

RESOLUTION NO. NS-30,302

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S ACKNOWLEDGEMENT OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) DETERMINATION AND APPROVAL OF THE COASTAL PERMIT FOR CONTINUED IMPLEMENTATION OF THE OVERSIZED VEHICLE ORDINANCE, AUTHORIZING THE CITY TO CONTINUE COASTAL ZONE IMPLEMENTATION OF ITS MUNICIPAL CODE OVERSIZED VEHICLE AND UNATTACHED TRAILER RULES AND REGULATIONS ("OV REGULATIONS"); AND PROVIDING FOR CONTINUED COASTAL ZONE OPERATION OF THE CITY'S SAFE PARKING PROGRAM; AND TO ACCOMMODATE POTENTIAL FUTURE MINOR MODIFICATIONS TO THE CITY'S SAFE PARKING PROGRAM AND OV REGULATIONS (APPLICATION NO. CP23-0176)

WHEREAS, on November 9, 2021, the City Council adopted Ordinance No. 2021-20 ("Oversized Vehicle Ordinance"), which, subject to some exceptions, prohibits the overnight parking of oversized vehicles on any public highway, street, alley, or city parking lot (see Santa Cruz Municipal Code (SCMC) section 10.40.120(a)); and

WHEREAS, on May 11, 2023, the California Coastal Commission approved Coastal Development Permit (CDP) A-3-STC-22-0018, authorizing implementation of the ordinance for a period of one year with Conditions of Approval authorizing the City to approve, on behalf of the Coastal Commission, a new CDP for continued implementation the City's Oversized Vehicle Ordinance and Safe Parking Program; and

WHEREAS, on June 13, 2023, the City Council approved Ordinance 2023-08, amending select portions of Chapter 10.40 of the Santa Cruz Municipal Code, in order to: (1) eliminate the prohibition on parking of oversized vehicles within 100 feet of intersections, consistent with the City's withdrawal of that provision from the Coastal Development Permit request, (2) adjust provisions related to when the ordinance applies during a declared state of emergency, and (3) clarify provisions related to how the OVO interacts with the City's existing residential parking permit program. The ordinance was then signed by Mayor Fred Keeley on June 27, 2023 and became effective 30 days later; and

WHEREAS, the City's continued implementation of its Oversized Vehicle programs does not constitute a new "project" under the California Environmental Quality Act ("CEQA"); however, even if the actions encompassed in the Coastal Development Permit were deemed as "project" pursuant to CEQA, the actions qualify for the "general rule" or "common sense" exemption, as it can be seen with certainty that no significant effect on the environment will occur resulting from the Coastal Permit application; and

WHEREAS, further, the proposed actions remain statutorily exempt from environmental review under Article 19 of the California Environmental Quality Act (CEQA) Guidelines, Section 15282(j), related to restriping of City streets, and categorically exempt under Section 15301(c) and (g), 15307, 15308 and 15061(b), related to alteration of City streets not involving addition of lanes; and

RESOLUTION NO. NS-30,302

WHEREAS, on February 1, 2024, the Planning Commission, after hearing public testimony at a duly-noticed public hearing, voted to 1) adopt the California Environmental Quality Act (CEQA) determination and 2) approve Permit CP21-0146, allowing continued implementation of the OV Regulations and Safe Parking Programs in the Coastal Zone and to accommodate potential future minor modifications to the City’s Safe Parking Program and OV Regulations; and

WHEREAS, on February 9, 2024, an appeal was filed by Reggie Meisler, Jasmeen Miah, Rachael Chavez, and Joy Schendledecker of Santa Cruz Cares, Jameelah Najieb of Disability Rights Advocates, and Dylan Verner-Crist of ACLU of Northern California, contesting the decision of the Planning Commission to approve Coastal Permit CP23-0176; and

WHEREAS, the City Council conducted a duly noticed public hearing on March 12, 2024 to consider the application; and

WHEREAS, the City Council now makes the following findings:

With Respect to the Environmental Determination

The City’s continued implementation of its Oversized Vehicle programs does not constitute a new “project” under the California Environmental Quality Act (“CEQA”). Even if the approval of a new Coastal Development Permit, as proposed, were considered a “project” pursuant to CEQA, the following exemptions would continue to apply.

