

# APPENDIX A

## Notice of Preparation and Initial Study

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PARKS AND RECREATION DEPARTMENT

323 CHURCH STREET, SANTA CRUZ, CA 95060 • 831 420-5270 • FAX: 831 420-5271 • [www.cityofsantacruz.com](http://www.cityofsantacruz.com)

July 26, 2019

## NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

**RE: Santa Cruz Parks Master Plan 2030**

To Interested Agencies and Persons:

The City of Santa Cruz, as the lead agency, is preparing an Environmental Impact Report (EIR) on the project described herein. Please respond with written comments regarding the scope and the content of the EIR as it may relate to your agency's area of statutory responsibility or your areas of concern or expertise. Your agency may need to use the EIR prepared by our agency when considering your permit or other approval for the project, if any is required. **Responses are due within 30 days of the receipt of this Notice, as provided by State law.** The contact person's name and address are listed below. Please include the name and phone number of a contact person at your agency in your response.

1. **Project.** Santa Cruz Parks Master Plan 2030 (SCH# 2018012030)
2. **Project Location.** City of Santa Cruz. See the attached Location Map.
3. **Project Applicant.** City of Santa Cruz
4. **Project Description.** The proposed project consists of a citywide Parks Master Plan, which is a guidance document that assesses existing conditions and community needs, and guides the short- and long-term planning of parks, recreational facilities, beaches, and open space-greenbelt lands throughout the City. The Parks Master Plan includes goals, policies and actions that address the provision of parks and recreational services, as well as, general recommendations for expanded recreational uses and specific recommendations for improvements at the City's individual parks, beaches, open spaces, and recreational facilities. The Parks Master Plan lays out recommendations for the next 15 years but is designed to be updated over time, providing a guiding framework while allowing for adjustments based on both presently anticipated and unforeseen future needs and community desires.

The proposed Parks Master Plan includes the following components:

- An inventory of existing conditions, parks, open space and recreational facilities
- An assessment of emerging trends and community needs
- Goals, policies and actions
- Recommendations for specific facilities
- Implementation and funding strategies

- 5. Probable Environmental Effects of the Project.** An Initial Study and Mitigated Negative Declaration (IS/MND) were prepared and circulated for a 30-day public review period from January 22, 2018 through February 20, 2018. As a result of additional comments submitted to the City after the close of the public review period, the IS/MND was revised to provide expanded analyses in response to public comments and was recirculated for public review from February 11, 2019 through March 12, 2019. Upon receipt of additional comments and in consultation with the City Attorney, City staff decided to proceed with preparation of an EIR.

The City has identified the following possible effects of the project as topics for analysis in the EIR. Other issues are evaluated in the February 2019 Initial Study, which is available for review at the Parks and Recreation Department at the address at the bottom of this notice and on the City's website at: <http://www.cityofsantacruz.com/government/city-departments/parks-recreation/parks-beaches-open-spaces/parks-master-plan>

- Aesthetics
- Air Quality and Greenhouse Gas Emissions
- Biological Impacts
- Cultural Resources
- Geology and Soils
- Hazards – Wildland Fire Hazards
- Hydrology and Water Quality
- Land Use
- Noise
- Public Services, Utilities
- Transportation and Traffic
- Land Use
- CEQA-Required Sections: The EIR will include the additional following topics as required by the State CEQA Guidelines: growth inducement, cumulative impacts, and alternatives.

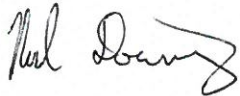
The following issues were evaluated in the Initial Study, and no significant impacts were identified. Thus, these topics will not be reviewed further in the EIR.

- Agriculture and Forest Resources
- Mineral Resources
- Population and Housing
- Tribal Cultural Resources

6. **Contact Person Name and Phone Number:** The City will consider the written comments received in response to this Notice of Preparation in determining whether any additional topics should be studied in the Draft EIR. Please provide comments to this Notice of Preparation by August 26, 2019 to:

