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COASTAL DEVELOPMENT PERMIT APPLICATION

Application number3-11-027, City of Santa Cruz Beach Management Plan

Applicant.....City of Santa Cruz

Project locationCowell and Main Beaches located seaward of the Union Pacific Railroad Trestle, Santa Cruz Beach Boardwalk, Beach Street, Ideal Bar and Grill Restaurant, the Dream Inn, the Sea and Sand Inn, and West Cliff Drive, and roughly between San Lorenzo Point and Collins Cove in the City of Santa Cruz.

Project descriptionImplement the City's Beach Management Plan at Cowell and Main Beaches for three years, including: general beach area maintenance activities (sand sifting, debris removal, etc.); kelp removal (including as part of a two-year kelp-water quality study with an associated environmental monitoring component); minor beach re-contouring (except along the San Lorenzo River and its lagoon); summer beach concessionaire; public recreation and education activities; seasonal Seaside Company bandstand and picnic deck; special and temporary events; safety facilities and operations, flood control/drainage discharge operations; and a signage program.

File documents.....City of Santa Cruz Beach Management Plan (dated May 2011); Coastal Commission coastal development permit (CDP) files 3-95-043, 3-95-043-A1 and 3-95-043-A2; Certified City of Santa Cruz Local Coastal Program (LCP); City of Santa Cruz LCP Amendment No. 1-95 (June 14, 1995, Beach Management Plan, etc.); San Lorenzo River Enhancement Plan (City of Santa Cruz, 1989); San Lorenzo Urban River Plan, 2003; Nearly Lagoon Management Plan (City of Santa Cruz, 1992). City of Santa Cruz - Seaside Company Beach Maintenance Agreement (2011).

Staff recommendation ...Approve with Conditions



A. Staff Recommendation

1. Summary of Staff Recommendation

The City of Santa Cruz is requesting CDP approval to implement its Beach Management Plan (BMP) for Main and Cowell Beaches for the next three years. The BMP regulates use and maintenance operations on Main and Cowell Beaches in a manner intended to protect natural resources, provide for public safety, and enhance the extent and quality of beach recreation opportunities. The Plan is multifaceted, and includes provisions for regular maintenance operations (e.g., litter removal, leveling and contouring of sand for volleyball tournaments, etc.), seasonal debris removal (e.g., kelp removal, with limitations), limited commercial uses (e.g. concessionaire surfboard rentals), recreational and educational programs (e.g., Junior Lifeguard and beach volleyball), the Santa Cruz Seaside Company (Santa Cruz Boardwalk) bandstand, temporary deck and associated walkways, special and temporary events, flood and drainage discharge operations, safety facilities and operations, and a signage program. The City of Santa Cruz has been authorized by the Commission to implement similar beach management plan activities at this location since 1995 (CDP 3-95-043, as amended twice).

In general, the City's BMP and the Commission's authorization of it to date have performed as intended and have provided for enhanced coastal access and recreational opportunities without significant negative impacts. The City, in tandem with the Seaside Company for the area fronting the Boardwalk, has served to provide an exceptional visitor experience for the general public, and has appropriately maximized public recreational access opportunities under the City's BMP to date. The main issues raised by past BMP implementation have been related to special and other events in the beach area, and questions related to kelp removal/beach grooming and the effect of such activities on the beach environment. The City has updated the current version of the BMP to address concerns previously raised in this respect. For beach area events, the current BMP provides greater specificity with respect to the number, duration, and spatial extent of allowed events, and includes Executive Director oversight. With provisions to ensure appropriate reporting and identification of the details of such events, Staff believes that the plan should be able to effectively navigate the problems that sometimes occur when general visitor needs conflict with event needs.

With respect to kelp removal and beach grooming, the City proposes a similar system as in the past where there would be some removal of kelp above the high tide/wrack line during summer, removal below that line during summer only when there is conclusive evidence of water quality contamination, and limited grooming during early morning hours for debris removal and sand leveling. In addition, as a means of furthering the science and informing CDP decisions related to kelp removal, the City has entered into a partnership with the Southern California Coastal Water Research Project (SCCWRP) and researchers from Stanford University to study the impacts of kelp wrack removal on water quality and beach ecology as part of their BMP, and has committed to similar monitoring and study related to beach grooming as well. Staff believes that the City's proposal in this respect strikes the appropriate balance between beach ecology and beach recreational use values, and that the results of the study efforts will help to inform decisions not only at City of Santa Cruz beaches but also other jurisdictions statewide.



Overall, and subject to the recommended conditions, the BMP will protect and enhance public access and recreation, minimize adverse environmental impacts to coastal marine resources, and facilitate a landmark kelp-water quality study at Cowell and Main Beaches. **Therefore, Staff recommends that the Commission approve a CDP for the BMP.** The necessary motion is found directly below.

2. Staff Recommendation on CDP Application

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

Motion. I move that the Commission approve coastal development permit number 3-11-027 pursuant to the staff recommendation, and I recommend a yes vote.

Staff Recommendation of Approval. Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development 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 a Coastal Development Permit. The Commission hereby approves the coastal development permit on the ground that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the coastal development 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 amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.

Report Contents

A. Staff Recommendation.....	2
1. Summary of Staff Recommendation.....	2
2. Staff Recommendation on CDP Application.....	3
B. Findings and Declarations	4
1. Project Location and Background.....	4
2. Project Description	5
3. Coastal Development Permit Determination	9
A. Public Access and Recreation.....	10
B. Marine Resources	
4. Coastal Development Permit Conditions of Approval	17
A. Standard Conditions.....	17
B. Special Conditions	18



5. California Environmental Quality Act (CEQA)19
C. Exhibits
A. Cowell and Main Beaches Area Map
B. Proposed Cowell and Main Beaches Beach Management Plan

B. Findings and Declarations

The Commission finds and declares as follows:

1. Project Location and Background

The City of Santa Cruz’s Beach Management Plan applies to all sandy areas of Main and Cowell Beaches in the City of Santa Cruz. These areas are located seaward of the Union Pacific Railroad Trestle, Santa Cruz Beach Boardwalk, Beach Street, Ideal Fish Company, the Dream Inn, the Sea and Sand Inn, and West Cliff Drive, and are located roughly between San Lorenzo Point (downcoast) and Collins Cove (upcoast) along the City’s shoreline (see Exhibit A). Cowell Beach is the sandy beach area upcoast of the Santa Cruz Municipal Wharf, and Main Beach is the sandy beach area downcoast of the Wharf. In total, these two beach areas are approximately 1.3-miles long and vary seasonally in width to as little as 100 feet at certain points during the winter months. There are multiple accessways to these beaches from lateral trails extending along most of this shoreline.¹ The beaches are entirely open to the general public and there are no restrictions on hours of use.

All of Main and Cowell Beaches are located within the Commission’s original CDP jurisdiction, and thus the Commission retains CDP authority over these areas and the Coastal Act is the standard of review.²

The Santa Cruz Beach Boardwalk, adjoining commercial establishments, and the City’s Municipal Wharf are located on and adjacent to Main and Cowell Beaches. These areas form the most popular beach and general visitor destination in all of Santa Cruz County, and arguably the entire central coast of California, with heavy public use occurring primarily during the period between the Memorial Day weekend and Labor Day.

In 1995, the City’s original BMP was added to the LCP (LCP Amendment 1-95)³ to help provide guidance for decisions in the beach area,⁴ and the Commission approved its initial implementation for a

¹ Including direct public access from the publicly available (free of charge) Boardwalk and City pathways along Beach Street, and access from the Dream Inn for Dream Inn guests.
² The Boardwalk fronting Main Beach is also located within the Commission’s CDP jurisdiction.
³ Following approval of this BMP and any changes to it, the City will also submit a new LCPA to the Commission to replace the old BMP with the as approved BMP in the LCP.
⁴ Id (standard of review still the Coastal Act in this area).



five-year period.⁵ The Commission has since twice approved amendments authorizing continuing BMP implementation, most recently in 2006 when the authorization period was reduced to three-years in light of Commission questions regarding kelp removal and beach grooming operations.⁶ At that time the Commission was interested in better understanding the balance being struck between facilitating beach recreational use and the effect of such operations on beach ecology, and the nature to which kelp was or was not resulting in water quality impacts, and three years was deemed an appropriate interim period to allow the City to look into such issues for the next iteration of the BMP. During its most recent implementation period and since then, the City has worked towards addressing these issues at Cowell and Main Beaches, but still poor water quality continues to plague these beaches. The City has now developed a new BMP designed to further respond more comprehensively to both the problems they identify as affecting beach recreational use and the Commission's concerns last expressed in the 2006 approval of the BMP.

2. Project Description

The proposed BMP is multifaceted, and includes provisions for regular maintenance operations (e.g., grooming including litter removal, leveling and contouring of sand for volleyball tournaments, etc.), seasonal debris removal (e.g., logs and other debris washed down the San Lorenzo River), limited commercial uses (e.g., beach concessionaire rentals), recreational and educational programs (e.g., Junior Lifeguard and beach volleyball programs), the Seaside Company (the Santa Cruz Boardwalk) bandstand, temporary deck, and handicap ramps and walkways, special and temporary events, flood and drainage discharge operations, and a signage program. These provisions are similar to provisions that have been covered by CDP 3-95-043 as amended to date, but have been updated to reflect current information and implementation issues identified to date. The BMP includes:

Recreational/Educational Programs. The BMP limits use of the beach for recreational and educational programs, such as the Junior Lifeguard Program, to no more than 20% of the total beach area and requires that these activities be conducted in a manner that best protects general public beach access, including requiring that lateral access along the beach not be impacted by these activities. The City also maintains 16 volleyball courts for public use. The courts may be reserved for use via the City Park and Recreation Department's online reservation system. In order to ensure overall beach availability for general public use, certain defined recreational uses that occupy large beach areas, such as the City's beach volleyball courts, are restricted to specific designated areas.

Special/Temporary Events. Special and temporary events are held regularly at Cowell and Main Beaches throughout the year. Special events as understood in this BMP are considered those that occur regularly, such as the Santa Cruz Triathlon. Temporary events as understood in this BMP are non-annual events and are scheduled at various times, such as weddings or any reserved use of the City's beach volleyball courts. As outlined in the BMP, the scheduling and noticing to the public for both

⁵ CDP 3-95-043, approved on May 11, 1995.

⁶ CDP amendment (CDPA) 3-95-043-A1 approved on September 14, 2000 for an additional 5 years, and CDPA 3-95-043-A2 approved on August 10, 2006 for an additional 3 years.



special and temporary events is to include type of event, date, times, specific location, expected number of participants, and any proposed fees required. By January 1st of each year (and prior to any event occurring for that year), the City will provide to the Commission's Executive Director for review and approval a list of all known special events and any known temporary events pursuant to this BMP (temporary events are noticed immediately to the Executive Director via the City's email distribution list). Only events on the approved list are allowed, and any changes to the approved list must first be submitted to the Executive Director for review and approval subject to the same criteria. All events that are scheduled after the Executive Director's approval of the yearly list are also subject to Executive Director approval based on the same methods, where any subsequent event to which the Executive Director has not responded within 5 days of receiving the event notification package from the City is deemed approved. In addition, special and temporary events are not allowed to restrict more than one-third of the beach area (including the volleyball courts that occupy about 10% of the beach by themselves),⁷ unless in special circumstances, and must be configured in such a way as to avoid stairways to the beach and to otherwise minimize impacts on general public beach use. For any special circumstances, the Executive Director must be noticed and presented with a case that such circumstances: (1) will not adversely impact recreational uses of the beach; and (2) will not adversely impact coastal resources. In addition, all special and temporary events are subject to the Commission's 1993 temporary events guidance.

The Seaside Company Bandstand, Beach Deck, Walkways, and Volleyball Courts. The BMP allows the Santa Cruz Seaside Company to construct a temporary approximately 3,800 square foot deck (which provides approximately 42 picnic tables and seats approximately 476 people) over the sandy beach immediately adjacent to the Boardwalk Casino building between May 1st and October 31st. The Seaside Company also installs two sets of volleyball courts adjacent to the deck to be used in tandem with deck use (one court is positioned in front of the Casino rotunda, the other between the two sets of steps downcoast of the Casino rotunda on the Colonnade promenade) and two walkways (one an ADA access from the grassy knoll along the west side of the Casino out approximately 70 feet toward the water, the other along the beach deck extending approximately 230 feet east to the Colonnade promenade). To ensure that the public has appropriate access to the deck, the City has entered into an agreement with the Seaside Company which regulates its public and private use. This agreement requires the Seaside Company to reserve at least 1 full midweek day (may be variable) for use by the public only. Of those remaining days, and including weekends, the Seaside Company can reserve the deck for private use as long as no more than 40% of the those days are scheduled (or approximately 72 of the 180 calendar days it is set up). In April of every year, the Seaside Company provides a list of dates reserved for private use to the City, and must notify the City in writing with any cancellations or additions. The City then provides this list to the Executive Director of the Coastal Commission for review and approval. Any changes to the approved list also require approval in the same manner.

Kelp Removal and Beach Grooming. The BMP contains similar kelp removal activities as in past BMP permits which include: some removal of kelp above the high tide/wrack line during summer (other

⁷ When the volleyball courts are reserved, they count towards this 33% total. Thus, at these times, special and temporary events other than the volleyball courts can only occupy up to a little over 20% of the remaining beach.



than minor amounts of kelp that may be collected incidental to regular maintenance operations) only if insect infestations due to kelp on the beach are negatively impacting beachgoers; kelp removal anywhere on the beach during summer only when Santa Cruz County Environmental Health Services (EHS) determines that kelp on the beach at that location is a significant factor to bacterial contamination that is creating a public health hazard and that removing it for these purposes is absolutely necessary; and limited beach grooming (e.g., sand sifting, recontouring, etc) during early morning hours for debris removal and sand leveling. In addition, as a means of furthering the science and informing CDP decisions related to kelp removal and grooming, the City has entered into a partnership with the Southern California Coastal Water Research Project (SCCWRP) and researchers from Stanford University to study the impacts of kelp removal on water quality and beach ecology as part of their BMP, and has committed to similar monitoring and study related to beach grooming as well. The results of the kelp-water quality study will provide at a minimum a causal correlation of water quality testing data to kelp removal data, and should be able to identify discernable trends or relationships associated with the study data (including for kelp, wildlife, debris, and water quality) as well as recommendations for adapting kelp removal operations as necessary in the coming years to better protect coastal resources. The City's complementary efforts with respect to grooming operations should serve the same function.

In tandem with the kelp-water quality study, the City will also observe and monitor the richness and abundance of animals frequently cited near, and supported by, kelp, such as shorebirds, levels of brine flies, and other animals. The City has developed an environmental monitoring datasheet for this purpose that is designed to quantitatively and qualitatively identify: 1) the location and amount of kelp removed; 2) kelp supported species abundance before and after the removal (such as shorebirds, brine flies, or any other animals observed in the affected area); and 3) other observations and documentation (including but not limited to identification of other kelp borne debris, animal waste, etc.). The City will complete environmental monitoring datasheets for each removal episode, will document before and after observations (including with photos), and will submit an annual calendar year report with all documentation including identification of spatial trends over larger beach areas related to the removal area as well as cumulative trends both spatially as well as over time (including all before and after photos). This report too will include recommendations for adapting kelp removal operations as necessary in the coming years to better protect coastal resources, including with respect to BMP CDP processes in the future.

Specific BMP allowances include (see the City's proposed full BMP in Exhibit B):

1. The use of mechanized equipment on the beach for:
 - (a) Regular maintenance operations: (1) beach cleaning (e.g., litter removal); (2) leveling for recreational activities such as volleyball or recontouring to clear stairways (e.g., after storms); (3) installing lifeguard towers and handicap ramps; and (4) garbage removal.
 - (b) Beach grooming (i.e., mechanical sand sifting and sand leveling).
 - (c) Seasonal debris removal operations after the last major winter storms or as necessary



depending on large debris accumulation.

