy the coast. On the side streets, the public's ability to use the public area between the proposed swales and the public right-of-way will remain compromised since private development will remain in this area and affirmative signage (that could serve to reinforce the public nature of this strip) has not been proposed nor required. On East Cliff, the public-private separation (i.e., curb and gutter) would be constructed in such a way as to allow private encroachments to remain, potentially prejudicing future East Cliff Drive projects.¹¹

4. Public Access and Recreation Conclusion

The proposed project is located in a heavily used public coastal access area that is beset by a lack of public access amenities and parking. The LCP requires that public access be maximized and protected. Though the project would enhance public access in some respects, it does not use the full right-of-way and it defines the public-private separation in such a way that the public's continued use of public lands is neither maximized nor assured. As a result, public parking areas along the affected side streets are not adequately protected, and the potential for public access improvements in the project area (i.e., landscaping, pathways, bike lanes, etc.) is lost. In urban recreational coastal areas such as Live Oak, where recreational amenities are in high demand, where land available for such amenities is limited, and where coastal land costs are expensive, any street improvement project that does not maximize use of the right-of-way for public purposes is particularly troublesome in light of LCP and policies protecting public access.

The Commission finds that the proposed project raises a substantial issue with the LCP's public access and recreation policies cited in this finding.

¹⁰ Commission staff is currently researching the permitting history of the LOPP to determine more precisely the parameters under which such program operates. As of the date of this staff report, the permit status of the preferential parking program in the Live Oak beach area is unclear.

¹¹ There are plans for major street improvement projects on East Cliff Drive here at Pleasure Point and upcoast at Twin Lakes State Beach currently in the works. In addition, the County has indicated that the entire length of East Cliff Drive between the Cities of Santa Cruz (at the Santa Cruz Harbor) and Capitola (at Opal Cliffs) may eventually be improved.



B. Visual Resources

1. Applicable Policies

The County's LCP is fiercely protective of coastal zone visual resources, particularly views from public roads, and especially along the shoreline. The LCP states:

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

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

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

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

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

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

Visual access to and along the coast is also a form of public access. For the outfall portion of the project seaward of the first through public road, the following visual access policies of the Coastal Act also apply:

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

Section 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



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sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

2. Consistency with Applicable LCP Policies

The LCP protects the public viewshed in Pleasure Point. This includes the public streetscape along the project area streets. Because the right-of-way would not be fully used under the County approval (see access and recreation findings above), public hardscape would be confined into a narrow area as opposed to breaking up such hardscape with landscaping and other such soft features within the wider available right-of-way area. In other words, with less street width to work with, the entire public area is given over to paved improvements to accomplish public access goals such as parking and pathways. This is particularly evident on 30th Avenue where the 5 to 12 feet of public right-of-way foregone (roughly 10% to 25% of the right-of-way) could be used to separate vehicular from pedestrian traffic with landscaping strips that could serve to both soften the streetscape and provide a better pedestrian experience.

Furthermore, although the outfall portion of the proposed project would replace an old rusty pipe and would be colorized to match the bluff, it could adversely impact views from the water, including the heavily used surfing area directly offshore here.

While such visual issues may not on their own rise to the level of a substantial issue, when considered in tandem with the overall issues detailed in these findings, the Commission finds that the proposed project raises a substantial issue with the Coastal Act's visual access policies and the LCP's visual resource policies cited in this finding.

C. Marine and Offshore Recreational Resources

1. Applicable Policies

Objective 5.4 Monterey Bay and Coastal Water Quality. To improve the water quality of Monterey Bay and other Santa Cruz County coastal waters by supporting and/or requiring the best management practices for the control and treatment of urban run-off and wastewater discharges in order to maintain local, state and national water quality standards, protect County residents from health hazards of water pollution, protect the County's sensitive marine habitats and prevent the degradation of the scenic character of the region.



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Objective 5.7 Maintaining Surface Water Quality. To protect and enhance surface water quality in the County's streams, coastal lagoons and marshes by establishing best management practices on adjacent land uses.

Policy 5.4.1 Protecting the Monterey Bay National Marine Sanctuary from Adverse Impacts. Prohibit activities which could adversely impact sensitive habitats of the Monterey Bay National Marine Sanctuary, including the discharge of wastes and hazardous materials. The main sources of concern are wastewater discharge, urban runoff, toxic agricultural drainage water, including that originating outside of Santa Cruz County, and the accidental release of oil or other hazardous material from coastal tanker traffic.

Program 5.4(a). Continue to coordinate with federal, state and other local agencies, including NOAA, California Coastal Commission, Regional Water Quality Control Board, and AMB AG to manage and protect the resources of the Monterey Bay National Marine Sanctuary.

Policy 5.3.1 Support the Monterey Bay Sanctuary. Support the mission of the Monterey Bay National Marine Sanctuary to facilitate the long-term management, protection, understanding and awareness of its resources and qualities.

Policy 5.4.14 Water Pollution from Urban Runoff. Review proposed development projects for their potential to contribute to water pollution via increased storm water runoff. Utilize erosion control measures, on-site detention and other appropriate storm water best management practices to reduce pollution from urban runoff.

Policy 5.7.1 Impacts from New Development on Water Quality. Prohibit new development adjacent to marshes, streams and bodies of water if such development would cause adverse impacts on water quality which cannot be fully mitigated.

Policy 5.7.4 Control Surface Runoff. New development shall minimize the discharge of pollutants into surface water drainage by providing the following improvements or similar methods which provide equal or greater runoff control: (a) include curbs and gutters on arterials, collectors and locals consistent with urban street designs; and (b) oil, grease and silt traps for parking lots, land divisions or commercial and industrial development.

Policy 7.23.1 New Development. ...Require runoff levels to be maintained at predevelopment rates for a minimum design storm as determined by Public Works Design Criteria to reduce downstream flood hazards and analyze potential flood overflow problems. Require on-site retention and percolation of increased runoff from new development in Water Supply Watersheds and Primary Groundwater Recharge Areas, and in other areas as feasible.

Policy 7.23.2 Minimizing Impervious Surfaces. Require new development to limit coverage of lots by parking areas and other impervious surfaces, in order to minimize the amount of post-development surface runoff.



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Policy 7.23.5 Control Surface Runoff. Require new development to minimize the discharge of pollutants into surface water drainage by providing the following improvements or similar methods which provide equal or greater runoff control:...(b) construct oil, grease and silt traps from parking lots, land divisions or commercial and industrial development. Condition development project approvals to provide ongoing maintenance of oil, grease and silt traps.

Because the outfall portion of the project is located seaward of the first through public road (East Cliff Drive), Coastal Act access and recreation policies are also applicable. Coastal Act Sections 30210 through 30214, 30220 through 30224, and 30240(b) specifically protect the offshore Pleasure Point surfing area. In particular:

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

Section 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.

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

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

Coastal Act Section 30240(b) also protects the offshore recreation area here. Section 30240(b) states:

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

2. County-Approved Project

The County-approved project would increase impervious surfacing in the project area (through additional pavement areas and sidewalks). All project-area runoff would be collected in a new storm drain system that would deliver the runoff through silt and grease traps and into the Monterey Bay via an outfall designed to replace the exiting outfall that currently collects runoff from East Cliff Drive and limited portions of the project area streets. The County conditioned the project for silt and grease traps upstream of the drainage outfall, and for a long-term monitoring and maintenance program for the silt and grease trap filtering mechanisms (see Exhibit B). The runoff would be directed onto a bedrock



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platform adjacent to the main Pleasure Point surfing area.

3. Consistency with Applicable LCP and Coastal Act Policies

The LCP dictates that impervious surfaces be minimized, pre-development runoff rates be maintained, and that everything possible is done to protect the water quality of Monterey Bay.

The sewer line portion of the project (i.e., replacing sewer lines under the affected street reaches) embraces these LCP goals since this segment of the Santa Cruz County Sanitation District collection system has been plagued by inflow and infiltration problems for a number of years. By replacing the lines, it is to be expected that the escape of untreated sewage (and pathogens dangerous to human and aquatic health) would be reduced.

For the drainage portion of the project, however, there are competing LCP water quality and runoff policy objectives at play here. Street improvements designed to provide on-street parking and to provide pedestrian walkways on streets not so developed tend to result in additional areas of impervious surface. That is certainly the case here. In fact, since a primary focus of the project is to better collect runoff (and improve drainage/flooding problems on the affected streets), it is difficult to assert that the subject project has minimized impervious surfacing and maintained pre-development runoff rates as required by the LCP. In fact, additional impervious surfacing and increased runoff rates are expected with the proposed project. Accordingly, an LCP conformance question is raised.

However, although the County could have considered non-traditional permeable materials for the requisite drainage and parking areas (for example, turf block, pervious pavement, vegetated filter strips, etc.), such an issue does not of itself rise to the level of a substantial LCP conformance issue. This is partly because of the need to balance these issues against the public access improvements, and partly because of the need to address serious drainage problems affecting residence along these streets because there is not a formal curb/gutter and/or drainage system here. It is also partly because of the nature of the project. The use of porous/permeable surface treatment materials (such as turf block, pavers, cobbles, etc.) which allow for some runoff infiltration, are generally reserved for less frequently used parking areas (such as emergency access roads and parking overflow areas) where heavy use and loads are not anticipated. These types of treatments are not generally recommended for primary parking and vehicular areas because of the heavy maintenance involved and the fact that automobile-related polluted runoff constituents can then percolate directly into soils (thence into groundwater seeps and ultimately to the ocean).

More troubling, however, is the fact that the runoff from these streets would be directed into the Monterey Bay National Marine Sanctuary at the site of one of the State's more famous – and heavily used – recreational surfing areas (i.e., Pleasure Point) directly offshore. The Sanctuary is home to some 26 Federal and State Endangered and Threatened species and a vast diversity of other marine organisms. Pleasure Point attracts surfers from far and wide to tackle the consistent line of surf wrapping around the headland and heading downcoast to Capitola here. As such, the Commission recognizes the marine and recreational resources involved with the proposed project as sensitive coastal resources that are of state



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and federal importance.

The increase in urban runoff directly to the Monterey Bay could negatively impact marine and recreational resources and water quality by contributing additional urban contaminants to the recreational surfing area there. Urban runoff is known to carry a wide range of pollutants including nutrients, sediments, trash and debris, heavy metals, pathogens, petroleum hydrocarbons, and synthetic organics such as pesticides. Urban runoff can also alter the physical, chemical, and biological characteristics of water bodies to the detriment of aquatic and terrestrial organisms.¹² Such impacts would be at the expense of two of the State and nation's great treasures, the Monterey Bay and the Pleasure Point surfing area. Such impacts raise questions of consistency with the above-referenced LCP and Coastal Act policies protecting these resources.

The County has addressed such runoff concerns to a degree in that the project would include silt and grease traps at two downstream locations prior to discharge into the Bay. Such traps are regularly installed by County Public Works in County projects and the County approval includes a requirement for long term maintenance of the units. Although these proposed traps would serve to filter the runoff to some degree, in light of the special resource found offshore here, it is not clear that such traps are adequately protective of coastal resources. It is Commission staff's understanding that these devices provide only a minimum amount of protection, are often problematic especially when not properly maintained, and are inadequately sized to filter larger rain events.

4. Conclusion

Due to the nature of the offshore resource at this location, the Commission finds that the most cautious runoff approach is warranted in this case to adequately protect significant Bay and recreational surfing resources. In other words, careful attention should be paid to protect the water quality of offshore Monterey Bay and Pleasure Point consistent with the protection guaranteed by the LCP and the Coastal Act. Although the silt and grease traps proposed would filter polluted runoff to a degree, there are more appropriate filtration systems available to address urban runoff pollutants in applications like this.

Therefore the Commission finds that the proposed project raises a substantial issue with the LCP and Coastal Act marine and recreational resource policies cited in this finding.

D. Community Character

1. Applicable Policies

The LCP recognizes the Live Oak beach area as a special area. The LCP states:

¹² Pollutants of concern found in urban runoff include, but are not limited to: sediments; nutrients (nitrogen, phosphorous, etc.); pathogens (bacteria, viruses, etc.); oxygen demanding substances (plant debris, animal wastes, etc.); petroleum hydrocarbons (oil, grease, solvents, etc.); heavy metals (lead, zinc, cadmium, copper, etc.); toxic pollutants; floatables (litter, yard wastes, etc.); synthetic organics (pesticides, herbicides, PCBs, etc.); and physical changed parameters (freshwater, salinity, temperature, dissolved oxygen).



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

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

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

LUP Program 8.7(c). Develop and maintain tree planting standards for new development to ensure adequate screening and softening of the effects of new buildings and to reduce the linear appearance of streets, sidewalks, and building planes.

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

2. County-Approved Project

The County-approved project would formalize the street edges of a major entry point into Pleasure Point (i.e., 30th Avenue). Although the inland portion of 30th Avenue is already formally developed with curbs, gutter and a sidewalk (on one side of the street) from inland Portola Drive to Scriver Street, the affected reach of 30th Avenue from Scriver to East Cliff Drive currently lacks a formal street edge. See County-Approved plans in Exhibit A.

3. Consistency with Applicable LCP and Coastal Act Policies

The LCP indicates that the Live Oak area as a whole is an area with "special design criteria or guidelines" (LUP Figure 8-1). Unfortunately, the implementation portion of this special design criteria has not been developed to date as the Live Oak Community Plan, despite efforts over the years (including an administrative draft of this plan as recently as 1996), remains incomplete. Within this larger Live Oak area, the Harbor Area and the East Cliff Village Tourist Area (roughly a mile to the east of the proposed project) are defined as Coastal Special Communities (LUP Policy 8.8.2) within which specific design criteria must be applied (IP Section 13.20.144 and 13.20.145); the Pleasure Point area is not so defined by the LCP. That is not to say, however, that the Pleasure Point area is not a special community area. This area has an informal, beach community aesthetic and ambiance that clearly distinguishes this area from inland commercial areas as well as the downcoast Opal Cliffs neighborhood



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towards Capitola. Though certainly in the midst of a gentrification that has intensified over the last decade, the Pleasure Point area retains its informal charm and appeal.

The LCP requires that the proposed project “be visually compatible and integrated with the character of the surrounding neighborhoods or areas” (IP Section 13.20.130(b)(1)). The formalization of 30th Avenue with curb, gutters, and a sidewalk along 30th Avenue will most certainly alter the existing aesthetic there. This is particularly the case given that the proposed design includes very linear forms as opposed to more amorphous roads and pathways, contrary to LUP guidance (LUP Program 8.7(c)). The other affected streets would be less formally altered since drainage swales would be installed and not formal street edges (i.e., curb and gutter).

The LCP protects the unique Pleasure Point community character. The County-approved project would modify this character. As the first large-scale public street improvement project in this area, the project may set the tone for future street improvement efforts. Because of this, it is important to ensure that this project maximizes public access and recreation opportunities, protects the community character, and provides a model for influencing future efforts. It can be expected that the results this project will be indicative of the future streetscape scene for Pleasure Point and Live Oak, where a number of other major planned street improvements projects in the works (including major East Cliff Drive projects).

While such community character issues may not on their own rise to the level of a substantial issue, when considered in tandem with the overall issues detailed in these findings, the Commission finds that the proposed project raises a substantial issue with the LCP’s community character policies cited in this finding.

E. Substantial Issue Conclusion

The LCP and Coastal Act protect existing public access areas, such as the subject road rights-of-way, and require public access and recreation to be maximized. Because the project does not maximize the use of the full right-of-way, potential public parking, trail, streetscape, and related public amenities are foregone. A substantial LCP conformance issue is therefore raised.

The LCP and Coastal Act protect the public viewshed in Pleasure Point. Because the right-of-way would not be fully used under the County approval, public hardscape would be confined into a limited area as opposed to breaking up such hardscape with landscaping and other such soft features within the wider available right-of-way area. Hence, a substantial LCP conformance issue is raised.

The LCP and Coastal Act protect the offshore Monterey Bay National Marine Sanctuary and the offshore Pleasure Point surfing area. Because drainage would be directed into the Pleasure Point surf area and the Sanctuary with only silt and grease traps to address polluted runoff, a substantial LCP conformance issue is raised.

The LCP protects the unique Pleasure Point community character. The County-approved project design raises questions of compatibility with the special community character in Pleasure Point; the importance



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of these questions is heightened by the potential to prejudice future street improvement efforts if the subject design is emulated in these projects. Because of this, a substantial LCP conformance issue is raised

Therefore, the Commission finds that a substantial issue exists with respect to this project's conformance with the certified Santa Cruz County Local Coastal Program and takes jurisdiction over the coastal development permit for this project.

11. Coastal Development Permit Findings

By finding a substantial issue in terms of the project's conformance with the certified LCP, the Commission takes jurisdiction over the CDP for the proposed project. The standard of review for this CDP determination is the County LCP and the Coastal Act's access and recreation policies for the outfall portion of the project seaward of east Cliff Drive. The substantial issue findings above are incorporated herein by reference.

A. Modified Approvable Project

In order to achieve a project that can be found consistent with the LCP and Coastal Act policies described in these findings, the proposed project must be modified in three important areas so as to: (1) protect and maximize public access, specifically public access parking; (2) adequately filter and treat project runoff before it is allowed to enter the offshore Pleasure Point surf area that is a part of the Monterey Bay National Marine Sanctuary; and (3) protect the community character and aesthetic of the Pleasure Point area.

A new approach versus minor modifications

There are a broad range of methods that could be applied to achieve such policy consistency in this case. These need to be understood as existing along a spectrum that on one end would disregard the engineering and plans developed to date by the County in favor of a "new approach" for the project, and on the other end would recognize the work done to date by the County as a serious attempt to improve public access that can be modified around the edges to achieve policy consistency through "minor alterations."

In the absence of formal plans for the proposed project (for example, were County and Commission staff working together on design concepts before such plans had been developed), the project could be re-envisioned using a series of design concepts that seem most appropriate to this critical public recreational area and the community's character (i.e., the "new approach" method). For example, the project could make use the following: informal sidewalks made of pervious materials (e.g., decomposed granite) meandering informally and curvilinearly through wider landscaped strips on one or both sides of street (separated by landscaping) to accomplish a more informal ambiance; a meandering curvilinear roadway prism (i.e., within the right-of-way) that serves to again soften the appearance of the road



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improvements consistent with the community aesthetic as well as to calm traffic and maintain a neighborhood scale to the improvements; diagonal parking bays with street trees and landscaped bulb-outs at uneven intervals to increase parking supply and to screen/disguise such parking at the same time; filter strips, grassy swales, and other "soft" treatment and filtration best management practices to cleanse runoff from vehicular surfaces as opposed to relying upon end-of-the-pipe engineering solutions; benches within landscape strips to provide a neighborhood scale and feel to the street; decorative street lighting; bike lanes; undergrounding of overhead utilities; and clear signage directing users to the beach, to other recreational use areas, and to parking.

Such design concepts would be more in keeping with the community character, scale, and aesthetic than would be the more rigid designs proposed in which the street would be defined by a straight-line curb and gutter, a straight-line concrete sidewalk connected to the curb and gutter, standard parallel parking along the street, and end-of-the-pipe water quality control using silt and grease traps only (see Exhibit A for proposed plans).

However, in order to implement many of such design concepts, using the full public street right-of-way would be necessary to be able to have adequate space within which to install and develop such features. More importantly, the County would need to start over with all new engineering plans and specifications. In light of the fact that a great deal of public funds have already been invested in planning for what the County has developed as a public access improvement project, and in light of the fact that many of the design concepts are judgement calls over what best describes the community character and aesthetic with which reasonable persons can disagree, the best public policy approach in this case appears to not be the "new approach" method that would scrap the project and start over, but rather the "minor alteration" method that would achieve policy consistency through minor modifications to the project. This minor alteration approach acknowledges the fact that the County has tried to develop a project consistent with character of the area, but is hamstrung by the lack of design specificity given the absence of the Live Oak Community Plan identified by the LCP as the implementing design vehicle for this area. This approach likewise acknowledges the fact that, although 30th Avenue would be completely redefined, the other affected streets are only slated for drainage improvements and not curb, gutters, sidewalks, and other more formal project elements.