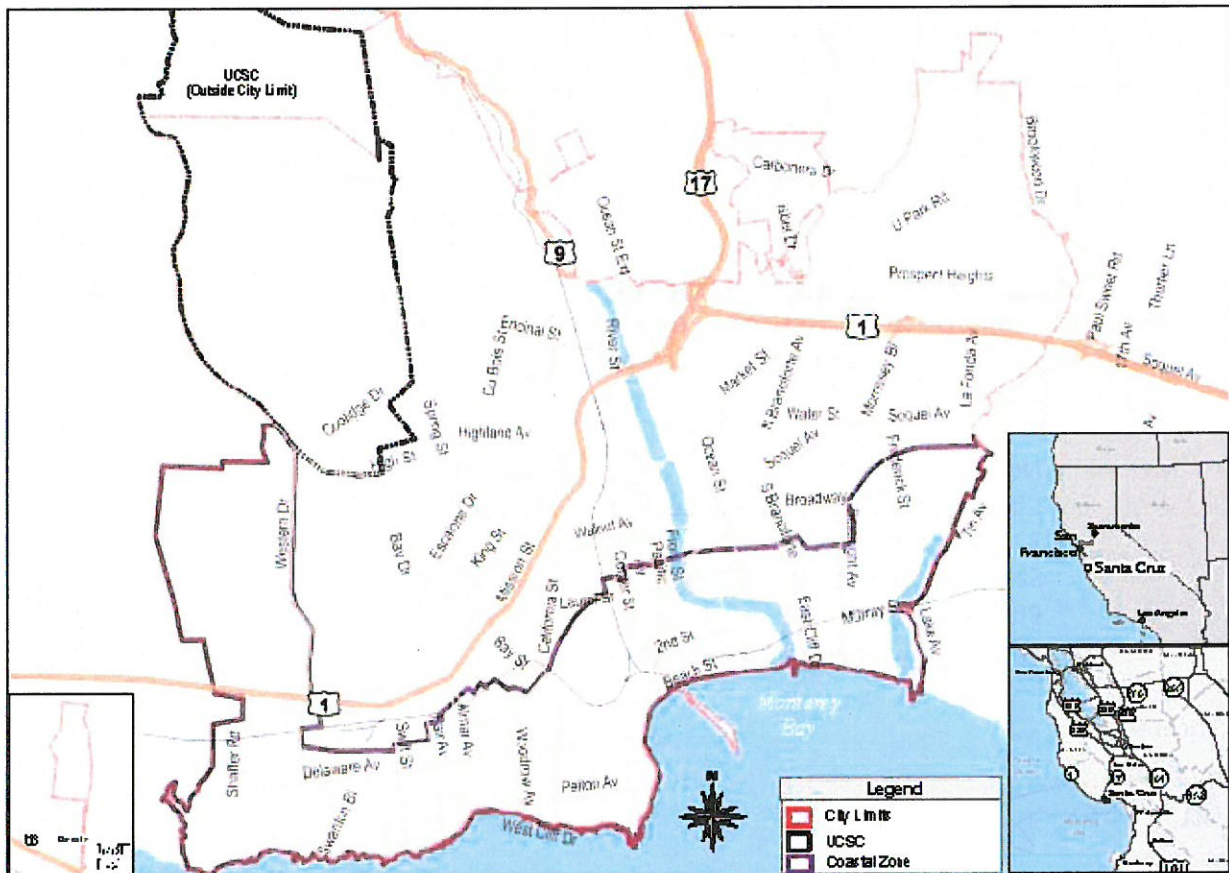
Noah Downing  
City of Santa Cruz Parks and Recreation Department  
323 Church Street  
Santa Cruz, California 95060  
Phone: 831 420-5362  
Email: [ndowning@cityofsantacruz.com](mailto:ndowning@cityofsantacruz.com)

Sincerely,



Noah Downing  
Park Planner

## LOCATION MAP



**DEPARTMENT OF TRANSPORTATION**

CALTRANS DISTRICT 5  
50 HIGUERA STREET  
SAN LUIS OBISPO, CA 93401-5415  
PHONE (805) 549-3101  
FAX (805) 549-3329  
TTY 711  
[www.dot.ca.gov/dist05/](http://www.dot.ca.gov/dist05/)



Making Conservation  
a California Way of Life.