- (d) Marine mammal disposal (i.e., for dead or diseased marine mammals).
 - (e) Kelp removal on dry sand areas above the high tide/wrack line between Memorial Day and Labor Day during daily maintenance operations and when EHS determines that kelp on the beach at that location is a significant factor to bacterial contamination that is creating a public health hazard and that removing it for these purposes is absolutely necessary.
 - (f) Safety activities, including use of lifeguard vehicles and other emergency machines.
 - (g) Construction activities covered by separate CDP (e.g., projects at the Boardwalk).
 - (h) Installation, removal, and use of the Seaside Company Bandstand, deck, walkways, and volleyball courts.
2. The use of mechanized equipment is subject to the following management provisions:
- (a) The City Parks and Recreation Department will advise other City Departments and will stipulate in all contracts and agreements with non-City groups that operations or activities that affect the beach area must be undertaken consistent with the BMP. A copy of the BMP or relevant sections of the BMP shall be given to all operators.
 - (b) All mechanized equipment will enter and exit the beach at the Cowell Beach Ramp, the Westbrook Ramp, and/or the Third Street parking lot ramp (which serves as the City's eastern emergency/maintenance vehicle accessway). No equipment will be stored on the sandy beach.
 - (c) No mechanized equipment will operate in the wet sand (below the ordinary high tide line), except in cases of emergency, when required for safety reasons, for removal of marine mammals, and to facilitate the removal of kelp in the wrack line and below as part of the City's kelp study, due to the infeasibility of removal by hand, where such removal is premised on keeping all mechanized equipment on the dry sand as much as possible.
 - (d) Recontouring of the beach along the San Lorenzo River or its sandbar or artificial breaching of the sandbar is prohibited.
 - (e) Maintenance activities will be scheduled to prevent conflict with access and use of the beach by the public.
 - (f) Debris is disposed of at the City landfill. Disposal at other sites within the coastal zone requires a separate CDP.
 - (g) The operation of any equipment will be with safety as the first consideration.
3. City Recreational/Educational Programs as follows:



- (a) 16 City volleyball courts in designated areas for general public and reserved group use.
 - (b) Beach oriented recreational/educational classes, including the Junior Lifeguard Program, with uses limited to no more than 20% of the total beach area at any time.
4. Commercial Uses as follows:
- (a) Concessionaire operated portable ocean equipment rental trailer, which is dropped off onto the beach and removed daily by a 4 x 4 vehicle (approximately 21' long by 8.5' wide by 10' high).
5. Special and Temporary Events consistent with the Commission's Temporary Event Guidelines, and with uses limited to no more than a third of the total beach area at any time, including volleyball courts.

3. Coastal Development Permit Determination

As indicated above, the proposed project takes place within the Commission's retained CDP jurisdiction. The City certified LCP can serve as non-binding guidance to the Commission, but the standard of review is the Coastal Act.

In general, the City's BMP and the Commission's authorization of it to date have performed as intended and have generally provided for enhanced coastal access and recreational opportunities without significant negative impacts. The City, in tandem with the Seaside Company for the area fronting the Boardwalk, has served to provide an exceptional visitor experience for the general public, and has appropriately maximized public recreational access opportunities, under the City's BMP to date. The main issues raised by the BMP in the past have been related to special and temporary events in the beach area, and questions related to kelp removal and beach grooming and the effect of such activities on the beach environment. The City has updated the current version of the BMP to address concerns previously raised in this respect. For beach area events, the current BMP provides greater specificity with respect to the number, duration, and spatial extent of allowed events, and includes Executive Director oversight. With conditions to ensure appropriate reporting and identification of the details of such events, the plan should be able to effectively navigate the problems that sometimes occur when general visitor needs conflict with event needs. In terms of kelp removal and beach grooming, the City has committed to participate in a kelp study to specifically address ever-present issues relating to the often poor water quality of the surrounding waters, as outlined in the BMP, and to undertake a monitoring program to help identify beach ecological effects associated with kelp removal and general beach grooming.

As conditioned, implementation of the BMP for a period of three years is expected to provide continuing benefits to public access and recreational opportunities while protecting coastal resources, consistent with the requirements of the Coastal Act.



A. Public Recreation and Access

1. Applicable Policies

Coastal Act Sections 30210 through 30214, 30221, and 30223 specifically protect public access and recreation as follows:

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 30212 (a): *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects....*

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

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

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.*

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

Section 30222. *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

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

2. Analysis

The Santa Cruz Beach Boardwalk, adjoining commercial establishments, and the City's Municipal



Wharf are located on and adjacent to Main and Cowell Beaches. These areas together form the most popular beach and general visitor destination in all of Santa Cruz County, and arguably the entire central coast of California. An estimated 1 million visitors annually (with most of these visiting during the summer and fall months) from a variety of locations and economic backgrounds, swim, relax, play, and generally enjoy the beaches and other amenities found here. Especially during the summer months, the beach area can be packed with families, blankets, and umbrellas, occupying almost its entire area. As such, and because of this heavy use, these beaches are often not the ones visited by those looking for a quiet, or more pristine natural beachscape, such as those located further north or south outside of the Santa Cruz urban core. However, even with the hustle and bustle associated with such heavy use, the BMP has helped to manage and provide quality public access and recreation opportunities along its approximately one-mile length.

The width of Cowell and Main Beaches vary seasonally, from as little as 100 feet or less in some areas during the winter months, and near Cowell's Cove at its western edge, to its typical wider beach profile of over 500 feet during summer. At its far eastern edge, the San Lorenzo River lagoon often forms during the spring, due to natural berming processes, and may extend laterally along Main Beach in front of the Boardwalk for several hundred feet some years. Yet, given the considerable size of Main Beach, extensive sandy areas remain available for the public, even during times when a sizeable lagoon forms (see beach orientation in Exhibit A). By limiting beach maintenance activities to avoid disruptions to the natural functioning of the San Lorenzo River lagoon, the BMP is consistent with the Coastal Act directive to maximize public access and recreation opportunities in a manner that protects natural resources.

Additionally, the BMP provides an appropriate balance between public and private use on what are considered historic tidelands of the State of California. The Seaside Company's temporary deck, for example, can only be used for private use 40% of the days that the deck is installed. This leaves approximately 108 days, or around 3.5 months (out of 5), for the general public to enjoy unhindered free access and use. Further, to ensure the public is aware of the opportunities that the deck provides, a signage program alerts the public when the deck is available for public use. Also to encourage public recreation, the Seaside Company temporarily constructs a beach bandstand (an approximately 2,000 square foot stage) used for a variety of free public events, including but not limited to: magic shows, body building contests, Sunday sunrise services, tanning contests, a clam chowder cook-off, group beach games, music concerts, band review awards, cheerleading competitions, DCARA (Deaf Counseling Advocacy & Referral Agency) Day awards, sand castle contests, the as well as the "Summertime, Summer Nights" free public concert and movie series. City policy prohibits charging for events. The Seaside Company also installs and maintains (and removes at the end of the summer season), a handicap accessible ramp which extends from the deck toward the water line (some 70 feet or so), and which, regardless of whether the temporary deck is reserved for a private function, remains open and accessible at all times for disabled users, and an approximately 230-foot lateral walkway along the beach from the deck back to the Boardwalk's Colonnade promenade. City staff monitors all of these uses on a monthly basis to ensure the parameters of allowed use and activities per the BMP (and the City's agreement with the Seaside Company) are being followed and that public use and accessibility of this beach-area resource continues to be provided.



The BMP also provides appropriate limits on the size and scope of recreational and educational activities which ensure that these activities do not impact general public access to the beach, including lateral access. The City runs the Junior Lifeguard program and various recreation classes for the community. To ensure beach availability for general public use, the BMP does not allow more than 20% of the total beach area to be occupied by such activities, and requires that they be confined as much as possible to minimize impacts on general beach recreational use. These programs are a service to the community and generate limited revenue, which is returned to the City's general fund.

In much the same way, special and temporary event guidelines have been designed to minimize impacts on both the public and natural resources. For example, for such events, the City provides a list at the beginning of the year which includes a narrative description of the event, plans identifying affected beach areas and any associated physical development, and all identifying information (including, but not limited to its duration, expected number of participants, any fees, operating plans, parking plans, signs, etc.) to the Executive Director for review and approval. Special and temporary events shall only be allowed if they are sited and designed to minimize impacts on general public recreational use as much as possible (including the requirement that they do not block lateral access along the lower beach area, nor block access to the beach from any and all public access points), and events that restrict more than a third of the total beach area are prohibited unless the Executive Director determines that there are special circumstances and that use of the additional area will not significantly adversely affect general public recreational use. All events which are scheduled after the Executive Director's initial approval of the yearly list referenced above are subject to Executive Director approval based on the same methods above. Any such subsequent event to which the Executive Director has not responded within 5 days of receiving the event notification package from the City is deemed approved. In addition, a schedule of all special events, land and water, is posted on the City's Parks and Recreation Department website (<http://www.cityofsantacruz.com>) as a service to the public and all interested parties.

Because all events will be reviewed by the Executive Director to ensure that the general beach-going public is not significantly impacted by such events, including in relation to limits on the amount of space that can be occupied by such events at any one time and in terms of beach access points and primary lateral access along the lower beach shoreline, the proposed BMP sections detailing such programs and events can be found consistent with the Coastal Act's public access and recreation policies.

3. Conclusion

The City of Santa Cruz, along with the Seaside Company which oversees management of the Santa Cruz Boardwalk and a portion of Main Beach, has served to provide an exceptional visitor experience for the general beach-going public, and has appropriately maximized public recreational access opportunities, under the City's BMP to date. In this same tradition, the proposed BMP ensures protection of public access and recreation opportunities as required by Chapter 3 of the Coastal Act by managing access demand and minimizing public recreational access impacts while allowing for a multitude of uses for those visiting Main and Cowell Beaches. Therefore, as proposed the BMP is consistent with the above-cited public access and recreational policies of the Coastal Act.



B. Marine Resources

1. Applicable Policies

Coastal Act Sections 30230, 30231, 30232, and 30233 afford protection of marine resources and their associated biological productivity and state:

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

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

Section 30232. *Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

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

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(4) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.



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

(6) Restoration purposes.

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

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation....

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

(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

2. Analysis

The previously approved BMP, like those before it, allowed a variety of sand-manipulating maintenance activities to occur on the beach (often lumped together under the term “grooming”) that can affect marine resources, and which can generally be separated into two categories – kelp removal and beach grooming. In terms of kelp removal, the previously authorized BMP allowed removal of kelp located above the high tide/wrack line between Memorial Day and Labor Day and “only as necessary to limit impacts of high insect populations on beachgoers”, and allowed removal of kelp, not subject to location or date restrictions, when Santa Cruz County Environmental Health Services (EHS) determined that excessive kelp on the beach in that location was causing bacteria counts to exceed state safe water quality standards. The previous BMP, like those before it, also allowed limited sand grooming⁸ to occur during the late fall, winter and early spring months, but primarily and especially during the summer high use season. The updated BMP continues to propose these same kelp removal and grooming activities (see Exhibit B Section II for more detail). In addition, to help determine the nature in which kelp affects nearshore water quality, kelp removal activities are proposed to be coordinated with the previously described kelp-water quality study, and would thus include some more intensive kelp removal in year two of that study. In addition, the current BMP proposes a monitoring program to help identify beach ecological impacts associated with both kelp removal and general beach grooming.

⁸ Including seasonal debris removal that involves sand grooming, leveling, contouring, smoothing, sifting, and similar sand manipulation using machinery.



Prior BMP methods and practices for kelp removal and beach grooming have generally worked as intended to enhance public recreational use of the beach, as described above. As indicated in the previous findings, these beaches are intensively used by the public and function almost exclusively as recreational beach space, apart from the portion nearest the San Lorenzo River (and where the BMP explicitly does not allow any beach manipulation within 100 feet). Although beach ecologists generally agree that regular removal of kelp from beaches and beach grooming activities can have negative impacts on birds and other wildlife species that reproduce and forage on the coast (including by disturbing food sources such as insects and their habitat), there is little direct evidence associated with Main and Cowell Beaches to suggest that past or proposed kelp removal and beach grooming has or will lead to adverse biological resource impacts at this location. Again, as previously indicated, these are high use beach areas with generally lower habitat function than more isolated beach areas (such as those on Santa Cruz's north coast). Based on this context and factset, the Commission has historically authorized such activities at Cowell and Main Beaches under this BMP (as it has in other cases statewide),⁹ including because there are no special status species known to inhabit Main and Cowell Beaches,¹⁰ and because ecological impacts have not been deemed significant enough to dictate otherwise.

Cowell and Main Beaches have historically been subject to regular beach grooming activities, with ongoing sand sifting and occasional kelp removal, including incidental removal during other maintenance operations, for decades. While it seems likely that the BMP-proposed kelp removal and beach grooming activities may have some effect upon the general beach ecology, the fact that they are high public use beaches that have historically been manipulated suggests that it would be a limited effect at these beaches and would appear to present very little potential for any type of significant habitat concern. Unlike past BMPs, the currently proposed BMP intends to elaborate on this point by including monitoring related to both kelp removal and grooming designed to assess the manner in which these activities affect ecological process (see parameters of BMP monitoring program in Exhibit B, pages 7 and 8-11, and see Special Condition 4). Such information will be used to help adapt ongoing processes to best protect resources under this BMP, as well as to provide information to the City and the Commission that can help provide information for future BMP consideration at Cowell and Main Beaches (and, by extension, information that should prove valuable when such activities are considered elsewhere along the coast).

Specific to kelp removal, the City is concerned about the impact of kelp on nearshore water quality and its resultant risks to human health. There have been several studies demonstrating that bacteria present on beaches or in offshore waters can be amplified through extended survival and reproduction in organic debris (such as kelp) deposited on beaches.¹¹ The results of one study in San Diego found that the wrack

⁹ More than 100 miles of sandy shoreline between Santa Barbara and San Diego are regularly and intensively groomed.

¹⁰ The Commission has historically raised more significant concerns with kelp removal and beach grooming when such species are present, such as limiting beach grooming activities in Southern California on beaches associated with grunion runs (see for example, CDPs 4-05-155 and 4-10-066 for the Santa Barbara Harbor and Waterfront Area, and 4-10-061 for City of Carpinteria).

¹¹ See, for example, Weston Solutions, Amplification of Indicator Bacteria in Organic Debris on Southern California Beaches, StormCon 2005 conference paper, July 2005.



line can act as a bacterial reservoir that can negatively impact adjacent waters by providing an environment conducive to the maintenance and the growth of enterococcus and fecal coliform bacteria.¹² At Cowell and Main Beaches, site specific biological studies on this issue are limited. However, a study performed by County EHS determined that there is the potential for significant growth of bacteria in accumulations of kelp on the beaches or in the water at this site.¹³ This study also determined that kelp decomposition can exacerbate bacterial levels, particularly at times of poor water circulation. Commission water quality staff concur that kelp on the beach has the potential to contribute to the amplification and growth of bacteria, with resultant negative impacts to water quality and public access. Given that excessive kelp on the beach could create a bacterial hazard that affects water quality with resultant impacts to public recreation, the BMP proposes removal of kelp that is causing direct bacterial contamination at or below the high tide/wrack line, if EHS determines that it presents a significant public health hazard.

More broadly, the City is concerned that kelp may be playing a large role in Cowell and Main Beach's traditionally poor water quality. Despite instituting significant measures to improve water quality in the beach area,¹⁴ advisory postings continue to plague the area. In 2009, these two beaches were posted from May 13th through the end of October, or the entire summer season. Similar posting activity was evident again during the entire summer of 2010. In May of 2011, Cowell Beach received the worst grade of all beaches in California for its dry weather water quality, according to Heal the Bay's Annual Beach Report Card.¹⁵

To help the City, the Coastal Commission, and other beach managers better understand this issue, the City has committed to partnering with the Southern California Coastal Water Research Project and researchers from Stanford University to help determine the degree to which kelp removal reduces bacterial contamination offshore at Cowell and Main Beaches. The primary objective will be to better understand the transmissive nature of kelp and its bacteria on water quality and will take place during the summers of 2011 and 2012. In the first summer of the study, the City will engage in its historical level of kelp removal as outlined in the previous paragraphs above (i.e., dry sandy beach removal as necessary to address beach recreational use impacts, and potential removal otherwise to address identified public health hazards). The first summer is meant to establish a water quality and kelp removal baseline associated with typical and normal kelp removal operations of the City. During the

¹² Weston Solutions, The Amplification of Indicator Bacteria Occurring as a Result of Kelp Mound Incubation along a Protected Beach in Southern California, StormCon 2006 conference paper, July 2006.

¹³ Ricker, John & Steve Peters. *Assessment of Sources of Bacterial Contamination at Santa Cruz County Beaches*. Santa Cruz County Environmental Health Services, Water Resources Program, March 2006.

