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CDP APPLICATIONS 3-11-054 & 3-11-056

Application number3-11-054 (State Parks Restroom) and 3-11-056 (SCSD Sewer Removal)

Applicant.....California Department of Parks and Recreation (3-11-054) and Santa Cruz County Sanitation District (SCSD) (3-11-056)

Project locationUnder beach sand and in a fill area in the back beach of New Brighton State Beach between Las Olas Drive and Park Avenue in the City of Capitola, Santa Cruz County.

Project description.....Remove a sewer pipeline over time along approximately one-half mile beneath the sandy beach and under back beach access road, remove two underground storage tanks, remove existing State Parks restroom utilities, and install new utilities to support new State Parks restroom (3-11-056); and install prefabricated concrete restroom facility on a concrete slab along with associated utilities (new water and sewer line connections) and amenities (including outdoor shower and drinking fountain) just upcoast of the existing restroom facility (3-11-054).

File documents.....Initial Study/Proposed Mitigated Negative Declaration for the Aptos Transmission Main Relocation Project, Santa Cruz County, California prepared by EDAW/AECOM for SCSD, dated October 16, 2008; Geotechnical Engineering Investigation Report by DCM Engineering, dated December 2007; City of Capitola Certified Local Coastal Program (LCP).

Staff Recommendation ..Approval with Conditions

A. Staff Recommendation

1. Staff Note

The proposed projects are integrally related to one another and proposed at the same location, and are really best understood as two components of one coherent project. The two Applicants, however, are each responsible for different aspects of the project, and chose to submit two separate applications that are in line with their respective roles in construction and their agreements with one another. As a means of streamlining review, the two applications have been combined in this staff report, and the hearings on



the proposed matters will be combined as well.

2. Summary of Staff Recommendation

The proposed project is located at New Brighton State Beach in Capitola downcoast of Capitola Village and upcoast of Seacliff State Beach. The project is the culmination of many years of planning and construction associated with moving sewer facilities from the sandy beach area to inland streets, a larger project that includes this site (and also extends several miles downcoast) that has been under construction for some time and has had a series of Coastal Commission authorizations associated with certain elements. The project before the Commission in these current applications represents the last portion of the project located in the Commission's direct CDP jurisdiction, and provides for the removal over time of the sewer line under beach sand, removal of other related sewer line and restroom facility components (utilities, man-holes, storage tanks, etc.), installation of new utilities to support a new State Parks restroom, and restoration and remediation at the removal sites. The application follows upon CDP waiver 3-11-053-W which authorized the Santa Cruz County Sanitation District (SCSD) to demolish and remove the existing pump station and restroom facility. In its place, a new pre-fabricated restroom facility and related amenities would be installed just upcoast and just inland of the existing facility to continue to provide restroom facilities to beachgoers at this popular beach.

The removal of sandy beach area sewer facilities will help to ensure that the facilities do not adversely impact beach and offshore Monterey Bay National Marine Sanctuary resources should there be leaks or other problems, as has happened in the past with these facilities. Staff has been working closely with the SCSD for a decade on facilitating such removal, and the project should result in an overall enhancement to beach and offshore resources. The project includes detailed BMPs to address both beach area work as well as potential issues associated with the sewer lines themselves (e.g., disinfection of lines prior to removal, etc.). The main concern remaining at this point is with respect to the half-mile or so of buried line that the SCSD intends to remove in the future when it is exposed (i.e., it is currently buried below sand and fill). Although Staff believes it would be preferable to remove the line now as part of other construction mobilization as opposed to when it is exposed (which is likely to be during low sand and high storm events, when it will be most difficult to remove), SCSD indicates that removal all at once now would be financially infeasible, and, if required, could prevent them from being able to complete the rest of the project. Staff concurs, and is proposing conditions to help provide criteria and requirements to ensure that the line is ultimately removed in a manner consistent with Coastal Act requirements.

In terms of the proposed restroom, this component of the project raises different concerns. Although a restroom has been present at this location in a series of incarnations since before the Coastal Act, and although it is ideally located for ease of sandy beachgoer use (and campground use because the trail from the State Parks campground to the beach is also located at this location), it is also sited in a high hazard area at the base of a coastal bluff. Coastal Act Section 30253 would advise against such a location due to the fact that the restroom would be in harm's way from coastal hazards, including from waves and strong storms. The area in which the restroom would be sited is elevated above beach level atop a fill ledge (associated with State Parks' main maintenance access to the beach from the beach



parking lot) that is partially armored by rip-rap, but it is still in a back beach area that is subject to the extremes of coastal hazards, which are only expected to increase over time in light of sea level rise. In addition, the rip-rap has never been properly permitted, and State Parks would need to perfect CDPs for such rip-rap if it is to remain at the site. Fortunately, State Parks proposes a modular restroom that is “temporary” in certain respects, and this approval can be structured such that the restroom and related facilities must be moved if endangered in the future as opposed to committing this location to a cycle of armoring and its attendant consequences.

Thus, staff recommends that the Commission approve conditioned CDPs for both components of the project. The motions to act on this recommendation (there are two motions required, one for each CDP application) are found directly below.

3. Staff Recommendation on CDP 3-11-054 (State Parks Restroom)

Staff recommends that the Commission, after public hearing, **approve** the proposed project subject to the standard and special conditions below.

Motion: I move that the Commission approve coastal development permit number 3-11-054 pursuant to the staff recommendation. I recommend a yes vote.

Staff Recommendation of Approval: Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve the Permit: The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

4. Staff Recommendation on CDP 3-11-056 (SCSD Sewer Removal)

Staff recommends that the Commission, after public hearing, **approve** the proposed project subject to the standard and special conditions below.

Motion: I move that the Commission approve coastal development permit number 3-11-056 pursuant to the staff recommendation. I recommend a yes vote.

Staff Recommendation of Approval: Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.



Resolution to Approve the Permit: The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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B. Findings and Declarations

The Commission finds and declares as follows:

1. Project Location, Background and Description

A. Project Location

The proposed project is located at New Brighton State Beach in Capitola downcoast of Capitola Village and upcoast of Seacliff State Beach. It is part of a larger sewer line and facility relocation project that stretches for about four miles from New Brighton State Beach (at Park Avenue) downcoast to Hidden Beach (near Via Gaviota), and that includes abandonment/removal of beach area sewer facilities and relocation of such facilities to inland streets. The portions of the larger project in front of the Commission in these applications extend from Las Olas Drive through to Park Avenue, with the proposed restroom located on an elevated fill area (about 15 feet above mean sea level) approximately ¼ mile downcoast from Park Avenue. This fill area is part of a maintenance road in the back beach that provides State Parks maintenance vehicle access to the beach level from the New Brighton State Beach day use parking lot near Park Avenue. This fill area access has existing since before the Coastal Act, and it is fronted by rip-rap that exists without benefit of a CDP.¹ See Exhibit A for the project location map and Exhibit C for photographs of the project site.

B. Aptos Sewer Line Background

In 1976 the Commission approved CDP P-1984 (also renumbered as CDP 3-83-119) authorizing the construction of the Aptos Sewer Transmission Facility consisting of four pumping stations (Rio Del Mar, Aptos, Esplanade, and Soquel Creek) and a transmission line (Aptos Transmission Line) from the Aptos Treatment Plant to the East Cliff Pump Station. This facility, constructed in 1979, includes a beach area segment that extends along roadways in the back beach at the base of the coastal bluffs (including along Beach Drive, Las Olas Drive, and the access roads of Seacliff State Beach) as well as under beach sand and extending from Hidden Beach in unincorporated Santa Cruz County to Park Avenue in the City of Capitola. Shortly after construction, a segment of this pipeline in the Potbelly Beach area experienced a structural failure. The failure resulted in a breach in the pipeline and sewage discharge onto the ocean. The high density polyethylene pipeline used is relatively flexible and has been susceptible to sags and a reduction in the cross-sectional area due to prolonged pinching. Over time, SCSD has had to make several repairs to the pipeline and to surround portions of the pipeline in concrete to maintain its integrity, including a series of emergency repairs to the pipeline in 1994.²

Throughout the past three decades or so, numerous studies have been undertaken and projects proposed

¹ Approximately 9,000 tons of rip-rap was installed in the early 1980s pursuant to Coastal Commission emergency CDP 3-83-086-G that authorized such rip-rap as a temporary measure to abate the emergency. The Commission has been unable to locate any evidence of a follow-up regular CDP, as is required if emergency development such as this is to be retained. As a result, the rip-rap is unpermitted, and has been for some 28 years. This issue has been forwarded to Commission enforcement staff for further investigation and potential action.

² Pursuant to emergency CDPs 3-94-021-G and 3-94-030-G.



to resolve this issue of a problematic pipeline on a public beach fronting a marine sanctuary. When the SCSD proposed in the late 1990s to replace the existing pipeline with a new concrete encased pipeline in the same general location but just seaward of the existing line,³ Commission staff issued a staff report recommending instead that the line be removed from the beach area and identifying parameters to provide for this outcome. The SCSD withdrew that application in light of that staff report recommendation, but it ultimately pursued exactly that, and has been in the process of rerouting sewer lines and constructing new pump stations for several years to allow the beach area line to be decommissioned.

