

Agenda Management Support

From: Agenda Management Support
To: Caitlin Smith
Subject: RE: #15 comment_Craig, S

From: Caitlin Smith <Caitlin.Smith@santacruzcounty.us>
Sent: Monday, April 12, 2021 3:29 PM
To: Agenda Management Support <agndamgmtsupport@santacruzcounty.us>
Subject: #15 comment_Craig, S

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please use: BoardOfSupervisors@santacruzcounty.us

Caitlin Smith

From: Graeven, Rainey@Coastal <Rainey.Graeven@coastal.ca.gov>
Sent: Monday, April 12, 2021 12:24 PM
To: Board Of Supervisors
Cc: Matt Machado; Jeff Gaffney; Kathy Molloy; Craig, Susan@Coastal
Subject: Live Oak Parking Program Agenda Item #10360
Attachments: Letter to County BOS (Live Oak Parking Program) Agenda Item #10360 4.12.21.pdf

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Dear Chair McPherson and Honorable Supervisors,

Please find the Commission's comments on the Live Oak Permit Parking program (Agenda Item #10360) for tomorrow's meeting attached. Please include the attached as correspondence on the item.

Sincerely,

Rainey Graeven *on behalf of* Susan Craig (Central Coast District Manager)

CALIFORNIA COASTAL COMMISSION

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April 12, 2021

Santa Cruz County Board of Supervisors (via boardofsupervisors@santacruzcounty.us)
701 Ocean Street, 5th Floor
Santa Cruz, CA 95060

Subject: Live Oak Permit Parking Program (Agenda Item # 10360)

Dear Chair McPherson and Honorable Supervisors:

We understand that you will review and consider changes to the Live Oak Permit Parking Program at your meeting on April 13, 2021, and that you will also consider authorizing the County Department of Public Works (DPW) to initiate the program for this year. We have seen much attributed to us regarding the program that is inaccurate, including in County materials prepared related to this program, and we would encourage you to disregard any such attributed positions. Instead, we would like to provide the following comments for your consideration as you consider the program.

As an initial matter, we note that we very much appreciate DPW staff's efforts to coordinate with us on this program. They have taken considerable time over the last few years to work with us in an effort to address existing violations associated with the program; to understand the Commission's mission and objectives in regards to the program, including in relation to Coastal Act and Santa Cruz County Local Coastal Program (LCP) compliance; and to attempt to address issues and concerns that we have identified. At the same time, and as we have communicated to your staff, the program (including the permitted program, the program as it has been operated in recent years with unpermitted changes, and the proposed modified 2021 program) raises significant issues with respect to Coastal Act and LCP requirements related to protecting and maximizing public access and recreational opportunities, particularly free and lower-cost opportunities, and we do not support the permitted program, the unpermitted version that has been implemented in recent years, or the proposed modified program for 2021. Rather, in our view, the facts suggest that the program should be discontinued entirely.

At a very basic level parking fees inherently create an impediment to public access, and they can deter or make it prohibitively expensive for the public to visit and appreciate the coastline and all it has to offer. Such fees can also disproportionately adversely affect those least able to afford them, amplifying concerns about whether our beaches and shoreline areas can be accessed by all as is required under both the Coastal Act and LCP. And in coastal Live Oak, where almost all visitor parking is provided on-street because the area lacks large parking facilities, those impacts are only exacerbated when visitors not fortunate enough to live there are forced to pay parking fees to park

Live Oak Permit Parking Program

along public streets in order to recreate at the beach and along the shoreline. And now, the proposed transition to a smartphone app-based system only further reduces accessibility for those without smartphones or data, and/or without an efficient means to even purchase parking passes. In short, we do not support any version of the program that includes parking fees for public parking on public streets in Live Oak.