¹⁴ Including increased street sweeping (including the purchase of a replacement sweeper for the Municipal Wharf); litter control improvements; storm drain stenciling to discourage dumping; cleaning and repair of catch basins and inlets (350 catch basins inspected w/25 cubic yards debris removed on an ongoing basis); inspections and removal of debris at Branciforte Creek storm water conveyance channel; cleaning of pump stations along the San Lorenzo River; conducting inspections and cleaning of storm drain lines, sanitary sewer lines, and pump stations (9 miles of pipeline and 12 vault cleanings on an ongoing basis); the installation of dry weather diversions of storm water from San Lorenzo River pump stations 1, 2, and 1A to the wastewater treatment facility, from Neary Lagoon outlet to the wastewater treatment facility, and along Miramar Drive; and cleaning of Neary Lagoon storm drain lines and discharging bacteria-laden water to the sanitary sewer system.

¹⁵ <http://brc.healthebay.org/>



second summer, the City will engage in more aggressive kelp removal that will apply the typical and normal baseline of kelp removal but that will also include removal of all kelp/wrack at the high tide/wrack line and below (to the low tide line) as part of those removal efforts. In other words, whereas normally such kelp at the high tide line and below would only be removed if a public health hazard were specifically identified, here such kelp/wrack would be removed at a similar rate as on dry sand for study purposes. The study would then conclude at that point, and the City will return to normal levels of kelp removal as the studies results are finalized. The BMP provides for the results of this study to be submitted to the Executive Director to provide information and data for the Commission to better understand how kelp affects water quality.

3. Conclusion

As discussed, heavy recreational use of Main and Cowell Beaches limits their beach ecological productivity, and the extent of the kelp removal and other beach grooming activities proposed by the City is not expected to significantly diminish their ecological values. To ensure this is the case and to inform BMP implementation, the City has committed to developing a better understanding of ecological and water quality changes associated with kelp removal and beach grooming activities. Both the water quality study and the ecological monitoring and analysis will be used to inform the City's BMP operations, helping to ensure that all activities are accomplished in a manner that is most protective of marine resources. Thus, the project, as conditioned, is consistent with the marine resources policies of the Coastal Act.

4. Other

Coastal Act Section 30620(c)(1) authorizes the Commission to require applicants to reimburse the Commission for expenses incurred in processing CDP applications.¹¹ Thus, the Commission is authorized to require reimbursement for expenses incurred in defending its action on the pending CDP application in the event that the Commission's action is challenged by a party other than the Applicant. Therefore, consistent with Section 30620(c), the Commission imposes Special Condition 5 requiring reimbursement for any costs and attorneys fees that the Commission incurs in connection with the defense of any action brought by a party other than the Applicant challenging the approval or issuance of this permit.

5. Coastal Development Permit 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.

¹¹ See also California Code of Regulations Title 14 Section 13055(g).



2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

B. Special Conditions

1. **Three-Year CDP.** This coastal development permit shall expire 3 years from the date of Commission approval (i.e., on June 16, 2014).
2. **Kelp-Water Quality Study.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of the Kelp-Water Quality Study for Executive Director review and approval. The Study shall be substantially consistent with the study parameters and methodology described in the Permittee's Beach Management Plan, including with respect to study monitoring and reporting (see Exhibit 2). The Permittee shall complete the approved Study and submit the final Study report to the Executive Director prior to expiration of this coastal development permit (i.e., no later than June 16, 2014).
3. **Special and Temporary Events Notification.** The Permittee shall submit two copies of the Special and Temporary Events Notification for Executive Director review and approval by January 1st of each year that this permit remains valid. The Notification shall be substantially consistent with the special and temporary events notification parameters and methodology described in the Permittee's Beach Management Plan, including with respect to subsequent events notification, signage, and reporting (see Exhibit B). Special and temporary events shall only be allowed if the Executive Director first approves them.
4. **Annual BMP Monitoring Report.** The Permittee shall submit two copies of an annual Beach Management Plan Implementation Monitoring Report for Executive Director review and approval each calendar year prior to March 1st of each year that this permit remains valid. Such Report shall provide annual monitoring information relative to beach grooming, kelp removal, and special and temporary events substantially consistent with the annual reporting parameters and methodology described in the Permittee's Beach Management Plan (see Exhibit B).
5. **Liability for Costs and Attorneys Fees.** The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and (2) required by a court) that the



Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit. The Permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

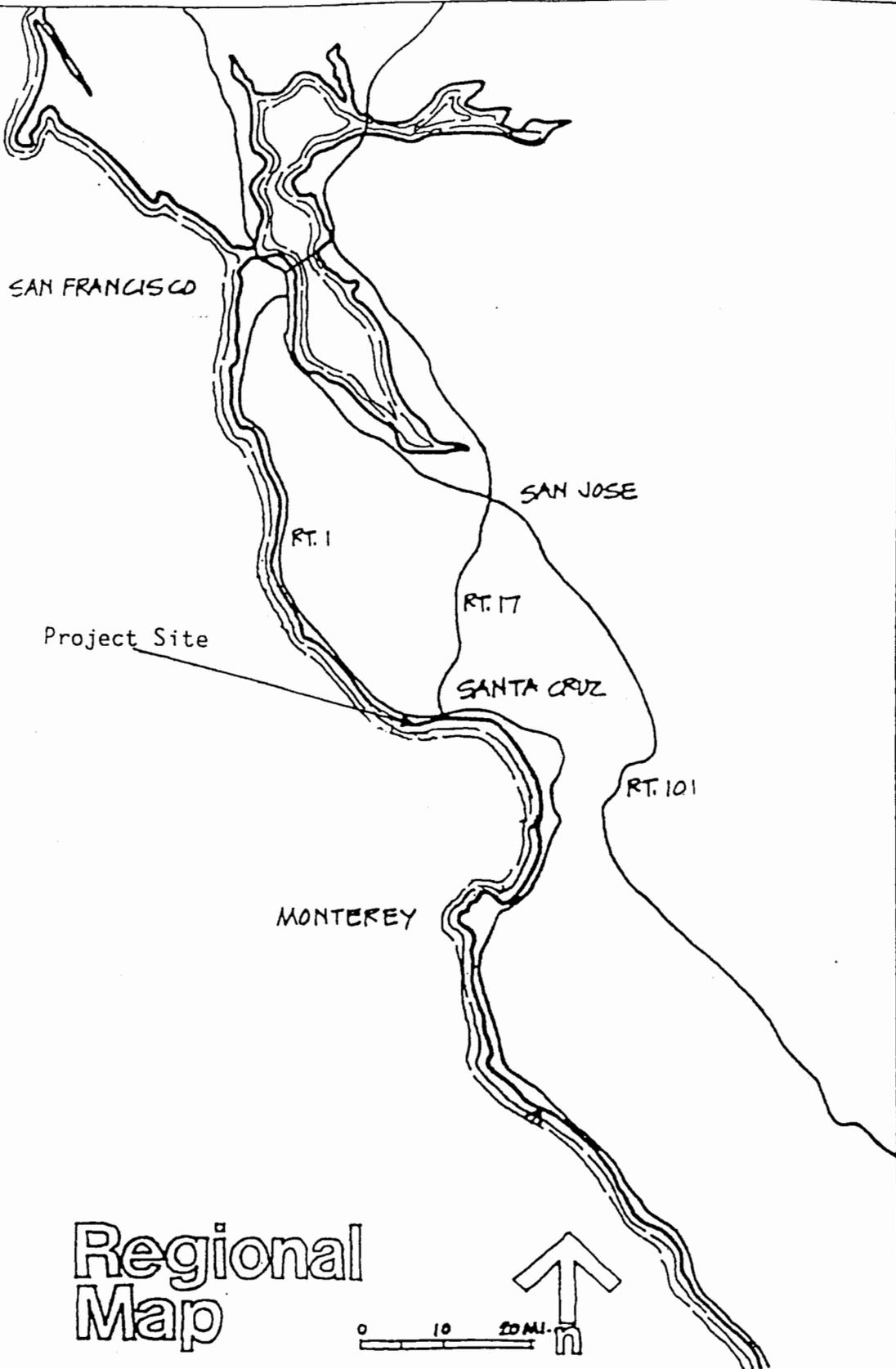
6. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

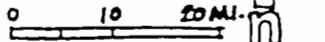
The City, acting as lead CEQA agency, found the BMP to be categorically exempt pursuant to Class 1, Section 15301 of the CEQA guidelines. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The Commission has reviewed the relevant coastal resource issues with the proposed project, and has identified appropriate and necessary modifications to address adverse impacts to such coastal resources. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

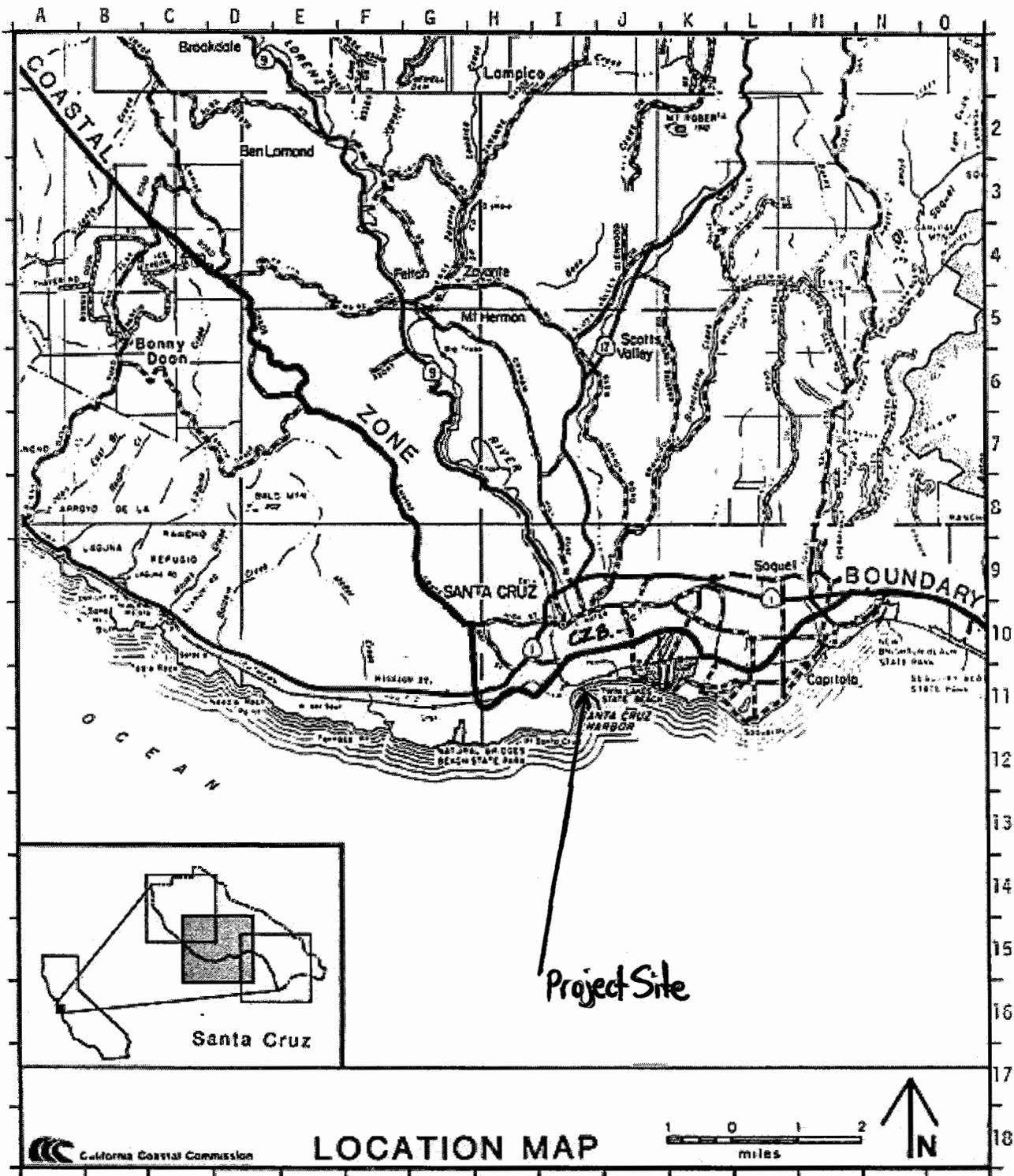
The Commission finds that only as modified and conditioned by this permit will the proposed project avoid significant adverse effects on the environment within the meaning of CEQA. As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that approval of the proposed project, as modified, would have on the environment within the meaning of CEQA. If so modified, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).





Regional
Map

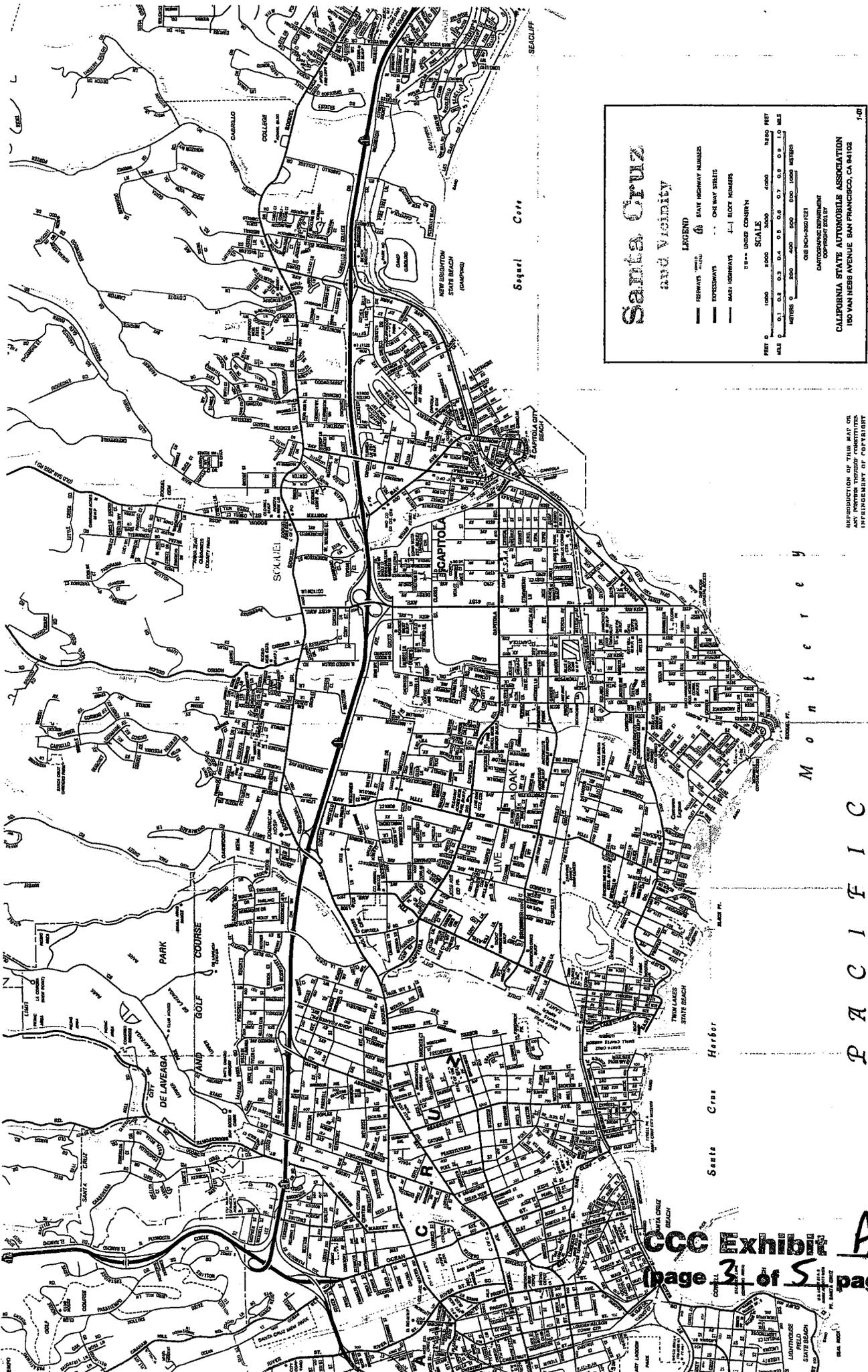




County of Santa Cruz

Sheet 2 of 3

CCC Exhibit A
(page 2 of 5 pages)