In the past year, several components of the larger project in the Coastal Commission's retained CDP jurisdiction have been authorized to facilitate removal of the line from the beach, primarily through waiver of CDP requirements. In July 2009, the Commission authorized a new pipeline crossing of Aptos Creek.⁴ In 2010, the Commission authorized testing to determine the geotechnical process and methodology that would be required to access and remove the aforementioned line below the sand,⁵ and subsequently authorized a project to remove all of the line and related development all at once from the beach area.⁶ However, because of unexpected and substantially raised costs associated with the demolition and removal of the pipeline portion of that project, SCSD chose not to exercise that authorization. In 2011, the Commission authorized another project to demolish and remove the pump station/restroom facility, the sewer pipeline manholes, and all associated manhole rip-rap,⁷ where that proposal (and therefore the latest authorization) was explicitly contingent upon receiving a CDP related to the disposition of the remainder of the line (and was not valid otherwise). CDP application 3-11-056 would fulfill this requirement. Thus, the most recent waiver (CDP waiver 3-11-053-W) is only valid and understood in relation to the project currently before the Commission, and vis versa.⁸

C. Project Description

The proposed project (in two applications) provides for the removal over time of the sewer line under both beach sand and the access road, installation of new utilities to support a new restroom facility, and removal of other related sewer line and restroom facility components (utilities, man-holes, storage tanks, etc.). In addition, a new pre-fabricated restroom facility and related amenities would be installed just upcoast and just inland of the existing facility to continue to provide restroom facilities to beachgoers at this popular beach. More detail on the project components of 3-11-054 and 3-11-056 are provided below:

³ CDP amendment application 3-83-119-A3.

⁴ Pursuant to CDP waiver 3-09-030-W.

⁵ Pursuant to CDP waiver 3-10-050-W.

⁶ Pursuant to CDP waiver 3-09-031-W.

⁷ Pursuant to CDP waiver 3-11-053-W.

⁸ The development authorized by CDP waiver 3-11-053-W is contingent upon receiving Commission authorization for the development proposed pursuant to CDP application 3-11-056. In other words, the development authorized under 3-11-053-W is not allowed (and can't be undertaken) if the related components herein are not permitted and this permit implemented. The development proposed under 3-11-053-W was separated by SCSD to facilitate construction planning only. As a result, there is significant overlap in this waiver and this current CDP application, and the findings and conditions reflect same.



State Parks Restroom (CDP application 3-11-054)

The State Parks restroom includes a new 366 square-foot prefabricated restroom (called a “comfort station” by State Parks) that would be installed on top of a new 756 square-foot concrete slab that would be installed just upcoast and just inland of the existing facility. The restroom also includes a new independent free-standing shower tree and drinking fountain adjacent to the restroom, and includes both water line and sewer line connections. With respect to the water line, the existing water line down the bluff face from the campground would be removed and replaced with a new above-ground water supply line in the same area. In terms of the sewer connection, the new restroom would include a wet well and pump⁹ that would be connected to a 6-inch sewer line and also a 1 ½-inch line that would extend up the access road and up to Park Avenue, next to the existing sewer line being abandoned. See project plans in Exhibit B.

SCSD Sewer Removal (CDP application 3-11-056)

SCSD proposes to remove two underground storage tanks,¹⁰ all related sewer line and restroom facility components (e.g., other subsurface and above ground connections, man-holes, etc.) and to install new utilities (wet well, pumps, and new line) to support State Parks new restroom facility described above. SCSD proposes to remove the underground portions of the decommissioned sewer line over time as they become exposed, specifically when they become exposed along the beach or along the access/maintenance road within 5 feet of the existing grade (i.e., if the top of the line becomes exposed, the top will be removed as well as all components extending below that, which would not extend more than 5 feet below the top of the line based on the existing configuration of the line). All removal areas would be restored to pre-development condition or better. All sewer lines would be disinfected and cleaned before removal. For removal along the beach segment, dewatering during removal operations may be required depending on the elevation of the exposed pipe relevant to the sea level.¹¹ All pipeline and concrete collars¹² within 5 feet of grade would be pulled up to the surface using the bucket of an excavator. The pipeline would be cut on-site into manageable sections using a portable reciprocating saw. If the pipe is encased in concrete and can't be pulled up to the surface, another excavator fitted with a concrete demolition attachment would be used to break the concrete from the pipeline so that it could be lifted from the excavation. Another excavator fitted with a strainer attachment would then be used to sift out the pieces of concrete larger than 6 inches in diameter remaining in the excavation, and other concrete and debris would be gathered by hand tools. The pipeline and concrete anchors would

⁹ A 6-foot diameter cylindrical concrete wet well would be placed 10 feet deep to house 2 new pumps to lift sewage up the access/maintenance road to Park Avenue. The precast concrete structure would be lined with a PVC liner to prevent sewage from seeping from the wet well. A 4-foot by 6-foot valve box would be constructed adjacent to the wet well to house the valves that would be used to control the influent and effluent piping. A manual air release valve would be located in the top of the wet well.

¹⁰ Each of the two storage tanks holds 2,000 gallons. One is currently active and stores fuel oil and acts as an emergency backup if the current pump station facility's pumps should fail. The other is non-active and was formerly used to hold chlorine. Both tanks would be removed in strict accordance with State and County law, which among other things requires 1) removal be completed under regulatory permit/oversight, 2) the tanks be properly disposed at a certified tank recycling-disposal facility, and 3) “clean” confirmation samples be obtained beneath the removed tanks following removal. In addition, the removal, disposal, testing, and documentation of the tanks will follow Santa Cruz County Health Services Agency underground storage tank requirements.

¹¹ If needed, seawater would be pumped into a small depression in the sand, and would be allowed to slowly dissipate.

¹² The underground pipeline is held in place with concrete collars.



then be transported off site for salvage, recycle or disposal. Either a series of plywood sheets or causeway-type planks would be laid on the beach as traction and support for all heavy equipment that would be travelling across the beach. The excavation would be backfilled with the excavated native material after pipe, concrete anchors, and any related debris have been removed. Work would slow during high tide periods, but all work would be done during normal working hours of 8:30am to 4:30pm. No equipment would remain over the weekend and any trench work would be completed prior to a weekend, unless work to remove the pipeline is required to occur on the weekends.

In terms of the timing for removal of the underground portions of the pipeline over time, SCSD would assign a staff engineer the task of coordinating the monitoring and removal of the pipeline when it becomes exposed. The 2,600-foot beach area (from New Brighton State Beach pump station/restroom facility to Las Olas Drive) and the 650-foot road area would be field inspected following any major swell or storm event. In addition, State Parks personnel or any member of the public can report exposed segments to SCSD staff at any time. Once any exposed pipe is detected, an emergency contract would be drawn up to initiate removal.¹³ Funding to ensure exposed pipelines would be removed and areas restored over time would be secured annually by capitol reserve funds set aside for emergency occurrences by the Santa Cruz County Public Works Department and SCSD. The contractor would be required to implement a water pollution prevention and control plan that includes specific best management practices for any point or non-point runoff, and would be required to coordinate with Commission staff, the SCSD coordinator, and a water pollution prevention specialist to review construction parameters prior to beginning work. The work would be performed with a water pollution prevention specialist on-site and monitoring during any dewatering operations.

See project plans in Exhibit B.

In short, the project proposes complete removal of all beach area sewer and restroom related facilities, and replacement with a new restroom and all necessary utilities.¹⁴ Conceptually, that means the first component of the project would result in just the access road development remaining in this area (i.e., everything else would be removed),¹⁵ and the second component would add back a restroom facility with associated amenities and connections.

2. Coastal Development Permit Determination

The proposed project falls within the Commission's retained jurisdiction and thus the standard of review

¹³ SCSD indicates that this would be associated with an emergency approval from the SCSD District Engineer via the Santa Cruz County Department of Public Works Emergency Requisition Procedure, which allows a contractor (from a pre-approved list) to be selected and given approval to proceed immediately following agreement on the cost. SCSD estimates that this noncompetitive procurement process would have a contractor on site within 72 hours.

¹⁴ Id (including in tandem with prior Commission authorizations).

¹⁵ Other than the subsurface pump station authorized for demolition and abandonment pursuant to CDP waiver 3-11-053-W. This waiver authorized the top of the pump station to be removed to 5 feet below grade, the apparatus within the pump station to be removed, the pump station to be disinfected, holes to be punched through all concrete walls and floors, and the void to be filled with beach quality sand.



is the Coastal Act.

A. Geologic Conditions and Hazards

1. Applicable Policies

Coastal Act Section 30253 addresses the need to ensure long-term structural integrity, minimize future risk, and to avoid landform altering protective measures in the future. Section 30253 provides, in applicable part:

Section 30253. *New development shall do all of the following:*

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Thus, Coastal Act Section 30253 fundamentally stands for the premise that new development needs to be sited and designed to avoid the need for armoring that would alter natural landforms in the future. It is typically understood in this context as a requirement to site development out of harm's way.

2. Analysis

The proposed project is located in the back beach area in an area subject to coastal hazards, including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, coastal flooding, landslides, bluff and geologic instability, and the interaction of same. As such, it is clear that the removal components of the project (i.e., those proposed by SCSD) are appropriate in light of such hazards, and the outcome of the proposed removal and restoration is consistent with Coastal Act Section 30253 as it removes resource-damaging development from a hazardous area where long term stability and structural integrity cannot be assured, and where such existing development has historically resulted in adverse coastal resource impacts.