While minor alterations are appropriate in this case, the Commission is not endorsing the design treatment here as appropriate for all future street improvement projects in Live Oak and Pleasure Point. The work along 30th Avenue should be seen in this case as a continuation of work done to date on 30th from Portola Drive to Scriver Street in its function as a main vertical connector from inland areas into the beach area, and not as indicative of the character, scale, and neighborhood aesthetic for which Live Oak beach area street improvements should strive (i.e., the design concepts described above); the same holds true when it comes time to define design guidelines in the Live Oak Community Plan.

Commission and County Staff Coordination on Project Modifications

Since the appeal was filed, Commission staff has been working closely with County staff from the Redevelopment Agency, Public Works Department, Planning Department, and County Counsel's office



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on the "minor modifications" that would be necessary to result in a modified approvable project. Ultimately, Commission staff and County staff agreed to project modifications that would ensure Coastal Act and LCP consistency. The recommended conditions of this approval encompass this staff level agreement; the main elements of which are described below.

Parking and signs

In terms of parking, the goal is to ensure that the public is afforded the opportunity to use the public street right-of-way along the affected streets for parking. For the 30th Avenue component of the project, this is already accomplished inasmuch as the County-approved project provides for parallel parking lanes on both sides of the street (see proposed plans, Exhibit A). For the side streets, this can be accomplished by ensuring that adequate space (roughly 8 feet) is provided on either side of the affected streets to allow for a vehicle to park. Part of the difficulty in ensuring this adequate space on these side streets is the fact that some of the public right-of-way area is occupied by private development (see public access finding for more detail). However, this problem seems more daunting than it actually is. Commission staff and County Public Works staff verified that within the project area, this could be accomplished through removing minor structures from the street frontage in 3 locations involving only 2 properties (see photos); the overwhelming majority of private development within the right-of-way would remain unaffected.

That is not to say that the Commission condones private development within the public right-of-way. Rather, the Commission recognizes that these side streets are not being fully improved with this project, only drainage improvements and re-paving. As such, the debate over the ultimate disposition of private development within the public right-of-way is better left until such time as a planning solution can be developed (for example, within the Live Oak Community Plan) and/or major street improvement projects are undertaken that formally define the edge of the public space; particularly if in the interim the public's ability to park along these side streets is not compromised.

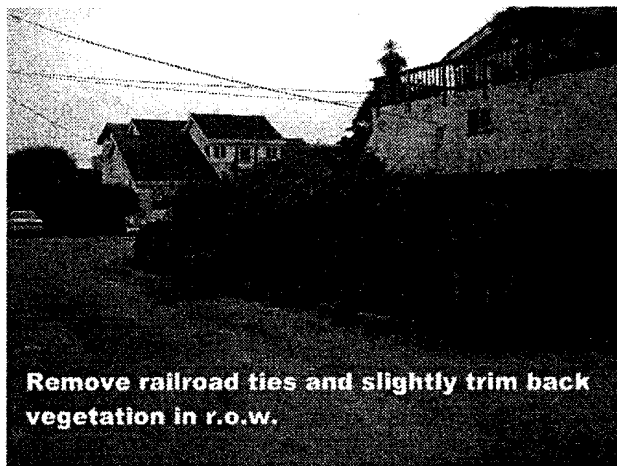
In order to ensure that the public parking area is clearly defined, street striping (heretofore planned only for 30th Avenue) needs to be extended onto the side streets as well. In this way, (and in tandem with the parking directional signs that already exist in many locations within Live Oak informing visitors that they can park to the right of the white lines), it is clear to the public that the space to the right of the stripe is public right-of-way that can be used on a first-come, first-serve basis for public parking. Signs at the intersections within the affected street area will ensure that the parking-striping connection is clear to all who use the affected streets and represent an extension of what the County already does within the Live Oak beach area.



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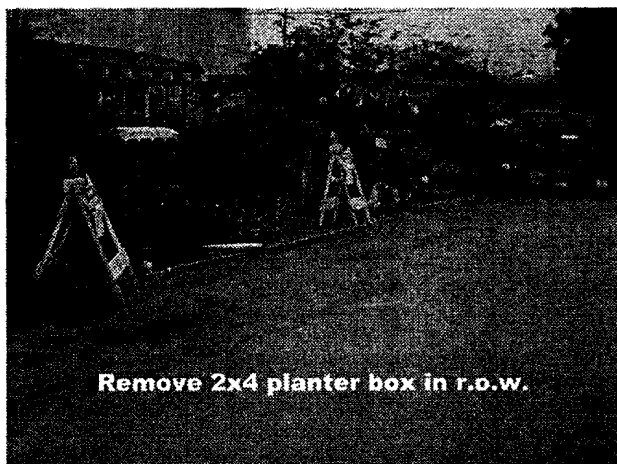
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Remove railroad ties and slightly trim back vegetation in r.o.w.

Any privately-posted signs that indicate “no parking,” “tenant parking only,” “tow-away zone” and other similar sentiments designed to restrict public parking must be removed to the extent they are directed to the public right-of-way. Adequate explanation will be required to retain any County-posted signs that restrict parking (e.g., to ensure access to a fire hydrant); otherwise such signs shall likewise be removed.

This approval does not authorize any extension of the Live Oak preferential parking program into the affected area. To the extent this preferential parking program is authorized by a valid coastal development permit, this approval does not affect this program.¹³



Remove 2x4 planter box in r.o.w.

Also, appropriate signs to identify 30th Avenue as a public access route to the shoreline from inland Portola Drive will ensure that visitors are adequately directed to the beach recreational area, and are not forced to circulate through the beach neighborhoods unnecessarily to determine their location relative to the shoreline.

And finally, so that it is clear that the public parking spaces are within the public right-of-way, a notification letter needs to be sent to all property owners and residents along the affected streets describing the extent of the public right-of-way for each street, the need to maintain the 8 foot public parking area to the right of the white striping on the affected streets, and the need to keep the area free of privately-posted signs that act to restrict public parking in the public right-of-way.

As such, and only as so conditioned, the project can be found consistent with the applicable LCP and Coastal Act public access policies detailed in these findings. See Special Conditions 1, 2, and 4.



Remove secondary fence in r.o.w.

Commission staff is currently researching the permitting history of the LOPP to determine the parameters under which such program operates. As of the date of this staff report, the permit status of the preferential parking program in the Live Oak beach area is unclear.



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It should be noted that 33rd Avenue is addressed differently than the other side streets in the modified project. The County indicates that 33rd Avenue is not a County maintained roadway. This means that the County does not consider 33rd Avenue to be County property. However, the County has not to date done the legal research to determine whether this is the case. Absent verification that 33rd Avenue is not a public roadway, the Commission's rebuttable presumption is that this is public property just like the other streets in the Pleasure Point area. That said, the physical constraints on 33rd dictate a different approach than the other affected side streets. First, unlike the other streets, the right-of-way at 33rd is limited to 25 feet; it serves as more of an alley than a through street. Because of this, available space within which to accommodate parking is extremely limited. Given the alley-like nature of this street and the unresolved property ownership issues, the 8-foot wide parking space requirement would not apply to 33rd. Modifications would be limited to parking signage at its intersections with East Cliff Drive and Hawes Drive.

Runoff into the Pleasure Point Surf area and the MBNMS

Since the starting point is the project plans and engineering specifications developed to date by the County, there is insufficient space within which to install filter strips, grassy swales, and other "soft" treatment and filtration best management practices to cleanse runoff from vehicular surfaces. Because of these imposed constraints, County and Commission staff concurs that an end-of-the-pipe engineering solution is the best approach in this particular case. The County indicates that the project has been split into two sub-watersheds with drainage directed to the bluff edge at the Pleasure Point surf area.

After consultation, County and Commission staff agreed that it would be a valuable test to install two different end-of-the-pipe treatment and filtration devices, one for each sub-watershed, and to compare the water-quality effectiveness of these devices against each other as well as the County's standard silt and grease trap and an unfiltered outlet. Since there is a drainage basin immediately adjacent that drains into the Pleasure Point surf area and the Sanctuary through a silt and grease trap, and there is also an separate unfiltered discharge point next to that, a comparative monitoring study could be undertaken that would be based on very similar runoff constituents and drainages. The intent would be to better understand the water quality benefits achieved for each of the three engineered devices, and the costs, including maintenance, necessary to achieve them. In other words, the monitoring program will include a cost-benefit analysis of the different device options being tested.

Towards this end, it was agreed that devices that filtered and treated runoff as opposed to acting simply as settling and/or detention basins would be chosen for each of the two sub-watersheds. To date, County and Commission water quality staffs have agreed to the specifications for one of these devices and are working closely together to identify appropriate specifications for a second device. The intent would be for the second device to filter and treat runoff in a different manner than the first device so as to maximize the value of the comparative monitoring. Monitoring would take place over the course of 5 years. All of these provisions are reflected in Condition #3.

As such, and only as so conditioned in order to protect the water quality of offshore Monterey Bay and Pleasure Point consistent with the protection guaranteed by the LCP and the Coastal Act, the project can



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be found consistent with the applicable LCP and Coastal Act marine and recreational resource policies detailed in these findings. See Special Condition 3.

Modified Approvable Project Conclusion

The Live Oak beach area overall, and the Pleasure Point area in particular, are coastal recreational resources of great local and regional importance. Parking is extremely difficult in this area, and recreational amenities and improvements (such as through trails/sidewalks) are in high demand. Publicly available property with which to construct such improvements is lacking; rising coastal land costs assure that this lack of available public lands will continue to be an issue in this area. This is particularly true in the subject Pleasure Point area. The LCP contains multiple policies and programs detailing the need for access and recreational enhancement and maximization in the Live Oak beach area; the Coastal Act likewise supports and embraces such goals.

Within this LCP and Coastal Act access context, street improvement projects (such as this) must maximize use of Live Oak beach area public lands for public purposes. In other words, the full extent of the public's right-of-way should be protected and used for the public good. Moreover, such improvements should be sensitive to the neighbor community character and aesthetic. Every effort also should be taken to cleanse urban runoff to adequately protect significant Monterey Bay Sanctuary and recreational swimming and surfing resources.

To ensure LCP and Coastal Act consistency, conditions are included to maximize public access and recreation opportunities as directed by the certified County LCP and the Coastal Act. This is achieved by ensuring public parking on both sides of the affected streets, installation of public parking signage and striping, removal of limited private encroachments in the public right-of-way, and notification to affected property owners regarding the true extent and public nature of the affected street rights-of-way. In addition, all runoff from the project is required to be filtered and treated by an engineered filtration system in conjunction with a comparative performance monitoring program.

By conditioning the proposed project in all of these ways, the Commission finds that the project can be found consistent with the certified Santa Cruz County LCP and the access and recreation policies of the Coastal Act as applicable. All other conditions imposed on the project under an authority other than the Coastal Act remain in full force and effect. See Special Condition 5.

B. 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.



Appeal A-3-SCO-00-076 Staff Report

Pleasure Point Road Improvements

Page 39

Santa Cruz County issued a mitigated Negative Declaration for the proposed project in January 2000. Commission staff commented on the project at that time and raised the same issues discussed in these findings (see Exhibit E for staff letter). County staff responded to Commission staff's comment letter, but the project was not altered to adequately address the identified concerns (see County response letter Exhibit F). Ultimately, the adopted County staff report indicates that the County Planning Department shared many of the same concerns identified by Commission staff, but that the limited scope of the project did not allow for these issues to be addressed (see page 3 of the County staff report on the project, Exhibit B). Ultimately, on March 17, 2000, the Negative Declaration was certified by the Board of Supervisors when they approved the proposed project.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. As discussed in this staff report, there are both feasible alternatives and feasible mitigation measures available to substantially lessen significant adverse effects on public access, public recreation, visual resources, marine resources, and community character and aesthetics due to the proposed project. Accordingly, the project is being approved subject to conditions which implement the mitigating actions required of the Applicant by the Commission (see Special Conditions). As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.

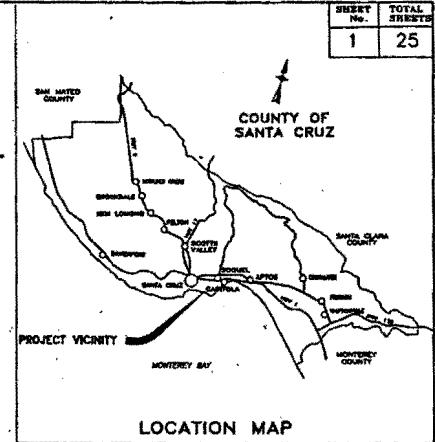


COUNTY OF SANTA CRUZ
DEPARTMENT OF PUBLIC WORKS

PROJECT PLANS FOR CONSTRUCTION OF A
REDEVELOPMENT AGENCY AND SANITATION DISTRICT
FUNDED PROJECT

30th, 32nd & 33rd AVENUE
STORM DRAIN, SANITARY SEWER
AND SIDEWALK IMPROVEMENTS

To be supplemented by Standard Plans dated July, 1999



SHEET No.	TOTAL SHEETS
1	25

INDEX OF SHEETS

SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	TYPICAL SECTIONS
3-12	PLAN AND PROFILES
13	STORM DRAIN PROFILES
14	DETAILS
15	EXISTING UTILITIES
16	CROSS SECTIONS
17	STRIPING PLAN
18-24	SANITARY SEWER PLAN AND PROFILES
25	WATER MAIN PLAN AND PROFILE

APPLICABLE STANDARD PLANS

COUNTY OF SANTA CRUZ DESIGN CRITERIA

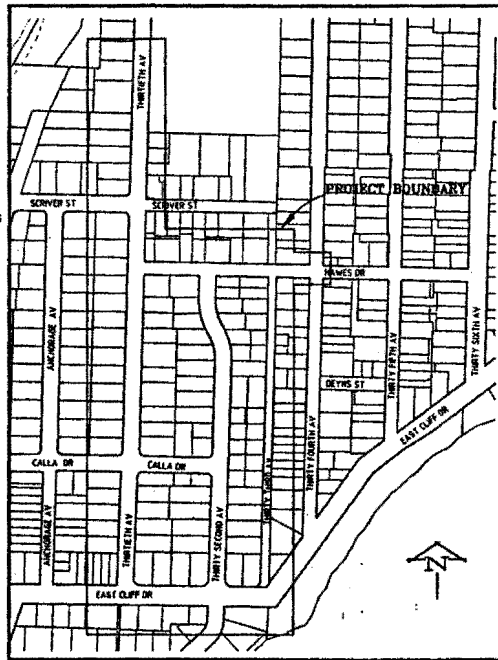
FIGURE ST-4a	CURB, GUTTER, SIDEWALK, AND DIKE DETAILS
FIGURE ST-4b	UNDER SIDEWALK DRAIN
FIGURE ST-5	CONCRETE CROSS GUTTER
FIGURE ST-8a,8c	TYPICAL DRIVEWAY DEPRESSION
FIGURE ST-8b	CURB RAMPS
FIGURE ST-10	PAVEMENT GRINDING DETAIL
FIGURE ST-12	SIDEWALK TRANSITION AT OBSTRUCTION
FIGURE ST-13	ROAD BUMP
FIGURE SD-9	COUNTY STANDARD GO INLET
FIGURE SD-10	FRAME AND GRATE
FIGURE SD-11	STORM DRAIN TRENCH BACKFILL
FIGURE SD-14	STORM DRAIN MANHOLE
FIGURE SD-15	GREASE & SALT TRAP
FIGURE SS-2A	LONGITUDINAL TRENCH BACKFILL
FIGURE SS-2B	CROSS TRENCH BACKFILL FOR LATERALS OR SEWER STRUCTURES
FIGURE SS-4	STANDARD MAIN MANHOLE FOR 400mm OR SMALLER LINES
FIGURE SS-6	DROP MANHOLE CONNECTION
FIGURE SS-10	STANDARD CLEANOUT
FIGURE SS-12	SEWER LATERAL CONNECTION
FIGURE SS-21	SEWER LATERAL AND MAIN RECONNECTION OR REPAIR

GENERAL NOTES

- All Figure references refer to standard drawings in the current edition of the "County of Santa Cruz Design Criteria".
- No changes in the approved project plans shall be made without prior approval of the Engineer.
- The existing underground utilities are shown based on information supplied by the utility companies. The Contractor is to field verify any possible conflicts, and notify the Engineer of any conflicts found.
- Prior to the start of construction, the Contractor shall notify the Pacific Gas and Electric Company (PG&E). Relocation of gas service lines will be done by PG&E.
- All construction activities shall be limited to the hours of 7:30 AM to 4:30 PM weekdays.
- Exposed dirt surfaces shall be wetted down periodically to minimize dust generation during the construction.
- All stationing refers to the control line as shown on these plans.
- Existing water service lines to be relocated shall be coordinated with and relocated by the Santa Cruz Water Department. Please provide 48 hours minimum notice for 19 mm (3/4") and 25 mm (1") water service relocations and 2 week minimum notice for 100 mm (4") water. Call Santa Cruz Water Department, 420-3200.

Contact Underground Service Alert (USA)
at least 48 hours prior to construction,
existing UTILITIES marked in the field,
or elevations may be adjusted by the Engineer
a. traffic lane, not less than 3.0 meters (10 feet) wide,
as by public traffic in each direction of travel on
road, except that one traffic lane may be
or construction. Alterations to handling
adopted unless approved in writing by the
initial plans for closures shall be submitted
working days in advance.
relocated by the appropriate utility
a location will be 300 mm (1.0 foot) behind
hind the new sidewalk, at the discretion of the

located such that there is a minimum of 50 millimeters
clearance between the back of walk, curb or avale,
c.



VICINITY MAP

NOT TO SCALE

ABBREVIATIONS

AB	Aggregate Base
AC	Asphalt Concrete
AS	Aggregate Subbase
BC	Begin Curve
BVC	Begin Vertical Curve
B/W	Block of Storm
CAW	Centerline
CC	Center Line
CCS/W	Centerline, Gutter, and Sidewalk
CL	Close
CUL	Culvert
CMP	Corrugated Metal Pipe
CSP	Corrugated Plastic Pipe
DI	Drop Inlet
DM	Dimension
DS	Driveway
EL	Elevation
EP	Edge Placement
DR	End Return
DVC	End Vertical Curve
EX	Existing
FN	Fire Hydrant
F/S	Figure
F	Flange
FS	Face of Sidewalk
G	Gas
GB	Groin Break
GP	Gas Pipe
OR	Grade
W	Weight
J	Jack Pipe
L	Length
LF	Linear Feet
LP	Light Pole
LC	Left of Control Line
LI	Intersection
MS	Manhole
MAN	Manhole
MON	Manhole
OC	On Center
POC	Point of Compound Curvature
P	Property Line
PP	Power Pole
PRVC	Point of Reverse Vertical Curvature
PVC	Point of Vertical Curvature
PM	Point of Vertical Intersection
R	Radius
RC	Reinforced Concrete Pipe
R/C	Right of Control Line
R/S	Right of Way
S	Stone
SC	Sanitary Sewer
SS	Sanitary Sewer
SS	Sanitary Sewer
ST	Station
S/S	Sanitary Sewer
S/S	Sanitary Sewer
T	Telephone
TC	Top of Curb
TG	Top of Grade
TOP	Top of Footing
TOP	Top of Footing
TP	Telephone Pole
TY	Type
UC	Underground
VC	Vertical Curve
W	Water
WM	Water Meter
W	Water Valve

PROJECT BENCHMARK

COUNTY BENCHMARK #244 EL.=9,144 METERS

LOCATED AT THE INTERSECTION OF E. CLIFF DR. & 30TH AVE., 7.83 METERS NORTH OF THE PAINTED C/L OF E. CLIFF DR. & 6.86 METERS EAST OF THE PAINTED C/L OF 30TH AVE., STANDARD COUNTY BRASS CAP STAMPED E.C. 3.

