



California Coastal Commission

COASTAL DEVELOPMENT PERMIT

CDP 3-11-074 (Arana Gulch)

Issue Date: October 8, 2013

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Coastal development permit (CDP) number 3-11-074 was approved by the California Coastal Commission on December 8, 2011. CDP 3-11-074 provides for implementation of the Arana Gulch Master Plan for the 67.7-acre City-owned greenbelt property, as well as construction of connecting trail segments located outside of the greenbelt area. The approved project includes management and restoration of habitat areas, including retirement of certain existing trail segments; improvements to and realignments of the existing trail system, including construction of new paved multi-use paths; construction of a bridge over Hagemann Gulch; interpretive displays and trail signage; and installation of fencing and a water supply to allow cattle grazing (to benefit Santa Cruz tarplant). The project site is located between Frederick Street, Agnes Street, 7th Avenue, and the Santa Cruz Harbor, including primarily the Arana Gulch open space greenbelt area within portions of both the City of Santa Cruz and unincorporated Santa Cruz County (all as more specifically described in the Commission's CDP file). CDP 3-11-074 is subject to certain terms and conditions, including the standard and special conditions beginning on page 2 of this CDP.

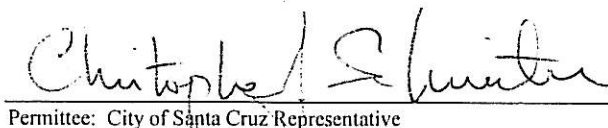
As of October 8, 2013, all of the CDP's prior to issuance requirements have been met, and the CDP can now be issued. Thus, by my signature below, the CDP is issued on behalf of the California Coastal Commission:

 10/8/2013

Dan Carl, Central Coastal District Director, for Charles Lester, Executive Director

Acknowledgement

The undersigned Permittee acknowledges receipt of this coastal development permit and agrees to abide by all terms and conditions thereof. The undersigned Permittee acknowledges that Government Code Section 818.4 (that states in pertinent part that "a public entity is not liable for injury caused by the issuance of any permit") applies to the issuance of this coastal development permit.

 10/8/13

Permittee: City of Santa Cruz Representative

Date

Please note that this coastal development permit is not valid unless and until a copy of it with the signed acknowledgement has been returned to the California Coastal Commission's Central Coast District Office (14 Cal. Admin. Code Section 13158(a)).

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Standard Conditions

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

Special Conditions

1. **Approved Project.** Subject to these standard and special conditions (including modifications to the project and/or the project plans required by them), this coastal development permit authorizes implementation of the Arana Gulch Master Plan and related trail and other improvements extending from Frederick Street to 7th Avenue, including: management and restoration of habitat areas; improvements to the existing trail system, including new paved and unpaved paths, improvement and realignment of existing unpaved paths, and removal and restoration of existing paths to be abandoned; construction of a new bridge over Hagemann Gulch; installation of interpretive displays and trail signage; installation of fencing, including to allow limited cattle grazing, all as more specifically described in the proposed project materials (see Exhibits C, D, E, F, and P).
2. **Final Project Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of Final Project Plans to the Executive Director for review and approval. The Final Project Plans shall be substantially in conformance with the proposed project materials (see Exhibits C, D, E, F, and P) except that they shall be revised and supplemented to comply with the following requirements:

(a) Path Modifications.

1. **Arana Meadow Trail.** The paved Arana Meadow Trail that leads into Arana Gulch from the Agnes Street entrance shall be relocated to the west of its proposed location to the area of the existing unpaved portion of the Coastal Prairie Loop Trail.
2. **Unpaved Paths.** The Final Project Plans shall include specific details, including



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representative cross sections, clearly identifying all measures to be taken to create the new unpaved path segments as well as to modify the existing unpaved path segments. All unpaved path segments shall be made to match as much as possible in appearance.