Statutory exemption 15282(j) applies to projects including restriping of streets to relieve traffic congestion, while Section 15301(c) accommodates alterations to existing streets, sidewalks, gutters and similar facilities not adding new automobile lanes. Past observations have revealed that overnight parking of oversized vehicles tends to occur in locales in which groups of oversized vehicles congregate and then become entrenched, inducing congestion and degradation of the environment. Continued implementation of existing Oversized Vehicle regulations and the City’s existing Safe Parking Program, including potential future minor modifications as envisioned in this permit, will reduce deleterious effects through continued provision of Safe Parking in a controlled environment.

Further, Public Resources Code Section 21084 requires CEQA Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. Section 15307 of the CEQA Guidelines “consists of actions taken by regulatory agencies... to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.” Section 15308 of the CEQA Guidelines “consists of actions taken by regulatory agencies... to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for the protection of the environment.”

Continuation of the City’s existing Safe Parking Program, with minor modifications, will not likely result in any new construction, or need for building of additional facilities for public

services such as Police, Parks, or Fire. Through provision of sanitation facilities in locations at or near designated safe-parking locations, and through continued restriction of oversized vehicle parking between the hours of 12 AM and 5 AM Citywide, ongoing implementation of the City's OV Regulations and Safe Parking Program, along with potential future minor modifications as discussed herein, will continue to ameliorate the detrimental effects, including environmental consequences and public health and safety effects, related to long-term OV entrenchment. The majority of environmental impacts resulting from continued implementation of the City's OV Regulations and Safe Parking Program constitute beneficial, rather than detrimental outcomes, and other potential environmental effects remaining de minimis, the City has determined that no further environmental review is required pursuant to the provisions of the California Environmental Quality Act (CEQA).

Section 24.08.250, Required Findings for Coastal Permit

1. Maintain views between the sea and the first public roadway parallel to the sea.

The proposed Coastal Development Permit will not induce adverse impact to coastal views, but, rather, enhance scenic vistas by regulating overnight parking of oversized vehicles in areas adjacent to the shore.

2. Protect vegetation, natural habitats and natural resources consistent with the Local Coastal Land Use Plan.

The Coastal Permit allows for ongoing implementation of the City's Safe Parking program, which provides trash receptacles and hygiene stations, facilitating proper sanitation and thereby minimizing detrimental environmental consequences which contribute to elevated coastal bacterial loads, unsightly accumulation of litter, and exposure to hazardous materials. Through ongoing facilitation of programs which address actions related to unsanctioned disposal of trash and wastewater onto City streets and into storm drains, the City minimizes the risk of violation of the terms of its National Pollutant Discharge Elimination System (NPDES) Municipal Regional Stormwater Permit and resulting actions related to enforcement against such potential violation by the Regional Water Quality Control Board. The proposed actions provide for consistency with the California Environmental Quality Act (CEQA) and the City's environmental review and protection procedures. No disturbance of any vegetation, natural habitats, or natural resources will accompany the actions included in the subject Coastal Permit.

3. Be consistent with any applicable design plans and/or area plans incorporated into the Local Coastal Land Use Plan, in that it implements policies therein.

The proposed Coastal Permit provides for consistency with the General Plan, all Area Plans, and Local Coastal Program in that the proposal advances, and serves to implement, the goals and policies of such plans related to promotion of public health and safety and protection of the natural environment.

RESOLUTION NO. NS-30,302

The proposed actions address policies and programs of the Local Coastal Program, including but not limited to the following:

- Parks and Recreational Lands Policy 1.7: Develop plans to repair, maintain and maximize public access and enjoyment of recreational areas along the coastline consistent with sound resource conservation principle, safety, and rights of private property owners.
- Water Quality Policy 2.1: Meet or exceed State Water Resources Control Board standards for discharge of sewage and storm waters to the Monterey Bay.
- Community Design Policy 2.1 The dramatic views from West Cliff Drive shall remain unimpaired and unobstructed by vegetation, structures or accumulated refuse.
- Natural Setting and Scenic Resources Policy 2.2: Preserve important public views and viewsheds by ensuring that the scale, bulk and setback of new development does not impede or disrupt them.
- Water Quality Policy 2.3: Ensure that new development or land uses near surface water and groundwater recharge areas do not degrade water quality.
- Open Space Lands Policy 3.5: Protect coastal recreation areas, maintain all existing coastal access points open to the public, and enhance public access, open space quality and recreational enjoyment in a manner that is consistent with the California Coastal Act.
- Open Space Lands Policy 3.7: Recognize and protect the Pacific Ocean and Monterey Bay as a valuable open space, natural resource, and National Marine Sanctuary.
- Natural Setting and Scenic Resources Program 2.1.3: Protect the Monterey Bay National Marine Sanctuary and the shoreline and views to and along the ocean, recognizing their value as natural and recreational resources.
- Residential, Commercial, and Industrial Lands Program 2.6.5: Protect neighborhood quality through improvement of blighted areas, traffic management, design guidelines, adequate buffers and other development techniques.
- Open Space Lands Program 3.5.4: Wherever feasible and appropriate, distribute public facilities (including parking areas) throughout the coastal recreation area to mitigate the impacts of overcrowding or over-use by the public of any single area.
- Open Space Lands Program 3.5.5: Develop and implement plans to maximize public access and enjoyment of recreations areas along the coastline.
- Biotic Diversity and Stability Program 4.2.5: Protect and minimize the impact of development on bird, fish and wildlife habitat in and adjacent to waterways.
- Biotic Diversity and Stability Program 4.1.5: Protect the quality of water discharged into the Bay and allow no dumping of materials into the Monterey Bay.

The subject Coastal Permit application provides for ongoing implementation of the City's OV Regulations and Safe Parking Program which seek to minimize detrimental environmental impacts associated with dumping of debris, illicit discharge or blackwater and graywater, and exposure to hazardous materials associated with long-term occupancy of oversized vehicles within the public right-of way. No disturbance of vegetation, natural habitats or natural resources will derive from implementation of the ordinance. Locations of Safe Parking facilities will remain outside of mapped "high impact", environmentally-sensitive locales and enhance coastal access through increasing the availability of parking formerly occupied by long-term OVs and unattached trailers. An evaluation of the project's potential for generation of environmental impacts in accordance with the provisions of the California Environmental

Quality Act (CEQA) and the City's Environmental Review Guidelines and procedures has resulted in the conclusion that all actions included qualify for established categorical and/or statutory exemptions and determination that the subject application holds no potential for generation of significant environmental impact. The proposed actions will further advance the quality of the aesthetic environment through avoidance of blight and obstruction of coastal views derived from long-term OV entrenchment adjacent to, and surrounding, the shore.

4. Maintain public access to the coast along any coastline as set forth in the Local Coastal Land Use Plan.

Continuation of existing OV and unattached trailer limitations related to coastside parking will increase access to the ocean and adjacent shore resulting from prohibition on the practice of extended-duration, long-term, on-street OV and trailer parking. The subject application will likewise enhance cleanliness and safety by facilitating proper disposal of litter and wastewater, with associated benefits to preservation of community character and aesthetics. Numerous locations within City limits and in surrounding areas will continue to supply proper facilities as destinations for oversized vehicle camping and will continue to provide such amenities for visitors seeking to access the coast for overnight stays. Existing oversized vehicle parking restrictions will remain effective from 12 AM to 5 AM, and permit processes will continue to provide additional options for parking oversized vehicles on-street overnight, including for visitors to the coast.

The City Manager's Office and the City's Homelessness Response Team have identified and made available Safe Parking spaces on City-owned or -operated properties, totaling up to approximately 38 spaces for overnight only OV parking, along with 15-20 spaces available for long-term 24/7 OV parking. The City operates, and partners with, third-party homelessness response services to provide Safe Parking and transitional sheltering options. The Safe Parking facilities located within the Coastal Zone retain locational, hourly, and other operational criteria to retain public access. Staff have prepared analyses, provided to the Coastal Commission, detailing the results of implementation of the City's Safe Parking Program, and have collaborated with staff of CCC to address any concerns related to public access that may arise from such operations. The subject Coastal Permit will not generate negative consequences to bona fide recreational access to the coast.