Santa Cruz and Vicinity

LEGEND

- HIGHWAYS
- EXPRESSWAYS
- MAIN HIGHWAYS
- STATE HIGHWAY NUMBERS
- ONE WAY STREETS
- BOULEVARD NUMBERS

UNION COUNTY

SCALE

FEET	0	1000	2000	3000	4000	5000
MILES	0	0.1	0.2	0.3	0.4	0.5
METERS	0	300	600	900	1200	1500

ONE INCH = 250 FEET
ONE INCH = 200 METERS

CALIFORNIA STATE AUTOMOBILE ASSOCIATION
150 VAN NESS AVENUE SAN FRANCISCO, CA 94102

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5

INTRODUCTION OF THIS MAP OR
 ANY PART THEREOF CONSTITUTES
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CCC Exhibit A
 (page 3 of 5 pages)

Railroad Trestle

San Lorenzo River

San Lorenzo Point

EAST CLIFF DR

3rd St. Parking Lot Ramp

Tower 6
Tower 5

Monterey



MURRAY

THIRD ST

Tower 4

Bandstand

Tower 3

Seaside Volleyball Courts

Seaside Beach Deck

Westbrook Ramp

Tower 2

Volleyball Courts

Ideal Deck

Santa Cruz beach boardwalk

Main Beach

ST

MUNICIPAL WHARF

BEACH

Storm Drain Outfall

Tower 1

Cowell Beach Ramp

Junior Lifeguard Program

Collins Cove

FRONT

PACIFIC AVE

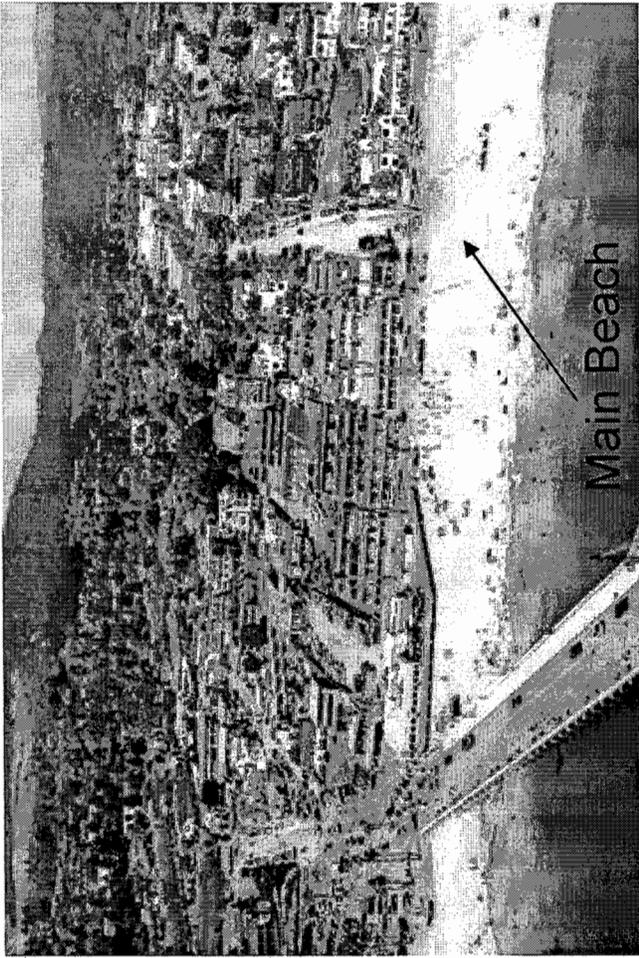
ST

Cowell Beach

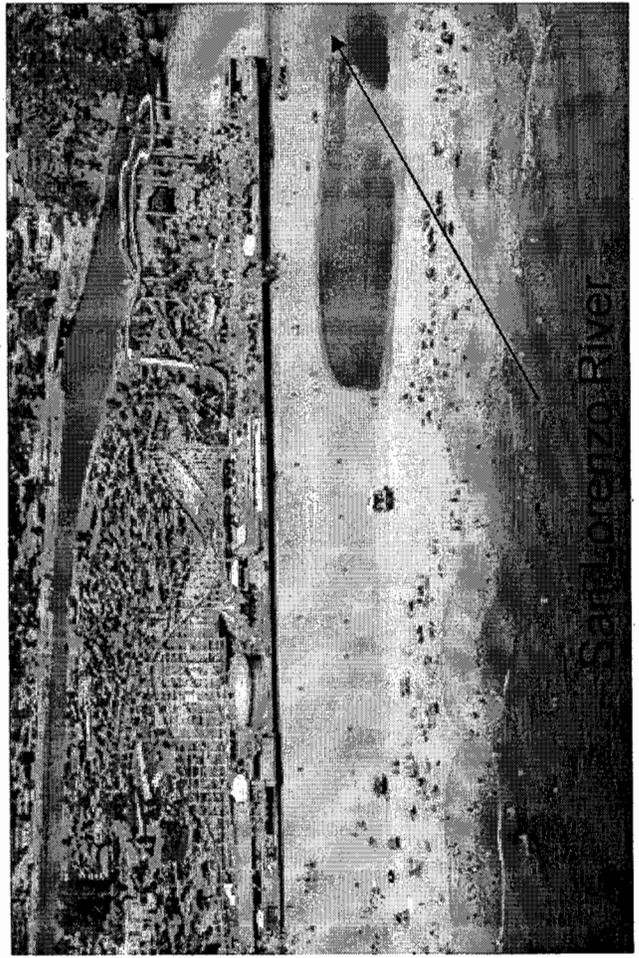
CLIFF

CCC Exhibit (page 4 of 5 pages)

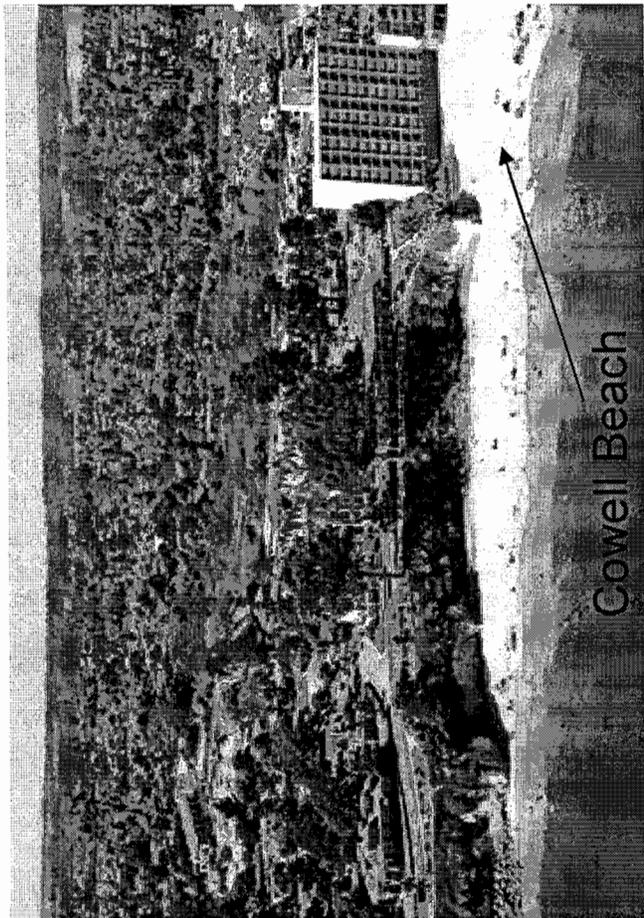
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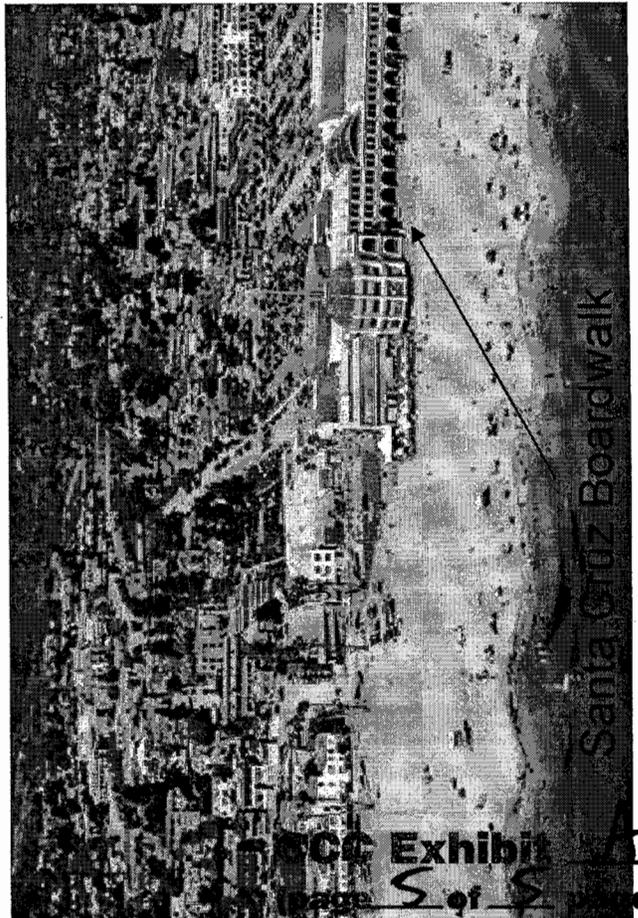
Main Beach



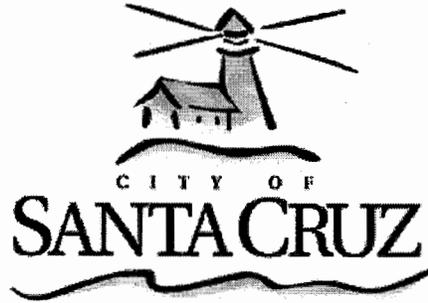
San Lorenzo River



Cowell Beach



Santa Cruz Boardwalk



**BEACH MANAGEMENT PLAN
MAIN AND COWELL BEACHES**

May 2011

Prepared by:
City of Santa Cruz
Parks and Recreation Department

CCC Exhibit B
(page 1 of 33 pages)

TABLE OF CONTENTS

Beach Management Plan Area Map
City of Santa Cruz Functional Organizational Chart

- Section I. INTRODUCTION**
Description of Plan Area
Purpose
Planning Process
Jurisdictions
- Section II. BEACH MAINTENANCE OPERATIONS**
A. Regular Maintenance Operations
City of Santa Cruz
Seaside Company
B. Seasonal Debris Removal
C. Marine Mammal Removal
D. Kelp Removal
E. Parameters for Ongoing and Seasonal
Maintenance Activities
F. Miscellaneous
- Section III. SAFETY FACILITIES AND OPERATIONS**
- Section IV. CITY RECREATIONAL/EDUCATIONAL PROGRAMS**
A. Junior Lifeguard Program
B. Beach Recreational Classes
C. City Volleyball Courts
- Section V. COMMERCIAL USES - PUBLIC AND PRIVATE**
A. Concessionaire Ocean Equipment Rental Service
B. Seaside Company Bandstand
C. Seaside Company/Santa Cruz City Beach Deck
and Volleyball Courts
D. Municipal Wharf/Beach Street Promenade
Walkway/Ideal Fish Deck
- Section VI. SPECIAL EVENTS COORDINATION**
- Section VII. SIGNING PROGRAM**
- Section VIII. FLOOD AND DRAINAGE DISCHARGE OPERATIONS**
A. San Lorenzo River
B. Neary Lagoon
C. Private Property

Section IX. INTERDEPARTMENTAL AND INTERAGENCY COORDINATION

- A. Adopt-A-Beach
- B. Seabright Beach Coordination
- C. Wharf Coordination
- D. Private/Public Coordination

Section X. ATTACHMENTS

- A. Beach Management Plan – Area Map
- B. Seaside Company - City of Santa Cruz Beach Maintenance Agreement
- C. San Lorenzo River Enhancement Design Plan
- D. Neary Lagoon Management Plan
- E. Ocean Sports Ordinance
- F. Regional Water Quality Control Board Permit

Section I. INTRODUCTION

The City of Santa Cruz is fortunate to have a multitude of natural resources including several miles of coastal beaches. These Santa Cruz beaches, along with the San Lorenzo River and the ocean waters of the Monterey Bay are natural conditions caused by the interaction of river flows, winds, tides, geologic process and sand drifts. These processes build and erode beaches, sandbars and ocean bottom trenches, which exist on and off-shore of the Santa Cruz beaches and the San Lorenzo River mouth. This management plan is intended to guide the activities of persons using the natural environment associated with Cowell and Main Beaches in Santa Cruz and to manage uses and activities to ensure protection of public access opportunities.

Description of Plan Area: For the purposes of this plan, the beach area covered is considered to be the areas of sand immediately adjacent to bay waters from the San Lorenzo River/Railroad Trestle to the western portion of Cowell Beach. This area includes the beaches adjacent to the Seaside Company's Santa Cruz Beach Boardwalk, the Municipal Wharf, and the Dream Inn Hotel. The beach east or down coast of the Municipal Wharf is commonly referred to as the Main Beach; the beach west of the Wharf is named Cowell Beach.

This sandy beach area is approximately 1 mile in length and varies seasonally in width, to as little as 100 feet wide in some areas during the winter months. The sandy beach sustains heavy recreational use. The area is entirely open to the general public with multiple pedestrian vertical access ways and lateral access the full length. There are no restrictions on hours of use. Overall, the entire length of shoreline within the city limits of the City of Santa Cruz has almost 100% of potential maximum physical access open to the public. Access has been greatly increased over the years with the addition of stairwells, pathways and access ramps.

The Santa Cruz City beach area adjacent to the Boardwalk and the Municipal Wharf is visited by hundreds of thousands of recreationalists each year. These beaches are located in an urban setting. The population of the City of Santa Cruz is just under 60,000. Many of those residents visit the local beaches throughout the year. In addition the local beaches are inundated with visitors throughout the year, but in particular the summer months. It is estimated that well over a million people visit Main and Cowell Beaches per year. The beach area sustains a heavy recreational use.

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

The Plan describes the existing permanent and temporary facilities and uses, which occur on an ongoing and seasonal basis. It is not a plan for future development or new commercial use of the beaches. It is designed to identify uses and activities which are "development" under the Coastal Act, and to allow such uses

SANTA CRUZ CITY BEACH MANAGEMENT PLAN

authorized by a California Coastal Commission coastal development permit (CDP), including as a means to help streamline interagency processing, reduce redundancy and provide assurances to applicants. The BMP also provides assurance to the City, Coastal Commission and private interests to provide clear direction and prevent misunderstandings.

The beaches described in the BMP are an integral part of the City's major beach recreation area, which includes the Beach Boardwalk, the Municipal Wharf, and supporting beach commercial and residential uses located in the nearby vicinity. Thus, this plan is best understood as a part of an overall and comprehensive planning effort envisioned by the City for the beach and its surrounding area together.

Other City planning documents have been adopted for nearby natural resources including Neary Lagoon and the San Lorenzo River. These documents include the San Lorenzo River Enhancement Plan (Attachment B) and the Neary Lagoon Management Plan (Attachment C). The BMP references these documents for policies on specific interactions with the beach area, but does not include them as a component of this BMP and does not authorize any development associated with such documents (i.e., they are separate planning documents that are associated with separate CDP processes).

The Plan outlines the most common practices employed by staff in regular maintenance and operations duties. It describes and sets parameters for major and minor facilities, provides for special events, beach related recreational pursuits, support concessions, and educational opportunities. The City also maintains and is committed to improving access to facilities and its interpretive and safety signage programs.

Planning Process: The City of Santa Cruz General Plan/Local Coastal Program 2005, Parks and Recreation Policy 1.7.3, directed the preparation and implementation of a beach management plan for Main and Cowell Beaches including all properties public and private. The intent was to address use and activity in the beach area, including related to drainage onto the beach, litter control and beach maintenance, lagoon levels at Neary Lagoon, special events coordination, distribution of recreational uses, handicapped access and interpretive signing to ensure safe public access and protection of environmentally sensitive areas. Policy 1.7.3 also provided that future land division of properties, which include sand beach, shall contain use restrictions consistent with the Beach Management Plan.