Carl Ron
Redevelopment Engineer
Registered Civil Engineer



Thomas Polaris
Assistant Director of Public Works
Registered Civil Engineer



Charles A. Jones Jr.
Assistant Director of Public Works
Registered Civil Engineer



John A. Smith
Director of Public Works
Registered Civil Engineer



Mark W. Wainwright
Chair, Board of Supervisors



MAY 2, 2000
Plans Approval Date

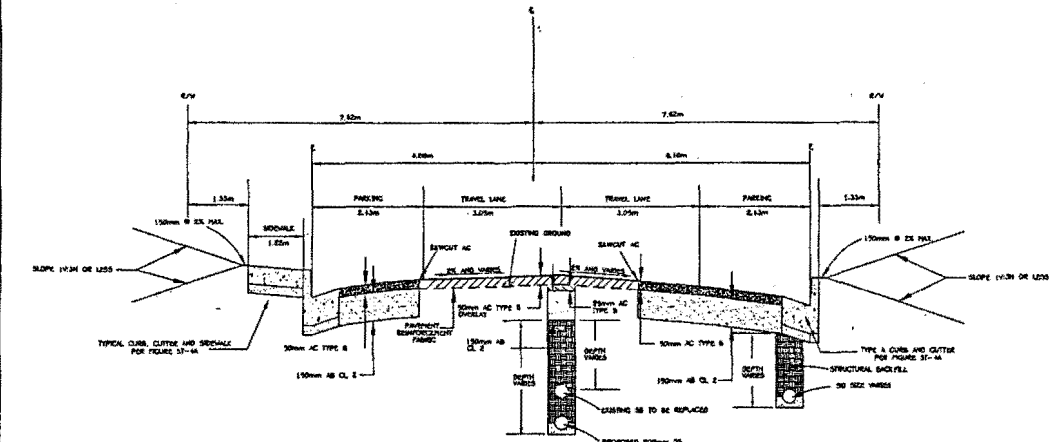
Bids Open MAY 23, 2000 Contract No.



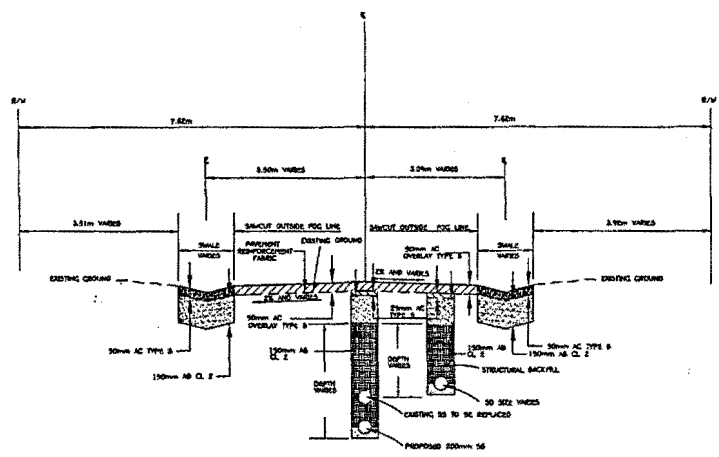
FOR REDUCED PLANS
ORIGINAL SCALE IN MILLIMETERS

CONSTRUCTION APPROVAL: *[Signature]*
 OPERATIONS APPROVAL: *[Signature]*
 EXHIBIT NO. A
 APPLICATION NO. A-3-00-76
 Storm Drain, Sewer & Sidewalk Plans
 PG 107-13
 California Coastal Commission

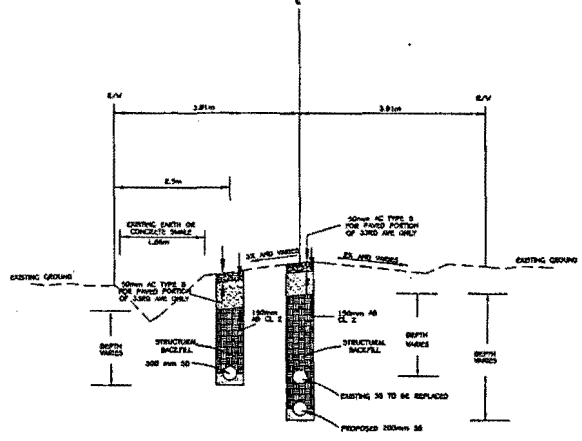
A-2



TYPICAL SECTION
30TH AVENUE



TYPICAL SECTION
32ND AVENUE, CALLA DRIVE AND HAWES DRIVE



TYPICAL SECTION
33RD AVENUE

FOR REDUCED PLANS ORIGINAL SCALE IN MILLIMETERS 0 20 40 60 80

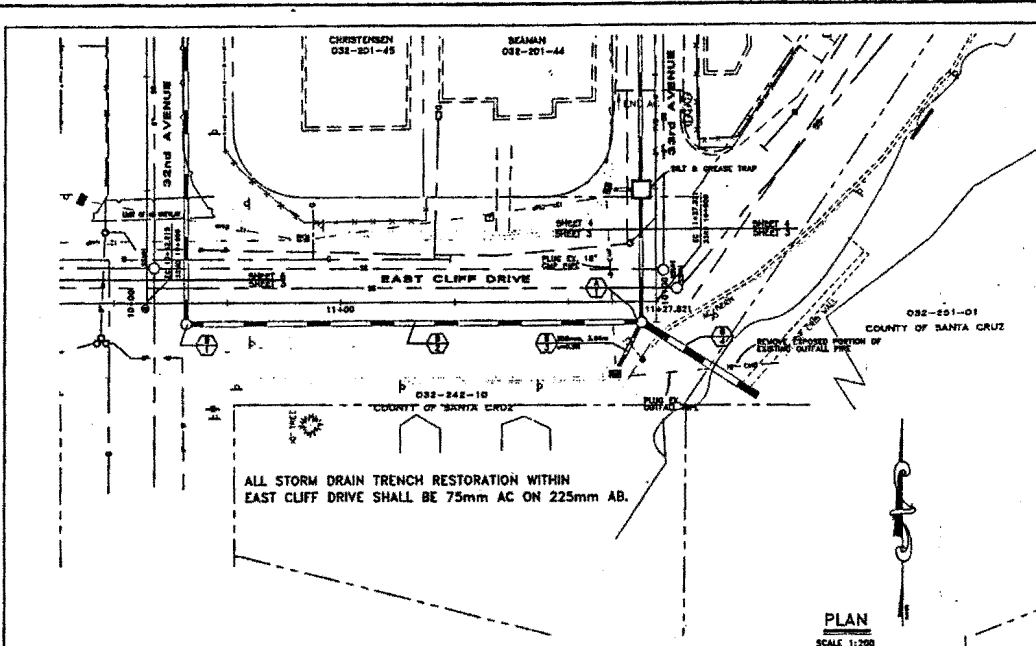
SHEET NAME: TYP. SECTIONS

DRAWING NAME: 30's

DATE	DESIGN
PROJECT ENGINEER	LOUISE B. DION
COUNTY OF SANTA CRUZ - DEPARTMENT OF PUBLIC WORKS	30TH, 32ND AND 33RD AVENUES TYPICAL SECTIONS
DRAWN LBD	
CHECKED: CDR	
DATE: 4/00	
SCALE: N.T.S.	
JOB NO.	
SHEET	
2 of 25	

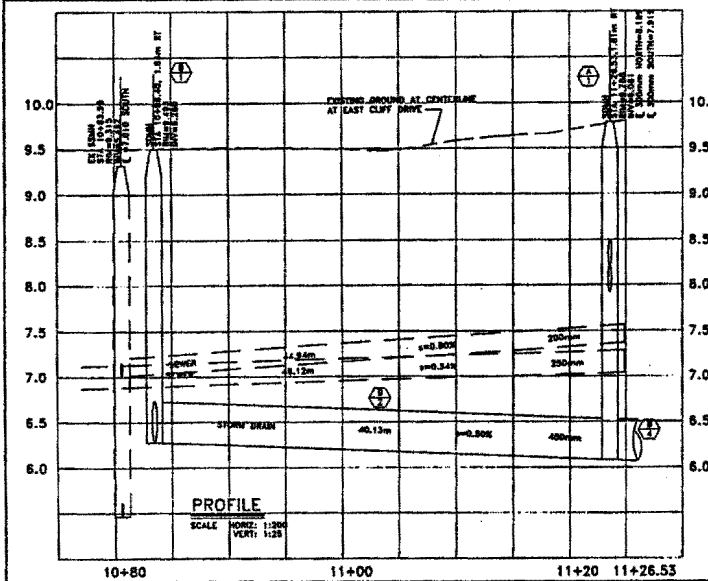
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A-3

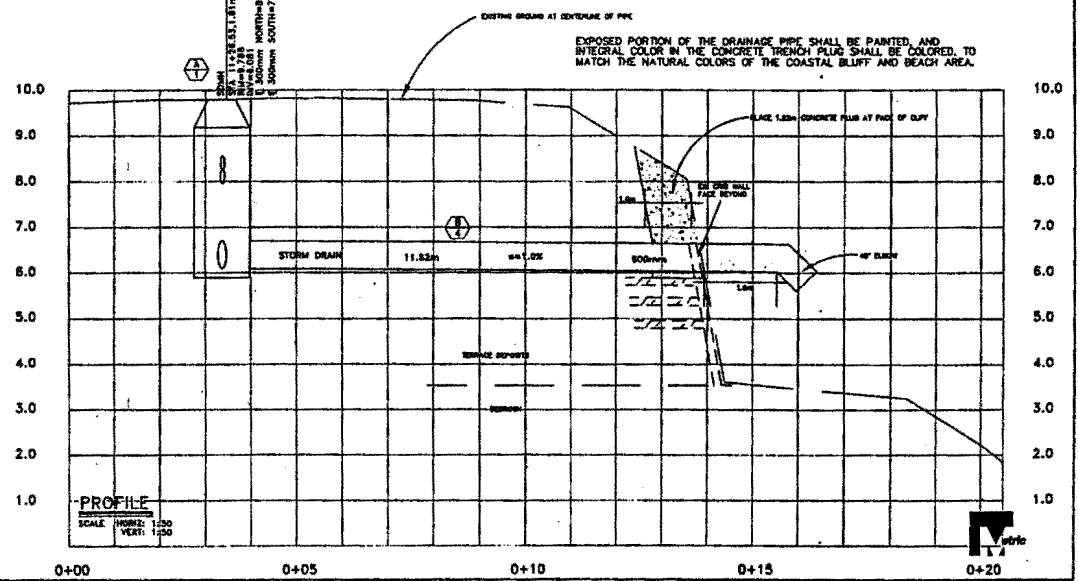


- ### EROSION CONTROL NOTES
1. OUTFALL & EROSION CONTROL DESIGN PER GEOTECHNICAL RECOMMENDATIONS OUTLINED IN THIS PLAN AND A DETAILED PLAN REFERRED TO BY THIS PLAN SHALL BE IN ACCORDANCE WITH COUNTY OF SANTA CRUZ DESIGN CRITERIA FIGURE 20-11 AND BE CONDUCTED IN A MANNER SUCH THAT LOOSE SOIL WILL NOT IMPACT BEACH ENVIRONMENT. SOILS GENERATED DURING TRENCHING SHALL BE REMOVED FROM THE SITE.
 2. EROSION CONTROL MEASURES WILL CONTROL SITE EROSION, PREVENT SEDIMENT TRANSPORT OFF THE SITE, CONFORM WITH THE SANTA CRUZ COUNTY EROSION CONTROL ORDINANCE AND BE COMPLETE BY OCTOBER 15.
 3. RESTORATION TO NATURAL VEGETATION WILL BE INITIATED WITHIN THE AREA OF CONSTRUCTION.
 4. LANDSCAPING, GRASSING AND SOILWORKING WILL NOT TAKE PLACE BETWEEN OCTOBER 15 AND APRIL 15.
 5. ALL DEREGULATED AREAS SHALL BE REVEGETATED AS FOLLOWS PRIOR TO OCTOBER 15:
 - A. REMOVE ALL VEGETATIVE BEERS FROM SURFACE.
 - B. INVOUNCE TO GROWTH OUT THE SOFT SURFACE.
 - C. SEED THE ENTIRE BARE SURFACE WITH THE FOLLOWING EROSION CONTROL MIX AT A RATE OF 1400 LBS PER ACRE (OR FOLLOWS PER ACRE): "BLANDED" BROME GRASS, RYE GRASS (PELLET IMMOBILIZED) 2%, CRACKWATER RED PEGGUE 1%, JORDAN ANNUAL PEGGUE (THREE) AND HEDGERAMERS (THREE).
 - D. AMMONIUM PHOSPHATE SURFACE FERTILIZER (16-20-0 WITH 10 UNITS OF SULFUR) SHALL BE SPREAD AT A RATE OF 500 LBS PER ACRE (OR FOLLOWS PER ACRE) SOON AFTER SEEDING.
 - E. COVER THE ENTIRE SURFACE WITH STRAW MULCH AT A MINIMUM DEPTH OF 30MM (2 INCHES).

PLAN
SCALE 1:200



PROFILE
SCALE HORIZ: 1:300
VERT: 1:25



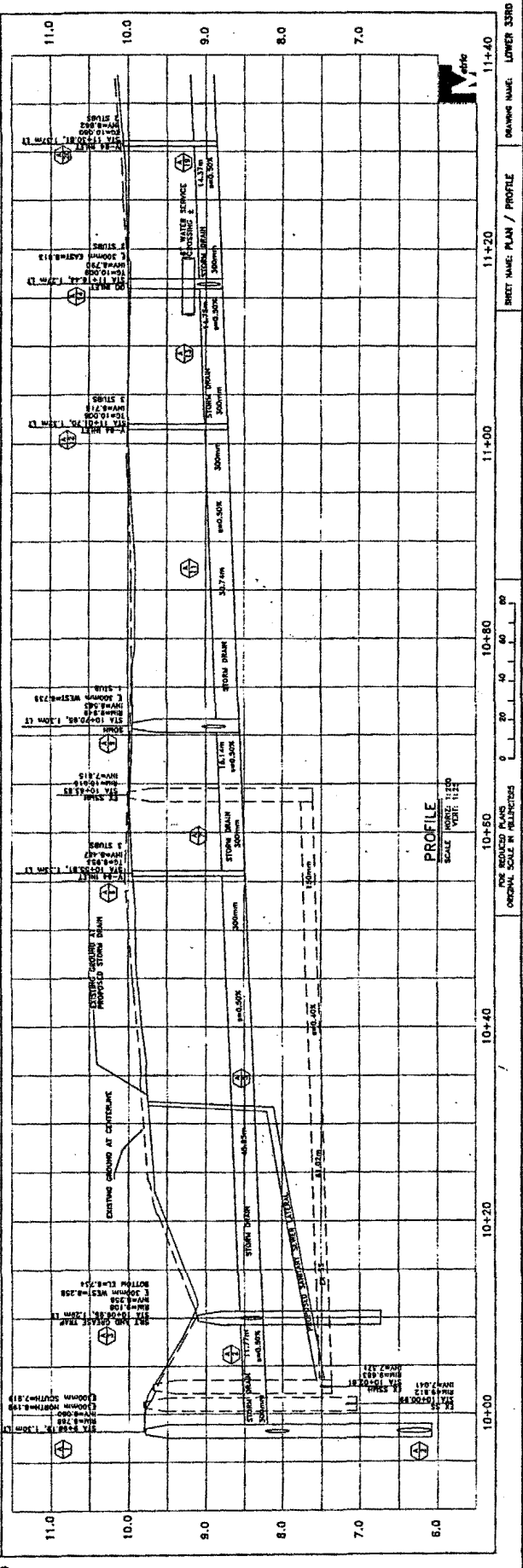
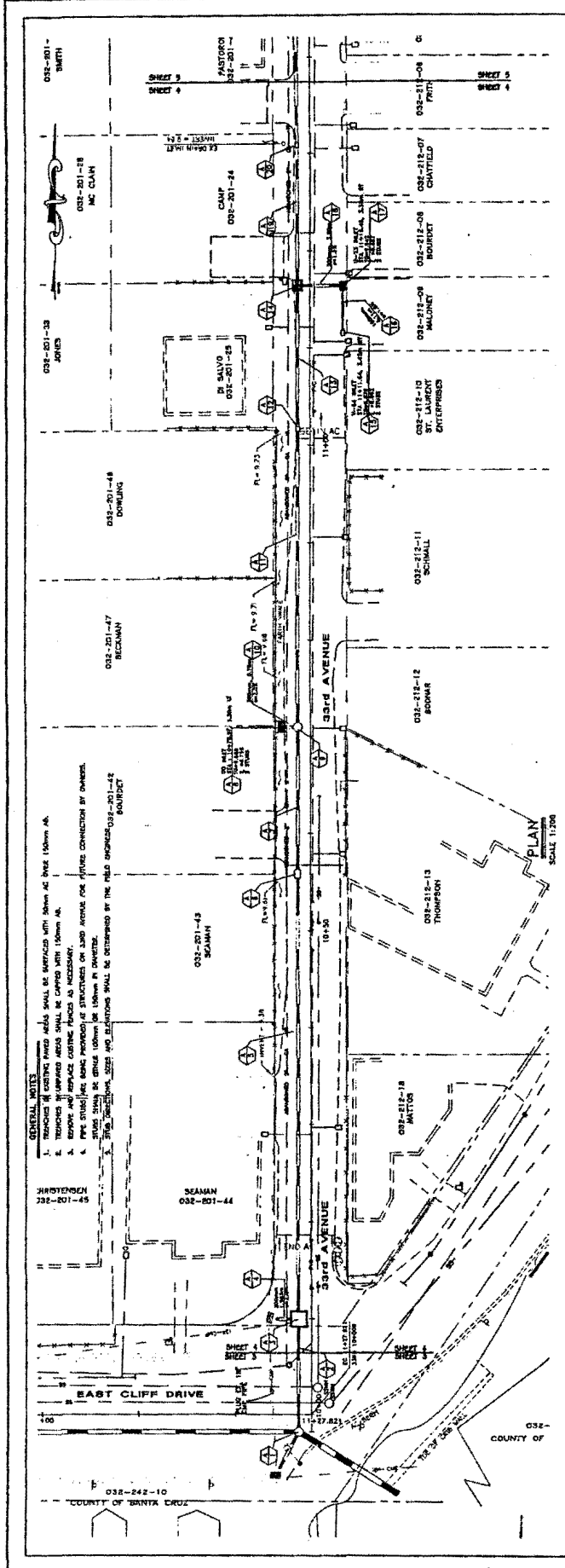
PROFILE
SCALE HORIZ: 1:300
VERT: 1:25

FOR REDUCED PLANS
ORIGINAL SCALE IN MILLIMETERS

SHEET NAME: PLAN/PROFILE
DRAWING NAME: EOB/OUTFALL

DATE	REVISION
PROJECT ENGINEER	LOUISE B. DION
COUNTY OF SANTA CRUZ - DEPARTMENT OF PUBLIC WORKS	30TH, 32ND AND 33RD AVENUE EAST CLIFF DRIVE AND OUTFALL
DRAWN: LBD	CHECKED: CDR
DATE: 4/00	SCALE: AS SHOWN
JOB NO.	SHEET
	3 of 25

09 30713



- GENERAL NOTES**
1. TRENCHES IN EXISTING PAVED AREAS SHALL BE SURFACED WITH 8" OR 150mm A.S.
 2. TRENCHES IN UNPAVED AREAS SHALL BE CAPPED WITH 150mm A.S.
 3. EXISTING AND PROPOSED CURBS SHALL BE CONSTRUCTED AS NECESSARY.
 4. PAVEMENT SHALL BE CONSTRUCTED TO MATCH EXISTING PAVEMENT ON ADJACENT LOTS.
 5. ALL STRUCTURES SHALL BE CONSTRUCTED TO MEET THE REQUIREMENTS OF THE LATEST EDITIONS OF THE S.W.P.A. AND THE S.W.P.A. SHALL BE DETERMINED BY THE FIELD ENGINEER.
 6. THE S.W.P.A. SHALL BE DETERMINED BY THE FIELD ENGINEER.
 7. THE S.W.P.A. SHALL BE DETERMINED BY THE FIELD ENGINEER.
 8. THE S.W.P.A. SHALL BE DETERMINED BY THE FIELD ENGINEER.
 9. THE S.W.P.A. SHALL BE DETERMINED BY THE FIELD ENGINEER.
 10. THE S.W.P.A. SHALL BE DETERMINED BY THE FIELD ENGINEER.