However, the new restroom component raises Coastal Act Section 30253 concerns. Although a restroom has been present at this location in a series of incarnations since before the Coastal Act, and although it is ideally located for ease of sandy beachgoer use (and campground use because the trail from the State Parks campground to the beach is also located at this location), it is also sited in a high hazard area at the base of a coastal bluff. Coastal Act Section 30253 would advise against such a location due to the fact that the restroom would be vulnerable to damage caused by coastal hazards, including from waves and strong storms. The area in which the restroom would be sited is elevated above beach level atop a fill (associated with State Parks' main maintenance access to the beach from the day use parking lot) that is partially armored by rip-rap,¹⁶ but it is still in a back beach area that is subject to the extremes of coastal hazards, which are only expected to increase over time in light of sea level rise.

¹⁶Id (unpermitted rip-rap).



Experts generally agree that sea level has been rising slightly for many years. Also, there is a growing body of evidence that there has been an increase in global temperature and that acceleration in the rate of sea level rise can be expected to accompany this increase in temperature (experts indicate that sea level could rise 4.5 to 6 feet by the year 2100).¹⁷ Mean sea level affects shoreline erosion several ways, and an increase in the average sea level will exacerbate all these conditions. On the California coast the effect of a rise in sea level will be the landward migration of the intersection of the ocean with the shore, and an increase in the prevalence and magnitude of shoreline hazards, such as at this location. State Parks sea level rise analysis for this proposed project concurs, indicating that State Parks anticipates an increased sea level of 16 inches by the year 2050 and 55 inches by 2100 in the New Brighton State Beach restroom area.¹⁸

To address this concern, State Parks examined two siting alternatives in addition to that proposed for the restroom. The first alternative would leave the existing restroom in place atop the to be demolished pump station. In this scenario, State Parks would update the restroom to improve accessibility, and connect it to the new proposed sewer line to Park Avenue. State Parks dismissed this alternative as infeasible because of an assessment that the restroom structure is dilapidated, beyond its design life, and would require significant upgrades to ensure its continued viability. In addition, it would keep a bulky concrete and permanent structure close to the ocean, and lead to the same types of Section 30253 concerns as the proposed project, only magnified inasmuch as this facility is much more significant in size, scale, and materials, and would also be atop the demolished pump station area that itself could pose stability problems in the future. This option also presents significant feasibility problems for the demolition of the pump station that lies underneath the restroom (i.e., if the existing restroom were to be maintained, it would be difficult if not impossible to demolish the pump station). This option is therefore not preferred under Coastal Act Section 30253.

The second alternative considered by State Parks entails locating the restroom in the day use parking lot on top of the bluff at the western end of the park near Park Avenue (see Exhibit C). This alternative was rejected as it would require beach visitors to walk considerable distances and up and down the access road, or other paths, to the restroom, which would be significantly inconvenient, and would likely result in some seeking out unhygienic alternatives. Furthermore, Parks concluded that this alternative would place the structure at the top of the bluff, which would likely entail soil disturbance and potential landform alteration to the bluff, and the potential need for its own protective devices in the future. Although the parking lot option could probably be modified in terms of siting and design in such a way as to avoid 30253 concerns, there is little doubt that it would be of lesser utility to beachgoers. In addition, a parking lot restroom would remove parking spaces serving a very popular beach where parking is in high demand, and could also introduce viewshed degradation depending on siting and

¹⁷The California Climate Action Team has evaluated possible sea level rise for the California coast and, based on several of the Intergovernmental Panel on Climate Change (IPCC) scenarios, projected sea level rise up to 1.4 meters (4.5 feet) by 2100. These projections are in line with 2007 projections by Stefan Rahmstorf (“A Semi-Empirical Approach to Projecting Future Sea-Level Rise”, *Science*; Vol 315, 368 – 370). Research by Pfeffer et al. (“Kinematic Constraints on Glacier Contributions to 21st-Century Sea-Level Rise”, *Science*, Vol, 321, 1340 – 1343) projects up to 2 meters of sea level rise by 2100.

¹⁸Brad Michalk, California Department of Parks and Recreation, Sea Level Rise analysis for the New Brighton State Beach Comfort Station Replacement project, August 1, 2011.



design.

The existing location at beach level provides a convenient visitor serving facility to the beach area, as well as to persons specifically accessing the beach from the blufftop campground (because the campground beach trail ends at the restroom location). The new restroom would provide the same level of locational convenience as the existing restroom, and it would also be an improvement from the old restroom, including in terms of its related proposed amenities (e.g., showers, drinking fountains, etc.). In addition, according to State Parks, the proposed restroom pad will be situated at an elevation of 14.6 feet above mean sea level with the finished floor approximately a foot above that. As designed then, this finished floor elevation of the proposed comfort station would be situated about 5-6 feet above sea level under the higher sea level rise scenarios for the year 2100. It is recognized, however, that there may be storm surge events that could flood the facility (which is why the restroom will utilize a “Clean Check” backwater valve that will prevent the backflow of wastewater in the event of such a scenario). State Parks also proposes this modular restroom to be “temporary” in certain respects, and it is State Parks policy to avoid construction of permanent facilities in areas subject to coastal erosion, and to promote the use of expendable or moveable facilities in such areas.¹⁹ Accordingly, the proposed project can be approved as long as conditions require State Parks to move the restroom and related facilities if they are endangered in the future, as opposed to committing this location to a cycle of armoring and its attendant consequences (see special condition 5), consistent with State Parks policy.

3. Conclusion

Provided all beach area sewer related development is removed, including underground lines when exposed, and provided all remaining development is understood as “temporary” in the sense that it must be removed if endangered in the future, the proposed project and its two components can be found consistent with Section 30253. Accordingly, this approval is conditioned to require beach area sewer line removal,²⁰ including requiring specific criteria for underground line removal over time, and to require that all development that is retained will not be allowed shoreline armoring if endangered by erosion in the future, but rather will be moved to inland locations and the site restored at that time (see special condition 5). Because development that would remain is being proposed in the face of known hazards, this approval is also premised on State Parks assuming all risks for developing at this location (see special condition 9).

B. Public Access and Recreation

¹⁹ Following several years of significant storm damage in many coastal State Park System units, State Parks adopted a policy for coastal erosion on October 24, 1984. The policy indicates that natural coastal processes (such as wave erosion and bluff retreat) should be allowed to continue without interference, and that State Parks will not construct permanent new structures and coastal facilities in areas subject to ocean wave erosion, bluff retreat, and unstable cliffs. New structures and facilities located in areas known to be subject to ocean wave erosion, bluff retreat, or unstable bluffs are required to be expendable or moveable. Structural protection and re-protection of existing developments is appropriate only when: a) the cost of protection over time is commensurate with the value of the development to be protected, and 2) it can be shown that the protection will not negatively affect the beach or the near-shore environment.

²⁰ Including accounting for relevant integration with the removal and restoration components of CDP waiver 3-11-053-W.



1. Applicable Policies

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea “shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3.” The proposed project is located seaward of the first through public road. Coastal Act Sections 30210 through 30214 and 30220 through 30224 specifically protect public access and recreation. In particular:

30210. *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

30211. *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

30212(a). *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected.*

30212.5. *Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

30213. *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

30220. *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

30221. *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

30223. *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

Coastal Act Section 30240(b) also protects parks and recreation areas, such as New Brighton State Beach at this location. Section 30240(b) states:

30240(b). *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly*



degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

These overlapping policies clearly protect the beach (and access to and along it) and offshore waters for public access and recreation purposes, particularly free and low cost access.

2. Analysis

The removal portion of the project will result in long term public access improvement at the expense of short term costs. In other words, after the sewer lines and related facilities are gone from the beach area, beach recreational values and utility will be improved. However, removal itself and construction related to it have the potential to impact beach recreational use and enjoyment, both with immediate project components and underground line removal over time. In terms of the former, including during removal of the storage tanks and extraneous sanitation facilities, and installation of the new restroom and related facilities, the Applicants have ensured that the public will have access to the beach during all work hours and around any areas in which work is ongoing. Both the access road from the parking lot to the beach, and the stairway from the campground to the beach, will remain open for public access. A minimum 5-foot wide pedestrian corridor will be continually maintained around the work site, delineated using orange fencing, during the entire operation. Work will occur only during daylight hours and no equipment vehicles will be allowed to remain on the beach over night, or on weekends. See special conditions 7 and 8.

In terms of the long term sewer line removal, the Applicant is required to remove any and all portions of the pipeline as they become exposed and down to 5 feet below grade (i.e., to ensure that all of that segment of line is removed, even if only the top of the line is exposed). Thus, construction activities are likely to occur in the middle of winter, and directly during and/or after strong storm events, which have the tendency to move sand around and unearth objects from the beach. During these periodic events, the Applicant has devised an emergency removal plan (as described in the project description, see Exhibit B) which will ensure that a contractor will be on the beach and working to remove the pipeline within 72 hours of exposure. In addition, the interior of all the pipelines will be appropriately disinfected and all byproducts removed from the beach area as part of initial construction and abandonment procedures, thus ensuring that future storms that expose the lines do not result in inappropriate discharge associated with remaining sewer residues. Impacts to the public associated with future line removal will be temporary, and removal protocols include all best management practices for providing public access as described above. The numbers of visitors likely to be impacted by such activity will be limited since the winter months are when attendance numbers at State Parks are at their lowest.

Although the required construction conditions can minimize the impacts of this project on beachgoers, the conditions cannot completely compensate for the unavoidable degradation of the usual beach recreational experience available at this location, including the overall but temporary diminution of aesthetics and ambiance, due to the proposed project, both during the near term construction window and over time. In this case, these impacts are appropriately offset by the improved beach value absent the sewer line and the potential for adverse impacts it represents.