3. **Abandoned/Restored Paths.** All paths that are not part of the designated path system shall be abandoned, and the area restored as part of the habitat in which it is located. All such paths shall be clearly identified on the Final Project Plans, and all measures to be taken to effectuate the abandonment/restoration shall be clearly identified.
 4. **All Paths Clearly Shown.** All path segments, including those extending to the Broadway/Frederick Street intersection from the Hagemann Gulch bridge and including those extending from near Arana Creek to the Brommer Street/7th Avenue intersection, shall be clearly identified. These extending path segments shall be sited and designed to match the aesthetics of the rest of the path system as much as possible in siting, design, and flow, including being constructed in as curvilinear a manner as possible, and including native and non-invasive landscaping areas adjacent to them to help separate them visually and physically from adjacent uses and development, including vehicular use areas.
 5. **Path Maintenance.** All measures to be taken to ensure that the path system is maintained in its approved state in perpetuity shall be clearly identified.
- (b) **Grazing/Fencing Detail.** All meadow grassland areas within Arana Gulch that are located within the paved and unpaved trail loop (except the "dog free" Marsh Vista Trail) extending around the periphery of the main meadow area shall be included in the grazing area except for: areas of steep slopes; areas within 5 feet of trails; areas within 5 feet of benches/interpretive sites; areas within 100 feet of the Hagemann Gulch riparian corridor and related tree canopy; areas within 50 feet of oak trees/oak woodland canopy along the Coastal Prairie Loop Trail; and the area near Agnes Street where the Meadow Overlook interpretive facility is to be located as well as a 25 foot area surrounding the facility. The grazing area shall be demarcated by a wood post (round and approximately 4-inch diameter) and wire fence where the following shall be limited as much as is feasible to limit visual impacts: the number of fence posts, the height of fence posts, the area of post footing, the gauge of wire, the number of wires, and the number of wires that are barbed wires. All gates shall be steel and shall be designed so that they are complementary to, and seamlessly integrated with, the wood post and wire fence. The cattle corral near Agnes Street (as distinct from the grazing area) shall be limited in area as much as possible. All fencing and gates shall be sited and designed in the manner most protective of coastal resources.
- (c) **Other Fencing/Barrier Detail.** All other fencing and barriers (i.e., other than the grazing and corral fencing) shall be clearly identified in site plan and elevation views. All such fencing and barriers shall be limited to that that is conclusively shown to be necessary to protect habitat and direct path system users, and shall be sited and designed to minimize to the maximum degree possible visual impacts, including through use of a consistent fencing and barrier design throughout the project. All fencing/barriers along that portion of the Creek View Trail adjacent to the Upper Harbor area shall be eliminated with the exception of a railing near Arana Creek if



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conclusively shown to be required to adequately ensure public safety, and if it is designed to limit view blockage (e.g., limited rails, cable-rails, etc.).

- (d) **Lighting Detail.** Lighting shall be prohibited with the exception of low-level lighting at the entrance locations into the path system, and with the exception of low-level lighting otherwise conclusively shown to be required to adequately ensure public safety associated with authorized trail use, where such public safety lighting is limited to the greatest degree feasible. Any lighting shown on the Final Project Plans shall be accompanied by justification for it, and clear identification of its parameters (i.e., luminosity, glare field, expected times when it would be on, etc.). All approved lighting shall be sited, designed, and operated to minimize impacts on habitat areas to the maximum degree possible.
- (e) **Entrance Detail.** All improvements associated with entrance locations into the path system, including at Agnes Street and at the northern end of the Upper Harbor, shall be clearly identified in cross section and elevation views. All associated development (e.g., fencing, signs, benches, trash cans, recycling cans, bike racks, etc.) shall be clearly identified.
- (f) **Design.** The Final Project Plans shall clearly identify all measures that will be applied to ensure that the project design, including all structures and including all other project elements (e.g., bridge, paved paths, unpaved paths, fencing and barriers, retaining walls, railings, benches, lighting, signs, water troughs, landscaping, etc.) clearly reflects a rural open space theme and aesthetic (i.e., simple, spare, and utilitarian lines and materials; natural materials (wood, stone, brick, etc.); corten (weathered) steel or equivalent; earth tone colors; etc.) with a pedestrian-oriented form and scale. At a minimum, the plans shall clearly identify all structural elements, materials, and finishes (including through site plans and elevations, materials palettes and representative photos, product brochures, etc.).
- (g) **Minor Adjustments.** The Final Plans shall provide that minor adjustments to final plans may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

The Permittee shall undertake development in accordance with the approved Final Project Plans.