The BMP was written by the Santa Cruz City Parks and Recreation Department for submittal to the Santa Cruz City Council for review and approval. Subsequently, the plan was submitted to the California Coastal Commission as an amendment to the Local Coastal Program (LCP) and as an application for a 5-year coastal development permit. The plan is reviewed annually for updates to operational procedures, and proposed amendments are processed through the City and subsequently the Coastal Commission.

Jurisdictions: Santa Cruz County Assessor's parcel records indicate four property

owners have deeded lands within or directly fronting the Beach Management Plan area: the City of Santa Cruz, the Santa Cruz Seaside Company, the Santa Cruz Beach Hotel Partners, LLC, and James Gilbert. Most of the Santa Cruz City lands were granted to the City by State Lands pursuant to Chapter 342 of the statutes of 1872. For areas where the State Lands boundary is in dispute, no formal determination has been undertaken by the State Lands Commission and the assessor's parcel maps and deeds cannot be assumed to legally reflect property ownership. The City also has a recreational easement over a large portion of the sand beach on parcels, which are shown on Assessor's Parcel Maps as under the fee title ownership of the Santa Cruz Seaside Company.

All of the BMP area is within the Coastal Commission's original CDP jurisdiction. Hence, as currently identified the beach sand areas are public trust lands, and the Coastal Commission retains CDP authority.

Other public entities which do or may have jurisdiction over various development or activities in the BMP area include the State Regional Water Quality Control Board, State Lands Commission, California Department of Fish and Game, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries, and the Monterey Bay National Marine Sanctuary.

Section II. BEACH MAINTENANCE OPERATIONS

The majority of City operations on the City's beaches are maintenance operations performed by the Parks and Recreation Department. The City also maintains an agreement with the Santa Cruz Seaside Company for cooperative beach maintenance. This agreement is reviewed each spring with representatives from each entity. Occasionally, at the request of the Parks and Recreation Department, other departments or private businesses perform limited services on the beaches. A copy of the most current beach maintenance agreement with the Santa Cruz Seaside Company is included as Attachment A.

The most common maintenance operations include regular beach and facility cleaning and upkeep and installation of recreational, accessibility and safety equipment. Public facilities include public restrooms which are located at the Cowell Beach parking lot and the east side of the Ideal Bar and Grill Restaurant on Beach Street. They are maintained by the City and are available for public use. The Beach Street restrooms and the Cowell Beach restrooms are open year round.

Access to the beach for the physically challenged is maintained through a combination of access ramps and specialized equipment. A permanent ramp, located at the entrance to Cowell Beach, starts at the parking lot and extends out toward the ocean for approximately 50 feet. A temporary ramp is installed at the end of the permanent ramp from May through October depending on the surf and weather conditions. The ramp extends from the permanent ramp out towards the ocean, ending near Lifeguard Tower 1. Specialized "surf chairs" (wheelchairs designed to move on the sand) are located at Lifeguard Towers 1 and Lifeguard Headquarters when personnel are on duty.

The Seaside Company installs another access ramp as part of their approved development of a public/picnic deck at the west end of the Boardwalk. This ramp extends from Beach Street at the grassy area on the west side of the Casino and extends out approximately 70 feet over the sandy beach toward the ocean.

A. Regular Maintenance Operations

City of Santa Cruz: Regular maintenance of the majority of the sandy beach and facilities is the responsibility of the City. Limited regular maintenance occurs during the late fall, winter and early spring months. Staff is added and maintenance operations increase during the late spring and summer high use season. Most cleaning, general work, and installation of safety and recreational equipment occurs in the morning hours before 11 am.

The primary duties include:

- Litter removal;
- Small debris removal;
- Restroom cleaning;
- Graffiti removal;
- Sweeping/cleaning walkways;
- Recreational equipment upkeep (Lifeguard towers, volleyball courts);
- Installation and removal of the access ramp at Cowell Beach and at the west end of the Boardwalk at the Main Beach;
- Leveling and contouring of sand for volleyball tournaments and other similar recreational uses where sand is displaced;
- Maintaining planted areas including tree wells, medians and landscaped areas.

Both manual labor and mechanized equipment are used to accomplish the duties. The methods include but are not limited to:

- Hand picking litter;
- Garbage removal by 4x4 vehicle;
- Garbage removal by small tractor trailer/loader;
- Sand sifting machinery;
- Recreational and safety equipment installation and removal by tractor/4x4 vehicle including but not limited to Lifeguard Towers, handicap access ramp, and volleyball courts;
- 4x4 vehicle general maintenance (towing/mechanical services if a vehicle breaks down or becomes stuck);
- Sand leveling/smoothing by loader/sand sifting machinery (in and among volleyball courts, and near the San Lorenzo River but no closer than 100 feet to its banks, except to maintain the accessibility of the City's eastern emergency/maintenance vehicle accessway);
- Leaf blowers;
- Pressure washer.

Santa Cruz Seaside Company: Other maintenance duties are performed by the Santa Cruz Seaside Company. Beach maintenance, performed by the Seaside Company, extends from the San Lorenzo River to the west end of the Casino Building. This consists of removing trash and other artificial debris from the beach and emptying garbage cans (depending on the time of the year, there can be approximately 80 cans on the beach), sifting the above mentioned area for removal of smaller debris, and removal of sand buildup along the Boardwalk frontage typically after a period of sustained onshore winds and/or storm activity.

The methods used include but are not limited to:

- Garbage removal by 4x4 vehicle or small tractor trailer;
- Front end loader;
- Sand sifting machinery.

Maintenance, Grooming, and Monitoring: All regular maintenance operations, both those of the City and the Santa Cruz Seaside Company, that involve sand grooming, leveling, contouring, smoothing, sifting, and similar sand manipulation using machinery is limited to mornings before 11 a.m., and shall not include any sand area within 100 feet of the San Lorenzo River or its lagoon, except to maintain the accessibility of the City's eastern emergency/maintenance vehicle accessway. This accessway shall remain cleared at all times but in a way not to impede the natural flow of the river, and vehicles using this accessway are prohibited from entering the river itself. All such operations shall be undertaken in a manner that limits public recreational use impacts as much as possible.

In terms of potential beach ecological impacts from grooming the beach, the City intends to document and monitor impacts associated with them. The City will document before and after observations and will submit an annual calendar year report with all documentation for the review and approval of the Coastal Commission's Executive Director by March 1st of each year. Such report shall at a minimum identify trends or relationships associated with the study data (including for kelp, wildlife, debris, and water quality) as well as recommendations for adapting grooming operations as necessary in the future to better protect coastal resources while maintaining maximum opportunities for public access and recreation.

B. Seasonal Debris Removal Operations

The San Lorenzo River and up coast watersheds often deposit large quantities of debris on the beaches after large storms and runoff. While this debris is generally small branches and logs it may also include trees, pilings, construction materials, tires, and other debris. This debris is typically deposited throughout the winter months. The City schedules a yearly beach cleaning, typically in the early spring, after the last major storms pass through but before spring break. Additional major debris removal may be necessary depending on weather conditions.

The debris can pose a potential public safety problem and should be removed prior to the high use season. Whether in the surf line or as an obstacle on the beach, the debris is incompatible in the primary recreation area of the City.

Removal of the debris requires the use of heavy equipment on a seasonal basis. Most commonly, the task is performed by the City Parks and Recreation and Public Works Departments. If the volume is exceptionally high, the City may opt to contract with outside companies for removal.

Typically, the removal of this debris takes from one to two weeks. At this time contouring of the beach may also occur. Specifically, the beach may be smoothed out to eliminate large berms or gullies which have formed as well as the removal of large deposits of sand which have built up and blocked stairs (e.g., leading from the beach onto the boardwalk) or other permanent structures. Contouring does not include restructuring to control the natural discharge or to breach the sand berm of the San Lorenzo River. The most common pieces of equipment used are:

- Front loaders;
- Tractors;
- Dump trucks;
- Sand sifters;
- Beach rakes.

From time to time, special pieces of equipment such as saws or cranes may be required.

All seasonal debris removal operations and any additional major debris removal necessary throughout the year depending on weather conditions shall be undertaken in a manner that minimizes coastal resource and public recreational use impacts as much as possible. All debris removal operations shall not include take place in any area within 100 feet of the San Lorenzo River or its lagoon, except to maintain the accessibility of the City's eastern emergency/maintenance vehicle accessway or to remove large trees, pilings, construction materials, tires, and other debris. No removal of trees shall take place in the river itself.

C. Marine Mammal Removal

Dead or diseased marine mammals frequently wash up on City's beaches. Hurt or diseased animals are referred to Native Animal Rescue or Marine Mammal Rescue. The Parks and Recreation Department is responsible for disposal of dead animals to maintain the health and safety of the beach area.

D. Kelp Removal

Due to the geography of the area and natural oceanic processes, kelp (*Macrocystis* and *Nereocystis*) tends to wash ashore in significant quantities. Typically, such kelp mounds together in large entangled mats, oftentimes forming a distinct wrack line at the high

tide line. Such kelp has historically been removed from the beach area because it detracts from beach recreational use; both in terms of direct displacement of useable beach area as well as degrading recreational use values (e.g., increased brine flies). However kelp has been known to provide habitat and food for an abundance of invertebrate, brine flies, beetles, shorebirds and other animals. Numerous studies on kelp and wrack have shown the importance that it can play in this regard in terms of overall beach ecology. However, the degree to which kelp and wrack contribute to such beach ecologies is complex, dependent on many location specific criteria, and differs from beach to beach. For example, kelp and wrack at more remote beaches with less human presence and manipulation tends to interact favorably with other ecological factors to result in a typically higher ecological value than more urban beaches (including more shorebird activity, etc.). At Main and Cowell Beaches the near continuous presence of visitors recreating in the summer season is perhaps the most significant factor affecting the presence or absence of shorebirds and other animals on these beaches as opposed to the presence of kelp/wrack itself.

In addition, recent studies have also shown that deposited kelp could be a growth medium for certain bacteria (e.g. E. coli and Enterococcus) and, with natural tide changes, could have the ability to introduce elevated levels of bacteria back into the surrounding waters. Thus, in addition to beach displacement and other impacts (such as the brine flies which, although not a disease vector and not a known health hazard, are known to be a nuisance to beachgoers), marine water quality appears to be an emerging problem with kelp as well. All of these impacts detract from and negatively impact beach recreational use and users, both of which are extremely important to the livelihood and economic vitality of the surrounding business owners and beachfront areas, and the City as a whole.

Therefore, in the summer high use season between the weekends of Memorial Day and Labor Day of each year (Saturday of Memorial Day weekend through Monday of Labor Day weekend), removal of kelp from the dry, sandy areas above the wrack line (above the high tide line) of the beach will be allowed as necessary to limit impacts of high fly populations and large beach displacement areas on beachgoers. The City believes that such kelp removal is the most appropriate balance between the public recreation benefits afforded to beachgoers and the ecological benefits that kelp provides. No kelp will be removed for these reasons between Labor Day and the start of the Memorial Day weekend (other than incidental removal during ordinary grooming as outlined in Section II (A): Regular Maintenance Operations). Thus, the City intends to remove kelp to meet these beach recreational use objectives in the dry sandy area (i.e., above the high tide line) during the summer high use season where all such kelp removal activities is limited to mornings before 11 a.m., and shall not include any sand area within 100 feet of the San Lorenzo River or its lagoon, except to maintain the accessibility of the City's eastern emergency/maintenance vehicle accessway. All such activities shall be undertaken in a manner that limits public recreational use impacts as much as possible.

In addition, kelp may be removed from any beach location (i.e., above and below the wrack/high tide line) at any time of the year if the Santa Cruz County Department of Environmental Health Services (EHS) determines that kelp on the beach at that location

is a significant factor to bacterial contamination that is creating a public health hazard and that removing it for these purposes is absolutely necessary. If bacteria counts exceed state safe water quality standards, EHS will also post temporary advisory signs on the beach that warn the public of potential disease causing bacteria in the water, and notify the City. Any such water quality related kelp removal activities shall be subject to all the same provisions that apply to summer high use season removal activities. In addition, for any water quality related kelp removal activities below the wrack/high tide line, removal shall occur only during low tide periods where only the front loader or bucket of any equipment used may extend into the water and where any equipment shall stay on the dry sand portion of the beach as much as possible. Thus, the City intends to remove kelp from the dry sandy beach as necessary during early mornings of the summer months to address beach recreational use impacts, and to remove kelp from any portion of the beach during early mornings whenever absolutely necessary to address identified public health hazards.

At the same time, the City recognizes that kelp removal has historically raised some concern about its impact on the beach ecology, and the City recognizes that the impact of kelp on coastal water quality is an evolving field. Thus, to help the City, the Coastal Commission, and other beach managers better understand these issues related to kelp on urban beaches, the City also commits to undertaking both a study to help determine the nature to which kelp affects beach area water quality, as well as a monitoring program to help identify beach ecological impacts associated with kelp removal.

In terms of potential beach ecological impacts, the City intends to document all kelp removal activities and monitor impacts associated with them. The objective of the monitoring is to provide useable data and documentation showing the effect of kelp removal on beach ecology at Main and Cowell Beaches. The City has developed an environmental monitoring datasheet for this purpose that is designed to quantitatively and qualitatively identify: 1) the location and amount of kelp removed; 2) kelp supported species abundance before and after the removal (such as shorebirds, brine flies, or any other animals observed in the affected area); and 3) other observations and documentation (including but not limited to identification of other kelp borne debris, animal waste, etc.). The City will complete datasheets for each removal episode, will document before and after observations (including with photos), and will submit an annual calendar year report with all documentation including identification of trends over larger beach areas related to the removal area as well as cumulative trends both spatially as well as over time (including all before and after photos) for the review and approval of the Coastal Commission's Executive Director by March 1st of each year. Each annual report shall also include recommendations for adapting kelp removal operations as necessary in the coming years to better protect coastal resources.

In terms of the water quality study, the primary objective will be to better understand the transmissive nature of kelp and its bacteria on water quality. The results of the study should help to determine the degree to which kelp removal reduces bacterial contamination offshore at Cowell and Main Beaches. The study will take place during the summers of 2011 and 2012. In the first summer of the study, the City will engage in its historical level of kelp removal as outlined in the previous paragraphs above (i.e., dry

sandy beach removal as necessary to address beach recreational use impacts, and potential removal otherwise to address identified public health hazards). The first summer is meant to establish a water quality and kelp removal baseline associated with typical and normal kelp removal operations of the City. During the second summer, the City will engage more aggressive kelp removal which will apply the typical and normal baseline of kelp removal but that will also include removal of all kelp/wrack at the high tide line and below as part of those removal efforts. In other words, whereas normally such kelp at the high tide line and below would only be removed if a public health hazard were specifically identified, here such kelp/wrack would be removed at a similar rate as on dry sand for study purposes. The study would conclude at that point, and the City will return to normal levels of kelp removal as the studies results are finalized.

The results of the water quality study will be submitted for the review and approval of the Coastal Commission's Executive Director by March 1, 2013, or as soon as the results are presentable, as a component of the annual kelp removal report described above. Such report shall at a minimum provide a causal correlation of water quality testing data to kelp removal data, and shall identify discernable trends or relationships associated with the study data (including for kelp, wildlife, debris, and water quality) as well as recommendations for adapting kelp removal operations as necessary in the coming year to better protect coastal resources.

Thus, the City commits to developing a better understanding of ecological and water quality changes associated with kelp removal. Both the water quality study and the ecological monitoring and analysis will be used to inform the City's kelp removal operations, thus ensuring all activities are accomplished in a manner that is most protective of marine resources, public recreation, and human health and safety. Minor adjustments to the kelp removal process may be allowed by the Executive Director if such adjustments: 1) are deemed reasonable and necessary; 2) do not significantly impact coastal resources; and 3) are necessary and important for (a) ensuring public health and safety; (b) enhancing beach recreational use; and/or (c) important research purposes of a limited duration.

E. Parameters for Ongoing and Seasonal Maintenance Activities:

1. The Parks and Recreation Department shall advise other City Departments and shall stipulate in all contracts and agreements with non-City groups that operations or activities that affect the beach area as outlined in the Beach Management Plan must be undertaken consistent with the Plan. A copy of the Plan or relevant sections of the Plan shall be given to operators.
2. All mechanized equipment shall enter and exit the beach at 3 access ramps: the Cowell Beach Ramp; the Westbrook ramp; and the 3rd Street Parking Lot Ramp (known as the eastern emergency/maintenance vehicle accessway). Except for specific equipment that is explicitly identified to be located on the beach in the BMP, no equipment shall be stored on the sandy beach.
3. All equipment shall be fueled offsite and shall be inspected prior to entering the

beach to assure that there are no fluid leaks present. If fluid leaks are detected, such leaks will be repaired before the equipment may enter the beach area.