In terms of the restroom, as discussed in the previous findings, this facility will provide an enhanced facility at a location that will optimize its usefulness to beachgoers at this very popular State Parks unit. Provided all facilities that remain and that are associated with the restroom (i.e., the restroom itself, the restroom pad, and all connections for water, sewer, electricity, etc.) are removed when endangered and the site restored, these components of the project will result in a public recreational access improvement over the time they are present, and won't lead to the types of access impacts associated with armoring-type projects designed to protect endangered structures along the shoreline.

In summary, the proposed project as conditioned is consistent with the public access and recreation policies cited above.

C. Marine Resources

1. Applicable Policies

The Coastal Act protects the marine resources and habitat offshore of this site. Coastal Act Sections 30230 and 30231 provide:

Section 30230. *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231. *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

2. Analysis

The proposed project will remove a significant potential threat to marine resources (i.e., the sewer transmission facilities) from the beach area, and represents a positive project in this regard. There is the potential for impacts during construction, but the construction parameters previously described should be sufficient to address any marine resource concerns (see also special conditions 7 and 8).

In terms of the new restroom facility, as previously described the wet well for the restroom would be precast concrete that would be lined with a PVC liner to prevent sewage from seeping from the wet well. In addition, the restroom would utilize a "Clean Check" backwater valve that will prevent the backflow of wastewater in the event of storm surge events that could flood the facility. All facilities, including the



new sewer line, would be removed if endangered, and this precautionary principal, in tandem with regular monitoring, will ensure that such facilities do not lead to marine resource degradation.

In short, and as proposed and conditioned, the proposed project will result in marine resource enhancement, and can be found consistent with the Coastal Act policies cited above.

D. Potential Violation

As described above, State Parks' access road fill area (including the restroom location) are fronted by rip-rap (see photos in Exhibit C), which has been in place unpermitted for some 28 years. This development, consisting of the installation of rip-rap, has taken place without the benefit of a regular CDP. Although such development has taken place prior to submission of this CDP application, consideration of the application by the Commission has been based solely upon the policies of the Coastal Act. Action on this CDP does not constitute a waiver of any legal action with regard to the potential violation, nor does it constitute an admission as to the legality of any development undertaken on the subject site without a CDP (see also special condition 6). This application has been evaluated in a context that does not presume the rip-rap will remain on-site. Any subsequent State Parks application to retain the rip-rap and/or other armoring at this location will be evaluated for Coastal Act consistency, taking into consideration any fill/road and/or blufftop structures that existed before the Coastal Act was enacted, but without considering protection for the restroom and related facilities permitted under this CDP.

E. Other

MBNMS/State Lands/State Parks

The project is located in an area where it may require review and approval from the Monterey Bay National Marine Sanctuary and the State Lands Commission, and this project is conditioned accordingly (see special condition 9). In addition, SCSD's project is located on State Parks property, and must be understood in terms of State Parks requirements (including right of entry restrictions, etc.), thus this approval is also conditioned for State Parks authorizations (again, see special condition 9).

Reimbursement for costs and fees

Coastal Act Section 30620(c)(1) authorizes the Commission to require applicants to reimburse the Commission for expenses incurred in processing CDP applications. Thus, the Commission is authorized to require reimbursement for expenses incurred in defending its action on the pending CDP application in the event that a party other than the Applicant challenges the Commission's action. In this case, there is the possibility that disgruntled ratepayers in the SCSD unhappy with project costs, or disgruntled beachgoers unhappy with the timing of beach area construction, or potentially others, may litigate the Commission's decision. Therefore, consistent with Section 30620(c), the Commission imposes special condition 11 requiring reimbursement for any costs and attorneys fees that the Commission incurs in connection with the defense of any action brought by a party other than the Applicants challenging the approval or issuance of this permit.



3. Conditions of Approval

A. Standard Conditions

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

B. Special Conditions

1. **Approved Project.** The projects approved in CDPs 3-11-054 and 3-11-056 together require the removal of beach area sewer facilities and the installation of a new restroom facility, as shown on the plans submitted to the Commission (i.e., *Project Plans for the Construction of Aptos Transmission Main Relocation Project* by Harris and Associates dated October 16, 2008 and dated received in the Commission's Central Coast District Office June 18, 2009, and *New Brighton State Beach Comfort Station Replacement* by California State Parks Acquisition and Development Division dated July 16, 2011 and dated received in the Commission's Central Coast District Office on August 1, 2011). These proposed projects shall be carried out by State Parks and SCSD, respectively, as described in the submitted plans and as modified in this report, including these standard and special conditions.
2. **Sewer Facilities Removed.** SCSD shall fully remove all sewer facilities and related development between Las Olas Drive and Park Avenue (including, but not limited to, all manholes, manhole rip-rap, restroom facilities, storage tanks, pump station asphalt/concrete surfacing, water lines, electrical conduit, lights, connecting pipes, etc.) and including all removal associated with CDP waiver 3-11-053-W, except for: 1) the pump station that is being abandoned in place pursuant to the parameters of CDP waiver 3-11-053-W, for which removal is required by this CDP only for elements of the abandoned pump station as they become exposed over time; 2) the existing electrical box to be used for the new State Parks restroom facility (see also special conditions 4 and 5 below); and 3) the



underground portions of the sewer transmission line (under the beach and under the access road) that shall be removed as soon as possible after they are exposed (see also special condition 3 below). All areas of removal shall be returned to pre-development condition or better, including providing for removal from the beach of any sizeable chunks (greater in size than gravel) of concrete, pipes, and debris. All removal/restoration episodes shall be documented (in written and photographic form) and such documentation shall be provided to the Executive Director upon request. SCSD shall inform the Executive Director immediately following each removal/restoration episode, and compliance with this condition shall require written approval from the Executive Director that the removal/restoration has occurred consistent with the terms and conditions of this CDP.

- 3. Sewer Line Removal Over Time.** SCSD shall immediately remove any segment of the sewer line that is exposed, and it shall restore the area from which the sewer line was removed (per the standards identified in special condition 2). SCSD and State Parks shall coordinate on removal/restoration parameters with planning staff at the Coastal Commission's Central Coast District Office immediately upon discovery of any exposed segment of sewer line to ensure that removal/restoration is completed in such a way as to maximize coastal resource protection and to be consistent with the terms and conditions of this CDP. SCSD shall regularly inspect (including at a minimum following any major swell or storm event) the sewer line alignment between Park Avenue and Las Olas Drive for exposed segments. All such inspections shall be documented (in written and photographic form) and shall be provided to the Executive Director upon request.
- 4. Restroom Aesthetics.** State Parks shall ensure that all restroom exterior colors and materials are natural hues/materials designed to blend seamlessly with the beach and bluff environment (e.g., earth tone colors, rock and stone work, etc.). All utility connections for the new restroom (i.e., water pipes, sewer pipes, electrical pipes, etc.) shall be installed underground or shall be camouflaged through color/material (e.g., flat back paint, cor-ten pipe and connectors, etc.) and landscaping in such a way as to limit visibility as much as possible. State Parks shall inform the Executive Director immediately following completion of restroom construction, and compliance with this condition shall require written approval from the Executive Director that the restroom has been constructed consistent with the terms and conditions of this CDP, including with respect to these restroom aesthetic requirements.
- 5. Restroom Restrictions.** State Parks shall remove the restroom and all related facilities (including but not limited to all water lines, sewer lines, electrical lines, electrical boxes, etc.) and shall restore the area in which the restroom was located (per the standards identified in special condition 2) if the restroom or any related components are in danger from coastal hazards (including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, coastal flooding, landslides, bluff and geologic instability, and the interaction of same). Upon determination of such danger, State Parks shall coordinate on removal/restoration parameters with planning staff at the Coastal Commission's Central Coast District Office immediately to ensure that removal/restoration is completed in such a way as to maximize coastal resource protection and to be consistent with the terms and conditions of this CDP. State Parks shall not construct, now or in the future, any shoreline protective device(s) for the purpose of protecting the restroom or any



related components approved pursuant to this CDP in the event that these structures are threatened with damage or destruction from such hazards in the future. By acceptance of this permit, State Parks waives any rights to construct such devices that may exist under Public Resources Code Section 30235 and the City of Capitola LCP.

6. **Rip-rap not permitted.** This CDP in no way authorizes the rip-rap fronting the State Parks beach access/maintenance road area, and shall not be used as evidence of Commission authorization or consent for such rip-rap. If State Parks desires to retain such rip-rap, State Parks must submit a complete CDP application proposing such retention. Absent a separate CDP for such rip-rap, it remains in place as a potential violation of the Coastal Act's permitting requirements.
7. **Construction Plans.** PRIOR TO COMMENCEMENT OF CONSTRUCTION State Parks and SCSD shall each submit two sets of Construction Plans to the Executive Director for review and approval. The Construction Plans shall collectively cover all aspects of development approved pursuant to CDPs 3-11-054 and 3-11-056, and shall, at a minimum, include the following:
 - (a) **Construction Areas.** The Construction Plans shall identify the specific location of all construction areas, all staging areas, all storage areas, all construction access corridors (to the construction site and staging areas), and all public pedestrian access corridors. All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to minimize construction encroachment on the beach, all beach access points, and the Monterey Bay, and to have the least impact on public access overall.
 - (b) **Construction Methods and Timing.** The Construction Plans shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from public recreational use areas (including using the space available on the blufftop portions of the Permittee's property for staging, storage, and construction activities to the maximum extent feasible, and including using unobtrusive fencing (or equivalent measures) to delineate construction areas). All erosion control/water quality best management practices to be implemented during construction and their location shall be noted.
 - (c) **Property Owner Consent.** The Construction Plans shall be submitted with written evidence indicating that the owners of any properties on which construction activities are to take place, including properties to be crossed in accessing the site, consent to such use of their properties.
 - (d) **Construction Requirements.** The Construction Plans shall include the following construction requirements specified by written notes on the Construction Plans. Minor adjustments to the following construction requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.
 - All work shall take place during daylight hours and lighting of the beach area is prohibited.