5. Be consistent with the Local Coastal Land Use Plan goal of providing visitor-serving needs as appropriate.

A number of existing facilities within and surrounding the City supply overnight facilities for recreational vehicle (RV) camping. Overnight stays for occupants of RVs remain available at the Upper Harbor, as well as Forest of Nisene Marks, Manresa, New Brighton, San Andres KOA, and Seacliff and Sunset State Beaches, all designed to accommodate large vehicles and afford visits to the coast. No impact to recreational beach access would result from the proposed actions.

Parking permits available to residents, guests of residents, contractors, and guests of local hotels offer available parking to those seeking shorter-term, overnight OV parking.

- 6. Be consistent with the Local Coastal Land Use Plan goal of encouraging coastal development uses as appropriate.**

The Coastal Permit and its implementation will enhance coastal access by providing a cleaner and safer environment for the general public, in part by minimizing litter and blackwater dumping through provision of free trash and restroom facilities for residents of oversized vehicles. No adverse impact to recreational beach access would stem from continued implementation of the City's Safe Parking Program and ongoing implementation of the City's OV Regulations. Permit processes will provide additional options for parking oversized vehicles on-street overnight, including for visitors to the coast.

All Safe Parking sites will remain located outside of the mapped high-parking impact areas within the Coastal Zone.

24.10.2430 Required Findings for the Shoreline Protection Overlay District

- 7. The project protects trees and vegetation and sensitive wildlife habitat.**

The proposed Coastal Permit and ongoing implementation of the City's OV Regulations and Safe Parking program, with potential future minor modifications, will not negatively affect trees, vegetation, or sensitive wildlife habitat. By reducing litter and improper human waste disposal, the continued operations will continue to have a positive impact on trees, vegetation, and sensitive habitat.

- 8. The project is consistent with the following criteria for bluff or cliff development:**

- a. The development is sited and designed to assure stability and structural integrity of its expected economic life span and minimize alterations to natural landforms.**
- b. The development will not create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding geologically hazardous areas.**
- c. The development minimizes alteration of cliffs, bluff tops, faces or bases, and will not interfere with sand movement.**
- d. The development which proposes use of retaining walls shall be allowed only to stabilize slopes. Sea walls at the toe of sea cliffs to check marine erosion shall be allowed only where there is no less environmentally damaging alternative.**
- e. The development within one hundred feet of any cliff or bluff line shall follow the recommendations of an approved geologic report by a registered geologist. The area where such a report is required may be increased where the issue of slope stability requires a greater distance from any cliff or bluff line.**

The proposed actions will not induce impacts to any cliff or bluff, and the above finding remains inapplicable.

9. The project provides maximum erosion protection, using accepted engineering practices and other methods and specifications set forth in this title.

The proposed actions will not affect any cliff or bluff, and the above finding remains inapplicable.

10. The project maintains public view corridors between the sea and the first public roadway parallel to the sea and maintain natural views of the coastline.

The proposed actions will not result in impact to any cliff or bluff, and the above finding remains inapplicable. Installation of signage associated with parking limitations has occurred on existing signposts to the extent possible, without physical effects to any cliff or bluff. Future installation of signage as proposed in the Signage Plan will remain located within public rights-of-way, without any potential for alteration to a cliff or bluff.

11. The project protects paleontological resources as prescribed in the Land Use Plan.

The proposed actions do not encompass any appreciable subsurface excavation and therefore will not impact paleontological resources as prescribed in the Land Use Plan. The above finding remains inapplicable.

12. The project protects and enhances free public access to or along the beach, and sign such access when necessary.

The proposed actions will not reduce the capacity of, or access to, free public parking or bona fide recreational use of the shore.

13. The project includes mitigation measures prescribed in any applicable environmental document.

No mitigation measures apply, and the above finding remains inapplicable.

14. The project is compatible with the established physical scale of the area.

The proposed actions will not impact the established physical scale of the area, and the above finding remains inapplicable. Installation of signage associated with parking limitations has occurred on existing signposts to the extent possible, without physical effects to any cliff, bluff, or mapped sensitive habitat. Future installation of signage as proposed in the Signage Plan will remain located within public rights-of-way, without any potential for alteration the physical scale of any affected area.

15. The project is consistent with the design review guidelines of this title and the policies of any applicable area plan.

All signage will remain consistent with relevant criteria of the Public Works and Police departments.