4. All beach area equipment operators are required to complete the City's beach safety driving program a minimum of one time per year.
5. Contouring of the beach along the San Lorenzo River or its sandbar or artificial breaching of the sand bar is not a part of this plan and not covered by it. Allowed activities pursuant to the BMP shall not include any area within 100 feet of the San Lorenzo River or its lagoon, except to maintain the accessibility of the City's eastern emergency/maintenance vehicle accessway. The Parks and Recreation Department is not responsible for flood control, breaching or water quality, but coordinates with other departments and agencies to assure protection of the public through signing and beach closure.
6. To the greatest degree possible maintenance activities shall be scheduled to prevent conflict with access and use of the beach by the public.
7. Debris is ordinarily disposed of at the City landfill. Disposal at other sites within the Coastal Zone requires a coastal permit. During the spring months, the City may apply for a burn permit required by the Monterey Bay Air Pollution Control District to burn wood debris left on the beach from winter storms.
6. The operation of any equipment shall be done with safety as a first consideration. Dependent on the piece of equipment, the operator will provide the necessary safety monitors, procedures and equipment to ensure the public safety. In the case of four wheel drive vehicles, the operators will follow guidelines set by the City's Marine Safety Division. The Marine Safety Division will assist with any heavy equipment safety monitoring when requested. Major considerations for safety are: crowd size, weather and environmental conditions, availability of safety monitors, job urgency.

F. Miscellaneous

The Seaside Company sometimes removes old and installs new rides and may do construction projects that require equipment access across the beach. Heavy equipment may be used for short periods of time from a few hours to several days. Equipment used sometimes includes, but is not limited to, cranes, front-end loaders, and tractors.

These installation/removal/construction processes are allowed by this BMP. But only in conjunction with projects reviewed and approved by the City and the Coastal Commission (i.e., both the Boardwalk and the beach area are located in the Commission's retained CDP jurisdiction). It is the policy of the City that beach access for equipment shall be reviewed as part of the larger projects and shall follow the parameters of the Beach Management Plan policies of the Local Coastal Program. The City permit shall require permittee to be responsible for the implementation of a safety

program which provides for the safety of the public and staff while operations are conducted in the area listed in the permit.

Section III. SAFETY FACILITIES AND OPERATIONS

The City of Santa Cruz Marine Safety Division implements regular and seasonal Marine Safety operations along Main Beach and Cowell Beach, including lifeguard coverage on spring weekends, summer months and fall weekends; off season rescue assistance by the division's Marine Rescue Unit and the Fire Department's Rescue Swimmers; and response to various aquatic emergencies using a combination of Lifeguard vehicles, Fire apparatus for cliff rescue, personal watercraft (PWC's) and other lifesaving equipment.

The central operations for the Marine Safety Division are located in Lifeguard Headquarters, which is the first building on the Municipal Wharf. Most division equipment, vehicles, boat and supplies are stored there. A central lifeguard tower is located upstairs, with communication capability to all Lifeguard Towers, Police, Fire, Harbor Patrol, Boardwalk Security and other related agencies. This building also houses staff locker rooms and offices.

The Marine Safety Division is integral to the safe operation of the beach for the public. By monitoring the areas of rescue, medical aid, the City strives to provide a safe and enjoyable recreational opportunity for all. The division functions with a number of different tools to achieve the City's goals including:

- 4 wheel drive emergency vehicles;
- Lifeguard towers;
- PWCs;
- Safety signage;
- Public address systems;
- Vehicle access ramps and lanes;
- Communication systems.

Five lifeguard towers are positioned along the Main Beach. They are generally installed each spring and removed in the fall. Tower 1 is stored at the back of the beach next to the Dream Inn Hotel, and Towers 2 through 5 are stored on the sand along the Boardwalk at the back of the beach (see Attachment A). A greater or lesser number of towers may be installed at the discretion of the Fire Captain assigned to the Marine Safety Division. Tower use and placement is driven by public safety needs and beach use patterns.

Service vehicles can access the beach at three points: Cowell Beach, Westbrook ramp and the Third Street parking lot (which serves as the City's eastern emergency/maintenance vehicle accessway), whichever is closest to the area in which work is being conducted. City staff generally works in pairs when operating equipment and when working in vehicles. One employee operates the machinery while the other assists in safety precautions such as spotting for members of the public, marking off

areas in which work will take place and monitoring the movement of the equipment. Since each operation varies depending upon the location, beach attendance and beach conditions, the methods used to ensure safety will vary accordingly. However, the City is constantly adjusting to make the beach as safe as possible not only for the public but for employees as well.

Section IV. CITY RECREATIONAL/EDUCATIONAL PROGRAMS

The City runs two recreational/educational programs on the Main Beach: Junior Lifeguards and Recreation classes. To insure beach availability for general public use, it is City policy that Recreational/Educational Programs will at no time restrict more than 20% of the total beach area and shall be confined as much as possible to minimize impacts on general beach recreational use. These programs are a service to the community and generate limited revenue, which is returned to the City's general fund.

A. Junior Lifeguard Program

The City runs a Junior Lifeguard program for approximately nine weeks in the summer. This program enrolls over 1,000 children ages 6 through 17 years. Classes are scheduled morning and afternoon between 9 a.m. and 4 p.m., Monday through Friday. The Junior Lifeguard Headquarters is located at the edge of the Cowell Beach parking lot, next to the Dream Inn Hotel. Program equipment is stored in the Junior Lifeguard Building, which is located in the Cowell Beach parking lot. The building also serves as a central check-in for lifeguards assigned to the program. Showers are located on the outside of the building and are available to the public throughout the year. The Junior Lifeguard program operates primarily on Cowell Beach.

B. Beach Recreational Classes

The City offers a variety of beach oriented recreational classes to the community, including volleyball, surfing, and kayaking classes. Volleyball classes take place on the public courts on Main Beach while surfing and kayaking classes are taught on Cowell and Main Beach. Generally, the classes are scheduled from April through October and structured so they do not interfere with the public's use of the areas. These classes are conducted by qualified instructors who are independent contractors and have an approved permit as required by the City's Municipal Ordinance Code and commercial liability insurance. This BMP does not govern nor authorize the management of such classes when such activities take place in the ocean.

C. City Volleyball Courts

The City maintains 16 volleyball courts for public use. The courts may be reserved for private use as all temporary events are scheduled (See Section VI: Special and Temporary Events Coordination). In order to insure beach availability for general public use, beach volleyball courts are restricted to designated areas on Main Beach. Any reserved private use of these courts counts toward the one-third limit imposed on the City for special and temporary events (See Section VI: Special and Temporary Events

Coordination).

Section V. COMMERCIAL USES, PUBLIC AND PRIVATE

The beach area also is the scene of public/private commercial recreation activities. Many of these activities have been recognized by the City, subject to local and state law governing such activities. In particular, in 1933, the City of Santa Cruz and the Seaside Company entered into an agreement related to ownership of the beach. At that time a zone was created on City property (roughly 150 feet in width) from the Seaside Company property towards the ocean. This Recreational Easement Zone extends from the San Lorenzo River to the beach area at the end of Main Street. The agreement states neither the City nor the Seaside Company may use this area for commercial purposes, only recreation. Typical events which occur in this zone include free concerts and movies at the seasonal bandstand, volleyball tournaments, company picnics, races, special group events, and recreation programs. These uses are subject to any land title restrictions, property ownership and agreements such as the "1933 Recreation Easement" established on the Main Beach.

The BMP addresses historically permitted and allowed permanent and ongoing seasonal commercial uses. New commercial uses, beyond the scope of the Plan, require the City of Santa Cruz, California Coastal Commission, and state and federal permits or inputs, as appropriate.

A. Concessionaire Ocean Equipment Rental Service

The City has entered into an agreement with a private concessionaire to operate an ocean equipment rental concession. The concession trailer (approximately 21' long by 8.5' wide by 10' high) is dropped off onto the beach and removed daily by a 4x4 vehicle during summer months (i.e., the Saturday of Memorial Day through Labor Day). In addition to wetsuits, fins, and boogie boards, this concession also rents surfboards and paddle boards. Such concessionaire is allowed to operate as long as the operation is providing significant public benefit.

B. The Seaside Company Bandstand

The original bandstand was erected in 1963 and located on the beach in front of the Hurricane ride on the Boardwalk. This bandstand was destroyed in the 1989 earthquake; in its place a bandstand is erected seasonally by the Seaside Company, installed each April and removed in October. The bandstand is an approximately 2000 square foot stage and is located in the same area as the original structure. The bandstand and beach area in front of the bandstand are used for a variety of events, including but not limited to: magic shows, body building contests, Sunday Sunrise Services, tanning contests, Clam Chowder Cook Off, group beach games, music concerts, Band Review awards, cheerleading competitions, DCARA (Deaf Counseling Advocacy & Referral Agency) Day Awards, sand castle contests, the as well as the "Summertime, Summer Nights" free public concert and movie series. City policy prohibits charging for events, which occur in the recreational easement zone. It is the

City's policy that the installation and removal of the bandstand be undertaken consistent with the maintenance and safety policies of the Beach Management Plan.

C. Santa Cruz City/Seaside Company Beach Deck and Volleyball Courts

The Santa Cruz Seaside Company constructs a temporary approximately 3800 square foot deck over the sandy beach immediately adjacent and due south from the arcade. The Seaside Company places approximately 42 picnic tables on the deck, which can seat approximately 476 people. The Seaside Company also installs two sets of volleyball courts adjacent to the deck to be used in tandem with deck use (one court is positioned in front of the rotunda, the other between the two sets of steps on the promenade) and two walkways (one approximately 4 feet by 70 feet from the grassy knoll along the west side of the Casino out toward the water; the other approximately 5 feet by 230 feet extending laterally from the beach deck east to the Colonnade). These facilities are set up May 1st and removed by October 31st. The temporary deck is available to the general public at a minimum 60% of the time it is installed.

To ensure that the public has appropriate access to these facilities the City has entered into an agreement with the Seaside Company (See Attachment A). In general, this agreement:

- 1) Establishes parameters for the public's ability to use these facilities, and limits the City's liability when they are in use;
- 2) Requires the Seaside Company to reserve at least 1 full midweek day (may be variable) per week for free general first-come, first-serve use of the deck by the public only (at least 24 days per season). Of the remaining days (approximately 156 days, including weekend days), the deck shall be open for free general first-come, first-serve public use at least 55 percent of the time (at least 84 days). In return, the Seaside Company has the right to reserve the deck for private use up to 45 percent of those remaining days (up to 72 days). By April 1st of every year, the Seaside Company will provide a list of dates reserved for private use to the City, who will then provide this list to the Executive Director of the Coastal Commission for review and approval. Any changes to the approved list shall also be approved in the same manner. City staff monitors the use on a monthly basis;
- 3) Establishes the Seaside Company's responsibility for the design, acquisition, installation, maintenance, removal and storage of a handicap accessible ramp which extends approximately 70 feet from the deck toward the water line, and which, regardless of whether the temporary deck is reserved for a private function shall remain open at all times for disabled users; and an approximately 230-foot lateral walkway along the beach from the deck to the Colonnade;
- 4) Requires the implementation of a signage program by Seaside Company that must be approved by the City and the Executive Director (and submitted as part of the list package described above) that encourages public use, including in terms of the required free general first-come, first-serve public use days. All signage shall be

approved at least annually and at the same time and subject to the same approval process as specified for the above-referenced list of dates reserved for private use of the deck;

- 5) Requires the Seaside Company be responsible for security, collection of garbage, and all other deck and ramp maintenance.

These facilities are only allowed to be installed and used pursuant to these parameters, and shall not be authorized otherwise.

D. The Municipal Wharf/Beach Street Promenade Walkway/Ideal Fish Deck Connection

A Coastal Development Permit was approved by the City and the California Coastal Commission (3-93-47) to develop an approximately 200 foot public walkway/deck from the Municipal Wharf diagonally along the ocean side of the Ideal Bar and Grill Restaurant to the Beach Street Promenade. The approximately 8600 sq. ft deck surrounds the restaurant and the public restrooms and showers and was designed to improve access to the area by connecting the Municipal Wharf, Wharf intersection, and Beach Street. The deck has public tables to accommodate 30 people along with benches and lighting. Pursuant to the conditions of CDP 3-93-47, the permittee has dedicated a permanent non-exclusive easement to the restaurant deck area to the City and the City provided an operational plan for both the restaurant area and the public area as part of its zoning permit. Approximately 1800 sq. ft. of the deck immediately adjacent to the restaurant is reserved for private restaurant use, while the restaurant is in operation. This area can accommodate approximately 60 people and is maintained by the restaurant. The walkway/deck surrounding this area is managed by the Parks and Recreation Department and the right of public access to and use of the promenade is limited in time, place, and manner as the City restricts the use of the City beach which it adjoins.

Section VI. SPECIAL AND TEMPORARY EVENTS COORDINATION

The Santa Cruz City Beach is the site of many special and temporary events. Special events as they are understood by this BMP are those events that are held regularly, such as beach volleyball tournaments. Temporary events, as they are understood by this BMP, are those events that aren't BMP special events and are scheduled throughout the year, such as weddings or any reserved private use of the City's 16 volleyball courts. At the City level, all special and temporary event permits are processed by the City Manager's Office in conjunction with the Parks and Recreation Department and the Fire Department's Marine Safety Division. City permits for events must conform to the City's Municipal Code Chapters 10.64 Commercial Events and 10.65 Non-Commercial Events (Appendix X) to ensure conflicts, overlap and impacts are minimized. These codes prevent substantial interference with the community's peace and safety and review the event based on traffic, security, safety, and cleanup and other requirements. In addition to the standards in the Chapters 10.64 and 10.65, special and temporary events are subject to the City zoning ordinance Section

24.08.230.2 V (Appendix X) which requires that all special and temporary events in the Coastal Zone be evaluated for exclusion status pursuant to Coastal Commission Guidelines for the Exclusion of Temporary Events from Coastal Commission Permit Requirements. Under these guidelines, special and temporary events must be reviewed for, among other things, significant impacts on general public use of public recreational areas including parking and traffic and fees associated with the event.

By January 1 of each year (and prior to any event occurring for that year), the City shall provide to the Executive Director of the Coastal Commission for review and approval a list of all known special events and any known temporary events pursuant to this BMP. For each event, the list shall include a narrative description of the event, a site plan identifying affected beach areas and any associated physical development (beach area structures shall be accompanied by elevations as well), and all identifying information (including, but not limited to its duration, expected number of participants, any fees, operating plans, parking plans, signs, etc.). A schedule of all special events, land and water, is posted on the City's Parks and Recreation Department website (<http://www.cityofsantacruz.com>) as a service to the public and all relevant agencies. Temporary events, which are non-regular and can be scheduled at any time during the year, are noticed immediately to the Coastal Commission via the City's email distribution list.

Special and temporary events shall only be allowed if they are sited and designed to minimize impacts on general public recreational use as much as possible (including the requirement that they do not block lateral access along the lower beach area, nor block access to the beach from any and all public access points), and events that restrict more than 33% of the total beach area shall be prohibited unless the Executive Director determines that there are special circumstances and that the additional restriction will not significantly adversely affect general public recreational use. Only events on the approved list shall be allowed, and any changes to the approved list shall be submitted to the Executive Director for review and approval subject to the same criteria identified above. All events which are scheduled after the Executive Director's approval of the yearly list referenced above shall be subject to Executive Director approval based on the same methods above. Any such subsequent event to which the Executive Director has not responded within 5 days of receiving the event notification package from the City shall be deemed approved.

The Parks and Recreation Department shall be responsible for monitoring and maintaining records of any negative impacts on coastal resources, and shall provide such records to the Executive Director, along with any irregularities or noncompliance with the permits upon identification of same, as part of the yearly submittal process along with the kelp removal and sand grooming monitoring requirements indicated above.

Section VII. SIGNING PROGRAM

Enforcement and safety signage has been placed at all access points to the beach. These signs delineate the rules and laws on the beach and basic ocean safety

principles. Additional signage for locations of rest rooms, disabled access, specific safety issues and acknowledgement of beach improvement contributions will be placed as needed, subject to Executive Director approval. All signs will be reviewed a minimum of once a year for condition, consistency and appropriateness to the beach area. Signs which restrict public access, except for signs approved subject to this BMP for health and safety reasons or special events, shall be prohibited.