- Construction work or equipment operations shall not be conducted below the mean high tide line unless tidal waters have receded from the authorized work areas.
- Grading of intertidal areas is prohibited.
- Only rubber-tired construction vehicles are allowed on the beach, except that track vehicles may be used if the Executive Director agrees that they are required to safely carry out construction. When transiting on the beach, all such vehicles shall remain as high on the upper beach as possible and avoid contact with ocean waters and intertidal areas.
- All construction materials and equipment placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from the beach area by sunset each day that work occurs. The only other exceptions shall be for erosion and sediment controls and/or construction area boundary fencing where such controls and/or fencing are placed as close to the toe of the seawall/revetment as possible, and are minimized in their extent.
- Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
- No work shall occur during weekends and/or the summer peak months (i.e., from the Saturday of Memorial Day weekend through Labor Day, inclusive) unless, due to extenuating circumstances (such as tidal issues or other environmental concerns), the Executive Director authorizes such work.
- Equipment washing shall not take place on the beach; refueling and/or servicing of equipment shall be allowed only at a designated location as noted on the Plan. Appropriate best management practices shall be used to ensure that no spills of petroleum products or other chemicals take place during these activities.
- The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including covering exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach; etc.).
- All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday. At a minimum, silt fences, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from entering into the Pacific Ocean.
- All beach areas and all beach access points impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand impacted shall be filtered as necessary to remove all



construction debris from the beach.

- The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least three working days in advance of commencement of construction or maintenance activities, and immediately upon completion of construction or maintenance activities.

All requirements above and all requirements of the approved Construction Plans shall be enforceable components of this coastal development permit. The Permittees shall undertake development in accordance with the approved Construction Plans.

8. Construction Site Documents & Construction Coordinator. DURING ALL CONSTRUCTION:

(a) Construction Site Documents. SCSD and State Parks shall maintain copies of their respective signed CDPs and their respective approved Construction Plans in a conspicuous location at the construction job site at all times during construction, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDPs and the approved Construction Plans, and the public review requirements applicable to them, prior to commencement of construction.

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

9. MBNMS, State Lands, and State Parks Review. PRIOR TO COMMENCEMENT OF CONSTRUCTION, State Parks and SCSD shall submit to the Executive Director for review a copy all permits, letters of permission, authorizations, or equivalent for the approved project, or evidence that none are necessary, from the Monterey Bay National Marine Sanctuary, the California State Lands Commission, and the California Department of Parks and Recreation. Any changes to the approved project required by these entities shall be reported to the Executive Director. No changes to the approved project shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

10. Assumption of Risk, Waiver of Liability, and Indemnity Agreement. By acceptance of their respective permits, State Parks and SCSD acknowledge and agree on behalf of themselves and all successors and assigns:



- (a) That the site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, coastal flooding, landslides, bluff and geologic instability, and the interaction of same;
- (b) To assume the risks to the Permittees and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development;
- (c) To unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards;
- (d) To indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and
- (e) That any adverse effects to property caused by the permitted project shall be fully the responsibility of the Permittees.

11. Liability for Costs and Attorneys Fees. State Parks (for litigation associated with CDP 3-11-054) and SCSD (for litigation associated with CDP 3-11-056) shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and (2) required by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of these CDPs. State Parks and/or SCSD shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

C. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

SCSD, acting as the lead CEQA agency for the project components associated with CDP application 3-11-056, conducted an environmental review for the proposed project as required by CEQA and issued a Mitigated Negative Declaration. State Parks, acting as the lead CEQA agency for the project components associated with CDP application 3-11-054, conducted an environmental review for the

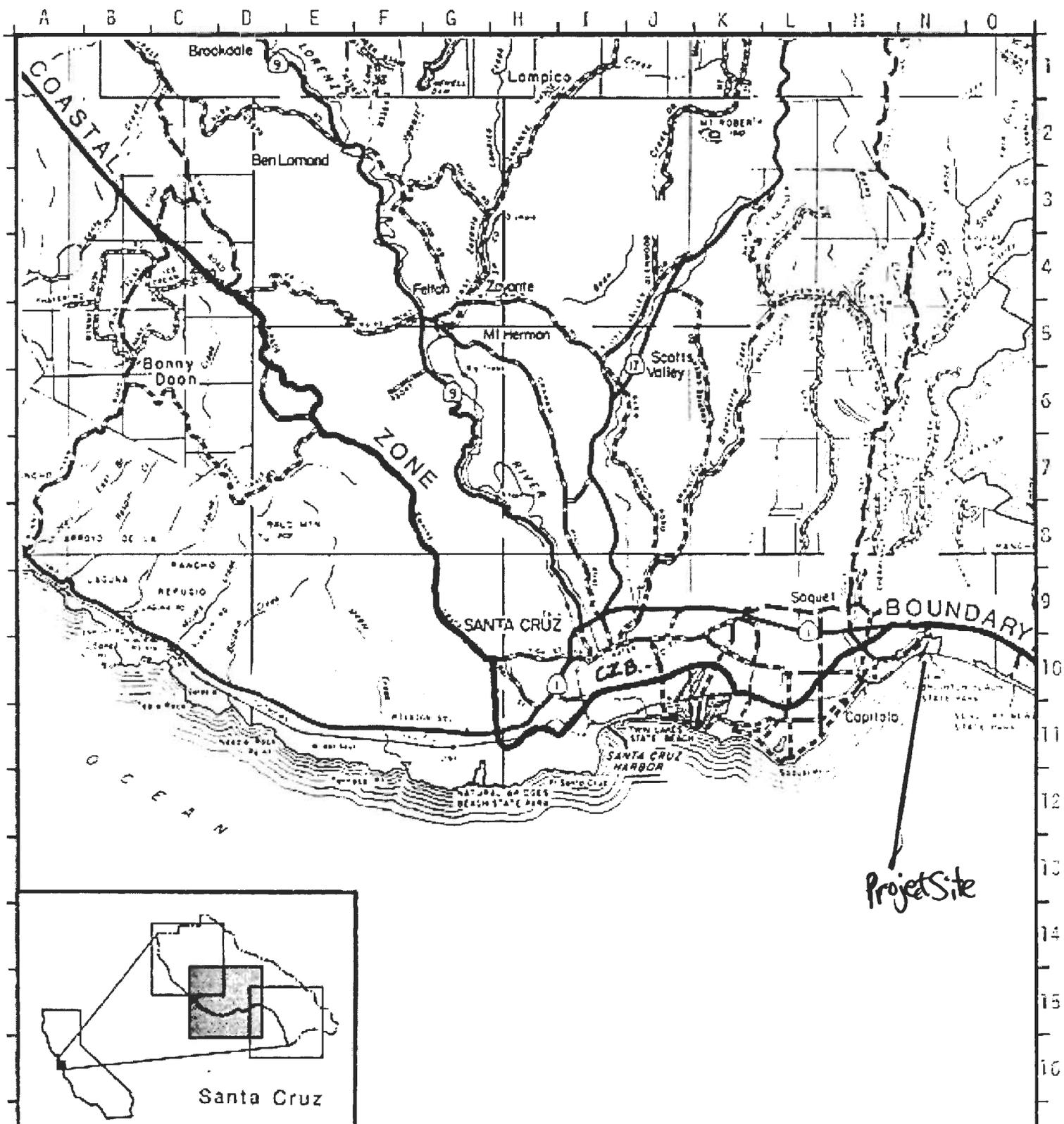


proposed project as required by CEQA and issued a Categorical Exemption pursuant to Sections 15303 and 15304.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The Commission has reviewed the relevant coastal resource issues with the proposed project, and has identified appropriate and necessary modifications to address adverse impacts to such coastal resources. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

The Commission finds that only as modified and conditioned by this permit will the proposed project avoid significant adverse effects on the environment within the meaning of CEQA. As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that approval of the proposed project, as modified, would have on the environment within the meaning of CEQA. If so modified, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

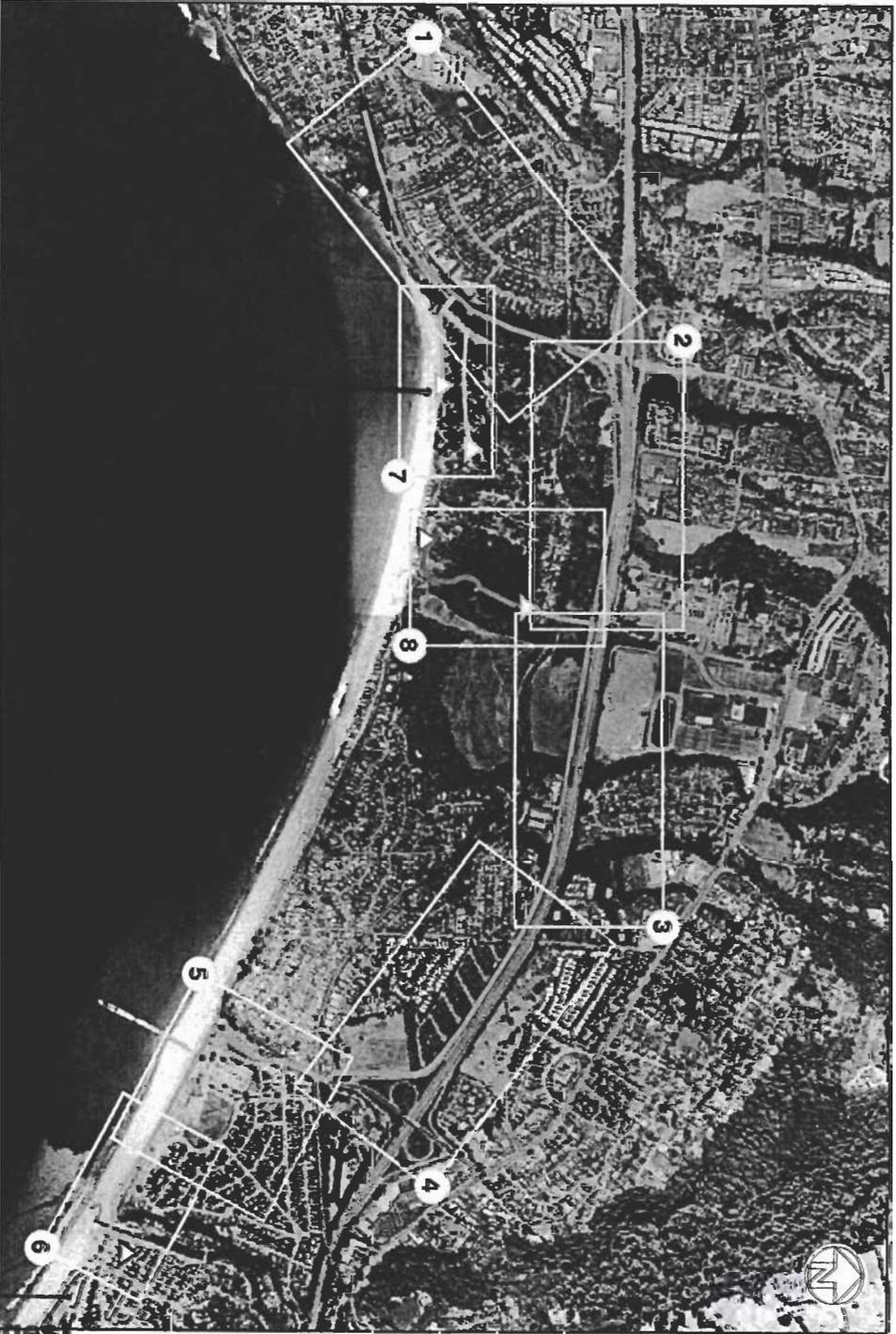




VICINITY MAP



ALIGNMENT MAP



PROJECT AREA
(See Alignment Map)

LEGEND:

PROJECT PIPELINES

- Aptos Transmission Forcemains
 - 18" and 20" HDPE
 - Includes 18" PVC gravity sewer
- New Brighton Beach Forcemain
 - 1 1/2" HDPE
- New Brighton Campground Forcemain
 - 4" PVC
 - Includes 8" PVC gravity sewer
- Tannery Gulch Forcemain
 - 8" HDPE
- Potbelly Beach Forcemain
 - 2" HDPE
 - Includes 8" PVC gravity sewer

PROJECT PUMP STATIONS

- △ - New Brighton Campground
- △ - New Brighton Beach
- △ - Tannery Gulch
- △ - Potbelly Beach
- △ - Rio Esplanade

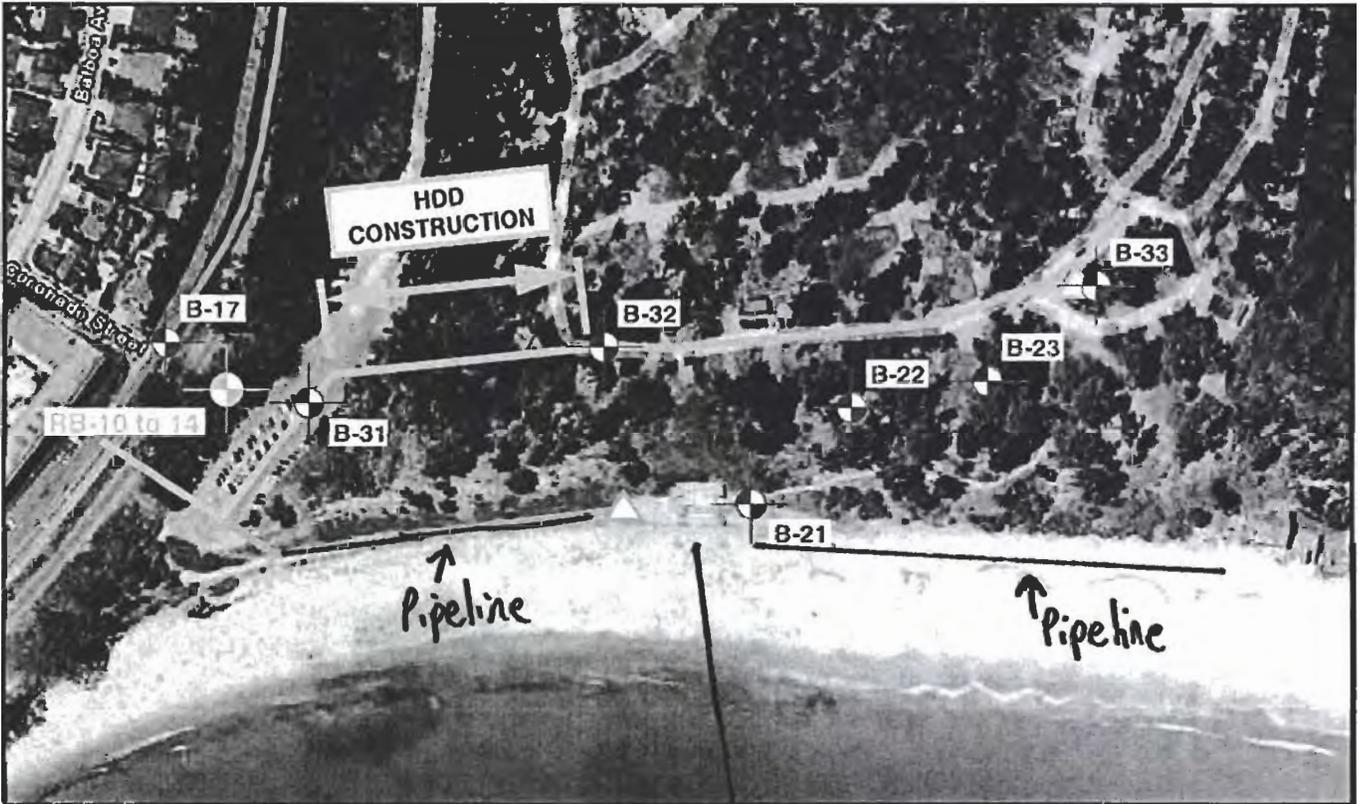
BASE MAP - Google Earth Pro, 2007.

1 - Approximate area shown on alignment detail maps (see Plate 1-2, sheets 1-8)

Project Site

DCM Engineering	HARRIS & ASSOCIATES Santa Cruz County Sanitation District Aptos Transmission Main Relocation Project Santa Cruz County, California
FILE NO. J-4593-2	NOVEMBER 2007
VICINITY AND ALIGNMENT MAPS	

ALIGNMENT DETAIL MAP NO. 7



BASE MAP: Google Earth Pro, 2007.

LEGEND:

- B-1 Project geotechnical boring location and reference number (see Appendix B)
- RB Reference geotechnical boring location and reference number (see Appendix D)
- Aptos Transmission Forcemains
- New Brighton Beach Forcemain
- New Brighton Campground Forcemain
- New Brighton Campground Pump Station
- New Brighton Beach Pump Station

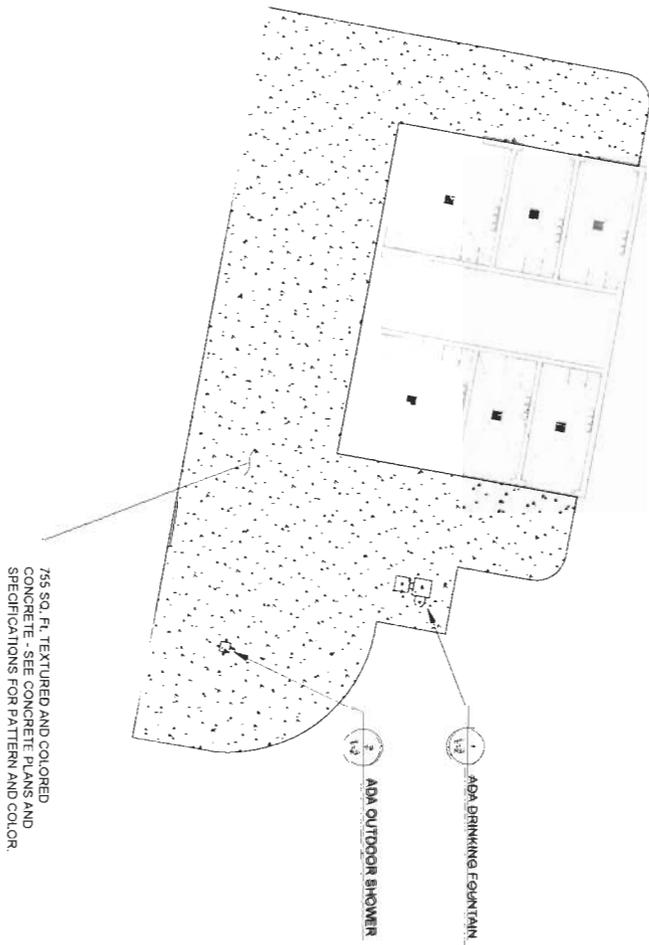
Project Site

CCC Exhibit A
 (page 3 of 3 pages)

DCM Engineering

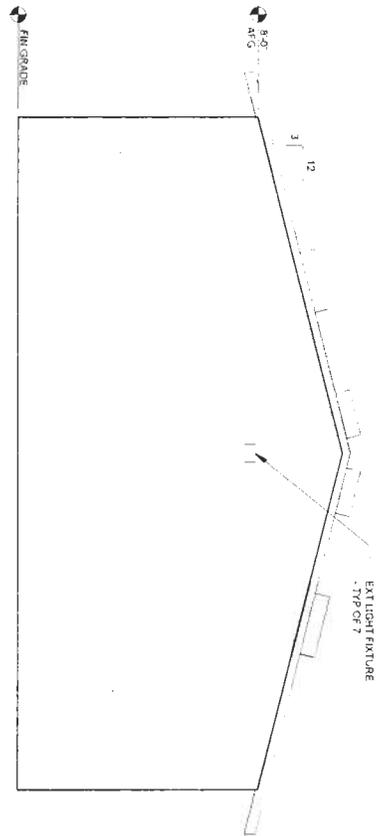
HARRIS & ASSOCIATES
 Santa Cruz County Sanitation District
 Aptos Transmission Main Relocation Project
 Santa Cruz County, California
ALIGNMENT DETAIL MAP NO. 7

PLATE NO.
I-2
 (7 of 8)
 (COLOR PLATE)

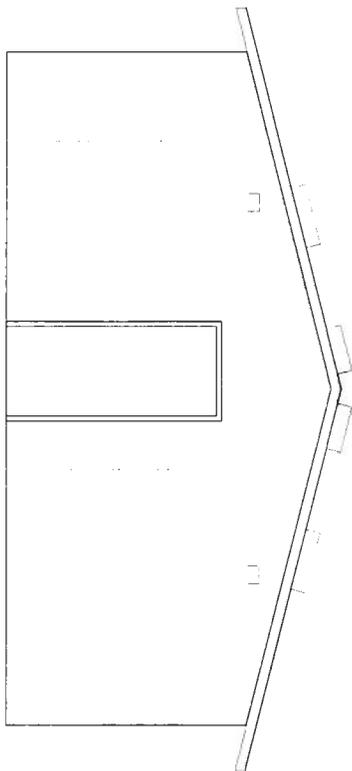


CCC Exhibit B
 (page 6 of 17 pages)

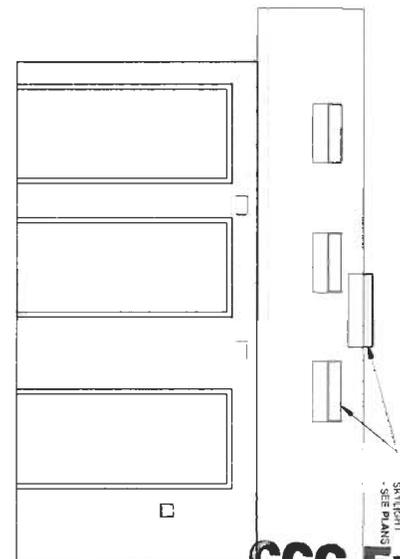
XREF STAMP		ACQUISITION & DEVELOPMENT DIVISION SACRAMENTO, CA 95814-0205
		NEW BRIGHTON STATE BEACH COMFORT STATION REPLACEMENT LANDSCAPE LAYOUT PLAN
DESIGNED BY SKANSKY 1000 MARKET STREET, SUITE 100 OAKLAND, CA 94612 PHONE: (415) 778-2800 FAX: (415) 778-2801 WWW.SKANSKY.COM	CHECKED BY S. HENDERSON DATE	DRAWING NO. 12345.12 SHEET NO. L-1 12 of 17



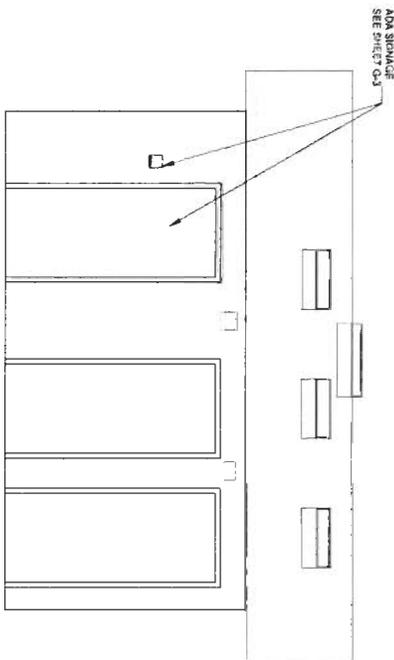
1 NORTH ELEVATION
SCALE @ 2/32X4 1/2" = 1'-0"



3 SOUTH ELEVATION
SCALE @ 2/32X4 1/2" = 1'-0"



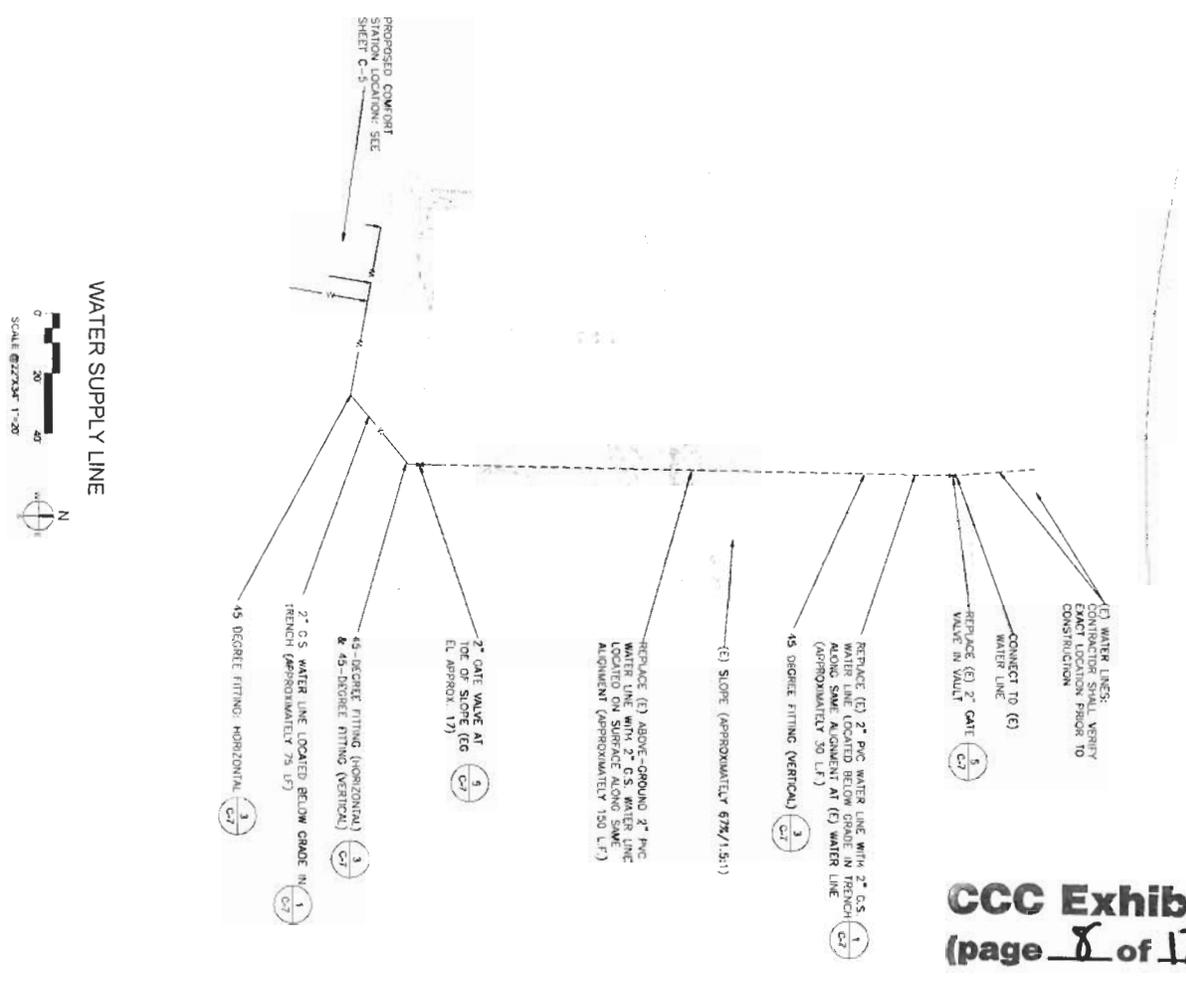
2 EAST ELEVATION
SCALE @ 2/32X4 1/2" = 1'-0"