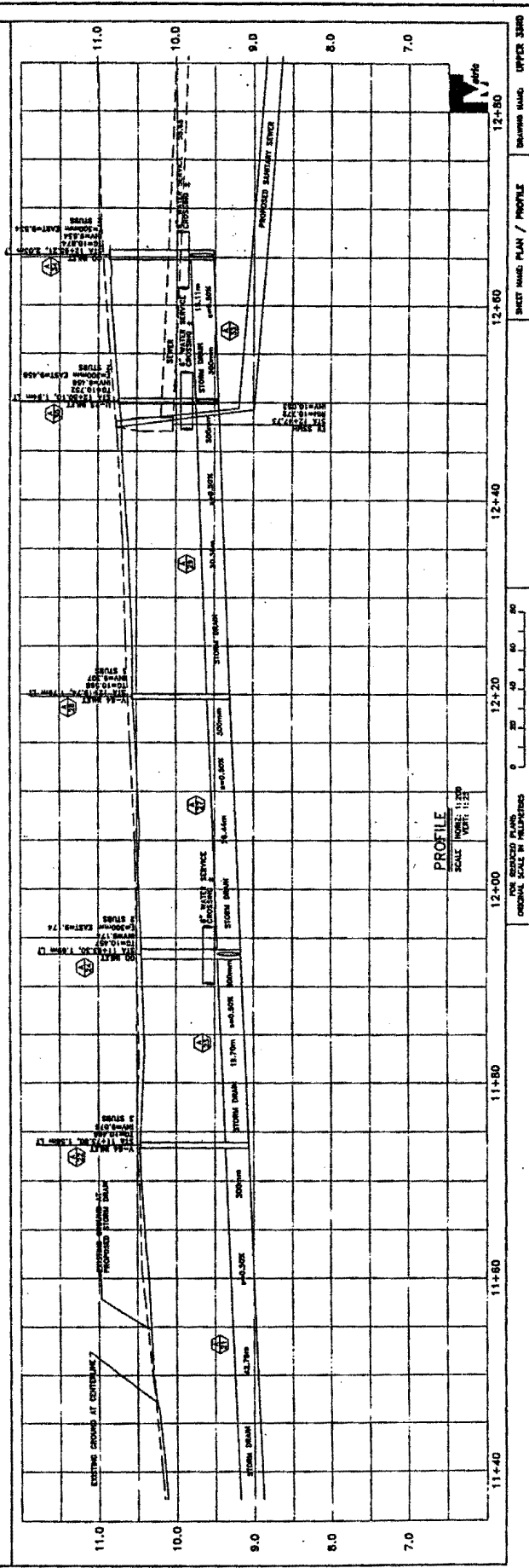
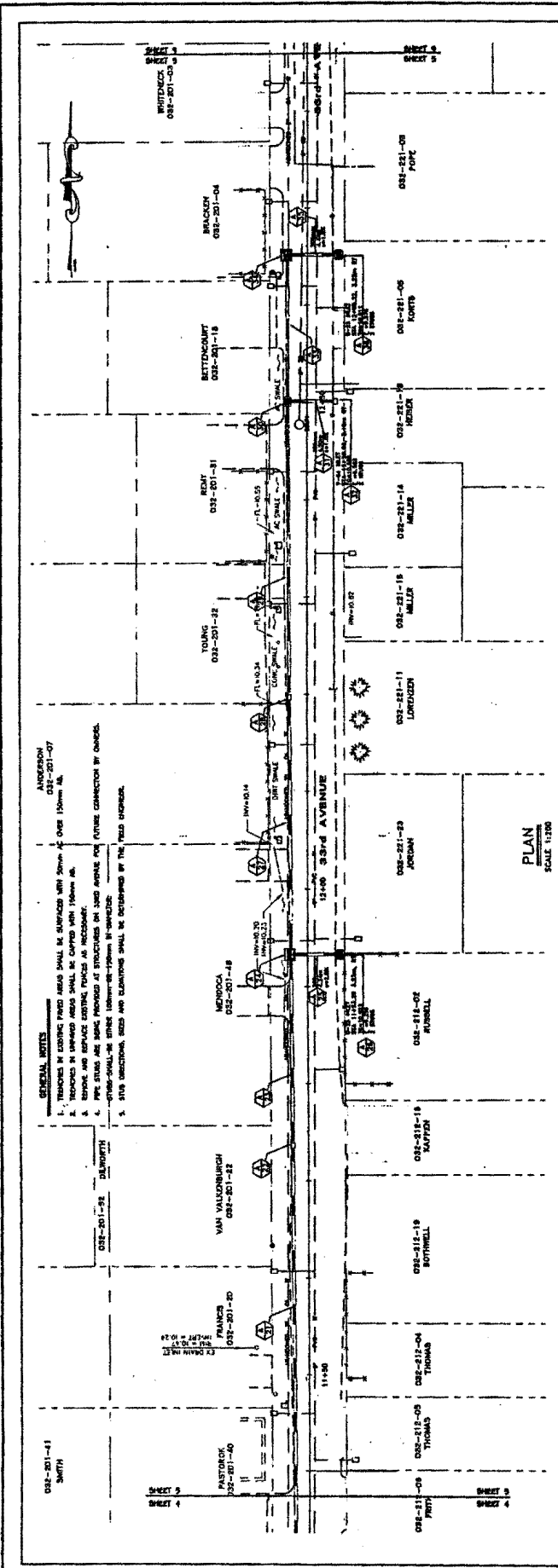
PROJECT ENGINEER
LOUISE DION

COUNTY OF SANTA CRUZ - DEPARTMENT OF PUBLIC WORKS
33RD AVENUE
STORM DRAIN IMPROVEMENTS

DRAWN: LBD
CHECKED: CDR
DATE: 4/00
SCALE: HORIZONTAL 1"=20'
SCALE: VERTICAL 1"=2'

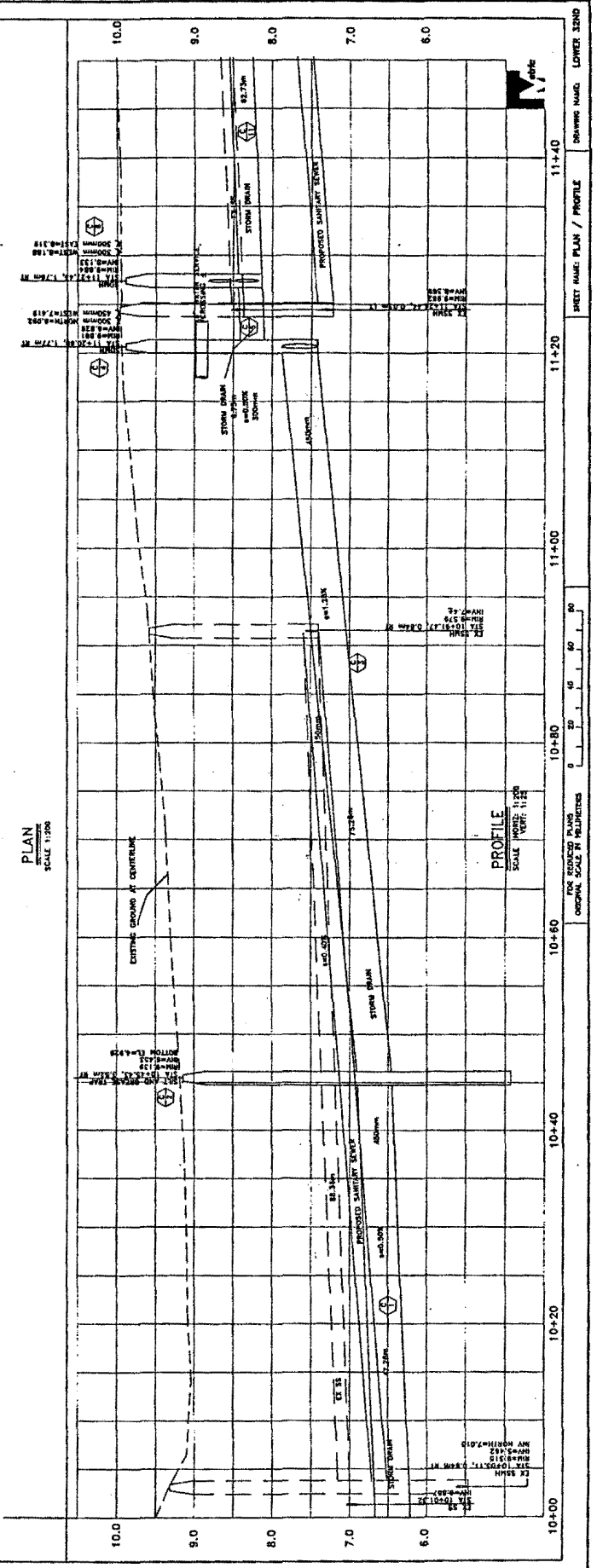
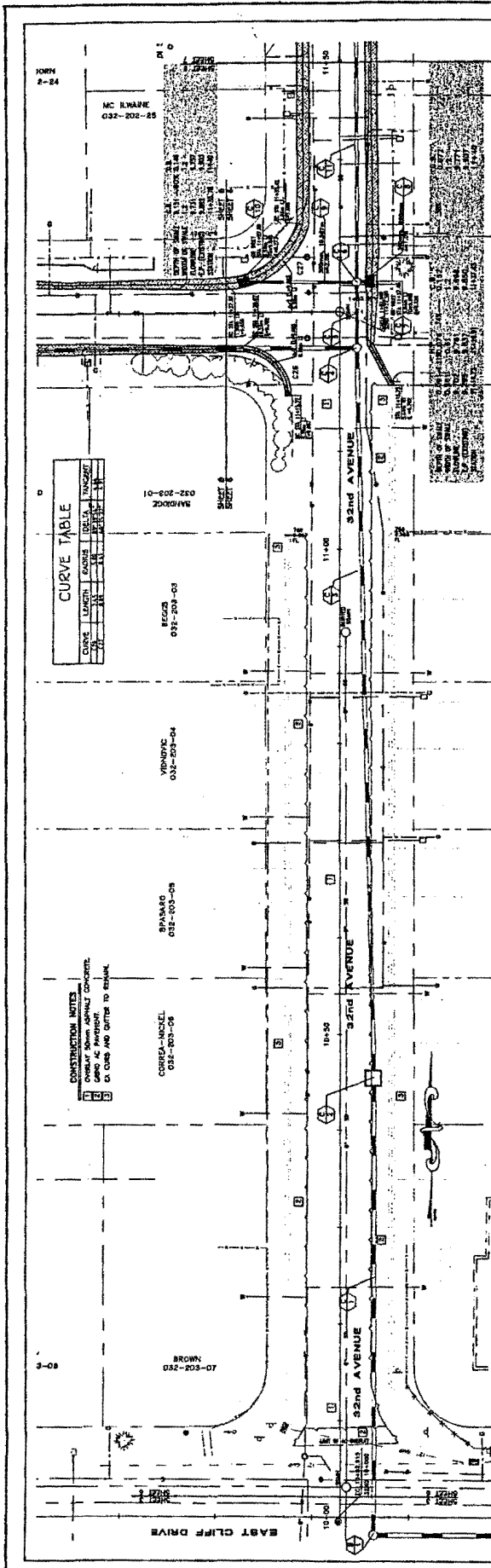
JOB NO.
SHEET
5 of 25

- GENERAL NOTES**
1. TRENCHES IN EXISTING PAVED AREAS SHALL BE SURFACED WITH 2" OVER 150mm AG.
 2. TRENCHES IN UNPAVED AREAS SHALL BE CURBED WITH 150mm AG.
 3. EXISTING AND REPLACE EXISTING PAVEMENT AS NECESSARY.
 4. PIPE SIZES ARE BASED ON PROPOSED AT STRUCTURES ON 33RD AVENUE FOR FUTURE CONNECTION BY OWNER.
 5. ALL STRUCTURES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE SDG&E SPECIFICATIONS.



A-5

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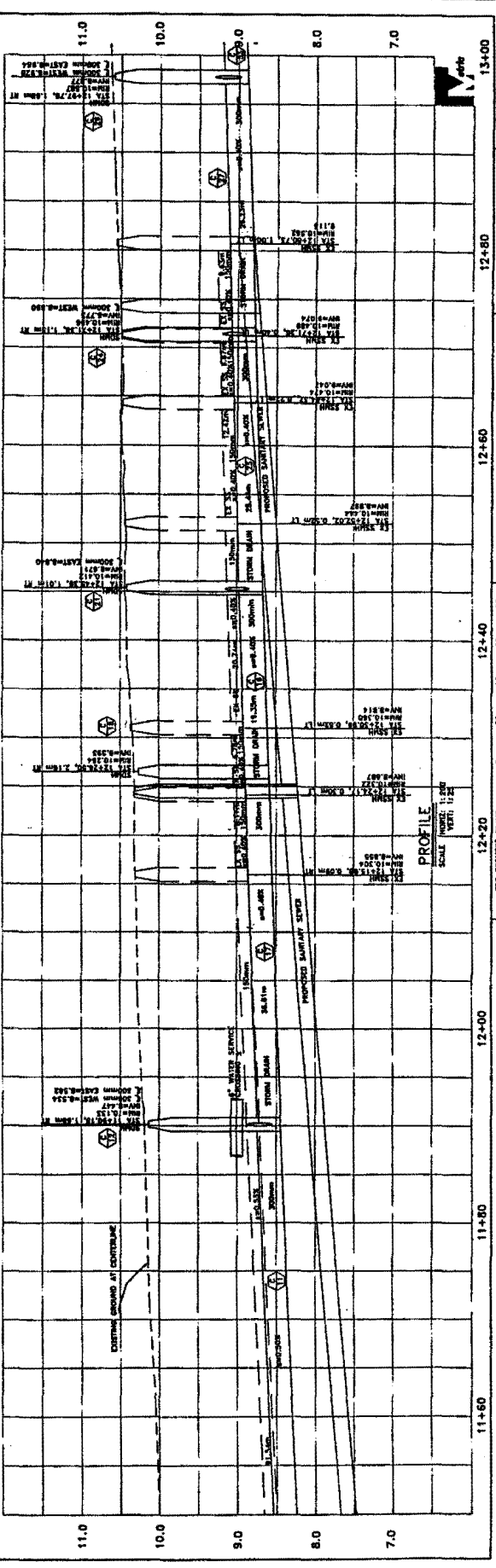
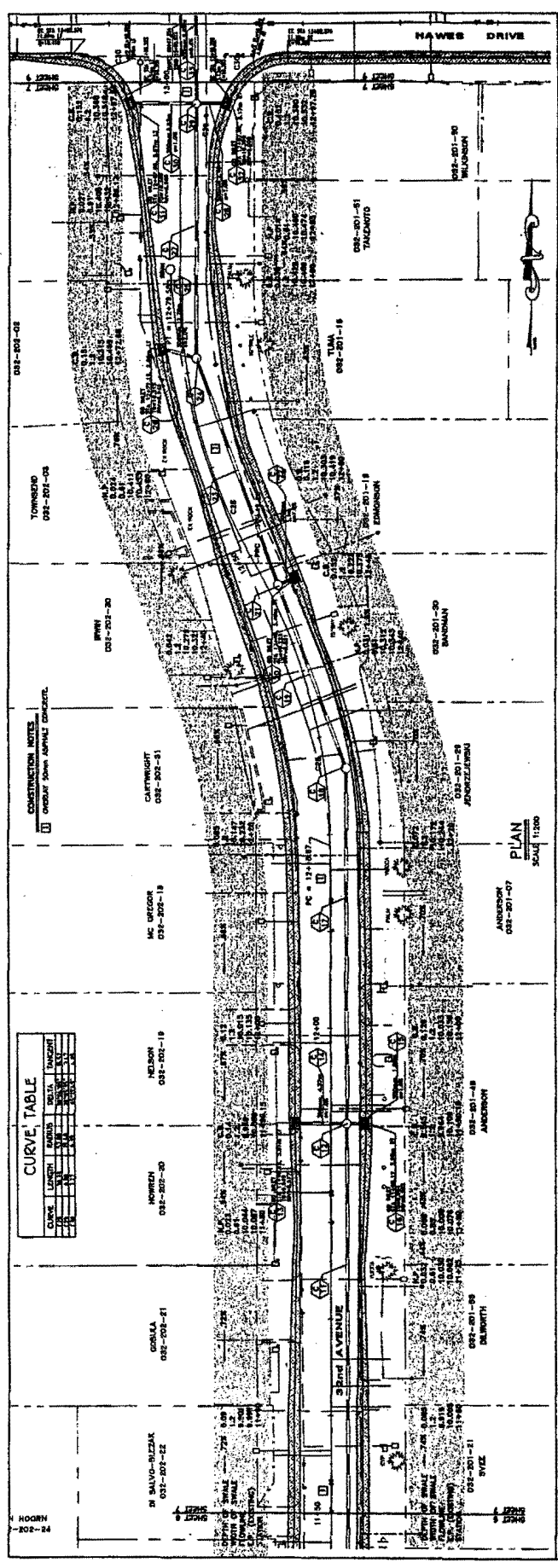


PROJECT ENGINEER
LOUISE B. DION

COUNTY OF SANTA CRUZ - DEPARTMENT OF PUBLIC WORKS
32ND AVENUE
SWALE AND STORM DRAIN IMPROVEMENTS

DRAWN LBD
CHECKED CDR
DATE 4/06
NUMBER TISB0
SHEET NO. 103
APP. NO.

7 of 25
SHEET

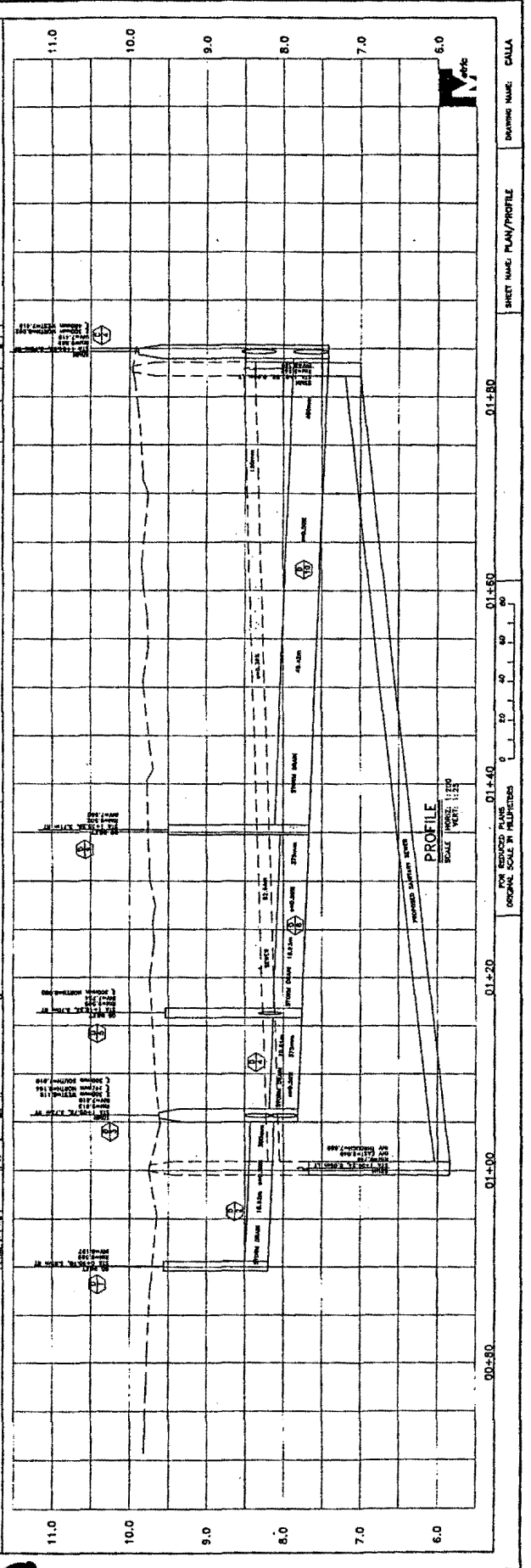
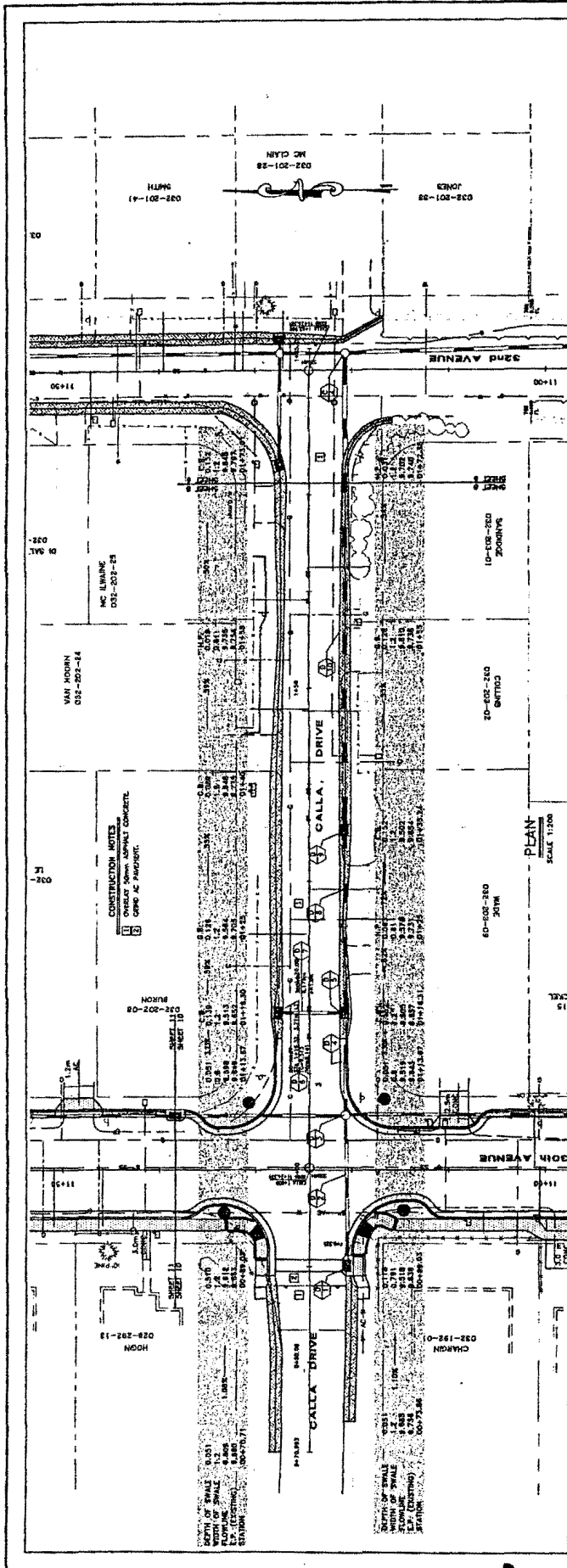