Section VIII. FLOOD AND DRAINAGE DISCHARGE OPERATIONS

The City Parks and Recreation Department performs most of the regular operations on the City's beaches, but the City Public Works Department also has an impact through regular operations, which fall under its jurisdiction. These operations range from flood and drainage control to debris removal. Not all functions are performed by the City's Parks and Recreation Department or Public Works Department; the City also utilizes contracted service operations for public works type functions.

Drainage may flow onto Main and Cowell beaches from many points and sources (e.g. from outdoor rinse showers located along the perimeter of the beach area or from power washing the Boardwalk). Management of major drainage flows is generally addressed upstream through plans developed by other public entities and separate from this BMP. The relevant parts of these plans as they relate to the Beach Management Plan area are discussed in A and B below. Private property sourced drainage is addressed in C below.

A. San Lorenzo River.

By far the most significant water flow through the City's beach is the San Lorenzo River. Ranging from high flow events during the rainy season to low flow in the summer months, the river continually affects the beaches. The lagoon which forms behind the sand berm at the river mouth typically has significant natural resource values, but the waters which rise behind the berm in the rainy season can pose a flood hazard. The San Lorenzo River Enhancement Plan (SLREP) addresses these issues. This BMP does not address the San Lorenzo River or its lagoon, and explicitly doesn't allow activities pursuant to it within 100 feet of these areas, except to maintain the accessibility of the City's eastern emergency/maintenance vehicle accessway.

B. Neary Lagoon.

The second largest flow of water onto the City's Main Beach is the discharge from Neary Lagoon. The 14-acre lagoon is surrounded by an 850-acre urban drainage basin. Neary Lagoon management is regulated by the Neary Lagoon Management Plan (NLMP), a component of the City's General Plan/Local Coastal Program (GP/LCP). The lagoon is managed as a unique natural habitat with important recreational and educational resources for residents and visitors. An important function of the lagoon is the retention of storm water runoff and flood control. The NLMP and the BMP interface in relation to the manner in which Neary Lagoon storm water discharge is managed across Cowell Beach to the Pacific Ocean. During the dry season, the lagoon's

discharge is diverted to the treatment plant by way of a by-pass line (that runs only if the water level is high enough in the lagoon). The City may divert lagoon water to the treatment plant during the "wet weather season" if the plant has adequate capacity, including both hydraulic and organic loading. This is done upon occasion to maintain consistent lagoon levels, and to minimize pump operation and discharges to the beach, in addition to treating the water prior to discharge. The dry weather diversion to the plant is important for the receiving water quality because during the spring and summer months the bacterial levels in Neary Lagoon tend to increase primarily due to the reduced freshwater flows into the lagoon and the presence of many birds that utilize the lagoon. Thus, this water is diverted to the treatment plant for treatment in lieu of being discharged to Cowell Beach.

If Neary Lagoon water levels go too high, the City may use pumps for a period of time to re-establish the natural flow of lagoon waters across Cowell Beach. Specifically, when the lagoon reaches the elevation of 5.5 mean sea level (MSL), the City initiates its sequence for opening the storm drain outlet for Neary Lagoon where it meets Cowell Beach just upcoast of the Wharf. At that time, the City provides e-mail notices to a variety of agencies, interested parties, and City staff. City staff also physically monitors the discharge and delivers warning to persons in the water and on the beach before the pumping operation actually commences. During the wet weather season, the Neary outfall will independently operate as the lagoon reaches its spilling point.

C. Private Property. Three major private property holders (the Seaside Company, Dream Inn Hotel, and the Ideal Bar and Grill Restaurant) are located directly along Cowell and Main Beaches. Drainage flows originate at these properties from time to time and from varying activities (e.g., outdoor shower use, washing of decks, and flood abatement).

The Seaside Company has installed a drainage pipe at the east end of the Boardwalk (and facing the San Lorenzo River) that dewater its basement of river water via a sump pump. The Seaside Company also has two emergency bypass discharge pipes facing the ocean underneath Neptune's Kingdom and Coconut Grove which are used in high flood situations only. Most of these temporary drainages occur on a seasonal basis and during a heavy flood or high water level period in the San Lorenzo River lagoon.

Other modes of drainage to and across the Beach Management Plan area are less well known. These include potential flows to the beach from outdoor rinse showers located along the perimeter of Cowell and Main beaches, deck and amusement ride washing from the Seaside Company staff, and from various restaurant and hotel activities. More information, however, is necessary to fully gauge the size and scope of these discharges, and in turn how to reduce or mitigate for them. Ideally, all potential runoff from these private property owners should flow into the City's sewer system for treatment off site. Therefore (and besides what is allowed per the BMP in sections above), absent of further knowledge about these activities, this BMP does not explicitly allow for these types of discharges.

Section IX. INTERAGENCY COORDINATION

This section deals primarily with common interactions the City maintains with other public and private businesses. The City encourages cooperation and consultation with internal and external groups to enhance the viability of recreational experiences for visitors and residents alike.

Adopt-A-Beach

The City is an original participant in the California Coastal Clean-up and Adopt-A-Beach programs. The programs are effective in assisting the City in maintaining the beach as well as offering the public the opportunity for public service. Historically, the City has donated staff, access to the landfill and has been active in encouraging groups and individuals to participate in the program. The Parks and Recreation Department, acts as the beach manager for the City of Santa Cruz Beaches.

E. Seabright Beach Coordination

Twin Lakes State Beach, also known as Seabright Beach, is located within the city limits but is operated by the California State Department of Parks and Recreation. The City's Lifeguard and maintenance services staff maintain a close working relationship with the State Parks Service on matters of mutual concern. Communication is maintained through the Parks and Recreation Department and the Fire Department's Marine Safety Division and the State Lifeguard office. These issues may include but are not limited to:

1. San Lorenzo Point Maintenance
2. Mott Street Access Maintenance
3. San Lorenzo River Issues
4. Public Safety Issues

F. Wharf Coordination

Issues relating to the Wharf and Beach operations are handled through the in-house staff process. The City follows all guidelines currently established by agencies such as the Coastal Commission relating to both operations. The Marine Safety Division of the Fire Department and the Parks and Recreation Department's Wharf will continue close association with both the Police and Fire Departments for security and public safety.

G. Private/Public Coordination

The City will continue to inform the public of significant projects or impacts and encourages input into the decision making process in a timely matter. This is most commonly handled by the Parks and Recreation Commission through meetings and public hearings or through City Council meetings. The Parks and Recreation Department regularly meets with major beach property holders to cover issues of mutual interest on the beach.

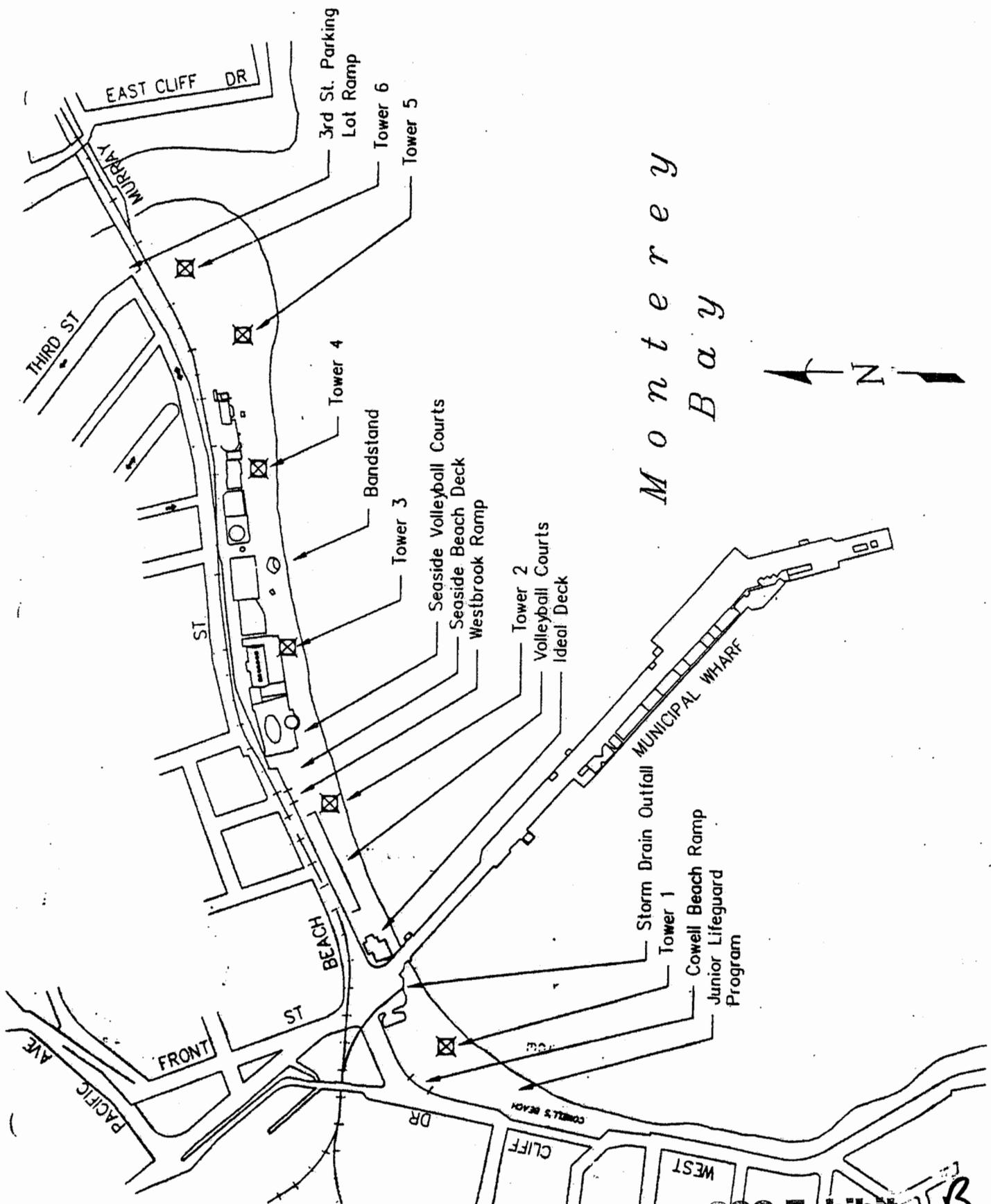
Section X. Attachments

The following appendices are provided here for general reference but are not a part of this BMP for CDP purposes. This BMP does not authorize any development associated with these documents:

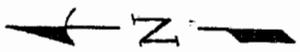
- A. Beach Management Plan – Area Map
- B. Seaside Company - City of Santa Cruz Beach Maintenance Agreement
- C. San Lorenzo River Enhancement Plan
- D. Neary Lagoon Management Plan
- E. Ocean Sports Ordinance
- F. California Regional Water Quality Control Permit

Full Reports are located
at the Coastal Commission's
Central Coast District

Beach Management Plan update 05/19/2011



Monterey



AGREEMENT

5-19-2011

This Agreement is made and entered into this _____, by and between the CITY OF SANTA CRUZ, a Municipal Corporation, hereinafter referred to as "City", and the SANTA CRUZ SEASIDE COMPANY, hereinafter referred to as "Company":

- A. WHEREAS, on January 26, 1995, Company submitted to the City's Planning and Community Development Department Zoning Permit Application No. 94-203 by which Company sought from City a coastal permit, design permit, and special use permit, which would allow Company, on an annual basis, to construct on the Main Beach near its boardwalk arcade a temporary approximately 3,800 square foot beach deck for public and private picnic usage; and
- B. WHEREAS, in conjunction with said application process, the California Coastal Commission reviewed the application to assure compliance with the California Coastal Act and City's Local Coastal Plan and, pursuant to that review, requested that certain conditions be placed upon the City's approval of said application as to assure that, when operational, the temporary deck would remain in compliance with the California Coastal Act and Local Coastal Plan; and
- C. WHEREAS, on March 14, 1995, the City approved Company's Zoning Permit Application No. 94-203 on appeal subject to sixteen conditions of approval, with Condition No. 9 stating: "That prior to the installation of the deck in the 1995 season, an agreement between the City and the Seaside Company shall be prepared and signed, which preserves the interest of the public trust and allows continued public access to the deck. This Agreement should establish the parameters of the public's ability to use the facility and also limit the City's liability when this deck is in use".; and
- D. WHEREAS, Company and City implemented Condition No. 9 to Zoning Permit 94-203 by entering into an agreement that complied with said condition; and
- E. WHEREAS, pursuant to Zoning Permit 94-203, said temporary deck is now to be annually constructed on that portion of the beach, more particularly shown, and delineated on the area map plan attached hereto, marked Attachment A and by this reference incorporated herein.

NOW, THEREFORE, it is agreed by and between Company and City as follows:

1. City does hereby authorize Company, at Company's sole cost and expense, to construct on an annual basis, at the location described on Exhibit A attached hereto, a temporary approximately 3,800 square foot beach deck, two volleyball courts adjacent to the deck to be used in tandem with deck use, and a handicap accessible ocean access ramp (hereinto jointly referred to as "temporary deck") for public and private picnic usage on an annual basis, as delineated on Exhibit B attached hereto. Said temporary deck shall be constructed only in accordance with construction plans and specifications therefore, filed with, and approved by the City's Planning Director and Director of Parks and Recreation. Construction shall not commence until said plans and specification have been so approved, and a building permit issued by the City's Chief Building Official. The temporary deck shall be completed to the satisfaction of the City's Parks and Recreation Director. Title to the temporary deck, due the deck's temporary nature, shall remain vested in the company. The temporary deck may be installed annually, no earlier than May 1 and removed annually no later than October 31, for approximately 180 days.
2. In recognition of the fact that the temporary deck, due to its installation upon a public beach, must accord a public benefit, Company agrees that the temporary deck will be available to the public for public picnic and related use on a free general first-come, first-serve basis for a minimum of sixty percent (60%) of the days that the temporary deck is installed each season (at least 108 days) including at least one (1) full weekday per week. The Company will have the right to reserve the temporary deck for private use for a maximum of forty percent (40%) of the available days (up to 72 days) as long as there is a reasonable distribution of public use days throughout the temporary deck installation period. Prior to April 1 of each year, Company shall provide City with a list of dates upon which Company intends to reserve the temporary deck for private picnic use as provided herein. The City will then provide this list to the Executive Director of the Coastal Commission. If, at a later date, Company deems it necessary to change said list of dates, it shall provide immediate written notice to City (and the City will notify the Executive Director at that time of said change on a weekly basis upon learning of the need to make the change). Any such change shall be subject to approval by the City and the Executive Director which approval shall not be unreasonably withheld. When the temporary deck is being put to public use, Company shall be responsible for placing conspicuous signage on and about the temporary deck stating "OPEN TO THE PUBLIC".

When the temporary deck is in private use, Company shall be responsible for placing conspicuous signage on and about the temporary deck, stating "RESERVED FOR PRIVATE PARTY". All signage shall be approved at least annually at the same time and subject to the same approval process as specified for the above-referenced list of dates and shall be installed prior to each annual operation of the temporary deck. When open for public use, members of the public shall not be allowed to reserve all or portions of the temporary deck or its fixtures unless such reservation is arranged by the City Parks and Recreation Department as a temporary event subject to the City's Beach Management Plan provisions for such temporary events with approval of Company, which approval shall not be unreasonably withheld. When open for public use, the temporary deck shall be subject to the same rules and regulations as the Main Beach, including the prohibition of fires, barbecues, animals, and possession or consumption of alcohol, etc. At all times, whether for public use or private use, the temporary deck shall be furnished with approximately forty-two (42) picnic tables and shall be capable of seating approximately four hundred and seventy-six (476) people at one time. Company shall be responsible for all furnishings and title to all furnishings shall remain with Company. The consumption or possession of alcoholic beverages on the temporary deck shall only be allowed at private events which are strictly monitored by Company security personnel.