August 6, 2019

SCr-1/17-VAR  
SCH#2018012030

Noah Downing  
Park Planner  
City of Santa Cruz Parks and Recreation Department  
323 Church Street  
Santa Cruz, California 95060

Dear Mr. Downing:

COMMENTS FOR THE NOTICE OF PREPARATION (NOP) OF THE SANTA CRUZ PARKS  
MASTER PLAN 2030, SANTA CRUZ, CA

1. Caltrans supports local development that is consistent with State planning priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety. We accomplish this by working with local jurisdictions to achieve a shared vision of how the transportation system should and can accommodate interregional and local travel and development. Projects that support smart growth principles which include improvements to pedestrian, bicycle, and transit infrastructure (or other key Transportation Demand Strategies) are supported by Caltrans and are consistent with our mission, vision, and goals.
2. Please be aware that if any work is completed in the State's right-of-way it will require an encroachment permit from Caltrans and must be done to our engineering and environmental standards, and at no cost to the State. The conditions of approval and the requirements for the encroachment permit are issued at the sole discretion of the Permits Office, and nothing in this letter shall be implied as limiting those future conditioned and requirements. For more information regarding the encroachment permit process, please visit our Encroachment Permit Website at:  
<http://www.dot.ca.gov/trafficops/ep/index.html>.

Thank you for the opportunity to review and comment on the proposed project. If you have any questions, or need further clarification on items discussed above, please contact me at (805) 549-3157 or email [christopher.bjornstad@dot.ca.gov](mailto:christopher.bjornstad@dot.ca.gov).

Sincerely,

A handwritten signature in black ink that reads "Chris Bjornstad". The signature is written in a cursive, slightly slanted style.

Chris Bjornstad  
Transportation Planner  
District 5 Development Review

**NATIVE AMERICAN HERITAGE COMMISSION**  
Cultural and Environmental Department

1550 Harbor Blvd., Suite 100

West Sacramento, CA 95691 Phone (916) 373-3710

Email: [nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)Website: <http://www.nahc.ca.gov>

Twitter: @CA\_NAHC



August 13, 2019

Noah Downing  
City of Santa Cruz  
323 Church Street  
Santa Cruz, CA 95060

RE: SCH# 2018012030 City of Santa Cruz Parks Master Plan 2030, Santa Cruz County

Dear Mr. Downing:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

## AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
- The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
- Avoidance and preservation of the resources in place, including, but not limited to:
    - Planning and construction to avoid the resources and protect the cultural and natural context.
    - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - Protecting the cultural character and integrity of the resource.
    - Protecting the traditional use of the resource.
    - Protecting the confidentiality of the resource.
  - Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

## NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email  
address: [Nancy.Gonzalez-Lopez@nahc.ca.gov](mailto:Nancy.Gonzalez-Lopez@nahc.ca.gov).



Nancy Gonzalez-Lopez  
Staff Services Analyst

cc: State Clearinghouse

August 21st, 2019

To: Department of Parks and Rec

Re: Notice of Preparation of an Environmental Impact Report for the City Parks Master Plan

I want to express thanks to the City of Santa Cruz Parks and Recreation Department for initiating the EIR for the City Parks Master Plan.

To be comprehensive, the EIR must take into account both individual Management Plans of parks and also work to address impacts to all the parks cumulatively.

I request that riparian and watershed areas are evaluated in their entirety, thus avoiding their segmentation, which is a potentially significant CEQA issue.

Under the categories of Aesthetics and Biological Resources I ask that the effects of light impacts are studied and assessed with appropriate modeling for each of the sensitive species listed within the various habitats. If lighting will be present in areas that were previously unlit, the effects must be studied. Color temperature of lighting must be addressed. Options for dimming and shut off controls should be studied.

The EIR should study and thoroughly address the anticipated increased usage of Parks and Open Space.

The probable effects of electro-magnetic fields need be evaluated if there will be any change in EMFs compared to the present.

I hope to see a project alternative that increases biodiversity via regenerative projects.

Sincerely,  
Erica Stanojevic

Santa Cruz City Parks and Recreation  
Tony Elliot, Director  
323 Church St.  
Santa Cruz, CA 95060

August 26, 2019

For inclusion in the 2030 Parks Master Plan, EIR process

I would like to include these comments and documents into the EIR for specifically the beach that is known as "Its Beach" on W. Cliff Dr. west of the Lighthouse that adjoins Lighthouse Field State Beach. First off it needs to be understood that Its Beach, at approx. one and one half acres, is owned by the City of Santa Cruz. It is part of a parcel that includes the Lighthouse and lawn area with paved walkways. Lighthouse Field State Beach, owned and (currently) operated by the California State Parks Dept. sits west of Its Beach and makes up the larger remainder of the beach area. From 1977 to 2007 the City of Santa Cruz operated and maintained the entirety of the beach area as well as Lighthouse Field under a 30 year agreement with State Parks.

