

To: Ryan Moroney, California Coastal Commission
From: Santa Cruz County Third District Supervisor's Office
Re: Proposed Davenport Bluff Parking Regulation
Date: 3/12/2020

Executive Summary:

For many years, Davenport Beach on the North Coast in Santa Cruz County has suffered from the impacts of illegal human behavior on the beach. Fires, alcohol abuse, commercial grade fireworks, overnight camping, firearms, human waste, graffiti defacing the cliff bluffs, and noise at all hours of the night have impacted coastal resources and residents' ability to enjoy peace and security in their neighborhoods. Furthermore, the trash left behind from these activities has created an environmental catastrophe on the beach and in the Monterey Bay.

Over the last decade, law enforcement, the Third District Supervisor's office, together with the community, have tried to address these issues with every tool available including passing laws, raising fines, posting signs, putting out additional trash receptacles, adding sheriff deputies to the region, and engaging with non-profits to clean the beach. However, the problems have persisted despite all of these efforts, and, in fact, have worsened over time. The North Coast Sheriff deputies have recommended to our office for many years that restricting late night parking on Davenport Bluff would be the most effective tool for them to use to curb illegal behavior and the associated impacts. Based on the evidence below and provided elsewhere, will Coastal Commission Staff recommend to the Commission that they allow the County to **regulate parking on the Davenport Beach bluff from midnight to 5am?**

Background:

History:

Many of the beaches on the North Coast have for years been used as a place to party, camp, and engage in dangerous and illegal activity. Most of the beaches on the North Coast are desolate and far away from neighborhoods and residential

areas. Davenport Beach is unique in that it is a “wild beach” similar to many of the other undeveloped North Coast beaches, but dissimilar in that it is close to the town of Davenport which has approximately 300 residents. Three previous County Supervisors have attempted, in various ways, to address the issues of illegal, destructive, and disruptive behavior on this beach. In the past decade, these problems have only gotten worse. Although all North Coast beaches continue to experience trash, graffiti, and all-night partying, Davenport Beach in particular, has been a hotspot. It is difficult to know precisely why this beach has seen so much more activity than other North Coast beaches, however, there are a combination of factors that may have contributed to an increase in illegal activity on Davenport Beach. Social media may be partly to blame. There have been posts on Yelp and other sites in the past reviewing this beach as “abandoned” and not patrolled by law enforcement. In addition, getting down to this beach is precarious, especially at night which prohibits the North Coast’s solo deputy from accessing the beach to carry out enforcement. It is difficult to see the beach from the bluff making it easy to conceal illegal activity. Available, free parking at all hours of the night, in particular, facilitates illegal activity. And the general increase in coastal visitors to the Davenport area, which in most cases is a good thing, has nevertheless raised the profile of this particular beach.

Efforts to Address Illegal Activity and Associated Impacts:

In order to address and abate the illegal activity and associated impacts, County Supervisor Neal Coonerty implemented several measures to assist law enforcement and make Davenport beach welcoming for families and all users. One of the first efforts was to **include Davenport Beach into the Live Oak Beach Ordinance**. The Live Oak Beach Ordinance, found in Chapter 8.18.10 in the County Code, outlaws fires on the beach, fireworks, alcohol, overnight camping, and excessive noise between the hours of 10pm and 6am. After this ordinance was passed, signage was posted on the bluff that included all prohibited activity.

Knowing that signage alone would not solve the problem, Supervisor Coonerty revived the **Davenport Community Parking program** in conjunction with the

Sheriff's office. This program was originally started by his predecessor, Supervisor Mardi Wormhoudt, and the then Sheriff Mark Tracy in August of 2000, but had not been enforced for a few years.

In the August 2000 Board of Supervisor's letter establishing the program (attached to this packet), Sheriff Tracy stated that "the Davenport community has experienced an increase in night time law enforcement problems" and that the beaches in Davenport "have become venues for regular all-night parties." Sheriff Tracy went on to state that "Not only have some of these parties resulted in serious crimes, but there have also been numerous examples of property damage and anti-social behavior."