- 3. **Arana Gulch Habitat Management Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit for Executive Director review and approval three copies of a final Arana Gulch Habitat Management Plan (HMP). The HMP shall provide for the restoration, enhancement, and long-term management of all Arana Gulch habitat areas (including, as referenced by the Arana Gulch Master Plan, the Coastal Prairie/Tarplant Management Area, the Arana Gulch Riparian and Wetland Management Area, and the Hagemann Gulch Riparian Woodland Management Area) as self-sustaining and functioning habitats in perpetuity. The HMP shall be prepared by a qualified expert in restoration ecology for each of the habitat types, and shall take into account the specific conditions of the site as well as restoration, enhancement, and management goals. The HMP shall be substantially in conformance with the Master Plan documents submitted to the Coastal Commission, including the August 1, 2005 document entitled "A Management Program for Santa Cruz Tarplant (*Holocarpha macradenia*) at Arana Gulch"), including that it can be submitted in a package that includes relevant Master Plan documentation



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with an addendum that addresses this condition, provided all language is modified to be directive (e.g., "shall" rather than "should") and it complies with the following requirements and includes:

- (a) A baseline assessment, including photographs, of the current physical and ecological condition of the restoration and enhancement areas. All existing topography, wet features, and vegetation shall be depicted on a map.
- (b) A description of the goals of the plan, including in terms of topography, hydrology, vegetation, sensitive species, and wildlife usage.
- (c) A description of planned site area preparation and invasive plant removal.
- (d) Any planting either of seeds or container plants shall be made up exclusively of native taxa that are appropriate to the habitat and Arana Gulch region. Seed and/or vegetative propagules shall be obtained from local natural habitats so as to protect the genetic makeup of natural populations. Horticultural varieties shall not be used.
- (e) A plan for monitoring and maintenance of habitat areas in perpetuity, including:
 - A schedule.
 - A description of field activities, including monitoring studies.
 - Monitoring study design for each habitat type, including, as appropriate: goals and objectives of the study; field sampling design; study sites, including experimental/revegetation sites and reference sites; field methods, including specific field sampling techniques to be employed (photo monitoring of experimental/re-vegetation sites and reference sites shall be included); data analysis methods; presentation of results; assessment of progress toward meeting success criteria; recommendations; and monitoring study report content and schedule.
 - Adaptive management procedures, including provisions to allow for modifications designed to better restore, enhance, manage, and protect habitat areas.
 - Provision for submission of reports of monitoring results to the Executive Director for review and approval in perpetuity, beginning the first year after initiation of implementation of the plan. Such Monitoring Reports shall be submitted annually until success criteria are met, and then shall be submitted on an every 3-year basis after that. Each Monitoring Report (annual and 3-year) shall be cumulative and shall summarize all previous results. Each report shall clearly document the condition of the habitat areas, including in narrative (and supporting monitoring data) and with photographs taken from the same fixed points in the same directions as the baseline assessment and prior Monitoring Reports. Each report shall include a performance evaluation section where information and results from the monitoring program are used to evaluate the status of the restoration, enhancement, and long-term management in relation to the interim performance standards and final success criteria. To allow for an adaptive approach, each report shall also include a recommendations section to address changes that may be necessary in light of monitoring results and/or other information, including with respect to current restoration information and data related to the habitat areas



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in question, and to ensure progress toward and achievement of success criteria. Actions necessary to implement the recommendations shall be implemented within 30 days of Executive Director approval of each Monitoring Report, unless the Executive Director identifies a different time frame for implementation.

- (f) Interim success criteria to be achieved in the first year of implementation, tied directly to the annual reporting requirement. Also, measureable goals to achieve habitat improvement over time, subject to modification by the Adaptive Management Working Group.
- (g) Implementation procedures, cost estimates, identification and allotment of funding for all HMP activities, and related reporting procedures.
- (h) Provisions for minor adjustments to the HMP by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.
- (i) Identification of the membership of the Adaptive Management Working Group, which initial composition and any future changes shall be subject to Executive Director approval. The Adaptive Management Working Group shall guide all HMP activities under the plan.
- (j) All details associated with the grazing program, subject to Adaptive Management Working Group and Executive Director approval, in substantial conformance with the proposed cattle grazing program (see Exhibit P Tab 4).

PRIOR TO COMMENCEMENT OF CONSTRUCTION, the HMP shall be implemented by establishing the Adaptive Management Working Group (AMWG), receiving prioritized first-year management recommendations from the AMWG, and initiating implementation of the highest priority recommendations in the field.

The Permittee shall undertake development in accordance with the approved Arana Gulch Habitat Management Plan.