CURVE TABLE

CURVE	LENGTH	STARTS	ENDS	MARKS
1	11.00	11+60	11+71	11+65.5
2	11.00	11+71	11+82	11+76.5
3	11.00	11+82	11+93	11+87.5
4	11.00	11+93	12+04	11+98.5
5	11.00	12+04	12+15	12+09.5
6	11.00	12+15	12+26	12+20.5
7	11.00	12+26	12+37	12+31.5
8	11.00	12+37	12+48	12+42.5
9	11.00	12+48	12+59	12+53.5
10	11.00	12+59	13+00	12+64.5

A-7

PS 7813



A-8

87871



LOUISE B. DION

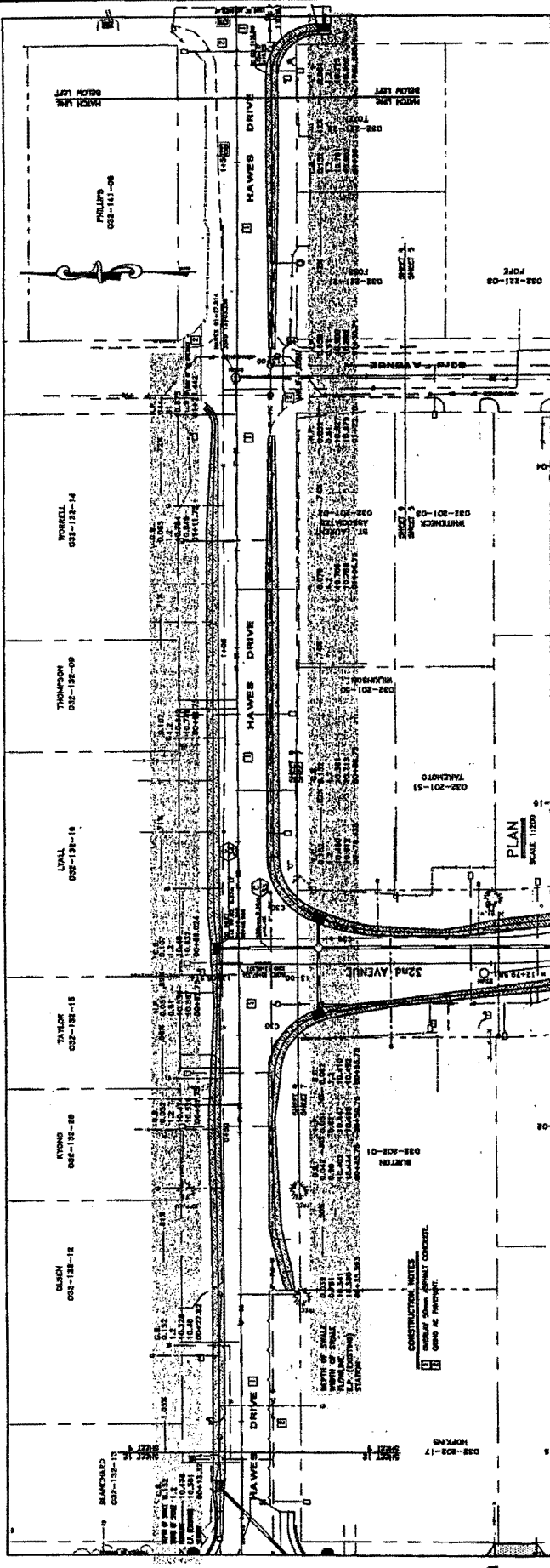
PROJECT ENGINEER

HAWES DRIVE SWALE AND STORM DRAIN IMPROVEMENTS

COUNTY OF SANTA CRUZ - DEPARTMENT OF PUBLIC WORKS

REVISIONS
DATE
REVISION

DATE: 4/00
DRAWN: JCB
SCALE: VERT. 1:12.5
JOB NO.:
SHEET: 9-25

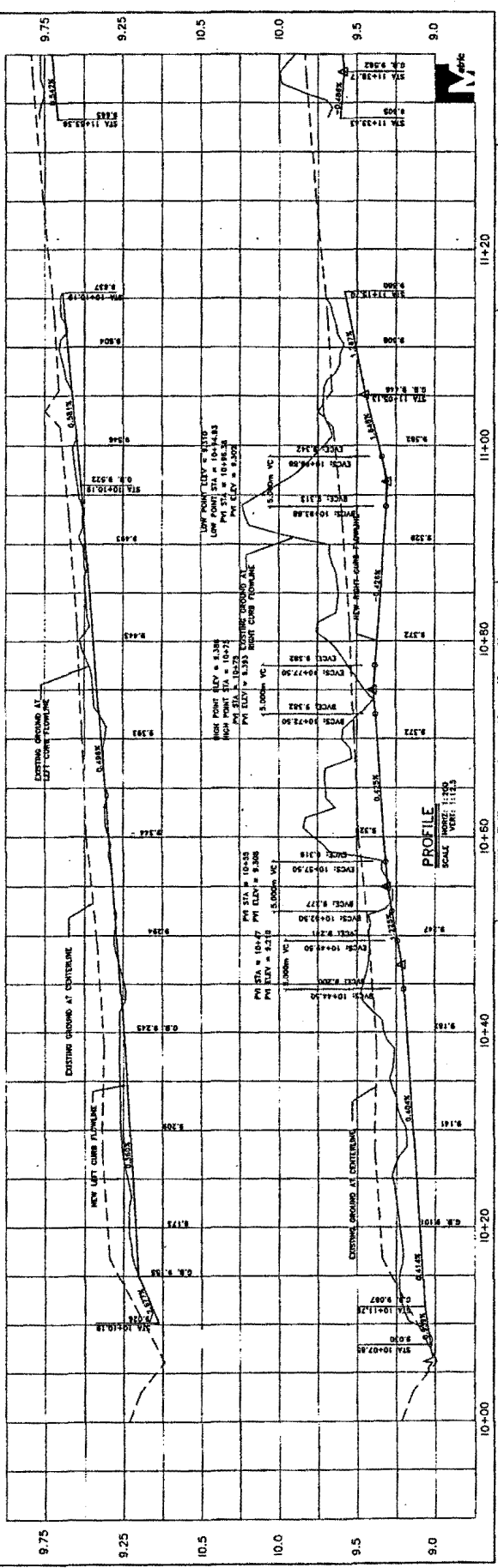
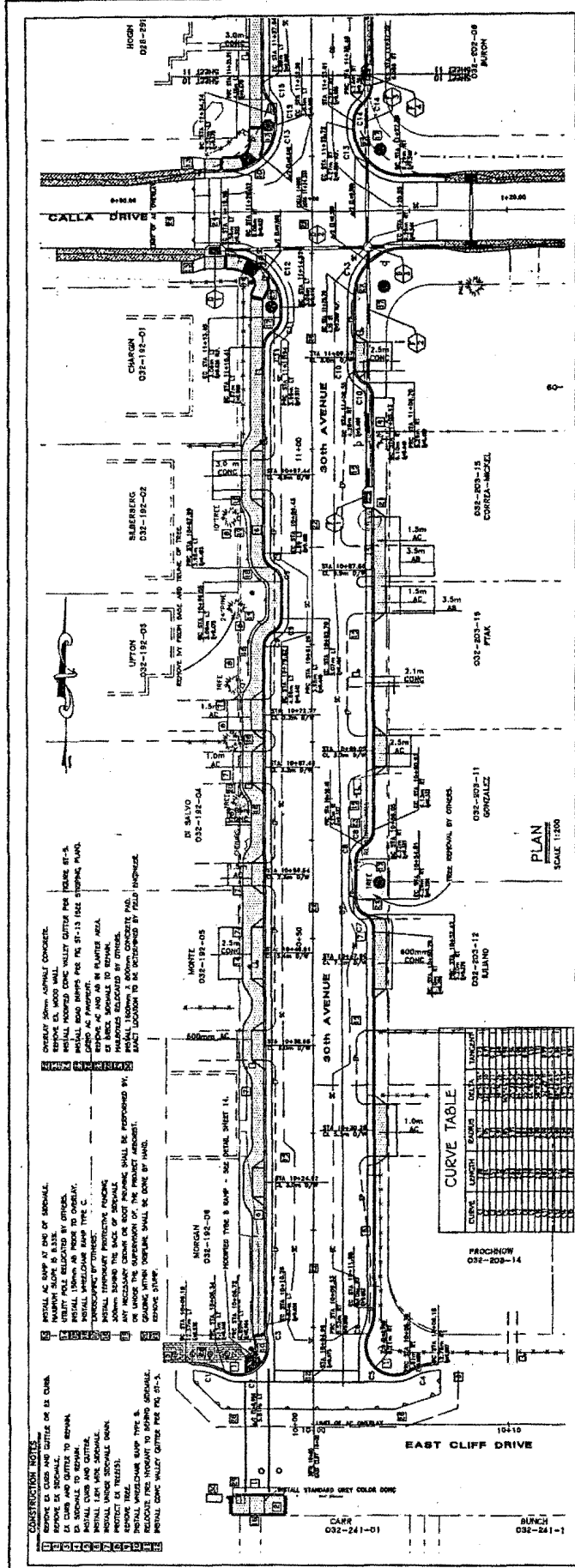


A-9

199713



DATE	REVISION



FOR REDUCED PLANS
ORIGINAL SCALE IN PARENTHESIS

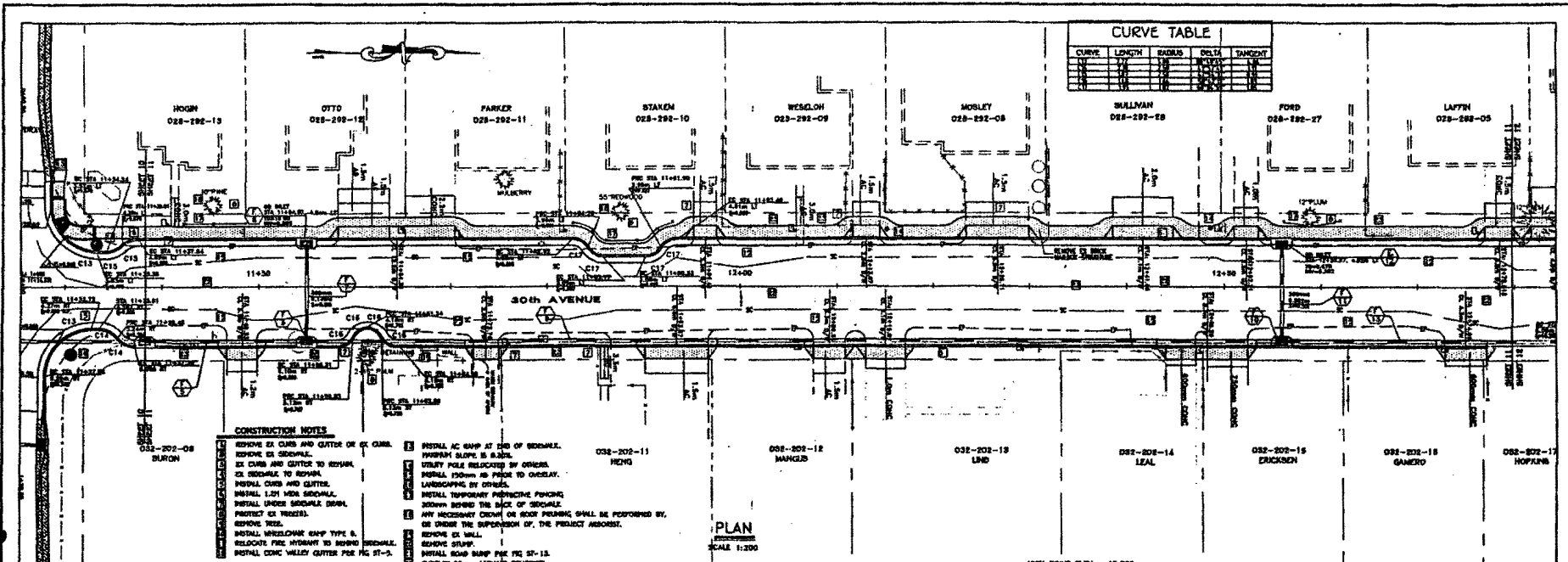
10+00 10+20 10+40 10+60 10+80 11+00 11+20

SHEET NAME / PROFILE LOWER 30TH

A-10

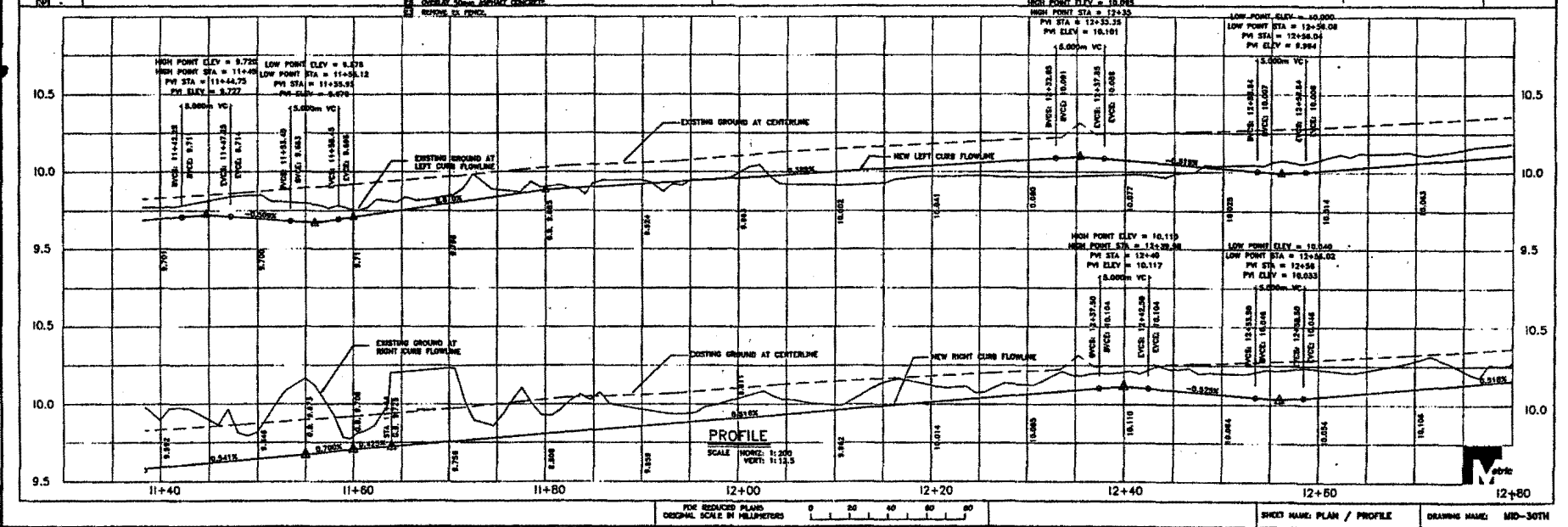
10/1/01

A-11



- CONSTRUCTION NOTES**
- REMOVE EX CURB AND GUTTER OR EX CURB. REMOVE EX SIDEWALK. EX CURB AND GUTTER TO REMAIN. EX SIDEWALK TO REMAIN. INSTALL CURB AND GUTTER. INSTALL 1.2M WIDE SIDEWALK. INSTALL UNDER SIDEWALK DRAIN. PROTECT EX TREES. REMOVE REE. INSTALL WHEELWASH RAMP TYPE 0. REDUCED FRIE HEIGHT TO BOUND SIDEWALK. INSTALL CONC VALLEY GUTTER FOR AC ST-3.
 - INSTALL AC RAMP AT END OF SIDEWALK. FORWARD SLOPE IS 0.20%. UTILITY POLE INDICATED BY ORIGIN. MINIMAL 150mm IS TO BE MAINTAINED TO OVERLAY. LANDSCAPING BY OTHERS.
 - INSTALL TEMPORARY PROTECTIVE FENCING 300MM BEHIND THE BACK OF SIDEWALK AND HOODING CHAIN OR BUSH FENCING SHALL BE PERFORMED BY OR UNDER THE SUPERVISION OF THE PROJECT ARCHITECT.
 - REMOVE EX WALL. REMOVE DRAIN. INSTALL RAMP RAMP FOR PG ST-15. OVERLAY 30MM ASPHALT CONCRETE. REMOVE EX FENCE.

PLAN
SCALE 1:200



FOR REDUCED PLANS
ORIGINAL SCALE IN MILLIMETERS

SHEET NAME: PLAN / PROFILE
DRAWING NAME: MID-30TH

COUNTY OF SANTA CRUZ - DEPARTMENT OF PUBLIC WORKS

PROJECT ENGINEER
LOUISE B. DION

30TH AVENUE
STORM DRAIN AND SIDEWALK IMPROVEMENTS

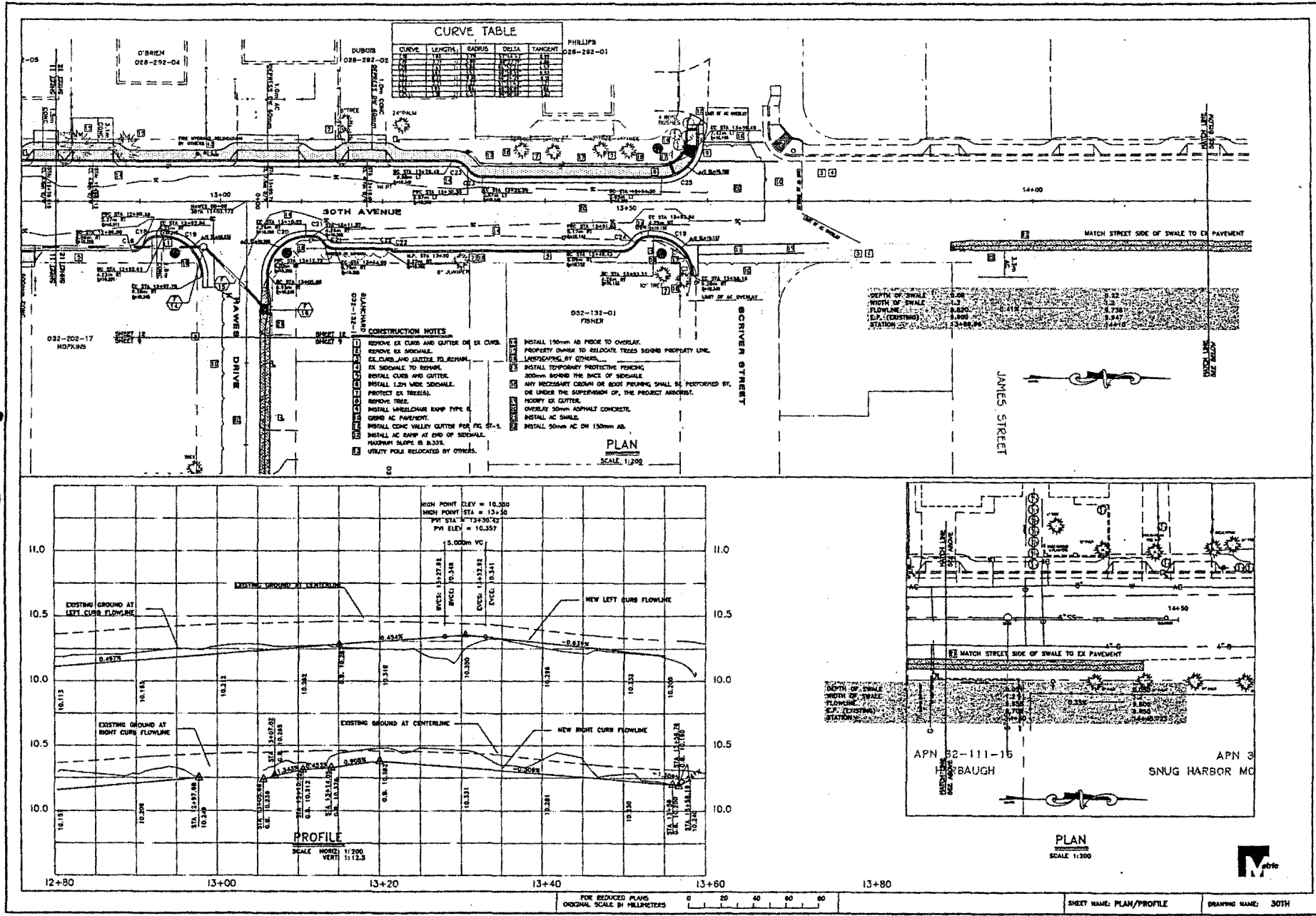
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CHECKED: CDR
DATE: 4/00
SCALE: VERT: 1:12.5
HORIZ: 1:200

JOB NO.
SHEET
11-25

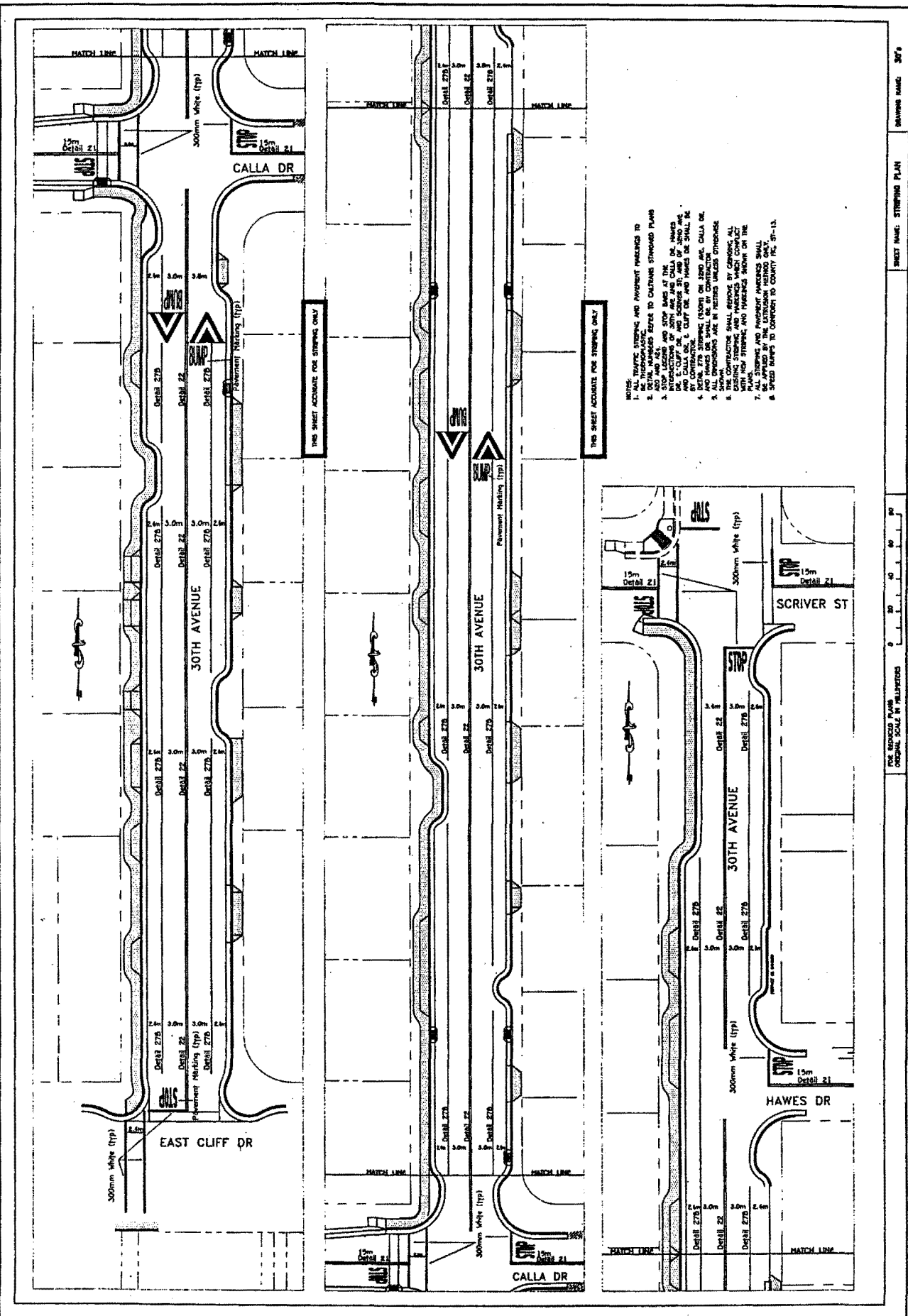
pg 11/13

A-12

09 12/91



COUNTY OF SANTA CRUZ - DEPARTMENT OF PUBLIC WORKS 30TH AVENUE SIDEWALK AND STORM DRAIN IMPROVEMENTS	PROJECT ENGINEER LOUISE B. DION
DRAWN: LBD CHECKED: CDR DATE: 4/00 HOURS: 12000 SCALE: VERT: 1:12.5 JOB NO. SHEET	SHEET NAME: PLAN/PROFILE DRAWING NAME: 30TH
12 of 25	



- NOTES:
1. ALL TRUCKS STRIPING AND PAVEMENT MARKINGS TO BE DONE IN ACCORDANCE WITH THE CALIFORNIA STANDARD PLANS.
 2. DETAIL MARKINGS REFER TO CALIFORNIA STANDARD PLANS.
 3. STOP LINES AND STOP BARS AT THE INTERSECTIONS OF 30TH AVE AND CALLA DR, HAWES DR, SCRIVER ST, EAST CLIFF DR, AND HAWES DR SHALL BE BY CONTRACTOR.
 4. ALL STOP LINES AND STOP BARS SHALL BE AND MARKS ON SMALL AS BY CONTRACTOR.
 5. ALL INTERSECTIONS ARE IN METERS UNLESS OTHERWISE NOTED.
 6. THE CONTRACTOR SHALL REMOVE BY CHIPPING ALL EXISTING STRIPING AND PAVEMENT MARKINGS SHALL BE APPLIED BY THE EXTENSION METHOD ONLY.
 7. ALL SPEED BARS TO CONFORM TO COUNTY PC 97-13.

DRAWING NAME: STRIPING PLAN
 SHEET NO.: 17 OF 25
 FOR REPRODUCED PLANS ORIGINAL SCALE IN METERS

A-13

P213413

STAFF REPORT TO THE ZONING ADMINISTRATOR

APPLICATION NO.: 99-0842

APN: Not APN Specific

APPLICANT: County of Santa Cruz, Department of Public Works

OWNER: " "

PROJECT DESCRIPTION: Proposal to construct roadside and roadway improvements within the existing right-of-way of 30th Avenue between Scriver Street and East Cliff Drive, per the Board of Supervisors approved Plan Line including: sidewalks on the west side of 30th Avenue; curb and gutter on both sides of 30th Avenue; street trees within the corner bulb-outs at the intersections of 30th Avenue with Hawes Drive, Calla Drive, and Scriver Street; drainage improvements including the installation of a silt and grease trap; the replacement of an existing drainage outfall located southeast of the intersection of 33rd Avenue and East Cliff Drive; to raise a sewer manhole within 32nd Avenue; and to install a sewer clean out on 33rd Avenue. Project requires a Coastal Development Permit.

LOCATION: Project area includes, 30th Avenue from Scriver Street to East Cliff Drive, 32nd Avenue from Hawes Drive to East Cliff Drive, 33rd Avenue from Hawes Drive to East Cliff Drive, Hawes Drive from 30th Avenue to 34th Avenue and Calla Drive from 30th Avenue to 32nd Avenue.

FINAL ACTION DATE: 06/22/00 (per the Permit Streamlining Act)

PERMITS REQUIRED: Coastal Development Permit

ENVIRONMENTAL DETERMINATION: Conditional Negative Declaration

COASTAL ZONE: XX yes ___no APPEALABLE TO CC: XX yes ___no

PARCEL INFORMATION

PARCEL SIZE: Not parcel specific

EXISTING LAND USE: PARCEL: Existing right-of-way and existing drainage outfall located on County owned and operated Park (beach) site.

SURROUNDING: Residential

PROJECT ACCESS: Primarily East Cliff Drive and 30th Avenue, see project description.

PLANNING AREA: Live Oak Planning Area

LAND USE DESIGNATION: Residential-Urban Medium & Parks, Recreation & Open Space

ZONING DISTRICT: Public Right-of-Way & Parks, Recreation & Open Space District ("PR")

SUPERVISORIAL DISTRICT: District 1, Supervisor Jan Beautz

ENVIRONMENTAL INFORMATION

<u>Item</u>	<u>Comments</u>
a. Geologic Hazards	a. **Yes, approved soils report
b. Soils	b. **Yes, approved soils report
c. Fire Hazard	c. None
d. Slopes	d. 0-3% for the majority of the project area.

EXHIBIT NO. B
APPLICATION NO. A-3-00-76
<i>County Staff</i>
<i>Report</i>
<small>California Coastal Commission</small>

- | | |
|-----------------------|---|
| e. Env. Sen. Habitat | e. Yes, approved soils report & erosion control plan |
| f. Grading | f. No |
| g. Tree Removal | g. **No. However, owner at APN: 028-292-04 is to relocate two 12" palm trees. |
| h. Scenic | h. Yes, project is conditioned to be consistent with scenic issues. |
| i. Drainage | i. Yes, drainage improvements are proposed. |
| j. Traffic | j. No |
| k. Roads | k. Work is proposed to occur within public right-of-way. |
| l. Parks | l. No impact |
| m. Sewer Availability | m. N/A |
| n. Water Availability | n. N/A |
| o. Archeology | o. N/A |

** Report was required.

SERVICES INFORMATION

W/in Urban Services Line: XX yes ___ no
 Water Supply: N/A
 Sewage Disposal: N/A
 Fire District: Central Fire Protection District
 Drainage District: Zone 5 of the Santa Cruz County Flood Control and Water Conservation District

ANALYSIS & DISCUSSION

The proposed work is to be conducted entirely within the existing right-of-ways and/or on property owned by the County of Santa Cruz. The improvements to 30th Avenue will occur per the Board approved Plan Line. The Plan Line was completed after the Board approved of the conversion of East Cliff Drive from a two-way to a one-way street. The improvements will connect with earlier improvements (including sidewalks) to 30th Avenue (from Portola Drive to Scriber Street) completed by the Public Works Department and the Redevelopment Agency (RDA) when East Cliff was converted to a one-way street.

The 30th Avenue roadside and roadway improvements will include the installation of sidewalks on the west side of 30th Avenue, curbs and gutters and other drainage improvements (specific drainage improvements are described below) and the resurfacing of the improved road way. These proposed improvements to 30th Avenue are consistent with the approved Plan.

Drainage improvements will include the installation of storm drains, curbs and gutters on 30th Avenue, and surfacing of drainage swales and installation of storm drains on the other streets within the project area, the installation of a silt and grease trap and the replacement of the existing out-fall pipe

located on East Cliff. The drainage improvements are consistent with the goals of the Capital Improvement Plan and the Zone 5 Drainage District.

The pipe outfall design has been completed per an approved soils report and is designed to minimize erosion by directing the flow of water onto the less erosive bedrock and away from the more erosive terrace deposits, per the approved Soils Letter and Report.

In concert with these proposed improvements the Sanitation District proposes to raise a sewer manhole within 32nd Avenue and install a sewer clean out on 33rd Avenue.

The project will not require the removal of any significant trees nor will it affect any sensitive habitats. The project will require the removal (removal or relocation is to be completed by the owner of APN: 028-292-04) of two small palm trees located on the west side of the 30th Avenue within the existing right-of-way. The diameter at breast height (d.b.h.) of each of these two palm trees is 12 inches or less. The loss of these palm trees will be balanced by the installation of street trees within the corner bulb-outs proposed at the intersections of 30th Avenue with Hawes, Calla and Scriver.

The proposed project, as designed and conditioned is consistent with the Coastal Design Criteria and the County's General Plan, including that the improvements to 30th Avenue are consistent with the Board's approved plan line, the improvements are consistent with the design criteria for arterials, collector and local streets, the Master Plan of County Bike Ways, Pedestrian Travel, and the Park, Recreation and Public Facilities (Sections: 3.8, 3.10, 3.11, 3.13 (including Figure 3-4), 3.14 and 7.7). The drainage outfall has been designed and conditioned to minimize its visual impact on the beach/scenic resource by utilizing materials and finishes that will harmonize with the natural colors of the bluff area (Coastal Design Criteria Section 13.20.130(d)).

The Coastal Commission has reviewed the proposed project and submitted the attached letter in response to the proposed project. Although the Planning Department may share many of the Coastal Commission's concerns, the scope of the project is much narrower and is not able to address many of the issues raised by the Coastal Commission's staff. However, in regards to the parking, width of right-of-way and bike lane issues, please refer to the attached letter by the Department of Public Works.

RECOMMENDATION

Staff recommends approval of Application No. 99-0842, based on the attached findings and conditions.

EXHIBITS

- A. Findings
- B. Conditions
- C. Environmental Determination/Negative Declaration
- D. Soils Report Addendum and Summary Recommendation
- E. Approved Arborist Report
- F. Correspondence
- G. Vicinity Map
- H. Project Boundaries/Zoning Map
- I. Project Plans (on file in the Planning Department)

SUPPLEMENTARY REPORTS AND INFORMATION REFERRED TO IN THIS REPORT ARE ON FILE AND AVAILABLE FOR VIEWING AT THE SANTA CRUZ COUNTY PLANNING DEPARTMENT, AND ARE HEREBY MADE A PART OF THE ADMINISTRATIVE RECORD FOR THE PROPOSED PROJECT.

Report Prepared By: Sheryl L. Mitchell, Planner III
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone No. 831-454-2223

COASTAL ZONE PERMIT FINDINGS

1. THAT THE PROJECT IS A USE ALLOWED IN ONE OF THE BASIC ZONE DISTRICTS, OTHER THAN THE SPECIAL USE (SU) DISTRICT, LISTED IN SECTION 13.10.170 (d) AS CONSISTENT WITH THE LUP DESIGNATION.

The proposed drainage, roadside and roadway improvements project is an allowed use on County owned land and within the County's public right-of-ways. The project is consistent with the adopted plan line, the County's General Plan/Local Coastal Plan policies described for arterial, collector and local streets (General Plan Policies 3.11, 3.13, 3.14 & including Figure 3-4).

2. THAT THE PROJECT DOES NOT CONFLICT WITH ANY EXISTING EASEMENT OR DEVELOPMENT RESTRICTIONS SUCH AS PUBLIC ACCESS, UTILITY, OR OPEN SPACE EASEMENTS.

The proposed improvements do not conflict with any known easements or development restrictions that would hinder development of the proposed improvements.

3. THAT THE PROJECT IS CONSISTENT WITH THE DESIGN CRITERIA AND SPECIAL USE STANDARDS AND CONDITIONS OF THIS CHAPTER PURSUANT TO SECTION 13.20.130 ET SEQ.

The proposed project is consistent with all applicable regulations under County Code Section 13.20.130 et seq. for development within the coastal zone. The proposed improvements have been sited and designed to minimize site disturbance, erosion and removal of vegetation. The landscaping plan will improve the visual and scenic character of this important coastal scenic area. The proposed drainage outfall has been conditioned to minimize the visual impact on the coastal bluff/beach area through the use of materials and finishes which will harmonize with the natural colors of the area. Therefore, the proposed improvements will be visually compatible with the existing coastal bluff/beach scenic resource and will not significantly impact adjacent residential properties or scenic resources.

4. THAT THE PROJECT CONFORMS WITH THE PUBLIC ACCESS, RECREATION, AND VISITOR-SERVING POLICIES, STANDARDS AND MAPS OF THE LOCAL COASTAL PROGRAM LAND USE PLAN, SPECIFICALLY SECTION 2 AND 7, AS TO ANY DEVELOPMENT BETWEEN AND NEAREST PUBLIC ROAD AND THE SEA OR THE SHORELINE OF ANY BODY OF WATER LOCATED WITHIN THE COASTAL ZONE, SUCH DEVELOPMENT IS IN CONFORMITY WITH THE PUBLIC ACCESS AND PUBLIC RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT COMMENCING WITH SECTION 30200.

The proposed improvements are consistent with the Bikeway System, Streets and Highways, Neighborhood Traffic Control, Recreational Access and the Parks, Recreational & Public Facilities (General

Plan/Local Coastal Plan Policies, 3.8, 3.10, 3.11, 3.13, 3.14, and 7.7, respectively, including Figures 3-2 & 3-4). In addition, the proposed improvements are consistent with the 30th Avenue plan line and although the plan line does not fully utilize the public right-of-way, the proposed improvements do not preclude future widening or roadside improvements if they are determined necessary at some point in the future.

5. THAT THE PROPOSED DEVELOPMENT IS IN CONFORMITY WITH THE CERTIFIED LOCAL COASTAL PROGRAM.

The proposed project conforms to the Local Coastal Program Land Use Plan in that the project is consistent with the development standards applicable to drainage, roadside and roadway improvements within existing right-of-ways and on County owned and operated property, as described in the above.

DEVELOPMENT PERMIT FINDINGS

1. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY, OR WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OR THE GENERAL PUBLIC, OR BE MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY.

The location of the proposed project will not be materially detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, or be materially injurious to properties or improvements in the vicinity in that the proposed project complies with all applicable development regulations. In particular, the proposed improvements will comply with current American's with Disabilities Act requirements. Additionally, the project includes adequate drainage design to ensure that surrounding properties are not adversely affected by run-off from the sidewalks.

2. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL BE CONSISTENT WITH ALL PERTINENT COUNTY ORDINANCES AND THE PURPOSE OF THE ZONE DISTRICT IN WHICH THE SITE IS LOCATED.

The proposed project is an allowed use within the existing public right-of-ways and the County owned and operated parcel. The improvements comply with the purpose of public right-of-ways, to provide vehicular and pedestrian access, and the specific design is consistent with the adopted plan line.

3. THAT THE PROPOSED USE IS CONSISTENT WITH ALL ELEMENTS OF THE COUNTY GENERAL PLAN AND WITH ANY SPECIFIC PLAN WHICH HAS BEEN ADOPTED FOR THE AREA.