The Davenport Parking program was an effort to help protect the neighborhood from ongoing disruption from late night beach-goers and was also an effort to protect the beach from the trash, noise and associated impacts from late night beach goers. Photos show, and residents recall, that parking on the bluff in 2000 was not nearly as extensive as it is today. Now, the bluff is a dirt parking area that is known, and regularly and fully used, as unregulated parking. In 2000, this was not the case to the same extent it is today. Consequently, the Davenport Parking program is not able to have the same effect in 2019 as it did in 2000. At that time, many late-night beach goers parked in the neighborhood as opposed to the bluff to avoid the no camping signs in the parking lot and to hide their presence on the beach.

With the help of then Sheriff Wowak and the community, Supervisor Coonerty established the permit parking program, which received a **Coastal Permit**. Although the parking program helped to reduce some impacts for residents of Davenport, it alone did not reduce illegal activity or associated environmental destruction of the beach.

In 2007, Supervisor Coonerty began lobbying the sheriff for a **dedicated Sheriff's Deputy to patrol the North Coast**. For many years the North Coast had a dedicated part time deputy, however, as a result of the Great Recession of 2007, the dedicated North Coast deputy was cut. During the Great Recession, the Sheriff, knowing that the North Coast beaches - and Davenport Beach in particular

- needed law enforcement attention, assigned his school patrol officers to the North Coast to assist with enforcement during the summer months and assured the community that when the budget recovered, that he would again assign a dedicated North Coast Deputy. In early 2017, in response to on-going, persistent impacts from illegal behavior on the beach, current Sheriff Jim Hart reestablished the North Coast deputy position to assist with enforcement of documented illegal behavior and associated impacts of that behavior on the community and the beach.

Sgt. Stefan Fish, who wrote a letter(attached) dated November 5th, 2018 supporting the regulation parking on the bluff, served as the North Coast deputy on two occasions, the first from 1999-2002 and then again from 2017 to 2018. Sgt. Fish's letter outlines specific criminal activity that his department has experienced over the years in the Davenport bluff area including assaults, unlawful fires, commercial grade fireworks, alcohol related crimes, and alcohol related tragedies such as drownings. Assigning a dedicated deputy to the area was an important, though insufficient measure, the Sheriff implemented to reduce crime and trash, and increase public safety on Davenport Beach.

Aside from crime and armed and dangerous overnight campers, the most significant negative impact resulting from illegal behavior on the beach is trash and human waste. Included in this packet are photos of trash on Davenport Beach with dates documenting this continuing problem (See attached photos)

Over the years, there have been numerous cleanups on Davenport Beach. Through a number of site visits between 2015 and 2019, Supervisor Coonerty directly witnessed firsthand the astounding volume of trash that had been left on any given morning. In addition to the normal types of trash one would expect to find on the beach such as cigarette butts, food waste and beer cans, on Davenport Beach empty liters of hard alcohol in glass bottles, human waste, used diapers, discarded tents and sleeping bags, coolers filled with spoiled food, various plastic packaging, plastic bags and plastic debris, needles, clothes, shoes, commercial grade fireworks debris, and all sorts of other items are regularly found.

Residents in the community for years would volunteer to clean the beach, but at a certain point, the trash on the beach was so extensive and required community members going out several times per week to do cleanups, it was no longer feasible to rely on residents to do this type of major beach cleaning on a regular basis. Moreover, when days were missed, the trash would be washed out into the ocean .

In response to this environmental crisis, in 2012 the County contracted with **Save Our Shores** to do regular cleanups of Davenport Beach. Those cleanups continued up until 2018. Though somewhat successful, it wasn't possible to keep up with the amount left on the beach daily. Memos from Save Our Shores, detailing the volume of trash picked up in 2013 and 2014, are included in the packet.

In 2018, the County contracted with the **Downtown Streets Team** to clean the beach and other locations on the North Coast four times per week for four hours each visit. However, uncollected trash, as well as other problems, remain. Although the Downtown Streets Team is doing heroic work to keep the beach clean for the public and for the Monterey Bay, they are still very busy picking up trash and regularly fill all of the trash bins on the bluff.

The County recognizes that **educating** the public and increasing awareness about trash on the beach is an essential component to protect our coastal resources and thus dedicates public funding toward this effort through a contract with Save Our Shores to provide public education.