16. The project is consistent with the policies of the Local Coastal Program, the General Plan, and the California Coastal Act.

The proposed actions demonstrate consistency with the policies of the Local Coastal Program, the General Plan, and the California Coastal Act in that ongoing implementation of provisions of the City's Municipal Code related to parking of oversized vehicles, along with continued operation of the City's Safe Parking program, will result in continued benefits to the community along spans of the coast previously and currently detrimentally affected by dumping of raw sewage, accumulation of trash and debris, and occurrence of other impacts to health and safety resulting from entrenchment of oversized vehicles and congregations of individuals engaging in sometimes unlawful activities. The proposed actions will address the policies of the LCP as listed below:

- Parks and Recreational Lands Policy 1.7: Develop plans to repair, maintain and maximize public access and enjoyment of recreational areas along the coastline consistent with sound resource conservation principle, safety, and rights of private property owners.
- Water Quality Policy 2.1: Meet or exceed State Water Resources Control Board standards for discharge of sewage and storm waters to the Monterey Bay.
- Community Design Policy 2.1 The dramatic views from West Cliff Drive shall remain unimpaired and unobstructed by vegetation, structures or accumulated refuse.
- Natural Setting and Scenic Resources Policy 2.2: Preserve important public views and viewsheds by ensuring that the scale, bulk and setback of new development does not impede or disrupt them.
- Water Quality Policy 2.3: Ensure that new development or land uses near surface water and groundwater recharge areas do not degrade water quality.
- Open Space Lands Policy 3.5: Protect coastal recreation areas, maintain all existing coastal access points open to the public, and enhance public access, open space quality and recreational enjoyment in a manner that is consistent with the California Coastal Act.
- Open Space Lands Policy 3.7: Recognize and protect the Pacific Ocean and Monterey Bay as a valuable open space, natural resource, and National Marine Sanctuary.
- Natural Setting and Scenic Resources Program 2.1.3: Protect the Monterey Bay National Marine Sanctuary and the shoreline and views to and along the ocean, recognizing their value as natural and recreational resources.
- Residential, Commercial, and Industrial Lands Program 2.6.5: Protect neighborhood quality through improvement of blighted areas, traffic management, design guidelines, adequate buffers and other development techniques.
- Open Space Lands Program 3.5.4: Wherever feasible and appropriate, distribute public facilities (including parking areas) throughout the coastal recreation area to mitigate the impacts of overcrowding or over-use by the public of any single area.
- Open Space Lands Program 3.5.5: Develop and implement plans to maximize public access and enjoyment of recreations areas along the coastline.
- Biotic Diversity and Stability Program 4.2.5: Protect and minimize the impact of

RESOLUTION NO. NS-30,302

development on bird, fish and wildlife habitat in and adjacent to waterways.

- Biotic Diversity and Stability Program 4.1.5: Protect the quality of water discharged into the Bay and allow no dumping of materials into the Monterey Bay.

Recreational access to the beach will remain unaffected, and the proposed actions will avoid negative impact to availability of free public parking and access to the shore. All Safe Parking Program locations will remain outside of mapped high-impact, environmentally sensitive sites within the Coastal Zone.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Santa Cruz hereby:

- 1) Denies the appeal;
- 2) Makes the Findings listed above; and
- 3) Upholds the Planning Commission's acknowledgement of the environmental determination and approval of the Coastal Permit, authorizing the City to (a) continue Coastal Zone implementation of its OV Regulations (more specifically, Ordinance No. 2021-20, as Amended by Ordinance No. 2023-08 and Codified in Municipal Code Sections 10.04.065, 10.04.085, 10.04.104, 10.04.106, 10.04.165, 10.40.120, 10.41.060, and 16.19.070), (b) continue Coastal Zone operation of the City's Safe Parking Program, and (c) potentially make minor future modifications to the City's Safe Parking Program and/or OV Regulations; consistent with the attached Conditions of Approval; and
- 4) Requires that the City's Coastal Permit is subject to the Conditions of Approval listed in Exhibit "A," attached hereto and made a part hereof.

PASSED AND ADOPTED this 12th day of March, 2024, by the following vote:

AYES: Councilmembers Newsome, Watkins, Brunner, Kalantari-Johnson; Vice Mayor Golder; Mayor Keeley.