The proposed road improvement project is consistent with the objectives of the General Plan Land Use Plan in that the improvements will provide safe and convenient pedestrian access complying with the requirement to provide accessible pathways at driveways and intersections pursuant to General Plan policies 3.8, 3.10, 3.11, 3.13, 3.14 (including Figures 3-2 & 3-4) and 7.7. The proposed project will provide adequate drainage within the existing right-of-ways. In addition, the proposed road improvement project is consistent with the adopted plan line for 30th Avenue, a

designated collector street, as noted in Figure 3-4 of the General Plan.

4. THAT THE PROPOSED USE WILL NOT OVERLOAD UTILITIES AND WILL NOT GENERATE MORE THAN THE ACCEPTABLE LEVEL OF TRAFFIC ON THE STREETS IN THE VICINITY.

The proposed project will not affect utilities or generate additional vehicular traffic. The project will provide a safe access-way for pedestrians within the existing public right-of-way of 30th Avenue and the intersection of 30th Avenue and East Cliff Drive. The proposed project will also improve drainage, and includes the installation of a silt and grease trap thereby minimizing any conflicts and impacts to Monterey Bay.

5. THAT THE PROPOSED PROJECT WILL COMPLEMENT AND HARMONIZE WITH THE EXISTING AND PROPOSED LAND USES IN THE VICINITY AND WILL BE COMPATIBLE WITH THE PHYSICAL DESIGN ASPECTS, LAND USE INTENSITIES, AND DWELLING UNIT DENSITIES OF THE NEIGHBORHOOD.

The proposed project will provide needed pedestrian access and drainage improvements within the existing public right-of-way and complement the residential uses along the street.

CONDITIONS OF APPROVAL

REVISED BY THE ZONING ADMINISTRATOR

Coastal Development Permit No. 99-0842

Applicant and Property Owner: Department of Public Works
Assessor's Parcel No. N/A

Property location and address: Project area includes, 30th Avenue from Scriver Street to East Cliff Drive, 32nd Avenue from Hawes Drive to East Cliff Drive, 33rd Avenue from Hawes Drive to East Cliff Drive, Hawes Drive from 30th Avenue to 34th Avenue and Calla Drive from 30th Avenue to 32nd Avenue; and the replacement of an existing drainage outfall near the intersection of 33rd Avenue and East Cliff Drive.

EXHIBITS:

- A. Civil Engineering plans prepared by Carl D. Rom, Registered Civil Engineer, and Louise B. Dion, Project Engineer, dated March 2000 (On file in the Planning Department)

- I. This permit authorizes the construction of improvements within the right-of-ways of 30th Avenue from Scriver Street to East Cliff Drive, 32nd Avenue from Hawes Drive to East Cliff Drive, 33rd Avenue from Hawes Drive to East Cliff Drive, Hawes Drive from 30th Avenue to 34th Avenue and Calla Drive from 30th Avenue to 32nd Avenue, the replacement of an existing drainage pipe outfall near the intersection of 33rd Avenue and East Cliff Drive, and the raising of a Sewer manhole in 32nd Avenue and the installation of a Sewer clean out on 33rd Avenue, as noted in the permit description. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.

- II. Prior to construction, the applicant shall:
 - A. Submit final construction drawings for review and approval by the Planning Department. The final plans shall be in

substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. The final plans shall include, but not be limited to, the following:

1. A site plan showing the location of all site improvements, including, but not limited to, sidewalks, retaining walls, drainage improvements, etc.
2. A landscape plan that includes: ~~street~~ trees that are compatible with the Urban Forestry Master plan, landscaping that emphasizes native plants wherever possible and the recommendations of the approved arborists report. ~~24" box size trees shall be utilized. Queen Palm and Southern Live Oak shall be considered in the street trees selection process and deciduous trees shall be discouraged.~~
3. All improvements shown on the plans shall comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the Uniform Building Code.
4. Environmental Planning staff shall verify that the plans contain any requirements noted in the conditions of the soils report.
5. To minimize visual impacts from the installation of the drainage pipe on the coastal bluff, the plans shall be revised to specify the use of materials and finishes which harmonize with the natural colors of the coastal bluff and beach area.

III. All construction shall be performed in accordance with the approved plans. Prior to completion of the project, applicant/owner shall meet the following conditions:

- A. All site improvements shown on the final approved construction drawings shall be installed. This includes, and is not limited to:
 1. Completion of the drainage outfall in accordance with the project plans prepared by Carl D. Rom, Registered Civil Engineer, and Louise B. Dion, Project Engineer, dated March 2000;
 2. Environmental Planning staff shall verify that the recommendations of the Soils letter and report prepared for this project by Haro, Kasunich and Associates dated October 7, 1999 and June 1997, respectively, have been met.

- B. Dust suppression techniques shall be included as part of the construction plans and implemented during construction.
- C. To minimize the discharge of silt, grease and other contaminants into the storm drain system and Monterey Bay, the applicant shall install a silt and grease trap in the storm drain line upstream of the drainage outfall, as depicted on the approved project plans.
- D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

IV. Operational Conditions.

- A. Any land-clearing, grading, and excavating shall not take place between October 15 and April 15. Erosion control measure shall be installed by October 15 on all disturbed areas.
- B. The silt and grease trap shall be inspected by Public Works staff to determine if it needs to be cleaned out or repaired prior to October 15 each year.
- C. A brief annual report shall be prepared by the Public Works Department concerning the condition of the silt and grease trap at the conclusion of each October inspection. This report shall be submitted to the Drainage Section of County Public Works within 5 days of inspection. This monitoring report shall specify any repairs that have been done or that are needed to allow the trap to function adequately.
- D. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

- E. To mitigate impacts from construction noise and traffic interruption, construction shall be limited to the time between 7:30 A.M. and 4:30 P.M. on weekdays unless a temporary exception to this time period is approved in advance by County Planning Department to address an emergency situation.
 - F. All exposed soil shall be wet down each day if it does not rain at a frequency sufficient to prevent significant amounts of dust from leavingg the site.
 - G. The applicant shall provide construction fencing or other form of tree protection, as determined necessary by the approved arborist report.
- V. Mitigation Monitoring Program

The mitigation measures listed under this heading have been incorporated into the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, a monitoring and reporting program for the above mitigations is hereby adopted as a condition of approval for this project. This monitoring program is specifically described following each mitigation measure listed below. The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to Section 18.10.462 of the Santa Cruz County Code.

A. Mitigation Measure:

To minimize impacts from construction noise, dust and traffic, to a less than significant level for the surrounding properties during project construction, the Public Works Department shall have the project contractor comply with the following measures during all construction work:

1. Limit all construction between the times of 7:30 A.M. and 4:30 P.M. on weekdays unless a temporary exception to this time period is approved in advance by the County Planning Department to address an emergency situation.

Monitoring Program: In the event that the above operational conditions are not met, the project shall be remanded to Code Compliance for corrective action.

B. Mitigation Measure:

To prevent loss or damage to trees other than the two palm trees indicated as being removed and to mitigate the loss of the two palms, the applicant is required to complete the following:

1. Prior to public hearing, the applicant shall submit a report from a licensed arborist for review and approval by the Environmental Coordinator. The report shall verify that trees that are in close proximity to ground disturbance will survive the construction. The report shall identify any vulnerable trees and shall recommend specific procedures for protecting those individuals.
2. Prior to public hearing, the applicant shall revise the improvement plans to clearly specify the tree protection procedures recommended in the approved arborist report per item B.1.
3. The arborist shall specify appropriate root blocks where needed to protect new improvements from maturing trees.
4. The arborist shall be present during construction to ensure that any recommendations are followed, Pruning and cutting of roots shall be done either by the arborist or under his or her supervision;
5. A landscape plan that insures trees that are compatible with the Urban Forestry Master Plan and that emphasizes native plants wherever possible, shall be implemented.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM DATE OF APPROVAL UNLESS YOU OBTAIN THE NECESSARY BUILDING PERMIT(S) (IF ANY ARE REQUIRED) AND COMMENCE CONSTRUCTION.

WP7docs\Planning Documents\99-0842zarprt.wpd
Revised 3/17/00 by the Zoning Administrator

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863
HEARING IMPAIRED: (415) 904-5200



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Sara Wan, Chairperson Dave Potter, Vice-Chairperson
California Coastal Commission California Coastal Commission
45 Fremont Street, Suite 2000 45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219 San Francisco, CA 94105-2219
(415) 904-5200 (415) 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government:

Santa Cruz County

2. Brief description of development being appealed:

Construct road, drainage, sidewalk and streetscape improvements on 30th, 32nd, and 33rd Avenues, and Hawes, Calla, and East Cliff Drives.

3. Development's location (street address, assessor's parcel number, cross street, etc.):

Within the public right-of-ways of 30th, 32nd, and 33rd Avenues, Hawes, Calla, and East Cliff Drives in the Pleasure Point region of the unincorporated Live Oak area of Santa Cruz County.

4. Description of decision being appealed:

- a. Approval; no special conditions:
b. Approval with special conditions: XXX
c. Denial:

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SCO-00-076
DATE FILED: MAY 25, 2000
DISTRICT: CENTRAL COAST

RECEIVED

MAY 25 2000

CALIFORNIA COASTAL COMMISSION CENTRAL COAST EXHIBIT NO. APPLICATION NO. A-3-00-76 Appeal

C-1

pg 1 of 6

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

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

- a. Planning Director/Zoning Administrator
- b. City Council/Board of Supervisors
- c. Planning Commission
- d. Other: _____

6. Date of local government's decision: March 17, 2000

7. Local government's file number: 99-0842

SECTION III Identification of Other Interested Persons

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

a. Name and mailing address of permit applicant:

Santa Cruz County Public Works Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

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

- (1) Charles Paulden
2891 Scriver Drive
Santa Cruz, CA 95062
- (2) Live Oak Community Association, attn: Georgia Ackley & Everdyn Wescoat
178 24th Avenue
Santa Cruz, CA 95062-5302
- (3) Surfer's Environmental Alliance
P.O. Box 3578
Santa Cruz, CA 95063
- (4) Ed Bailey
2670 Warren Street
Santa Cruz, CA 95062

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

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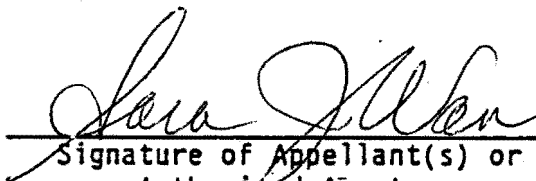
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

(see attached)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

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



Signature of Appellant(s) or
Authorized Agent

Date 5/24/00

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

Section VI. Agent Authorization

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

C-3 _____
Signature of Appellant(s)
Date _____

pg 3 of 6

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

(See attached)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

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

Dave Potter
Signature of Appellant(s) or
Authorized Agent

Date May 24, 2000

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

Section VI. Agent Authorization

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

C-4 _____
Signature of Appellant(s)
Date _____

PS 4 of 6

Attachment: Reasons For This Appeal

Page 1 of 2 attachment pages

Santa Cruz County approved a public works project for street improvements (including curbs, gutters, sidewalks, parking bays, drainage, and landscaping) along 30th, 32nd, and 33rd Avenues, Hawes, Calla, and East Cliff Drives in the Pleasure Point area of Live Oak. The Santa Cruz County-approved street improvements would not use the full extent of the public right-of-way for these street segments. The area of public right-of-way *not* proposed for improvement ranges from 10 to 15 feet along 30th Avenue and Hawes Drive, to approximately 25 feet along 32nd Avenue and Calla Drive. As such, the County-approved project raises substantial issues with respect to the project's conformance with the Santa Cruz County LCP as follows:

The Live Oak beach area is an important recreational asset for Live Oak residents, other County residents, and visitors to the area. Parking is extremely difficult in this area, and recreational amenities and improvements (such as through trails/sidewalks) are in high demand. Publicly available property with which to construct such improvements is lacking; exorbitant coastal land costs assure that this lack of available public lands will continue to be an issue in this area. This is particularly true in the subject Pleasure Point area. The LCP contains multiple policies and programs detailing the need for access and recreational enhancement in the Live Oak beach area; the Coastal Act likewise supports such goals.

Within this LCP and Coastal Act access context, street improvement projects (such as this) must fully use Live Oak beach area public lands in the public interest. In other words, the full extent of the public's right-of-way must be protected and used for the public. In the past, private development in this area has occurred where the public improvements do not take up the full width of the right-of-way. Such private development within the public right-of-way (such as landscaping, fences, planter boxes – even houses) has narrowed the publicly usable space on these beach streets. In fact, previous research in the Live Oak beach area by Commission staff indicates that, on average, approximately 15 feet (or about 30%) of each beach area public street right-of-way has been otherwise covered with private development. Compounding the direct loss of public space is the fact that the public is not compensated for the use of these public lands. In other words, these private encroachments represent a gift of public land.

The LCP protects existing public access areas, such as the road rights-of-way here. Approximately 10 to 25 feet of these road rights-of-way would be allowed to stay covered with private encroachments by the project as approved by the County. In other words, the public, and any necessary public improvements here, would be crowded into a smaller space to allow continued private use of the public right-of-way. As such, the County-approved project appears to be inconsistent with LCP Objectives 3.14, 7.1a, 7.7a and 7.7b, LCP Policies 2.22.1, 2.22.2, 3.8.9, 3.11.1, 7.6.3, 7.7.4, and 7.7.10, and related LCP policies and Implementation Plan Sections. A portion of the project is seaward of the first public road and the sea. As such, to the extent Coastal Act policies are implicated, this loss of public access area appears to be likewise inconsistent with Coastal Act Access and Recreation Policies 30210, 30211, 30213, 30221, 30223.

Because the project does not use the full right-of-way, potential public parking, trail, streetscape, and related public amenities are foregone. Likewise, future potential recreational trail improvements along East Cliff Drive may be prejudiced by the project. As such, the County-approved project appears to be inconsistent with LCP Objectives 3.8a, 3.10, 3.14.1, 3.14.2, 7.1a, 7.7a and 7.7b, LCP Policies 2.22.1, 2.22.2, 3.8.7, 3.8.8, 3.8.9, 3.9.1, 3.10.2, 3.11.1, 7.6.3, 7.6.8, 7.7.1, 7.7.4, 7.7.10, and 7.7.11, and related LCP policies and Implementation Plan Sections. A portion of the project is seaward of the first public

C-5

pg 5 of 4

Attachment: Reasons For This Appeal

Page 2 of 2 attachment pages

road and the sea. As such, to the extent Coastal Act policies are implicated, these access and recreation improvements foregone appear to be likewise inconsistent with Coastal Act Access and Recreation Policies 30210 and 30213.

Because the right-of-way is not being fully utilized here, public hardscape is being confined into a dense area as opposed to breaking up such hardscape with landscaping and other such soft features. As such, the County-approved project appears to be inconsistent with LCP visual policies including Objectives 5.10a and 5.10b, LCP Policies 5.10.2, 5.10.3, and 5.10.9, and related LCP policies and Implementation Plan Sections. A portion of the project is seaward of the first public road and the sea. As such, to the extent Coastal Act visual access policies are implicated, the County-approved project appears to be likewise inconsistent with Coastal Act Access and Recreation Policies 30210, 30211, and 30251.

Finally, it is not clear that the County-approved project has adequately addressed water quality issues associated with additional impervious surfacing and the urban contaminants that would be transported to the Monterey Bay National Marine Sanctuary and the offshore Pleasure Point surfing area. As such, County-approved project appears to be inconsistent with LCP policies including Objectives 5.4, 5.7, and 7.23, LCP Policies 5.4.14, 5.7.4, 5.7.5, 7.23.1, 7.23.2, 7.23.4, and 7.23.5, and related LCP policies and Implementation Plan Sections. A portion of the project is seaward of the first public road and the sea. As such, to the extent Coastal Act policies are implicated, the County-approved project appears to be likewise inconsistent with Coastal Act Access and Recreation Policies 30210, 30211, and 30240(b).

In sum, the County-approved project raises substantial issues with respect to the project's conformance with core LCP access, recreation, scenic and water quality issues. These issues warrant a further analysis and review by the Coastal Commission of the proposed project.

C-6

75 6086

CALIFORNIA COASTAL COMMISSION

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



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MAY 25 2000

Please Review Attached Appeal Information Sheet Prior To Completion of This Form.

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

CHARLES PAULDEN
2891 SCRIVER DR SANTA CRUZ CA
95062 (831) 462-3423
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: SANTA CRUZ COUNTY

2. Brief description of development being appealed: DRAWAGE 30th, 32, 33rd Ave
Side walk Westside 30th Ave
Curb & Gutter Both Sides

3. Development's location (street address, assessor's parcel no., cross street, etc.): 30th, 32, 33rd Ave
from Scriver to E. Cliff

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
- b. Approval with special conditions: XXX
- c. Denial: _____

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SCO-00-076

DATE FILED: MAY 25, 2000

DISTRICT: CENTRAL COAST

H5: 4/88

D-1

EXHIBIT NO. <u>D</u>
APPLICATION NO. <u>A-3-00-76</u>
<u>Appeal</u>
<u>09/07/01</u>
California Coastal Commission

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

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

- a. Planning Director/Zoning Administrator c. Planning Commission
b. City Council/Board of Supervisors d. Other _____

6. Date of local government's decision: 3.17.2000

7. Local government's file number (if any): 99-0842

SECTION III. Identification of Other Interested Persons

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

a. Name and mailing address of permit applicant:

COUNTY DEPARTMENT OF PUBLIC WORKS
701 OCEAN ST. 4TH FLOOR
SANTA CRUZ, CA

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

(1) STAN PHILLIPS
2924 SCRIVER, SANTA CRUZ, 95062

(2) ROBERT STAKEM
241 30TH AVE
SANTA CRUZ, CA 95062

(3) KEVIN O'BRIEN
345 30TH AVE
SANTA CRUZ 95062

(4) WES PARKER
231 30TH AVE
SANTA CRUZ CA 95062

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

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

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

I SEE ATTACHED

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

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

Charles Paulden
Signature of Appellant(s) or
Authorized Agent

Date 5-20-2000

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

Section VI. Agent Authorization

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

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Signature of Appellant(s)

99387

The Santa Cruz County Approved Project is a drainage project for 30th, 32nd and 33rd Avenues in the Pleasure Point neighborhood. Included in this plan are the addition of curbs and gutters on both sides of 30th and a sidewalk on the west side. The projects, though adding short term benefits, will lead to long term disadvantages. While each component is purported to be of minimal or no impact by the applicant, the cumulative impact can have a considerable impact on the degradation of the environmental quality of this important coastal recreation area, as well as adverse effects on human health and on this unique coastal village area with its world renowned surf culture.

Pleasure Point, bounded by the ocean from Moran Lake and up its Riparian Corridor to Portola Drive, East on Portola Dr. to 41st Ave. and down 41st Ave. to the ocean, is a rich coastal recreation area. Not only does it provide more than 10 recognized and named world class surfing areas, it also provides existing coastal housing and recreational opportunities for low, moderate and high income persons.

Pleasure Point is in the unincorporated area of Live Oak. It developed as a surf and vacation community surrounded by 5 acre farms, open spaces and lagoons. While the annexation by Capitola of the 41st Ave. area has changed the rural country atmosphere of the surrounding area to a more urban setting, the visual aesthetic has remained charmingly simple with its small beach homes settled into the natural environment.

Many homes have been landscaped with native plants and trees, providing an extended buffer for the native plants and animals that use this sensitive coastal area as their refuge. This organic development of the design and character of Pleasure Point creates a merging of nature and housing where the lack of sidewalks, curbs and gutters, screens and softens the linear appearance of streets and buildings and provides informal walking streets that increase the enjoyment of this area for visitors and residents alike.

Objective 8.7 Landscape Design

Programs c.

Objective 8.8 Villages, Towns & Special Communities

Objective 5.10 Visual Resources

The desire to provide pedestrian access to Pleasure Point is laudable yet misguided. Though 30th Ave. is an important part of the new circulation pattern to the Pleasure Point recreation area, it has lead to a number of adverse impacts stemming from the increase in vehicle traffic. This has been mitigated somewhat by speed bumps, reducing the average MPH to 15-25 MPH.

The residents have increased planting between the road and their homes, many of which are located to the front of small, narrow lots, to protect themselves from noise, pollution and heat.