When the City in 2001 decided to update the general plan for Lighthouse Field State Beach to include off leash dogs and thus align it with their 1993 rule change that had made them legal (in conflict with their pre-existing 1976 municipal code section which prohibited all dogs, on leash or off from all City owned beaches) this opened the way for public hearings. The hearings eventually led to a lawsuit filed by Lighthouse Field Beach Rescue. The lawsuit concluded at the Sixth District Court of Appeal in San Jose in 2005 where Lighthouse Field Beach Rescue won its case when the panel declared the the city's initial study to be inadequate. It should be noted that the City's ownership of Its Beach was not made public during this time.

One of the main problems with the 2030 parks master plan for Santa Cruz is that now that Its Beach has been acknowledged as being City-owned and under the municipal code section that protects all public beaches in the City from all dogs, on leash or off, there is no enforcement of the rules. The public has been led to believe that the entire beach was State Parks domain and that State Parks default leash rules (on leash only) prevailed. So, words to the effect that in future the City and State Parks might work together to achieve compliance, as found in the draft 2030 parks masterplan, ring somewhat hollow. After the City declined to renew their 30 year management agreement with State Parks in 2007 enforcement of leash rules fell to State Parks. Unfortunately for the general public State Parks quickly learned that they did not have the resources to carry out this task and after one of their female rangers was assaulted on Its Beach while trying to perform her duties enforcement was called off. State Parks made it known that they would only be responding to "life threatening incidents" that involved dogs and their owners.

At this point the City could have stepped in and taken over enforcement, at least of their portion of the beach. The problems that plagued the State when trying to enforce on-leash only use by dogs (organized off-leashers who would signal to their cohorts when state rangers arrived and have them leashed up before rangers could park their vehicles) needn't have bothered the City. With their rules from the municipal code (no dogs, on leash or off) their rangers didn't need to go on the beach. They could have stood at the top of the stairs and issued tickets as the dog people left. Much easier, and more effective. This was never done. Even with the use of County Animal Shelter enforcement staff available to them that came with the City's joining that agency's joint powers authority no request was ever made for help in enforcing the law. City representatives on the Animal Shelter Board of Directors would not respond to public requests for explanation.

Animal shelter management appeared to be unaware that the City owned any of the beach. Recently the County Animal Shelter's enforcement staff which has been plagued by staff shortages for years and lackluster performance when they could be found in the field has taken on a new energy, declaring a "zero tolerance" policy for those who violate the leash laws on the beaches in the county. It has been said by management that "citizen complaints" have driven these stepped up enforcement efforts. However, even though the City of Santa Cruz is now a member of the JPA and has a long history of complaints about off leash dogs (see Lighthouse Field State Beach case history in "Lighthouse Field Beach Rescue v. City of Santa Cruz, et al.) only Eastside County beaches and some County parks are receiving the benefits of stepped up enforcement.

In closing, I believe the 2030 City Parks Masterplan EIR should devote a significant amount of its work to improving the number one magnet for visitors to Santa Cruz. By the City's own reckoning that would be the beaches. State Parks owns and manages several beaches in Santa Cruz including Natural Bridges, Seabright, Twin Lakes and Black's Beach. Control over dogs with negligent owners is achieved mainly by on-sight rangers or lifeguard/rangers. Natural Bridges doesn't allow dogs at all. If the general public and the natural inhabitants of our beaches are to be protected from the various levels of threatening behavior routinely exhibited by unleashed, as well as leashed dogs it is plain to see that enforcement must be on site. Dog owners, both local and from afar cannot be trusted to obey the rules in the absence of visible rangers or lifeguards. This has been proven in Santa Cruz over many, many years. The agencies charged with the responsibility of enforcement must have clear cut direction from City management and city managers need to be fully responsive to our local coastal program in assuring that all people have unimpaired access to our priceless coastal resources. Looking the other way while a coddled special interest group gets to drive the general public off our most enjoyable beaches is a major disservice to the community and visitors as well as to the birds and marine mammals with whom we share this delightful place. For Its Beach/Lighthouse Field State Beach I would highly recommend that the City of Santa Cruz and State Parks get together and default to the City's stance of "no dogs, on leash or off. State Parks has done this at Natural Bridges and more recently at Molera Beach in Big Sur. It works. But it must be enforced. As a very popular beach with humans (before all the dog people were allowed to take it over) Its/Lighthouse Field Beach deserves at least a seasonal lifeguard. While it is a fantastically beautiful beach the shorebreak there can be dangerous for smaller children and the elderly as well. Also a lifeguard there would be strategically placed to assist with the ever more common surfing incidents at Steamer's Lane around the corner. The presence of this authority figure would end the problems we have had with leash violators. I Believe that vandalism of signage would also be reduced which would help satisfy Coastal Commission concerns.