3. A 1995 agreement between the City of Santa Cruz and the Seaside Company required the Company to install a permanent access ramp extending from the grassy knoll area seaward of Beach Street to the temporary deck area (hereinafter referred to as the "Beach Street access ramp" (see Attachment B). The Beach Street access ramp extends from the grassy knoll area designated on said diagram to a point on the Main Beach where it abuts the location of the temporary deck, and where it provides access from the grassy knoll area to the temporary deck when said temporary deck is installed, and to the sandy beach when the temporary deck is not present. In addition, the Company annually installs a temporary handicapped accessible walkway structure across the sand that is accessed from the temporary deck on an annual basis and, regardless of whether the temporary deck is reserved for a private function (whether Boardwalk or City authorized temporary event) access from the grassy knoll through the Beach Street access ramp, the temporary deck, and the temporary handicapped accessible walkway

structure (and back to the grassy knoll area) shall remain open at all times for disabled users. The temporary access pathway structure when installed, annually, is 4 feet wide and extends about 70 feet toward the ocean to a "T" overlook area. The Company also installs an approximately 1,155 square foot (5 feet wide by 231 foot long) walkway from the deck to the Colonnade for lateral access between the two. In addition to maintaining the permanent Beach Street access ramp to the temporary deck /sandy beach area, it shall be Company's sole responsibility to acquire, install, maintain, and remove the temporary walkway structure subject to the same timing and criteria that applies to the temporary deck. Should, during the term of this agreement, the Beach Street access ramp become damaged or dilapidated, Company shall be solely responsible for its repair or replacement. Notwithstanding the foregoing, or any other provision of this Agreement, if at any time after execution of this Agreement, City should terminate this Agreement, or if either City or the Coastal Commission should refuse or fail to permit the annual installation of the temporary deck, upon said termination, failure or refusal, Company shall have the right to relinquish all of its right, title and interest in the Beach Street access ramp to City and, upon Company's relinquishment, the City shall accept all of Company's right, title and interest and City shall likewise assume all of Company's responsibility for the repair, maintenance, replacement and insurance of the Beach Street access ramp imposed upon Company pursuant to this Agreement. Company's relinquishment of its right, title, and interest shall be made by written notification to City delivered to City, care of the City Manager, be certified mail and shall be completed upon City's receipt of notification as evidenced by the Post Office return receipt for said notification.

4. Title to the Beach Street access ramp shall, at all times, remain vested with Company. City shall monitor grant opportunities which might fund acquisition, construction and installations of future structures referenced herein, and should such a grant opportunity be identified, pursue said grant funding. Company's obligation to acquire, construct, and install the structures referenced herein, as provided for herein, shall not be dependent on the City's acquisition of grant funding.
5. Company will be responsible for security of the temporary deck at all times that the temporary deck is in private use. To this end, Company staff will monitor all activities occurring on said temporary deck while in private use and shall be responsible for

directing users with regard to all applicable rules and regulations for said temporary deck. Pursuant to standard cooperative practice between City and Company, City police officers will be available for enforcement action necessary to curb any unlawful behavior on the temporary deck and Beach Street access ramps. While in public use, Company shall cooperate with City staff in enforcing rules and regulations for public use of the temporary deck and shall notify City staff of any violations it might observe. Company shall be solely responsible for all long term and short term maintenance of the temporary deck, the Beach Street access ramp, and the temporary pathway structure including, but not limited to, the collection and disposal of trash which may accumulate thereon.

6. Prior to each annual installation of said temporary deck and temporary pathway structure, Company will obtain all necessary permits and shall take all steps necessary to assure that said temporary deck and temporary pathway structure are in compliance with any Beach Management Plan of the City which may be in effect at the time of installation.
7. Company shall indemnify, defend and save harmless the City, its officers, and employees, individually and collectively, from any and all loss, costs, liability or expense, of whatsoever nature and howsoever the same may be caused or may arise, resulting directly or indirectly from the execution of this Agreement, or from Company's use, maintenance, supervision, installation, or removal of the temporary deck, and/or Beach Street access ramp, and/or the temporary pathway structure which are the subjects of this Agreement.
8. Prior to commencement of construction of the temporary deck and the temporary pathway structure, Company shall obtain, and shall maintain throughout the period of construction, and thereafter so long as Company uses, installs, maintains, supervises, and removes the temporary deck, the Beach Street access ramp, and/or the temporary pathway structure, a policy or policies of public liability insurance, insuring Company and City against liability by reason of injury to or death of any person, or by reason of any damage to property, arising out of the construction, maintenance, supervision, installation, or removal of the temporary deck, the Beach Street access ramp and/or the temporary pathway structure, or the public or private use thereof. Said policy or policies of insurance shall have not less than the following limits: \$500,000 for injury to

or death of one person in any one occurrence; \$1,000,000 for injury to or death of more than one person in any one occurrence; \$300,000 for property damage in any one occurrence. City, its officers, and employees shall be named as additional insured's in any such policy or policies of insurance. Said policy or policies of insurance shall provide that City be given not less than thirty (30) days written notice prior to any modification or cancellation thereof. Proof of said insurance coverage, satisfactory to the City's Risk Manager, shall be filed with the City's Risk Manager prior to the commencement of each annual installation and construction of the temporary deck.

9. This agreement shall be effective upon execution by both City and Company and shall remain in effect until cancelled by either of the parties upon giving reasonable notice. In the absence of special circumstances, 90 days' written notice will be considered reasonable. If this Agreement is cancelled or terminated for any reason, the coastal development permit authorizing the temporary deck will be void. Amendments to the agreement shall be submitted to the Coastal Commission Executive Director for review and approval prior to recording.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first hereinabove written.

"Company"
SANTA CRUZ SEASIDE COMPANY

By: _____

"City"
CITY OF SANTA CRUZ
A Municipal Corporation

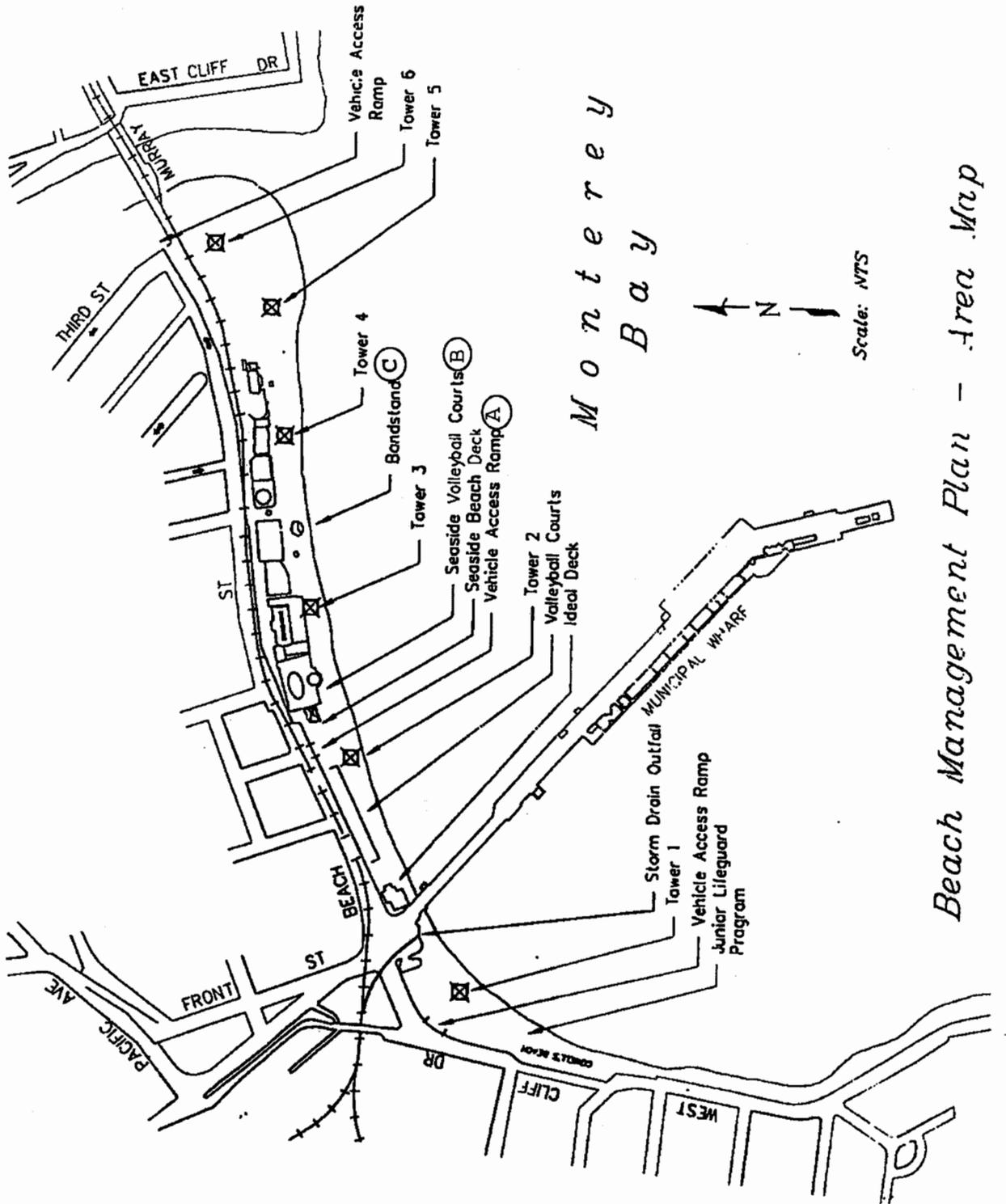
By: _____

CITY MANAGER

Approved As To Form:

CITY ATTORNEY

- A. Beach Deck Approximately 3,800 sq'. Adjacent Access Ramp.
- B. Seaside Company Beach Volleyball courts.
- C. Bandstand

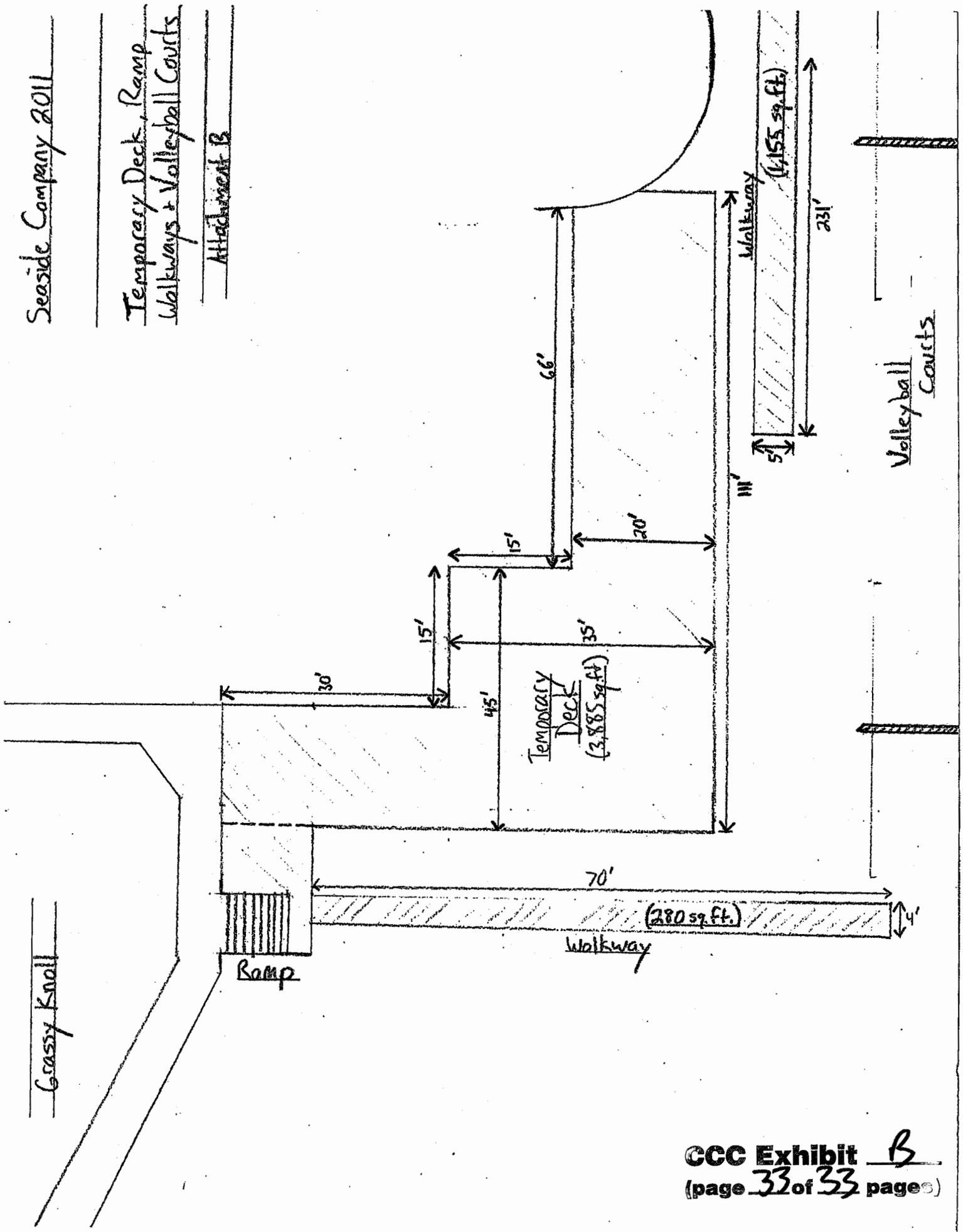


Beach Management Plan - Area Map

Seaside Company 2011

Temporary Deck, Ramp
Walkways + Volleyball Courts

Attachment B



Th10c

Hi Dan-

My name is Greg Bodi and I am a resident of Santa Cruz. My family and I live on the Westside of Santa Cruz and frequent the beaches year round. Cowells being one of our favorite spots for its calmer waters which enables my 6 and 4 year olds to have a good time.

I am an avid ocean enthusiast and environmentalist but over the past two summers I had to scratch my head and wonder why the California Coastal commission will not allow heavy machinery to remove the rotting kelp from the beaches. I agree that the natural cycle is interrupted but the reality is we live in a city and should protect our children from sickness and disease. To allow Cowell's to be one of the worst beaches in the state seems counterproductive to what the coastal commission was setup for. Sure it is to protect the ocean and its inhabitants but we should also be protecting our children by making the beaches safe so we can properly engage them on the ocean.

Twice over this summer my children fell ill with rashes and nausea after playing in the rotting kelp filled waters. I contacted the city and also did some research only to come upon this article written in May. <http://santacruzwire.com/index.php/la-vida-local/21-la-vida-local/345-rotting-kelp-breeds-bacteria-at-cowell-beach.html>

I would like to request or be added to any existing petitions for the California Coastal commission to allow the city of Santa Cruz to effectively maintain rotting kelp on the beaches. And like I mentioned I love the ocean and I love what you guys have done to protect it but please reconsider your rules on dead rotting kelp on city beaches (within city limits).

Just so you know I am not some hump father that really doesn't spend time in the ocean you can see some of my shots here where we are enjoying, respecting and admiring our beautiful ocean. http://www.pbase.com/gbodi/scuba_diving

Sincerely,

Greg Bodi
412 Continental St.
Santa Cruz, CA 95060

RECEIVED

AUG 19 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Th 10c

Hello, Daniel,

Susan Craig informed me that you are the planner assigned to the Seaside Company's proposed 3-year BMP for Cowell's and the Main Beach, which is on the June agenda. I read the staff report online and was disappointed in the Conditions, notably the absence of any requirement that the trash barrels be emptied at EOB nightly, and hope that this oversight can be rectified.

Those of us who use these beaches early in the morning are painfully aware of the significant volume of trash from the barrels that is strewn all over the beach and tideline by the night's high tide and scavengers that arrive before the tractors come out in the morning to empty what remains. The tractors are equipped with lights, so emptying them after the Boardwalk closes would not pose a mechanical difficulty.

The idea behind trash receptacles should not be limited to keeping the beach clean during the day but also to collect and contain it for efficient removal and recycling. Campaigns are developed and funded to increase public awareness and cooperation in keeping glass, metal, plastic products and cigarette butts off the beach and out of the water out of concern for wildlife, public safety and water quality. Keeping thousands of pounds of pollutants annually out of beach sand and out of Sanctuary waters is a logical extension of these campaigns and would not require additional equipment.

I ask for your consideration of a Condition for this BMP requires the emptying of all beach trash barrels at EOB so that the next 3 years will achieve cleaner, healthier, safer beaches and coastal waters.

Thank you for your attention.

Sincerely,
Patricia Matejcek

RECEIVED

MAY 31 2011

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA