



County of Santa Cruz

PARKS, OPEN SPACE & CULTURAL SERVICES

979 17 th AVENUE, SANTA CRUZ, CA 95062

(831) 454-7900 FAX: (831) 454-7940 TDD: (831) 464-7978

BARRY C. SAMUEL, DIRECTOR

May 9, 2000

AGENDA: May 23, 2000

BOARD OF SUPERVISORS

County of Santa Cruz

701 Ocean Street

Santa Cruz, CA 95060

SUBJECT: East Cliff Drive - Offers of Dedication

Dear Members of the Board:

On April 25, 2000 your Board directed the Parks Department to contact the Coastal Conservancy to ascertain if there would be any further conditions placed upon the County prior to receipt of the \$75,000 grant for the East Cliff Drive project, to get a written agreement from the Conservancy, to make acceptance of the Offers of Dedication (OTD's) contingent on receipt of the grant and to inquire about the reason for the acceptance of the OTD's at this time rather than when the grant funds would be made available to the County.

In discussions with the Coastal Conservancy Staff, the answers to the concerns of your Board were addressed in the following manner:

- The conditions for receiving the \$75,000 grant for the East Cliff Drive project are spelled out in the agreement between the Coastal Conservancy and the County of Santa Cruz, Exhibit 1 - Resolution # 429-99 and Coastal Conservancy Staff Report and are as follows:
 1. Evidence that all necessary permits, environmental clearances, and approvals have been obtained;
 2. Final work plans for each project, including final budgets;
 3. A signing plan for the projects; and
 4. An agreement with the County of Santa Cruz regarding its acceptance of Offers-to-Dedicate public access easements that lie in the County's jurisdiction.

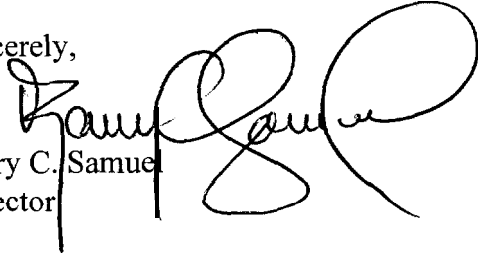
BOARD OF SUPERVISORS
East Cliff Drive Project - Offers of Dedication
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AGENDA: May 23, 2000

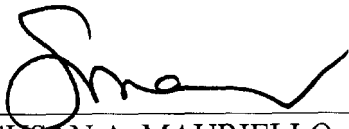
- The Staff Report specifically references that the County must accept 6 OTD's (see Exhibit 2) as a condition of receiving funding for the project. Of the 6 OTD's one expires in March 2002 and the rest expire in 04, 06, 07, 08, 09. The Conservancy Staffs' concern is that the OTD's be accepted prior to their expiration.

It is therefore RECOMMENDED that your Board direct the Departments of Parks & Public Works to report back to your Board at your first meeting in November, 2001 with a status report on the East Cliff Drive Project and recommendations regarding the acceptance of the 6 OTD's.

Sincerely,


Barry C. Samuel
Director

RECOMMENDED:



SUSAN A. MAURIELLO
County Administrative Officer

Attachments: Exhibit 1 & 2

cc: CAO, Auditor-Controller, County Counsel, Parks, Public Works, Coastal Conservancy,
RDA

EXHIBIT 1

2337 0528

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BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIARESOLUTION NO. 428-99

On the motion of Supervisor **Beautz**
duly seconded by Supervisor **Wormhoudt**
the following resolution is adopted:

RESOLUTION APPROVING THE AGREEMENT WITH
THE CALIFORNIA STATE COASTAL CONSERVANCY TO PROVIDE FUNDING
FOR THE EAST CLIFF DRIVE COASTAL ACCESS PROJECT

WHEREAS, the California State Coastal Conservancy has, at its April 22, 1999, meeting, authorized \$75,000 in funding for the East Cliff Drive Coastal Access Project; and

WHEREAS, the procedures and criteria established by the California State Coastal Conservancy require a resolution by the Santa **Cruz** County Board of Supervisors approving the terms and conditions of Grant Agreement No. **99-018** to provide said funding; and

WHEREAS, the agreement contains assurances that the County of Santa **Cruz** must comply with; and

WHEREAS, the East Cliff Drive Coastal Access Project between 32nd and **41st** Avenues is considered a **significant** project because it would greatly enhance roadside recreational opportunities and provide for improved coastal access along the scenic coast of the Monterey Bay National Marine Sanctuary. The project would consist of the construction of a grade-separated pedestrian and bicycle promenade, installation of a pedestrian railing, and scenic landscaping to reduce erosion. The project will follow the East Cliff Drive Cliff Restoration Project that is now under **design**.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa **Cruz**:

1. -Approve Grant Agreement No. 99-018 with the California State Coastal Conservancy.
2. Certify that the **County** of Santa **Cruz** will make adequate provisions for operation and maintenance of the project.

RESOLUTION NO. 429-99

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3. Appoint **John A. Fantham**, Director of Public Works, and the Public Works Department, Administering Agency Applicant to execute the **agreement** on behalf of the County and to submit all documents including, but not, limited to, **agreements**, amendments, payment request, etc., which may be necessary for the completion of the **aforementioned** project.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 19th day of October 1999, by the following vote:

AYES: SUPERVISORS Beautz, Symons, Wormhoudt, Campos and Almquist

NOES: SUPERVISORS None

ABSENT: SUPERVISORS None

JEFF ALMQUIST

Chairperson of said Board

ATTEST: SUSAN A. MAURIELLO
Clerk of said Board

Approved as to form:

[Signature]
Chief Assistant County Counsel

Distribution: County Counsel
Public Works

STATE OF CALIFORNIA	
COUNTY OF SANTA CRUZ	
I, SUSAN A. MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing Resolution was read and adopted by the Board of Supervisors of the County of Santa Cruz on the 19th day of October, 1999, and adopted by the Board of Supervisors of the County of Santa Cruz on the 19th day of October, 1999.	
By	<u>[Signature]</u>
Board on	<u>10/21/99</u>
SUSAN A. MAURIELLO, County Administrative Officer	

COAM

CALIFORNIA

STANDARD AGREEMENT

APPROVED BY THE
ATTORNEY GENERAL

, D. 2 (REV. 5-81)

CONTRACT NUMBER 99-018	AM. NO.
TAXPAYER'S FEDERAL EMPLOYER IDENTIFICATION NO.	

THIS AGREEMENT, made and entered into this _____ day of _____, 19____, in the State of California, by and between State of California, through its duly elected or appointed, qualified and acting

TITLE OF OFFICER ACTING FOR STATE Executive Officer	AGENCY State Coastal Conservancy	0569
CONTRACTOR'S NAME Santa Cruz County		hereafter called the State, and
		hereafter called the Contractor

WITNESSETH: That the Contractor for and in consideration of the covenants, conditions, agreements, and stipulations of the State hereinafter expressed does hereby agree to furnish to the State services and materials as follows: (Set forth service to be rendered by Contractor, amount to be paid Contractor, time for performance or completion, and attach plans and specifications, if any.)

SCOPE OF AGREEMENT

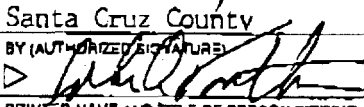
Pursuant to Sections 3 1400 et seq. of the California Public Resources Code, the State Coastal Conservancy ("the Conservancy") hereby grants to Santa Cruz County ("the grantee") a sum not to exceed seventy-five thousand dollars (\$ 75,000), subject to the terms and conditions of this agreement. These funds shall be used by the grantee to complete the bicycle and pedestrian pathway along East Cliff Drive, Santa Cruz County as shown on Exhibit A, which is incorporated by reference and attached.

The grantee shall carry out the project in accordance with this agreement and a work program to be approved by the Executive Officer of the Conservancy ("the Executive Officer") pursuant to this agreement. The grantee shall provide five hundred twenty-five thousand dollars (\$525,000) any finds beyond those granted under this agreement which are needed to complete the project.

(Continued on following pages)

CONTINUED ON _____ SHEETS, EACH BEARING NAME OF CONTRACTOR AND CONTRACT NUMBER.

The provisions on the reverse side hereof constitute a part of this agreement.
IN WITNESS WHEREOF, this agreement has been executed by the parties hereto, upon the date first above written.

STATE OF CALIFORNIA		CONTRACTOR	
AGENCY State Coastal Conservancy	CONTRACTOR (If other than an individual, state whether a corporation, partnership, etc.) Santa Cruz County		
BY (AUTHORIZED SIGNATURE) ▷	BY (AUTHORIZED SIGNATURE) ▷ 		
PRINTED NAME OF PERSON SIGNING William Ahern	PRINTED NAME AND TITLE OF PERSON SIGNING John A. Fantham, Director of Public Works		
TITLE Executive Officer	ADDRESS 701 Ocean Street, 4th Floor, Santa Cruz, CA 95060		
AMOUNT ENCUMBERED BY THIS DOCUMENT \$ 75,000.00	PROGRAM/CATEGORY (CODE AND TITLE) Capitol Outlay	FUND TITLE SCC	
PRIOR AMOUNT ENCUMBERED FOR THIS CONTRACT \$ 0	(OPTIONAL USE) E. Cliff Drive Accessway		
TOTAL AMOUNT ENCUMBERED TO DATE \$ 75,000.00	ITEM 3760-301-0565	CHAPTER 324	STATUTE 1998
	OBJECT OF EXPENDITURE (CODE AND TITLE) Access	FISCAL YEAR 98/99	
I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.		T.B.A. NO.	B.R. NO.
SIGNATURE OF ACCOUNTING OFFICER ▷		DATE	

Department of General Services
Use Only

I Certify that this grant agreement/
is exempt from
department of General Services approval.

☒ CONTRACTOR ☐ STATE AGENCY ☐ DEPT. OF GEN. SER. ☐ CONTROLLER ☐

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Santa **Cruz** County
Grant Agreement No. **99-018**
Page 2

CONDITIONS PRECEDENT TO CONSTRUCTION AND DISBURSEMENT

The grantee shall not commence construction of the project and the Conservancy shall not be obligated to disburse any funds under this agreement unless and until **the** following conditions precedent have been met:

1. A resolution has been adopted by the Board of Supervisors of the grantee authorizing the execution of this agreement and approving its **terms** and conditions;
2. The Executive Officer has approved in writing:
 - a. The work program for the project.
 - b. Plans for the erection of **signs** and placards as provided in the "SIGNS" section of this agreement.
 - c. All contractors that the grantee intends to employ in connection with the project. The grantee must provide written evidence to the Conservancy that each such contractor has complied with the bonding requirements described in the "BONDING" section of this agreement.
3. Written evidence has been provided to the Conservancy:
 - a. That **all** permits and approvals necessary to the completion of the project under applicable local, state and federal laws and **regulations** have been obtained.
 - b. That the grantee has provided for liability insurance and an addirional insured endorsement, or is self-insured, as described in the "**LIABILITY**" section of this agreement.
 - c. That the grantee has provided for fire and other loss insurance **as** described **in** the "**LOSS INSURANCE**" section of this agreement.

TERM OF AGREEMENT

This agreement shall be deemed **executed** and effective when **signed** by both parties and received in the **offices** of the Conservancy together with the resolution described in the "CONDITIONS PRECEDENT TO CONSTRUCTION AND DISBURSEMENT" section of this agreement. An authorized representative of the grantee shall sign the first page of the originals of this agreement in **ink**.

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Santa **Cruz** County
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TERM OF AGREEMENT (Continued)

This agreement **shall** run **from** its **effective** date through July **30, 2019** ("the termination date") unless otherwise terminated **or** amended **as** provided in this agreement. However, all work shall be completed by **July 30, 2005** ("the completion date"),

AUTHORIZATION

The signature of the Executive Officer of the Conservancy on **this** agreement certifies that at its April 22, 1999 meeting, the Conservancy adopted the resolution included in the staff recommendation **attached as** Exhibit B. This agreement is executed **pursuant** to that authorization.

Santa **Cruz** County
Grant Agreement No. 99-018
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Standard Provisions

WORK PROGRAM

Prior to beginning **construction**, the grantee shall submit a detailed work program to the Executive Officer for review and written approval of its consistency with this agreement. The work program **shall** include:

1. Construction plans and specifications which have been **certified** by a registered architect or **engineer**, or approved by the **grantee's** Public Works Director,
2. A schedule of completion for the project **specifically** listing the completion date for each project component and a final project completion date.
3. A detailed project budget. The project **budget** shall describe **all** labor and materials costs to be incurred to complete each component of **the** project. For each project component, the project budget shall list **all** intended funding sources, including the Conservancy's grant, the grantee's required **\$525,000** contribution **and all** other sources of monies, materials, or labor. The grantee shall review the plans on-site with Conservancy **staff**.

If any portion of the **construction** to be funded under this agreement will be performed by third parties ("**contractors**") under contract with the grantee, prior to **initiating any** request for contractor bids, the grantee shall submit for review and written approval of the Executive Officer the bid package including construction plans and specifications which have been **certified or** approved as described above. Upon approval by the Executive Officer, the **grantee shall** proceed, with the bidding process. Prior to **final** selection, **the** grantee **shall** submit to the Executive Officer for **written** approval the names of **all contractors** that the grantee intends to hire. The grantee shall comply with the above paragraph regarding submission and approval of a work program prior to construction.

The work program **shall** have the same force and effect as **if included** in the text of this agreement. However, the work program may be modified without amendment of this agreement upon the grantee's submission of a modified work program and the Executive Officer's **written** approval of it. If this agreement and the work **program** are inconsistent, the agreement shall control.

The grantee shall construct the project in accordance with the approved work program.

SIGNS

The grantee shall erect **signs** visible **from** the nearest public roadway directing the public to the project. In addition, the grantee shall erect signs acknowledging Conservancy assistance and

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SIGNS t i n u e d)

displaying the Conservancy's logo, unless the grantee **incorporates this acknowledgement** into other **signage** in a manner approved by the Executive **Officer**. **The Conservancy** shall provide **specifications** for the Conservancy signs and logo to the grantee for **this** purpose. Plans describing the number, design, placement, and wording of the signs shall be submitted to the Conservancy for review and written approval prior to the installation of signs. **Final** reimbursement may be withheld by the Conservancy pending placement of the **signs** in the manner approved by the Conservancy.

BONDING AND LIEN RELEASE

If the grantee intends to use any contractor(s) on any portion of the project to be **funded** under **this** agreement, construction **shall not** begin until each such **contractor has furnished** a performance bond in favor of the Conservancy and the grantee. in the following amounts: for **faithful** performance, one hundred percent (100%) of the contract value; and for labor and **materials**, one hundred percent (100%) of the contract value. This requirement shall not apply to any contract for less than **\$20,000**.

COSTS AND DISBURSEMENTS

Upon determination by the Conservancy that all "CONDITIONS **PRECEDENT TO CONSTRUCTION AND DISBURSEMENT**" have been **fully met, the Conservancy shall** disburse to the grantee, in accordance with the approved project budget, a **total** amount not to exceed the amount of this grant, as follows:

Disbursements shall be made on the basis of costs incurred to date, less ten percent, upon the grantee's satisfactory completion of each project task identified in the approved work **program**. The final disbursement, together with amounts earlier withheld, shall be made upon the grantee's satisfactory completion of construction of the project and compliance with the "PROJECT COMPLETION" section of this agreement, and upon the Conservancy's acceptance of the project.

The grantee shall request disbursements by filing with **the** Conservancy **fully** executed "Request for Disbursement" forms (available **from** the Conservancy). The grantee shall include on the forms its name and address, the number of this agreement, the date of the submission, the amount of the invoice, the period during which the work was actually done, and **an** itemized description of **all** work done for which disbursement is requested. The forms shall be signed by an authorized **official** of the grantee. Each form shall be accompanied by any supporting invoices or other source documents from **contractors** that the grantee engaged to complete any portion of the

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COSTS AND DISBURSEMENTS (Continued)

project **funded** under this agreement, and by written substantiation of completion **of the** portion of the project for which disbursement is requested. With each **form** the grantee **shall also** submit a **supporting** progress **report summarizing** the current status of the project **and** comparing it to the status required by the work program (budget, **timeline, tasks, etc.**). Failure to **fully execute** and submit a Request for Disbursement form, including attachment of supporting documents, **will** relieve the Conservancy of its obligation to disburse funds to the grantee unless and until **all** deficiencies in the form are rectified.

EXPENDITURE OF FUNDS AND ALLOCATION OF FUNDING AMONG BUDGET ITEMS

The grantee **shall** expend **funds** in the **manner described** in the approved project budget. The allocation **of** the Conservancy's **total grant** among the items in the project budget may vary by as much **as** ten percent without approval by the **Executive Officer**. Any **difference** of more than ten percent must be approved in writing by the Executive Officer. The Conservancy may withhold payment for changes in **particular** budget items which exceed the amount **allocated** in the project budget by more than ten **percent** and which have not received the approval required above. The total amount of this grant may not be **increased** except by amendment to **this** agreement. Any increase in the **funding** for any **particular** budget item **shall** mean a decrease in the funding for **one** or more other budget items **unless there is a written amendment** to this agreement.

PROJECT COMPLETION

Within ninety days of **completion** of **construction** of the project, the grantee **shall** supply the Conservancy with evidence **of completion** by **submitting** a **final** report which includes:

1. **An** inspection report by the **grantee's** Public Works Director **certifying** completion of the project according to **the approved** work program.
2. A fully executed final "Request for **Disbursement**" form.
3. "As built" drawings of **the completed project**.

Within thirty days of grantor's **compliance** with this **paragraph**, the Conservancy **shall determine** whether the project has **been satisfactorily completed**. If the Conservancy determines that the project has been satisfactorily **completed**, the Conservancy shall issue to the grantee a letter of acceptance of the project. **The project shall be deemed** complete as of the date **of the** letter of acceptance.

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COASTAL CONSERVANCY

Project Summary
April 22, 1999

EAST **CLIFF** DRIVE ACCESSWAY AND
26TH AVENUE **STAIRWAY** RESTORATION

File Nos. 99-17 and 99-18
Project Manager: Joan **Cardellino**

RECOMMENDED ACTION: Authorization to disburse funds to Santa **Cruz County** for **con-**
struction of a bicycle and pedestrian pathway along **East Cliff**
Drive and for **reconstruction** of a beach access **stairway** at **26th**
Avenue.

LOCATION: Along East Cliff Drive between **32nd** and **41st** **Avenues**, and the
foot of **26th** Avenue, Santa **Cruz County** (Exhibit 1)

PROGRAM CATEGORY: Public Access

ESTIMATED COST: **East Cliff Drive Accessway:**

Coastal Conservancy	\$ 75,000
Santa Cruz County	525,000
Transportation Enhancement	
Activities Grant	195,000
Coastal Resources Grant	<u>25,000</u>
TOTAL:	\$820,000

26th Avenue Stairway:

Coastal Conservancy	\$40,000
FEMA	38,290
O E S	12,763
Santa Cruz County	<u>8,941</u>
TOTAL:	\$99,994

PROJECT SUMMARY: **These** two projects will provide important access facilities to a
very popular stretch of Santa **Cruz County** coastline. The **East Cliff**
Drive Accessway will include a Class 1 grade separated
pedestrian and bicycle pathway, a pedestrian railing along the
edge of the cliffs, and **landscaping**. These improvements will

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extend along a heavily used corridor of East Cliff Drive, between **32nd** and **41st** Avenues. The **26th** Avenue Stairway project will reconstruct a popular stairway that has suffered the effects of heavy use and storm damage.

The **East** Cliff Drive project application was **submitted** for consideration by **the** Resources Agency through its **Coastal** Resources Grant Program. Conservancy staff who were assisting in the **review** process of that program realized this project would qualify for funds from the Violation Remediation Account that were generated by a permit violation in Santa **Cruz** County. **In** discussing the project with County staff, the **County** indicated **an** additional need for funding assistance for the **26th Avenue** stairway project. The stairway project also meets the criteria for the Santa **Cruz** funds **in** the Violation Remediation Account.

Santa **Cruz** County has agreed to accept six Offers-to-Dedicare **public** access easements in the Live Oak area as a condition of receiving **funding** for these two projects.

