

Santa Cruz City Council Meeting
September 10, 2019
7:00 PM

1) Main Beach – Public Access Policy (PR)

Staff Direction

Implement a Main Beach Public Access Policy authorizing the public’s use of the dry sand portion of the beach during the hours of one hour before sunrise to midnight with the provision that the dry sand portion of the beach may be used at all hours to access the wet sand portion of the beach and with the understanding that the wet sand portion of the beach will remain open to the public 24 hours a day in accordance with all currently applicable rules for beach use (e.g. no camping, no alcohol, no smoking etc.) and for all uses by members of the public for which the beach may currently be used (e.g. fishing, jogging, kayak, paddle board and surfboard launching and landing, walking, meditating, swimming, sightseeing, nature observation, special events etc.);

2) Direct that the Main Beach Public Access Policy shall automatically sunset six months from the date of its implementation unless before its sunset date, and after a public hearing and a review of then-current circumstances as well as the efficacy of the policy during its implementation in counteracting the negative public health and safety problems the policy was intended to address, the City Council directs that the policy, or a similar modified policy, remain in effect for an additional specified, limited period of time not to exceed six months; and

3) Declare that the documented conditions requiring implementation of the Main Beach Public Access Policy constitute a public nuisance.

Background

Full report can be read here: ([Staff Report Main Beach 9-10-19](#))

Santa Cruz Municipal Code Section 13.04.011 authorizes the Director of Parks & Recreation to establish hours during which any City park property, including City beaches, will be open to the public. Public access to California's beaches is guaranteed by the California Constitution at Article X, Section 4. In implementing that public access guarantee, the California Coastal Act, at Public Resources Code Section 30210, states

“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.”

In addition, the Coastal Act, at Public Resources Code Section 30214 provides:

“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...”

In approving the City's 2014-2019 Beach Management Plan on November 13, 2014, the California Coastal Commission noted that the Plan was to be implemented in accordance with these policies and the Beach Management Plan itself, at Section 1, page 3, in articulating its purpose, states:

The purpose of the 2014 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.

In summary, both the Coastal Act and the City's Beach Management Plan, approved by the Coastal Commission, acknowledge that in implementing the subject coastal access policy, the City not only should, but must, implement that policy in a manner which protects and enhances public safety.

In June 1999 the Coastal Commission issued a Public Access Action Plan. The purpose and function of the Plan is explained in its executive summary:

This Public Access Action Plan was prepared by the California Coastal Commission pursuant to direction and funding under former Governor Wilson's "Coastal Initiative" in 1998. A comprehensive evaluation of the coastal access situation in California, as well as the Commission's roles and responsibilities, this Plan identifies a number of key issues and makes recommendations for addressing problem areas.

Plan Recommendation 28 pertains to beach curfews:

RECOMMENDATION 28. The Commission should ensure that all LCPs address the need to balance public safety concerns with public rights to access to beaches and the ocean by incorporating the Commission adopted (7/12/94) Guidance on Beach Curfews.

Council Action: After lengthy discussion by the council, the staff and the public in attendance, a Motion was made to accept the staff recommendation to put a curfew on the Main Beach, similar to what is in effect for Cowell Beach.

Summary of Motion: The policy would only apply to the dry sand portion of Main Beach and the landward property beneath the Municipal Wharf and would only prohibit access to that portion of Cowell Beach between midnight and one hour before sunrise, amounting to a maximum of four or five hours per day, depending upon the season. The wet sand portion of Cowell Beach would not be affected by the policy and would remain open to members of the public for full access and use twenty-four

hours per day, seven days a week, all year. The policy would not additionally restrict the public's access and use of any other beaches within the City's jurisdictional limits including Its Beach, Mitchell's Cove, and Seabright Beach.

Council Vote:

Yes: Mayor Watkins, Vice Mayor Cummings, Councilmembers Brown, Krohn, Mathews and Meyers

No: Councilmember Glover

Chamber's position:

The Chamber does not support temporary small 'encampments' spread across the City, at city owned lots near schools, parks, and where tourist and businesses generate tax revenues to the city; and on our Beach.

The Chamber supports the staff recommendation to council. For very obvious reasons, protecting Main Beach at all costs is essential to the economic wellbeing of our community. There is no greater threat to the vitality of the tourism industry in Santa Cruz than this issue if no action is taken to preserve the safety, cleanliness, and environmental integrity of Main Beach.

The Boardwalk and other businesses along Beach Street and in close proximity to the Main Beach have received a multitude of complaints from local visitors and tourists to our community expressing serious concerns about the safety of the Boardwalk and beach as a result of unregulated and rapidly proliferating homeless camping.

Upwards of 4 million people come to Main Beach every year and these same people stay in our hotels and spend money at our local businesses. These visitors are expressing their concerns and these are the visitors that our local businesses and in turn, the City, count on for economic vitality.

While this curfew is a temporary six month fix to the issue, we believe that a permanent ban on camping on our city beaches is necessary to protect the environmental health of our major tourist assets.