NOES: Councilmember Brown.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: _____

Fred Keeley, Mayor

ATTEST: _____

Bonnie Bush, City Clerk Administrator

RESOLUTION NO. NS-30,302
EXHIBIT "A"

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT

Citywide throughout the Coastal Zone – File Number CP23-0176

Resolution of the City Council of the City of Santa Cruz denying the appeal and upholding the Planning Commission's acknowledgement of the CEQA determination and approval of the Coastal Permit for continued implementation of the Oversized Vehicle Ordinance, authorizing the City to continue Coastal Zone implementation of its municipal code oversized vehicle and unattached trailer rules and regulations ("OV Regulations"); and providing for continued Coastal Zone operation of the City's Safe Parking Program; and to accommodate potential future minor modifications to the City's Safe Parking Program and OV Regulations

1. If one or more of the following conditions related to the safe parking program is not met with respect to all its terms, then the approval of a safe parking program at a specified location may be revoked.
2. If, upon exercise of this permit, any developed safe parking site within the coastal zone is at any time determined by the Zoning Administrator to be incompatible with the surrounding neighborhood, revocation of, or amendment to, this permit by the Planning Commission can occur.
3. Any plans for future construction which are not covered by this review shall be submitted to the City Planning and Community Development Department for review and approval.
4. This permit shall be exercised within three (3) years of the date of final approval, or it shall become null and void.
5. Minor Modifications. The City shall be authorized to make minor modifications in the future to the City's Oversized Vehicle Regulations and/or Safe Parking Program in order to promote public safety, health, and welfare, unless such actions materially and adversely impact coastal access or are expressly prohibited by law. Such modifications may include, but shall not necessarily be limited to, revision to the City's OV residential parking permit program to accommodate parking of residents' oversized vehicles within specified proximity of a residents' address. City staff shall coordinate with the Coastal Commission staff on such revisions to the program, and Commission staff may require that a new Coastal Permit be processed if the changes are determined to materially and adversely impact coastal access. Thus, this CDP authorizes such minor modifications without a CDP amendment and/or a new CDP if, in the opinion of the Coastal Commission Executive Director and the City Planning Director, such modifications: (1) are deemed reasonable and necessary; and (2) do not significantly adversely impact coastal resources.
6. Compliance with Coastal Development Permit and Past Permitting Actions. Compliance with the City's prior CDP conditions (CP21-0174, as approved by Council Resolution No.

RESOLUTION NO. NS-30,302

29-964, and as shown in Exhibit B), the provisions of Ordinance Nos. 2021-20 and 2023-08, the OVO Communications and Outreach Plan, the OVO Operations and Management Plan, and the OVO Signage Plan must be maintained at all times, unless modified by this permit. Future minor modifications to these requirements are permitted, consistent with COA #5.

7. Provision of Mechanism for Ongoing Feedback. A) The City shall maintain a platform for ongoing collection of feedback related to implementation of the OV Regulations and Safe Parking Program, which may include a form posted to the City's website. Feedback will be reviewed regularly by City staff and will be considered in the City's efforts to achieve ongoing program improvement. Feedback collected will be provided to the Coastal Commission and/or members of Coastal Commission staff upon request. B) Additionally, the City shall continue to coordinate with the Stakeholder Group at the following intervals: a minimum of three meetings with the Stakeholder Group during the first year following the effective date of this permit and a minimum of two meetings with the Stakeholder Group in subsequent years, unless modified in coordination with and subject to the approval of the Executive Director of the Coastal Commission.
8. CDP Duration. This CDP shall expire on February 1, 2029, where such expiration date (and subsequent such expiration dates) may be extended in yearly increments (of up to 5 years at a time maximum) if the City Planning Director and the Coastal Commission Executive Director determine, in writing, that the approved project is continuing to operate in a manner that is consistent with the CDP's terms and conditions (including that it is not leading to any unforeseen and/or unaddressed significant adverse coastal resource impacts) and that such an extension is thus warranted for the term identified. Such extensions shall only be allowed if they are based on an assessment that describes project implementation to date to the Executive Director (where such assessment shall at a minimum clearly describe program outreach, enforcement, and participation, as well as opportunities for program improvements) and that covers all years of program operation since at least the last assessment (and based on prior assessments as warranted).
9. Oversized Vehicle Count. The City shall commit to conducting an Oversized Vehicle Count on an annual basis and shall provide resulting data to the Coastal Commission upon request.
10. Feedback from and Assistance to Safe Parking Participants. As a component of enrollment in the City's Safe Parking Program, staff shall provide an opportunity for the safe parking participants A) to submit information to the City on how to give feedback on how the safe parking program can be improved and B) to identify services that would assist them. In addition, to directly encourage feedback, staff shall proactively solicit feedback from the safe parking participants. Staff shall consider recommendations from program participants and shall make reasonable efforts to ensure that applicants have appropriate information to allow for connection to available services.
11. Data Collection. City staff shall collect qualitative and, to the extent reasonably feasible, quantitative data which assists in assessment of the effectiveness of the Oversized Vehicle Ordinance and Safe Parking Program in alleviating adverse environmental and public