In addition, and as we have consistently discussed with County staff, please note that the program has been operating for many years with a series of unpermitted changes to it, including most notably an expansion of the program area. We do not support operation of the program inconsistent with the underlying coastal development permit (CDP); and we do not support making changes to it (as you are currently being asked to do) without a proper CDP amendment application and appeal process. Please also be aware that continued operation of the program inconsistent with the underlying CDP (whether it is modified as is being recommended or it stays the same as in recent years) represents a knowing and intentional violation of the CDP, the Coastal Act, and the LCP, to which the Coastal Act includes a series of remedies (including administrative fines and other penalties to rectify both past violations as well as new and prospective violations). Any changes to the program that you may make outside of the CDP process as you are being asked to do here (e.g., geographical expansion, operating time modifications, fee changes, app-based interface, etc.) are not recognized or authorized by the underlying CDP. In short, the program has been in violation for many years, and many of those violations remain in effect today. Resolution of such violations should be the County's priority (and should, at the least, precede any proposed new changes to the program). Moreover, the County is currently liable under the enforcement provisions of the Coastal Act for unpermitted impacts to coastal resources, including impacts to public recreational access, both in the past and moving forward.

In that context, we note that although the program has been in operation for nearly forty years, it has not met its original goals of better structuring on-street parking or relieving traffic congestion in coastal Live Oak as intended. On this observation we respectfully disagree with the representations by DPW staff to the contrary, including in the staff report for this item. Rather, the type and availability of on-street parking is virtually unchanged; the streets remain clogged with unpermitted private encroachments into the public right-of-way that serve to restrict and prohibit available public parking options; the same congestion from those looking for space to park is actually exacerbated by the program (as it requires trips to find and purchase permits on top of finding parking); and parking is not "organized and accessible," as is being represented, on most Live Oak coastal streets. In short, the program does not come close to meeting its underlying objectives.

In addition, the program has not generated enough revenue to make meaningful on-street parking improvements. In fact, from the data that DPW has shared, at best it appears that the program has essentially generated enough revenue to solely run the program. And in most years, operational costs appear to exceed revenues, and thus the program appears to regularly lose money (and it operated at a nearly \$100,000 deficit last year, which has not been uncommon). It is also not clear that any acceptable version of the program would be able to generate enough revenue to both pay for itself


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and systematically improve public parking and public access going forward, which is described as a goal of a potentially modified program. We therefore respectfully suggest that it is time for the County to consider whether continuing to operate the program makes financial sense, is in the public's best interest, and can be found Coastal Act and LCP consistent. In our view, the answer to each of those questions is no, and we believe that the program should be discontinued. This has been our consistent position regarding the program for decades, and we have shared this position repeatedly with County staff over the years, and any representations to the contrary should be disregarded. We do not support the Live Oak Permit Parking Program.

We understand that the County is looking for revenue sources, including to help fund maintenance and access enhancement projects at shoreline access areas, and we can appreciate that need. At the same time, it is clear to us that this program is not an appropriate vehicle for those purposes, and we believe there are other ways to accomplish such goals without unduly burdening coastal visitors via parking fees (including through the County's recent Coastal Encroachment Policy, and potentially the County's proposed armoring related fee program (i.e., to offset sand supply loss and public recreational access impacts due to shoreline armoring) under the County's pending LCP hazards update). We have and will continue to support these types of programs as a means to help reach common goals along the shoreline, including to improve public access opportunities, and we look forward to active collaboration as it effects coastal Live Oak moving forward.

It is clear to us that this program has reached a crossroads of sorts, and also that it has outlived any potential utility it may have once provided for meeting the County's and the Commission's goals for coastal Live Oak under the Coastal Act and the LCP. And for the above reasons, it is also clear to us that the most appropriate outcome is to discontinue the program entirely. We support you doing just that. In any case, we hope that these comments prove useful in your deliberations, and please do not hesitate to contact me if you have any questions or would like to discuss this matter further.

Sincerely,

DocuSigned by:

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Susan Craig
Central Coast District Manager
California Coastal Commission

cc: Matt Machado, Deputy CAO and Director of County Public Works Department
Jeff Gaffney, Director of County Parks Department
Kathy Molloy, Director of County Planning Department