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COASTAL CONSERVANCY

Staff Recommendation
April 22, 1999

EAST **CLIFF DRIVE** ACCESSWAY AND
26TH AVENUE STAIRWAY RESTORATION

File Nos. 99-17 and 99-18
Project Manager: Joan **Cardellino**

STAFF

RECOMMENDATION: Staff recommends that the **State** Coastal Conservancy adopt the following Resolution pursuant to Sections 31400 *et seq* of the Public Resources Code;

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed **one** hundred fifteen thousand dollars (\$1 **15,000**) to Santa **Cruz County** to be allocated to two separate projects as follows: an amount not to exceed seventy-five thousand dollars (\$75,000) for the purpose of constructing a bicycle and pedestrian accessway along East Cliff Drive between **32nd** and **41st** Avenues in Santa **Cruz County**, and an amount not to exceed forty thousand dollars (\$40,000) for the purpose of reconstructing the beach access stairway at **26th** Avenue in Santa **Cruz County**. These **authorizations** are subject to the condition that no funds shall be disbursed until the County has submitted for the **written** approval of the Executive Officer of the Conservancy:

1. Evidence that all necessary permits, environmental clearances, and approvals have been obtained;
2. Final work **plans** for each project, including **final** budgets;
3. A signing plan for the projects; and
4. An agreement with the County of Santa **Cruz** regarding its acceptance of Offers-to-Dedicate public access easements that lie in the County's jurisdiction.”

Staff further recommends that the Conservancy adopt the following findings:

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“Based on ~~the~~ accompanying staff ~~report~~ and attached exhibits, the State Coastal Conservancy hereby **finds** that:

1. Both the East Cliff **Drive** and the 26th Avenue Stairway projects are consistent with Public Resources Code Sections 31400 *et seq.*, regarding coastal accssways;
2. Both of these access projects serve **greater** than local public needs;
3. Both projects are consistent with the Coastal **Conser-**vancy’s Coastal Access Program and the Santa **Cruz** County Local Coastal Plan;
4. Both projects meet **the** funding **criteria** established in the settlement agreement in *Viviano v. California Coastal Commission* et al., Santa **Cruz** County Superior Court Nos. 104883, 108650, and 103853; and
5. The Conservancy has reviewed the Negative **Declara-**tion proposed by the County of Santa **Cruz**, attached to the **accompanying** staff recommendation as Exhibit 8, and concurs with the County that there is no substantial evidence that the East Cliff Drive project, **as** mitigated will have a significant effect on the environment.”

STAFF DISCUSSION:

Project Description: These two projects will enable Santa **Cruz** County to expand and improve pedestrian and bicycle access along the East **Cliff** Drive corridor, and **maintain** existing access at the 26th Avenue **stairway**.

Between 32nd and 41st Avenues on East Cliff **Drive**, Santa CNZ County proposes to construct a grade separated Class I **bicycle** and pedestrian pathway, a pedestrian **railing** along the cliff edge, and landscaping (see Exhibits 2 and 3). This **will be** achieved by changing East Cliff Drive to one-way circulation **and** converting one vehicle lane to pedestrian and bicycle uses. **East** Cliff Drive is a primary destination area for recreational **uses**, including bicycling, walking, surfing, sightseeing, swimming, fishing, and **clanning**. The project will connect with three existing coastal stairways, **and** with a park that **is** planned for **the** corner of 32nd Avenue and East Cliff Drive. The project is also a key segment of the Monterey Bay National Marine **Sanctuary** Scenic Trail, and is identified **as** a pedestrian **link** **along the cliff and** beach that will connect **existing and** **pro-**posed waterfront parks. Santa **Cruz** County staff estimates that

Exhibit 2

Offers to Dedicate which will be accepted as part of the East Cliff Drive Project

#	APN	Address	Type	Book	Recorded	Page	Expiration Date
1	028- 142-35	150 1 3 th Ave, Live Oak	5 foot wide strip of land	3302	3/9/81	620	3/09/02
2	028-233-2 1	102 24 th Ave, Live Oak	toe of seawall to mean high tide	3667	12/30/83	266	1 1/30/04
3	028-234-09	end of 26 th Ave, Live Oak	toe of riprap to mean high tide	3505	1 1/23/82	519	11/18/07
4	028-242-11	2-2790 East Cliff Drive, Live Oak	toe of riprap to mean high tide	3599	7/22/83	585	7/14/08
5	028-242-1 8	2-2628 East Cliff Drive, Live Oak	toe of seawall to mean high tide	4350	7/5/88	769	7/05/09
6	032-242-09	3054 Pleasure Point Dr., Live Oak	toe of seawall to mean high tide	3859	7/18/85	393	7/18/06

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