I hope you will take these comments to heart,  
Sincerely, Grant Weseman  
Santa Cruz

# ITS BEACH SANTA CRUZ



# metroactive

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### Nūz: Santa Cruz County News Briefs

#### Dogfight

In last week's coverage of **Monterey County's General Plan battle** (Nūz, March 21), Nūz noted how feisty land use matters can become as those plans age and time erodes the underpinnings on which they were based.

Well, here we go again: a dispute over dogs, leashes and **Lighthouse Field** that began with the city of **Santa Cruz's 1984 General Plan** has, over the last few weeks, now grown to include not only the city but its visitors, two battling community groups, two state courts and the **California's State Parks Department**.

It's no surprise that any activity on Lighthouse Field--part of a larger patch of land officially known as Lighthouse Field State Beach--would become a center of controversy.

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Now a flat coastal expanse of tall waving grasses and topped tree trunks despoiled by dappled sunlight, the field was an object of potential wonder in the 1960s. That's when a developer with a **Frank Lloyd Wright protégé** as architect, fascinated with its location just feet from West Cliff Drive, proposed an ultramodern, world-class **Court of the Seven Seas' convention center**. The field became an object of disappointment, at least to some, when investors never materialized to build it. It became a subject of controversy when a far plainer, more pallid and peculiarly oriented development emerged. Keeping that at bay launched many a local political career.

Eventually, public agencies purchased Lighthouse Field, and it became **public property**, both in title and--perhaps more importantly--in collective emotional investment. Not only has the local citizenry owned the field for several decades, it has also functioned as its guardian.

That's how the city of Santa Cruz, agreeing with the State Park system to operate Lighthouse Field State Beach in 1977, became the agency that set the park's rules of operation. Yes, the state might technically own the land; the county might contribute a fourth or so of maintenance funds, but the city--and therefore by implication its residents--made the rules.

And the rule it made concerning **dogs**, in the 1984 General Plan for Lighthouse Field State Beach, was very simple: they're welcome. But--just as in the other 22 state parks that allow

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dogs--they were to remain **leashed**.

This rule did not sit well with some **dog owners** who had already lived through two previous sets of rules: a **1964 ordinance** requiring leashes on all dogs in public places and a later **1976 rule** banning dogs from city-run beaches altogether. Unhappy owners began to pressure for loosening.

By 1993, they had succeeded in getting that change. As **Lisa K. Foster** wrote in a report for the Research Bureau of the California State Library, **DOGS ON THE BEACH: A REVIEW OF REGULATIONS AND ISSUES AFFECTING DOG BEACHES IN CALIFORNIA**

"In 1993, the City Council changed the city leash law to allow off-leash areas. With the consent of the state and county, the City Parks and Recreation Superintendent designated Santa Cruz's three beaches--Lighthouse Field, Its Beach, and Mitchell's Cove--as **off-leash areas** during morning and late afternoon, from sunrise to 10 a.m. and 4 p.m. to sunset."

And that appeared to be that.

Until, that is, the year 2001, when the city of Santa Cruz decided to perform an **UPDATE** of the **Lighthouse Field State Beach General Plan**. Updating meant public hearings, and public hearings meant a release of long-simmering canine-related resentments.

The city received some complaints directly. Of many such communications, city records paraphrase just one, resident **Ben Korte's** email of May 31, 2002, as "complaining that the **shore birds**, pheasant, hawk, migrant ducks, and snowy white egret were gone from **Its Beach** because they could not co-exist with the numerous dogs."

Others came through online petitions. "I have been chased and bitten by off-leash dogs while minding my own business," a **RESCUE SANTA CRUZ BEACHES** petition signatory wrote. "I also don't appreciate their crotch sniffing, barking, and abandoned [sic] excrement." While that petition attracted only 16 of its desired 2,000 signatories, feelings ran high. Wrote another: "I've been approached and threatened by snarling, barking dogs while I was attempting to enjoy the ocean and sand on Its Beach, adjacent to Lighthouse Field. I no longer walk or play on that beach."