RESOLUTION NO. NS-30,302

health/safety impacts generated by entrenchment of oversized vehicles. Such data may include information regarding the amount of debris collected from City rights-of-way and observations of illicit disposal of blackwater; this data shall be made available to the Coastal Commission upon request.

12. The use shall meet the standards and shall be developed within limits established by Chapter 24.14 of the Santa Cruz Municipal Code as to the emission of noise, odor, smoke, dust, vibration, wastes, fumes or any public nuisance arising or occurring incidental to its establishment or operation.
13. The applicant shall be responsible for the completeness and accuracy of all forms and supporting material submitted in connection with any application. Any errors or discrepancies found therein may result in the revocation of any approval or permits issued in connection therewith.
14. While land disturbance is not anticipated as part of this permit, if, for whatever reason, land disturbance occurs associated with this permit, any person exercising a development permit or building permit who, at any time in the preparation for or process of excavating or otherwise disturbing earth, discovers any human remains of any age or any artifact or any other object which reasonably appears to be evidence of an archaeological/cultural resource or paleontological resource, shall:
 - a. Immediately cease all further excavation, disturbance, and work on the project site;
 - b. Cause staking to be placed completely around the area of discovery by visible stakes not more than ten feet apart forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking;
 - c. Notify the Santa Cruz County sheriff-coroner and the city of Santa Cruz planning director of the discovery unless no human remains have been discovered, in which case the property owner shall notify only the planning director;
 - d. Grant permission to all duly authorized representatives of the sheriff-coroner and the planning director to enter onto the property and to take all actions consistent with this section.
15. OVO outreach documents, including the City's website regarding the Oversized Vehicle Ordinance, shall indicate the following: Oversized vehicle overnight parking space is available. If oversized vehicle overnight parking space fills up, eligible applicants will be given an on-street permit, which will protect the vehicle from being ticketed under Santa Cruz Municipal Code (SCMC) 10.40.120(a) (prohibition against oversized vehicle on-street parking from 12:00 AM—5:00 AM).
16. Continue to maintain an easily accessed disability grievance/reasonable accommodation process to consider reasonable accommodations for those with disabilities.

RESOLUTION NO. NS-30,302

17. Motorized vehicles with attached trailers are eligible for participation in the Tier 2 safe parking program.
18. The OVO website and the outreach materials or tickets themselves will include information identifying that payment plans are available for OVO tickets.
19. The City shall conduct proactive outreach to those living in oversized vehicles, including 1) provision of information regarding the City's Safe Parking programs and how to register and 2) the manner by which one may submit a disability accommodation request to the City.
20. The City shall recommend that any hearing officer overseeing parking ticket appeals should waive any OVO parking tickets received within a 72-hour period during which time the appellant provides evidence that their vehicle was disabled and unable to relocate.

RESOLUTION NO. NS-30,302
EXHIBIT B

RESOLUTION NO. NS-29,963
EXHIBIT A

CONDITIONS OF APPROVAL FOR APPLICATION NO. CP21-0174

Coastal and Design Permits to authorize the development associated with amended municipal code pertaining to the parking of oversized vehicles (e.g., parking signage, time of use restrictions, etc.) and to implement City-wide safe parking programs for unhoused City residents living in oversized vehicles in the City of Santa Cruz.