In addition to beach cleanups, it was recognized that ample opportunities were needed for beach goers to be able to discard their trash properly. For more than a decade, **two sets of trash cans** have been placed at both paths down to Davenport Beach. There are trash and recycle bins at the path below the bluff, including **free trash bags** available for beach goers to use as well as trash and recycle bins located on the Davenport Beach Bluff. These bins are emptied by the County's franchise hauler. Despite this ongoing and expensive program, the problem of trash on the beach remains significant.

Another impact of illegal behavior on the beach has been graffiti on the cliffs. Over the years, there have been periodic **graffiti abatement** efforts by the County Supervisor's office and community volunteers. Of all the destructive behavior and associated impacts on the beach, graffiti on the cliffs may be the most devastating. The cliff faces on the North Coast are extremely important natural coast resources. They are incredibly beautiful, wild and largely undeveloped. Yet on Davenport Beach, those cliffs are regularly defaced and adulterated by graffiti, examples of which are included in the attached packet.

Much, if not all, of this graffiti is done in the dead of night and the work of graffiti is largely silent. This means that someone defacing the cliffs on the beach could be parked on the bluff while working quietly on their graffiti project. A law enforcement official would have no way to know if someone was on the beach, let alone that illegal activity was going on. Regulating overnight parking on the bluff would allow the Sheriff deputy, at least, to ticket the graffiti writers' car and reduce future graffiti on this beach.

Analysis and Recommendation:

Despite the many actions the County has undertaken over the years, criminal and harmful activity on Davenport beach and other North Coast beaches has continued. The Santa Cruz County Sheriff has made it clear that regulating parking on Davenport Bluff would assist his office with enforcement and would be the most effective tool in deterring illegal behavior on the beach. As Sgt. Fish stated in his November 2018 letter, "despite these multi-faceted efforts, the problems of trash, late night partying and the accompanying public safety challenges persist at this location. The adoption of regulations that would restrict parking in the Davenport Beach bluff is a critical tool to assist the Sheriff's office and other partners in keeping the peace for both the residents of Davenport and visitors to the beach."

While the Coastal Act gives a high priority to public access to the coast, this access should not be detrimental to coastal natural resources. The ongoing problem of beach trash migrating to the open ocean and graffiti defacing coastal cliffs on the

North Coast of Santa Cruz County are the result of unrestricted public access to these beaches, despite a multitude of efforts by Santa Cruz County government and North Coast residents to abate these impacts. Reasonable public access at night can be accommodated in conjunction with regulated parking on the bluff in Davenport and other North Coast beaches.

In the Davenport area there are nearby parking lots that would be available for the public who want to access the town of Davenport and Davenport Beach. These are not proposed to be regulated. In addition, there are several other nearby beaches such as Davenport Landing and Scotts Creek (both within a mile and a half of Davenport Beach) that would be accessible to the public and have available parking. These two beaches offer the public nighttime access and parking and are highly visible from public roads making it easier for law enforcement to see and enforce any illegal or harmful behavior occurring at these beaches.

There are other examples where parking restrictions have been allowed in similar situations. For instance, the City of Santa Cruz was allowed parking restrictions on Main Beach to address similar issues and San Mateo County also recently regulated parking along Tunitas Creek Beach to deal with trash and illegal behavior on that beach. As documented in this report, the situation on Davenport Beach has similarly reached the point where regulated parking is not only warranted, but critical.

Conclusion:

Over the past twenty years or more, the Third District County Supervisor's office, the community, and the Santa Cruz County Sheriff have taken many steps to try to address the issues of trash and illegal behavior on Davenport Beach and other North Coast beaches. The County and its partners have passed laws, increased enforcement, and dedicated considerable County funds aimed at solving these problems, protecting coastal resources, and increasing public safety on the beach for all beach-goers. Unfortunately, these efforts have not been successful. Despite the regulations passed targeting illegal behavior on North Coast beaches and the addition of a dedicated sheriff's deputy to the North Coast, outlaw

behavior and its associated impacts continue. For these reasons and for the long-term protection of the natural coastal resources on the North Coast of Santa Cruz County, it is not only justified but important that the **Coastal Commission allow modest parking regulations (midnight to 5am)** on the bluff above Davenport beach and at other North Coast beaches.