The widening of the road, paving of parking areas, adding curbs, gutters and sidewalks will have a number of adverse effects that will cumulatively degrade this area. Using a systems model we can conclude that this project is an inappropriate response to a reasonable objective.

goufe# 99-0842

P1 of 2 D-4

pg 4 of 7

Beyond the concern over the degradation of the special character of this important coastal and recreational area, there are other important factors to consider. How will the increase in impervious surfaces add pollution to the Monterey Marine Sanctuary and Pleasure Point recreational resource? How will the loss of major vegetation affect noise levels for the residents from the added passing of pedestrians, skateboarders, and others along the "hardscape"? How will the adding of a sidewalk encourage regional and statewide publicity to the designated neighborhood public access points at the end of 30th and Rockview (policies 7.7.18, 7.7.21)? How will the increase of "hardscape" reduce the land's ability to retain and absorb storm water, which allows the recharge of ground water and helps to prevent saltwater intrusion (7.18 water supply programs k., 8. 3,4)?

The increase in "hardscape" creates a heating effect that along with the loss of plant material, which helps cool through respiration and shading, leads to global warming and an increase in smog. The effects of global warming on the rising sea level adversely affects the limited amount of public land held in trust for the people of California by the State Constitution. The drainage of the waters into the Monterey Bay will be increased in volume and velocity by this project. A grease and sediment trap might, with proper maintenance, remove non-water soluble pollutants from discharge into the coastal waters. It would also eliminate the more dangerous water born pathogens that threaten the health of hundreds to thousands of people who come to use the recreational resources during the storm periods where the volume of runoff is the greatest. This problem has not been dealt with as required by CEQH, which states if it may have an adverse effect an (EIR) must be prepared which assesses all of the environmental characteristics of an area and determines what effects or impact will result if the area is altered or disturbed by a proposed action. Among the impacts are those on the marine habitat and preservation of the scenic character (objective 5.4 Monterey Bay Coastal Water Quality).

The use of curbs and sidewalks will reduce the amount of off street parking. By restricting the use of front areas and driveways for parking, it will force overflow into the street, creating competition for limited space. It also changes the visual aesthetic of the streetscape as well as decreasing the efficiency of available parking. As noted on p.33-34 in Live Oak Access Strategy "efforts may actually result in less parking available should space be given to curbs, gutters, sidewalks and street landscaping." (objective 3.3 Balanced Parking Supply)

*

In summary, the County Approved Project raises substantial concerns. Though perceived as incremental effects of no or less than significant impact by those proposing the project, when viewed as a precedent setting change to the historic aesthetic of Pleasure Point streetscape we must consider carefully the above mentioned concerns. The potential adverse biological, environmental, and health effects this project could have upon this special coastal community, warrant further analysis and review by the coastal commission of the proposed project.

* IN TERMS OF PROJECTS CONFORMANCE WITH LCP OBJECTIVES, POLICIES AND PROGRAMS SIGHTED IN THESE REASONS FOR THE APPEAL AS WELL AS OTHER LCP POLICIES THAT MAY BE APPLICABLE TO THESE ISSUES.

GOV FILE # 99-0842

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pg 5 of 7

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

The existing visual character of 30th Ave is consistent with Live Oak Coastal street aesthetic from 17th to 41st Ave. This provides a visual resource as a transition from the adjoining retail areas of 41st Ave and Portola Ave.

Pleasure Point is in the Live Oak area that is slated for Specific Plans, that at this time have not been developed, so proceeding could be wasteful as the development may need to be removed or modified in the future. Pleasure Point is a Special Coastal Community that is world renowned for its surfing culture and resources. As of now it has not been designated as an SCC yet when it is, specific design guidelines will be established that this precedent setting project may not work with. Pleasure Point is an Historical Resource, which has not been identified as such because of the lack of completion of the Live Oak Coastal Plan, though as one of the cradels of the art, sport and technology of surfing is one of the last intact surfing communities in California, and as such, deserves protection for its unique cultural, historic and environmental qualities. The placement of a sidewalk in this area will adversely affect these important qualities.

(Objectives: 5.9, 5.10a, 5.10b, 5.20, 8.1, 8.2, 8.8, 2.24, 2.1)
(Policies: 5.10.1, 5.10.2, 5.10.3, 5.10.10, 8.1.1, 8.2.1, 8.4.5, 2.1.1)

In addition to these valuable attributes being disrupted are many negative environmental problems that this project will engender. The increase in paving will increase the noise level. (Obj. 3.15, 6.9a, policies 6.9.1, 6.9.2), Increase air pollution from the loss of plant material (Obj. 5.18), creating a "heat island" which along with residents tendency to wash or blow off driveways and sidewalks will lead to wasting of resources (Obj. 5.17) and contribute to Global Warming (Policies 5.18.1, 5.17.8, 5.18.8, 5.18.9)

These same impervious surfaces will lead to many unmitigated problems for the Monterey Bay Marine Sanctuary. The drainage of back yard seasonal wet lands into the proposed storm water system, will reduce Groundwater Recharge increasing Saltwater Intrusion and Water Pollution. (Objective: 5.2, 5.3, 5.4, 5.7, 5.8a, 7.18c, 7.23)

(Policies 5.2.1, 5.2.3, 5.2.7, 5.2.8, 5.2.10, 5.3.1, 5.4.1, 5.4.2, 5.4.3, 5.4.4, 5.4.6, 5.4.7, 5.4.8, 5.4.9, 5.4.10, 5.4.11, 5.14.14, 7.18.6, 7.23.1, 7.23.2, 7.23.4, 7.23.5, 5.7.1, 5.7.7)

The proposed sidewalk is along the side of the street with telephone poles, leading to problems with EMF and ADA design criteria (Objective: 16.8a, 3.10)

(policies: 6.8.1, 6.8.2, 6.8.3, 3.10.8)

The reduced green space will diminish natural onsite composting as the plant material that gathers on the concrete will tend to be removed to landfills. (Objective 7.24a)

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EC6 FROM CHARLES PAULDEN

. 2 OF 2

The use of curbs, gutters and sidewalks will reduce off street parking pushing residents onto the streets to compete with coastal visitors for parking, while degrading the casual visual aesthetic now enjoyed.

A more appropriate plan might be to create an increase of onsite percolation ponds, through dry wells, on property with seasonal wetlands, filling potholes with gravel or using permeable pavers in which ground cover may be grown.

To provide and encourage pedestrian and bicycle traffic, place a permeable pathway along the riparian corridor from 30th Ave to Moran Park at the coast and across to Load street and 26th ave. Fulfilling some of our trail system objectives (Obj. 3.10, 7.6 Policies: 7.6.2, 7.6.9, 7.7.6) while working with Objective 3.20 and Police 3.20.1 to do more with less.

Pleasure Point does not have the park space suggested for the population density (Obj. 7.1a, 7.1b, 7.3), so keeping the park like setting of 30th ave, where the streets are calmed and narrowed by resident tended landscape, offsets some of the need for planted space the human spirit needs for recreation. This personal contribution provides an addition to the cultural services of this area (Obj. 7.11, police: 7.4.3, 7.4.4, 7.7.6) as well as maintaining an entryway to the neighborhood and coastal access points (Police: 7.7.18, 7.7.21)

In summary, the best use of lower 30th ave may already be achieved.

While the control and mitigation of peak traffic is still desirable, endangering pedestrians by encouraging them to continue down the street, rather than using the side streets that lead them more directly to the coastal destinations, would better be addressed at community planning sessions. The street to street approach to planning now being practiced does not allow the fulfillment of the potential benefit this unique coastal resource has to offer to our state and country. Rather than spend 1.5 million dollars on a plan that will harm the environment and damage the community over the valid objections of the affected residents, let's step back and look at the bigger picture.

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CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060
 TEL: (831) 427-4863
 FAX: (831) 427-4877



January 28, 2000

Sheryl Mitchell
 Santa Cruz County Planning Department
 701 Ocean Street, Suite 400
 Santa Cruz, Ca 95060-4073

Subject: *Project Comments for Application Number 99-0842, Road Improvements between 30th and 33rd Avenues in the Pleasure Point area of Live Oak*

Dear Ms. Mitchell:

Thank you for forwarding this development proposal to our office for review. These comments are based upon the brief project description you have provided, along with the proposed site plans that illustrate the project. After review of these materials, we have some reservations about the proposed development and its relationship to County of Santa Cruz Local Coastal Program (LCP) goals and objectives for the Live Oak beach area. We are generally supportive of such streetscape enhancement projects in the Live Oak beach area. Such projects have the potential to improve the coastal access experience for residents and visitors alike. However, we are concerned in this case that the full potential of the public's right-of-way is not being used for this purpose. In light of these concerns, please consider the following comments on the proposal.

The proposed project plans indicate that street improvements (including curbs, gutters, sidewalks, parking bays, drainage, and landscaping) would be constructed along 30th, 32nd, and 33rd, Hawes, and Calla inland from East Cliff Drive in the Pleasure Point area of Live Oak. These same project plans indicate that such improvements would not use the full extent of the public right-of-way for these street segments. From what we can tell, the area of public right-of-way that is *not* proposed for improvement ranges from 10 to 15 feet along 30th Avenue and Hawes Drive, to approximately 25 feet along 32nd Avenue and Calla Drive.

We are concerned about any such street improvement project in the Live Oak beach area that does not use the full extent of the public's right-of-way. In the past, private development has occurred where the public improvements do not take up the full width of the right-of-way. Such private development within the public right-of-way (such as landscaping, fences, planter boxes - even houses) has narrowed the publicly usable space on these beach streets. In fact, previous research by Commission staff in the Live Oak beach area indicates that, on average, approximately 15 feet (or about 30%) of each beach area public street right-of-way has been otherwise covered with private development. Compounding the direct loss of public space is the fact that the public is not compensated for the use of these public lands. In other words, these private encroachments represent a gift of public land. We are concerned that this past development pattern may be continued and condoned with this project as proposed.

The Live Oak beach area is an important recreational asset for Live Oak residents, other County residents, and visitors to the area. Parking is extremely difficult in this area, and recreational

E-1

EXHIBIT NO. <i>E</i>
APPLICATION NO. <i>A-3-00-76</i>
<i>Comment Letter to County</i>

DS1

amenities and improvements (such as through trails/sidewalks) are in high demand. Publicly available property with which to construct such improvements is lacking; exorbitant coastal land costs assure that this lack of available public lands will continue to be an issue. This is particularly true in the Pleasure Point area. The LCP contains multiple policies and programs detailing the need for access enhancement in the Live Oak beach area; the Coastal Act likewise supports such goals. Within this context, it is incumbent upon public agencies involved to fully use Live Oak beach area public lands in the public interest.

Accordingly, we suggest that the proposed project be modified to make full use of the public right-of-way for public uses (such as parking). For example, along 30th Avenue we suggest that the full right-of-way be utilized to provide additional parking areas. In place of smaller parking bays and larger (non-parking) islands, larger areas of on-street parking separated by small islands should be pursued. On 32nd, some smaller parking bays separated by larger islands may be appropriate. On Calla and Hawes Drives, parking arrangements similar to 30th Avenue should be pursued. Beach area parking near Pleasure Point shoreline attractions is particularly confined and such additional parking at this location would provide much needed relief.

In addition, 30th Avenue is a main beach area collector street; this is all the more evident since East Cliff at Pleasure Point was converted to one-way traffic several years ago. Such streets function as important connections between inland transportation corridors and the beach area, and are often the first point of contact for coastal visitors. Accordingly, we suggest that clear signs be installed to identify on-street parking as beach area parking, and that additional signs be placed to provide directions to beach areas attractions nearby (e.g., Pleasure Point surf area, Moran Lake, 26th Avenue, etc.). Beach area visitors so directed will not need to cycle through the beach area thus avoiding traffic and congestion. Also, since 30th Avenue is heavily used, we suggest that bike lanes be provided along this stretch.

These are our preliminary recommendations for use of the right-of-way here given our understanding of the area and the project scope. It may be that there are additional amenities, and/or configuration of amenities, that can be pursued here. If the County would otherwise like to discuss appropriate uses within public beach area street right-of-ways on a more comprehensive basis, we are available to work with the County. Each street will present slightly different priorities; these priorities are somewhat dependent and connected to what has been done (or is planned) for neighboring streets. In fact, exact placement of sidewalks/paths, benches, parking, signs, trash/recycling collection, landscaping, et cetera within the beach area is probably best determined through an overall plan for the beach area. My staff is available to participate in such a planning effort.

If the public right-of-ways are *not* going to be used, then the County should explicitly address the issue of continued private development in the public right-of-ways. Private encroachments into the public street right-of-ways in Live Oak are an uncompensated gift of public land. Not only has the public allowed private use of expensive coastal real estate, but other uses beneficial to the public for this area such as parking, biking, walking, sitting, and viewing must be foregone. This public loss is magnified in the Live Oak beach area because of the recreational importance of the

Live Oak beach area for all Live Oak residents, other County residents, and visitors.

If some lost street right-of-ways are not going to be completely reclaimed for public uses at this time (and we urge that this land *is* reclaimed), we suggest that the County develop an alternative policy to address private development in the public street right-of-way until such time as the land is reclaimed. For example, a rental fee could be charged for each square foot of private encroachment onto public land within the immediate beach area. To mitigate the impacts of the lost public space, this fee could then be earmarked for a systematic program of beach area enhancements (e.g., vista points, parking, signing, recreational trails, landscaping, increased maintenance, etc.) within the fee area. Such improvements could also have the added benefit of addressing perceived resident-visitor conflict within the Live Oak beach area. In this way, public ownership of the street right-of-way would be explicitly recognized, and a fair and equitable funding source (through the rental fees) would be created. Please note that a similar program to address private encroachments has been successfully implemented in Newport Beach since 1991.

Has the County considered any such programs in the Live Oak beach area? The brief project description that you provided describes a "Board of Supervisor approved Plan Line" for this area. We have not seen this Plan Line; does it address private development in public right-of-way? How does the Plan Line impact development within the Live Oak beach area (and the kinds, intensities, and densities of use therein) and public access to and along the Live Oak shoreline?

Finally, it is not clear how this proposed project connects to existing, future and/or currently planned recreational trail improvements along East Cliff Drive. East Cliff Drive provides through lateral access from the Santa Cruz Harbor through to Opal Cliffs and Capitola. East Cliff Drive, however, is not generally equipped with a separated pedestrian area (e.g., a sidewalk or a path) and pedestrians, bicyclists, skateboarders, and others must share the roadway shoulder with parked cars and each other. Because East Cliff Drive is heavily used as the main east-west street through the beach area, it can be dangerous for non-automobile traffic to navigate in the space that is currently available.

We know that the County is planning for recreational trail enhancements along East Cliff Drive at Pleasure Point and at Twin Lakes State Beach. It is our understanding that these projects include a two-way recreational trail on the seaward side of East Cliff Drive separated from the traffic lanes; connecting segments in between these projects along East Cliff Drive may also be pursued at some point. Given the developed nature of Live Oak bluffs, East Cliff Drive represents the best available area route for a recreational trail trunk line through Live Oak. Moreover, the East Cliff Drive right-of-way is generally 60 to 80 feet wide.

If a recreational trail of some sort is eventually established along the East Cliff Drive corridor, we concur that it should be constructed along the seaward side of the right of way. In order to allow adequate space with which to pursue such improvements, any street improvements along the inland side of East Cliff Drive should be planned so as to make full use of the right-of-way. In other words, travel lanes should be pushed inland within the right-of-way to allow as much

space as possible on the seaward side for future recreational trail improvements (including paths, landscaping, benches, trash cans, etc.). Accordingly, we are concerned that the proposed project will negatively impact future trail options along East Cliff because the proposed plans show that, like the other Avenues, the East Cliff Drive right-of-way would not be fully used. We suggest that any proposed street improvements proposed as part of this project in the East Cliff Drive right-of-way be sited along the inland extent of the right-of-way.

It may make better sense to begin an East Cliff Drive planning process to establish the future siting of trails and other streetscape amenities before any street improvements in the East Cliff Drive right-of-way are pursued. My staff is also available to participate in such a planning effort.

A couple of final thoughts on this proposed project: (1) Will the proposed silt and grease trap nearest the proposed outfall (within which all the drainage from these Avenues would flow) be capable of handling the amount of runoff involved? Will it be able to adequately filter polluted runoff in the event of heavy sediment and/or floatable loads? What is the storm event rating for the particular unit proposed here? Please ensure that this unit has adequate filtering capacity to ensure filtering of urban runoff contaminants, particularly in the event of large storm events, and that long term maintenance of any such unit is built into the project. (2) How will the proposed outfall pipe be camouflaged? What type of energy dissipation device(s) is(are) envisioned for outfall pipe runoff? This is a particularly scenic area within which public view protection, including views of shore from the water, must be addressed.

Thank you for the opportunity to comment in the development stage of this project. As you move forward with your project analysis and environmental review, the issues identified above, as well as any other relevant coastal issues identified upon further review or due to project modifications, should be considered in light of the provisions of the certified Santa Cruz County LCP and the Coastal Act. In any event, please note that the coastal development permit for this project is appealable to the Coastal Commission because it is a major public works project. If you have any questions regarding this matter, please contact Dan Carl of my staff at (831) 427-4863.

Sincerely,



DAN CARL FOR:
Lee Otter

District Chief Planner

cc: Tom Burns, Director, Santa Cruz County Redevelopment Agency
Everdyn Wescoat, Live Oak Community Association

E-4

MS 4084



County of Santa Cruz

DEPARTMENT OF PUBLIC WORKS

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 95060-4070
(831) 454-2160 FAX (831) 454-2385 TDD (831) 454-2123

JOHN A. FANTHAM
DIRECTOR OF PUBLIC WORKS
RECEIVED

February 18, 2000

FEB 22 2000

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

CALIFORNIA COASTAL COMMISSION

Lee Otter, District Chief Planner

725 Front Street, Suite 400

Santa Cruz, CA 95060-4073

SUBJECT: APPLICATION NO. 99-0842, ROAD AND DRAINAGE IMPROVEMENTS ON
30TH THROUGH 33RD AVENUES, PLEASURE POINT AREA

Dear Mr. Otter:

This letter is in response to your letter of January 28, 2000 regarding the improvement plans submitted to the County Planning Department for the subject project. While we share your concerns regarding the use of public right-of-way for private purposes, we believe that the proposed improvements either make efficient permanent use of the right-of-way (on 30th Avenue), or in no way limit or preclude public use of the right-of-way (on 32nd Avenue, Calla Drive and Hawes Drive).

The project proposes curb and gutter on both sides of 30th Avenue, and a sidewalk on the west side, which will connect the existing sidewalks on 30th Avenue to those on East Cliff Drive. Parking is proposed on both sides of 30th Avenue, except small areas where existing or proposed landscaping will occur in the shoulder area. There will be no significant reduction in the number of parking spaces on 30th Avenue as a result of the project, and increasing the pavement width beyond what is proposed would not allow the creation of any additional parking. While bike lanes on 30th Avenue may be desirable, the County bike plan does not include bike lanes on this street. Creation of bike lanes would require a pavement width wider than the existing right-of-way or would result in the elimination of parking on one side of the street.

On the other streets, no curb, gutter, or sidewalk is proposed. The surface improvements on those streets consist of drainage swales along the sides of the street, similar to those on 34th through 37th Avenues. The swales are constructed to convey runoff to a system of inlets and pipes, but can be driven across and do not prevent parking along the shoulder of the road. There will be no reduction in the amount of parking on these streets, and the current improvements will not preclude road widening if that is desired at a later date.

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<i>Letter from County</i>

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The proposed silt and grease trap conforms with the County's Design Criteria requirements, and is designed to reduce the transport of both sediment and floatable materials to the bay. The trap will be maintained on an ongoing basis by the Public Works Department.

The outfall pipe will extend beyond the cliff face on a temporary basis, until the construction of a seawall in 2001. The extension will direct flow to a bedrock outcropping and is necessary to prevent erosion of the cliff face. When the wall is constructed, the pipe will be cut flush with the wall to minimize visual impacts. A series of public meetings regarding the seawall and the pedestrian and bike pathway along East Cliff Drive will begin this spring.

We hope that this additional information regarding this project alleviates the concerns expressed in your letter. If you have any further questions or would like to discuss any of these issues, please contact the undersigned at (831) 454-2806.

Yours truly,

JOHN A. FANTHAM
Director of Public Works

By: 

Carl Rom
Senior Civil Engineer

CDR:cdr

Copy to: Redevelopment Department
Planning Department, Sheryl Mitchell

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