1. If one or more of the following conditions related to the safe parking program is not met with respect to all its terms, Section 10.40.120(a) will not be enforced and then the approval of a safe parking program at a specified location may be revoked.
2. If, upon exercise of this permit, any developed safe parking site within the coastal zone is at any time determined by the Zoning Administrator to be incompatible with the surrounding neighborhood, revocation of, or amendment to, this permit by the Planning Commission could occur. Outside of the coastal zone the Design Permit, where required for a particular location, can be revoked or amended in accordance with the Santa Cruz Municipal Code.
3. The use shall meet the standards and shall be developed within limits established by Chapter 24.14 of the Santa Cruz Municipal Code as to the emission of noise, odor, smoke, dust, vibration, wastes, fumes or any public nuisance arising or occurring incidental to its establishment or operation.
4. *The Safe Parking Program.* As part of its consideration of the proposed development, a safe parking program as described in Section 10.40.120(m) of the Vehicles and Traffic Section of the Municipal Code framework shall be implemented by the City and remain in effect for the life of these permits. Site locations will include an up to date list of and options for sanitation and black water dumping. General parameters for the safe parking sites include:
 - Off street locations (i.e. public/private parking lots). New signage shall be small-scale and designed to be incorporated into other signage in existing parking facilities. Existing sign post shall be used when possible.
 - Hours generally shall be from 8:00 PM - 8:00 AM time frame.
 - Within the Coastal Zone, hours of operation shall be within this time frame, except that occasional, minor deviations from the 8:00 PM to 8:00 AM hours within the Coastal Zone may be allowed to facilitate provision of services to the program participants, so long as the additional hours are of a frequency, duration, and/or location such that they do not adversely interfere with coastal access.
 - Outside the Coastal Zone, facilities (for example, Tier 3 facilities where enhanced services are provided) may be operated with extended hours, including on a 24/7

RESOLUTION NO. NS-30,302

basis, so long as plans adequately address required parking for other uses.

- Sanitation will be provided at all locations (i.e., porta-potties, hand washing stations, and garbage cans). Black water dumping facilities may be provided at some locations. All facilities shall, whenever possible, be located where no impacts to public vehicular or bike parking occur. When that is not possible, all facilities shall be located or operated in a manner so as to minimize vehicular and bike parking impacts to the greatest extent feasible. Locations of porta-potties, hand washing stations, and trash receptacles, as well as the locations of overnight parking on the site, will also take into account the adjacent uses, visibility, maintenance of views, on- and off-site circulation, and accessibility.
 - Safe Parking sites will not be sited in mapped "high impact parking areas" within the Coastal Zone.
 - There will be no cost to participants in the Safe Parking Program.
 - Additional operational criteria may be applied by the City Manager, pursuant to Section 10.40.120(m) of the SCMC.
 - An Operations and Management Plan for the Safe Parking Program shall be developed by staff and shall contain, at a minimum, the following:
 - o Procedures for informing law enforcement personnel of nightly availability of Safe Parking Program parking spaces. This procedure shall be in place prior to enforcement of the Section 10.40.120(a).
 - o Procedures for the filing and resolving of complaints from participants and nearby residents and businesses.
 - o Code of conduct and participation agreement.
5. Notwithstanding the exceptions noted in Section 10.40.120(g) of the Vehicles and Traffic Section of the Municipal Code, and particularly the exception noted in Section 10.40.120(g)(7), the parking restrictions contained in Section 10.40.120(a) shall not be implemented until and unless at least one safe parking location is in operation.
6. At the end of the first year of operation, City staff will prepare a report that outlines the program operations in the Coastal Zone, its usage, the number of parking stalls affected, and complaints received regarding the program. If it is determined that any of the standards applicable in the Coastal Zone and identified in conditions above have not been met or if it is determined that a use has impacted availability of public parking spaces such that public parking is not otherwise available in the location where the safe parking program is being operated, then the City shall propose modifications to operations so as to remedy those situations. A copy of the report shall be submitted to the Executive Director of the Coastal Commission for review and approval. If the Executive Director determines that the safe parking program is negatively impacting public access, then the program shall be modified to eliminate such impacts, or mitigate them to the maximum extent feasible as directed by the Executive Director, including but not limited to elimination of the safe parking program location(s) in the Coastal Zone.