4. **Public Access Management Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit for Executive Director review and approval two sets of a full-scale public access management plan (Access Plan). The Access Plan shall clearly describe the manner in which general public access associated with the approved project is to be managed and provided, with the objective of maximizing public access to the public access areas of the site (including all pathways) and all related areas and public access amenities (i.e., overlooks, interpretive signs and facilities, bench seating, etc.) described in this special condition. The Access Plan shall be substantially in conformance with the proposed project materials (see Exhibits C, D, E, F, and P), except as modified by these special conditions, and shall at a minimum include the following:

- a. **Clear Depiction of Public Access Areas and Amenities.** All public access areas and amenities, including all of the areas and amenities described above, shall be clearly identified as such on the Access Plans (including with hatching and closed polygons so that it is clear what areas are available for public access use).



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- b. **Amenities.** Public access amenities (such as benches, bicycle racks, trash and recycling receptacles, etc.) shall be provided, including at a minimum: at least five benches at dispersed locations throughout the path system designed to best utilize views and interpretation possibilities; at least five overlook areas designed to best utilize views and interpretation possibilities, where the overlooks do not necessarily need to correspond to the bench locations; and adequate bicycle racks and trash/recycling receptacles at entrance locations into the path system, including at Agnes Street and at the northern end of the Upper Harbor.
- c. **Public Access Signs/Materials.** The Access Plan shall identify all signs, handouts, brochures, and any other project elements that will be used to facilitate, manage, and provide public access as part of the approved project, including identification of all public education/interpretation features that will be provided on the site (educational displays, interpretive signage, etc.). Sign details showing the location, materials, design, and text of all public access signs shall be provided. The signs shall be designed so as to provide clear information without impacting public views and site character. At a minimum, public access directional signs shall be placed at each entrance into the path system and at each path intersection. At a minimum, appropriate (to Arana Gulch and Santa Cruz Harbor issues, information, habitat, and history) public access interpretive signs, displays, and/or features shall be placed at each entrance into the path system and at each overlook location. Public access signage shall acknowledge the participants in the design and provision of the Arana Gulch Master Plan (including its interpretative access components) including the City, the County, the Port District, the California Coastal Commission, and other applicable entities, and shall clearly reflect that the path system is a component of the California Coastal Trail and the Monterey Bay Sanctuary Scenic Trail.
- d. **No Public Access Disruption.** Development and uses within the public access areas that disrupt and/or degrade public access (including areas set aside for private uses, and barriers to public access such as trash enclosures, temporary structures, private use signs, etc.) shall be prohibited. The public use areas shall be maintained in a manner that maximizes public use and enjoyment.
- e. **Public Access Use Hours.** All public access areas and amenities shall be available to the general public free of charge during at least daylight hours (i.e., one hour before sunrise to one hour after sunset).
- f. **Minor Adjustments.** The Access Plans shall provide that minor adjustments may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.
- g. **Public Access Areas and Amenities Maintained.** The public access components of the project shall be maintained in their approved state in perpetuity.

The Permittee shall undertake development in accordance with the approved Public Access Plan, which shall govern all general public access to the site pursuant to this coastal development permit.

- 5. **Construction Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two sets of a Construction Plan (in full-size format with a graphic scale) to the Executive Director for review and approval. The Construction Plan shall, at a minimum, include



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the following:

- (a) **Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, all storage areas, all construction access corridors (to the construction site and staging areas), and all areas where development is prohibited. All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to minimize construction impacts on habitat areas.
- (b) **Construction Methods and Timing.** The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from all areas where development is prohibited (including using unobtrusive fencing or equivalent measures to delineate construction areas). All erosion control/water quality best management practices to be implemented during construction and their location shall be noted.
- (c) **Construction Requirements.** The Construction Plan shall include the following construction requirements specified by written notes on the Construction Plan. Minor adjustments to the following construction requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.
 - All work shall take place during daylight hours. Lighting habitat areas is prohibited.
 - Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
 - The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site; etc.).
 - All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday.
 - The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

The Permittee shall undertake development in accordance with the approved Construction Plan.

6. **Construction Site Documents & Construction Coordinator. DURING ALL CONSTRUCTION:**

- (a) **Construction Site Documents.** A copy of the signed coastal development permit shall be maintained in a conspicuous location at the construction job site at all times, and such copy shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the coastal development permit, and the public review



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requirements applicable to it, prior to commencement of construction.

(b) Construction Coordinator. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and the coordinator's contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with an indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

- 7. 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.



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