**City Parks and Recreation staff**, too, found leashless conditions less than satisfying. While the department found "only one incident involved aggressive dog behavior toward the Ranger" between March 2002 until February 2003, it also found around 600 violations of off-leash law within that year. And it reported to the City Council, for the council's May 22, 2003, meeting, that the aggression incident, along with "two other dog-related incidents at other parklands, made it necessary to give the Rangers training related to dogs and safety."

The cost of this extra training hit at a time when, the report continued, "the City's ability to perform patrols at Lighthouse Field State Beach has diminished in recent months due to budgetary cutbacks resulting in staff shortages."

Canine advocates responded in March of 2002 by forming **FRIENDS OF LIGHTHOUSE FIELD (FOLF)**, a "dog community" intended to "provide a unified voice" and to carry forth the task of keeping the field **free**, as had those who saved the field "**from planned destruction**... almost thirty years ago." FOLF bought the city a **pets' water fountain**. It organized **Paws in the Park** events. And it began selling goods through online outlet Caté Press: an "I Like Dogs and I Vote" ringed-collar T-shirt "sure to impress even the most discerning T-shirt connoisseur with an eye for retro-coolness; an "I Vote Like a Dog" canine T-shirt, meant for four-legged friends to "Do it up in **doggie style!**"

Perhaps blind to the magic of retro-coolness, opponents of free-running dogs dug in deeper. In May 2003, under the collective name **LIGHTHOUSE FIELD BEACH RESCUE**, they filed suit in **state court** demanding that any formal loosening of the 1984 must-leash rules in the old Lighthouse Field State Beach General Plan undergo a **full Environmental Impact**

**Review (EIR).** In March 2004 the local court rejected the complaint.

Beach Rescue appealed to California's **Sixth Circuit Court of Appeals** in San Jose. The Sixth ruled in August of 2005. No, a full EIR wasn't necessary, said the court, since many of the issues Beach Rescue had raised were social rather than environmental. On the environmental issues, however, the city had to do more than simply issue a **negative declaration** (a statement of no significant detrimental environmental effects); it had to at least somewhat prove it. Environmental law reports spread word of the decision nationwide.

Leash proponents were ecstatic. The August 2005 edition of **California Coastwatcher** (slogan: "We Love The Coast!") reported that "a local group of wildlife activists" had defeated the city's "illegal decision to allow Lighthouse Field Park to be destroyed by unleashed domestic dogs" generating **copious amounts of dog feces**.

Free-runners, contrarily, were apoplectic. Meeting on Nov. 30, 2005, to "turn outrage into productive action," **FRIENDS OF LIGHTHOUSE FIELD** instructed its members, "We're not here to negotiate **substandard alternatives**." One recommendation: Request that the city "do a full EIR, to silence all questions."

Meanwhile, dog devotees began developing a second approach: **blame humans**. Perhaps the softest argument from this school is dog activist and Santa Cruz blogger **nakedjen**, who posts photos of her companions, one of which "stepped on a broken bottle and nearly sliced his front left foot off." She notes that she's "spent over \$5,000 on **emergency vet bills and visits**." Why? "Accidents that have happened at Lighthouse Field." Her goal? "A place that doesn't have broken bottles or rotting Kentucky Fried Chicken or other trash."

Things seem to be moving in the opposite direction, however. On Oct. 26 of 2005, some two months after the court of appeals ruling, the state Department of Parks and Recreation wrote to the city of Santa Cruz and gave it two years' warning: If you're going to continue to operate a state park, you need to **follow state rules**. And that means **keeping dogs on leash**. The city has until Nov. 15, 2007, to conform its ordinances to those rules.

Despite Friends of Lighthouse Field's resistance--evidenced in its slogan **Stop the state--keep our parks local!**--it now appears likely that not only will state rules override local ordinances, but that the state itself may end up taking over operations of the park.

Faced with both state pressure to end the off-leash experiment and to **upgrade trails** that run through the field so that physically disabled people can use them too, city officials have begun pleading pennilessness. And in the last few weeks, they've begun speaking openly about simply turning over park operations to the state.

That, however, may not constitute the final word either. **State sen. Jackie Speier** has introduced a bill--**S.B. 712**--which if adopted will fund a **feasibility study** concerning off-leash rules, making initial identifications of places in the state parks system where **dogs might be allowed to run free**, and under what hours and conditions.

Nuz just loves juicy tips about Santa Cruz County politics.

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# San Leandro Police Shoot, Kill 2 Pit Bulls Found Running Loose, Attacking People

By Michelle Roberts and Bay City News

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Police shot and killed two pit bulls found running loose and attacking people at the San Leandro Marina on Sunday, police said Monday.

Updated on 7/30/2019 11:51 AM PT

Police shot and killed two pit bulls found running loose and attacking people at the San Leandro Marina on Sunday, police said Monday.

Investigators are working to track down who released the pit bulls. A jogger told police he saw someone let them out of a blue Toyota pickup truck at 6:35 a.m.

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When the unleashed dogs ran from the car, they attacked the jogger's own 7-year-old pit bull. The jogger took his dog to a veterinarian but it had suffered such

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severe wounds in the attack that it needed to be euthanized, police said.

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Another pit bull attack was reported at 11 a.m. The dogs attacked Larry Osborne's 3-year-old bull terrier and 10-year-old Chihuahua as he was walking them, police said.

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Osborne, a San Leandro resident, said the pit bull had one of his dogs in its mouth and "was shaking her like a rag doll." When he tried to step in, the pit bulls attacked him and bit his finger.

Osborne also became tangled in the dog leashes and fell about 10 feet, hitting jagged rocks before landing in the water.

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"It hurt my hips and back," he said. "And I'm in the water and I couldn't get back up."

Guests of the nearby Marina Inn came to his aid and tried to fight the pit bulls back with chairs. The dogs continued attacking but eventually ran away, police said.

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Osborne was taken to Kaiser Medical Center in San Leandro to be treated for dog bites. The Chihuahua required surgery, police said.

Officers started searching for the vicious dogs and found them in the Marina Faire neighborhood. When they ran after them, the dogs ran in different directions. One officer tried to stop the dogs with a Taser stun gun but it didn't work, police said. Two officers later found one of the dogs on Blue Whale Drive and tried to corner it. The officers thought the aggressive dog might attack and shot it, police said.

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The other dog was found near Our Lady of Good Counsel Parish at 2500 Bermuda Ave. Everyone inside the church was told to shelter in place as police tried to stop the dog. The dog was in the back lot of the church when police arrived and acted aggressively. Officers shot the dog several times but it kept coming at them. They shot it again and it died, police said.

Both dogs died from the gunshot wounds.

Police are continuing to look for their owner and are asking anyone with information to call 510-577-3208.

"It is hard for us to understand why anyone would release aggressive dogs in a

public place, especially when there are other alternatives, such as dog rescue foundations and animal shelters that could have helped," San Leandro police Lt. Robert McManus said in a statement.



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Wow some people have no compassion or heart for other peoples or other animals lives. Thank God these dogs didn't get to a small child or even kill the 60 year old man they attacked. Its a shame the other dogs were attacked and 1 even having to be put to death because of the idiotic people who let these killers out in the public.

[Reply](#) [Like](#) 1 7 hours ago**Suzanne Bryant**

Pitits being pitits and pits being pits. Prayers for all the victims, including the jogger with his responsibly kept, leashed pit bull.

[Reply](#) [Like](#) 1 9 hours ago**Lorna Vierra** Holy Names University

I live at the Seagate complex. Four years ago I walked out my front door with my Westie and a "loose" pit came round the corner of my building and attacked my dog. Thank God there were two gardeners that took their shovels and got the pit off my dog. The pit ran away and I rushed my dog to the vet. He barely survived and died six months later. I called SLPD and they contacted animal control. The pit was caught in the neighborhood. I was told by the animal control officer that the pit was sick and they found she had recently had a litter. The officer also told me that pits are often dumped at the Marina after their "fighting days" are over. The pits that are being left at the Marina were bred to fight and very dangerous. I was advised to keep pepper spray with me and stay vigilant when I walked. This is a real and serious problem in the Marina area. Be careful and be aware!

[Reply](#) [Like](#) 3 hours ago**Katrina Marie Loera** San Jose, California

Why? Because these people are criminals. Animals only turn this vicious because of neglect and abuse. It is not the dog's fault! Find these people and lock them away!

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