4 WEST ELEVATION
SCALE @ 2/32X4 1/2" = 1'-0"

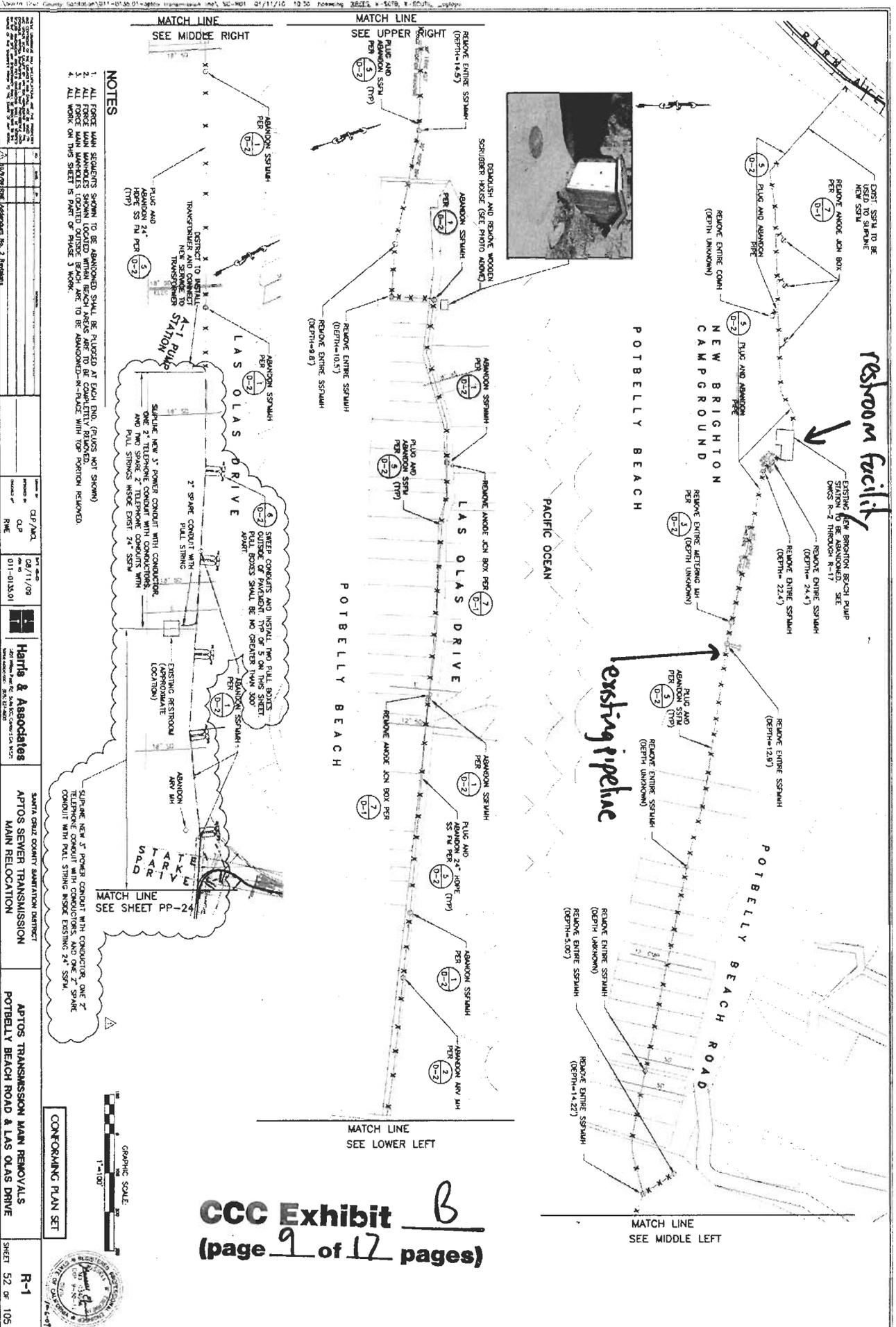
CCC Exhibit B
(page 7 of 17 pages)

NEW BRIGHTON STATE BEACH COMFORT STATION REPLACEMENT EXTERIOR ELEVATIONS			ACQUISITION & DEVELOPMENT DIVISION One Capitol Mall Sacramento, CA 95833-0029	
DRAWING NO. 12345.16	SHEET NO. A3.0			
DESIGNED BY CHECKED BY DATE 07-26-2011	SUPERVISOR DATE 07-26-2011	PROJECT NO. SHEET NO. DATE 07-26-2011	PROJECT NO. SHEET NO. DATE 07-26-2011	PROJECT NO. SHEET NO. DATE 07-26-2011



CCC Exhibit B
(page 8 of 17 pages)

	ACQUISITION & DEVELOPMENT DIVISION City of Capital Hill 5001 N. 175th St. Seattle, WA 98148
	DRAWING NO. 12345.09 SHEET NO. C-6 09 of 17
NEW BRIGHTON STATE BEACH COMFORT STATION REPLACEMENT WATER SUPPLY LINE REPLACEMENT	
CHECKED: SCOTT W. ROEDER DATE: 07/26/11 REVISIONS:	DESIGNED: SUTTER DRAWN: SUTTER DATE: 07/26/11
APPROVED BY: _____ PROJECT: _____ SHEET: _____ DATE: _____	



- NOTES**
1. ALL FORCE MAIN SEGMENTS SHOWN TO BE ABANDONED SHALL BE PLUGGED AT EACH END. (PLUGS NOT SHOWN)
 2. ALL FORCE MAIN SEGMENTS SHOWN TO BE ABANDONED SHALL BE PLUGGED AT EACH END. (PLUGS NOT SHOWN)
 3. ALL FORCE MAIN SEGMENTS LOCATED OUTSIDE POTBELLY BEACH ARE TO BE ABANDONED IN PLACE WITH TOP PORTION REMOVED.
 4. ALL WORK ON THIS SHEET IS PART OF PHASE 3 WORK.

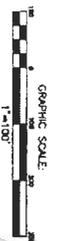
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PROJECT NAME	DATE	BY	APP'D
APITOS TRANSMISSION MAIN REMOVALS	01/11/09	RME	
PROJECT NO.	DATE	BY	APP'D
100-100-100	01/11/09	RME	
PROJECT NAME	DATE	BY	APP'D
APITOS TRANSMISSION MAIN REMOVALS	01/11/09	RME	
PROJECT NO.	DATE	BY	APP'D
100-100-100	01/11/09	RME	
PROJECT NAME	DATE	BY	APP'D
APITOS TRANSMISSION MAIN REMOVALS	01/11/09	RME	

Hart & Associates
 4801 West 10th Avenue, Suite 100
 Fort Lauderdale, FL 33309
 Phone: (954) 571-1000
 Fax: (954) 571-1001
 Email: info@hartandassociates.com

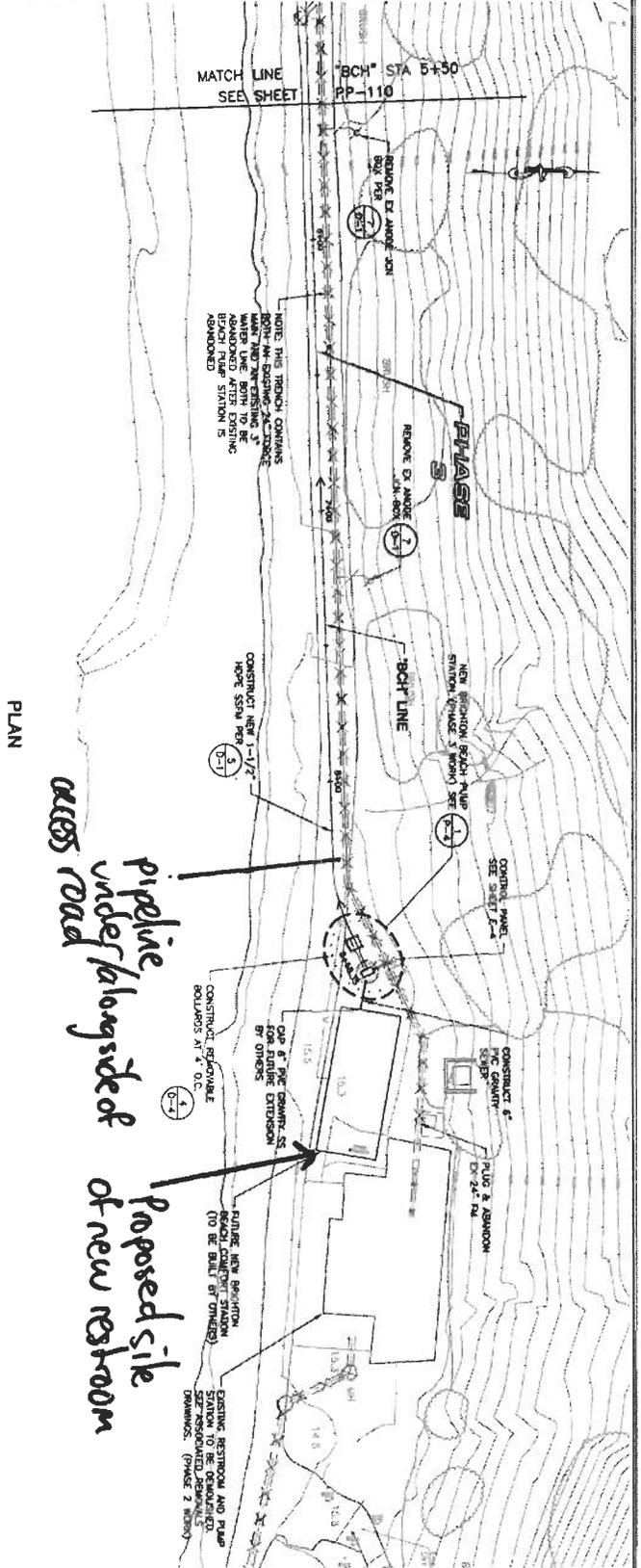
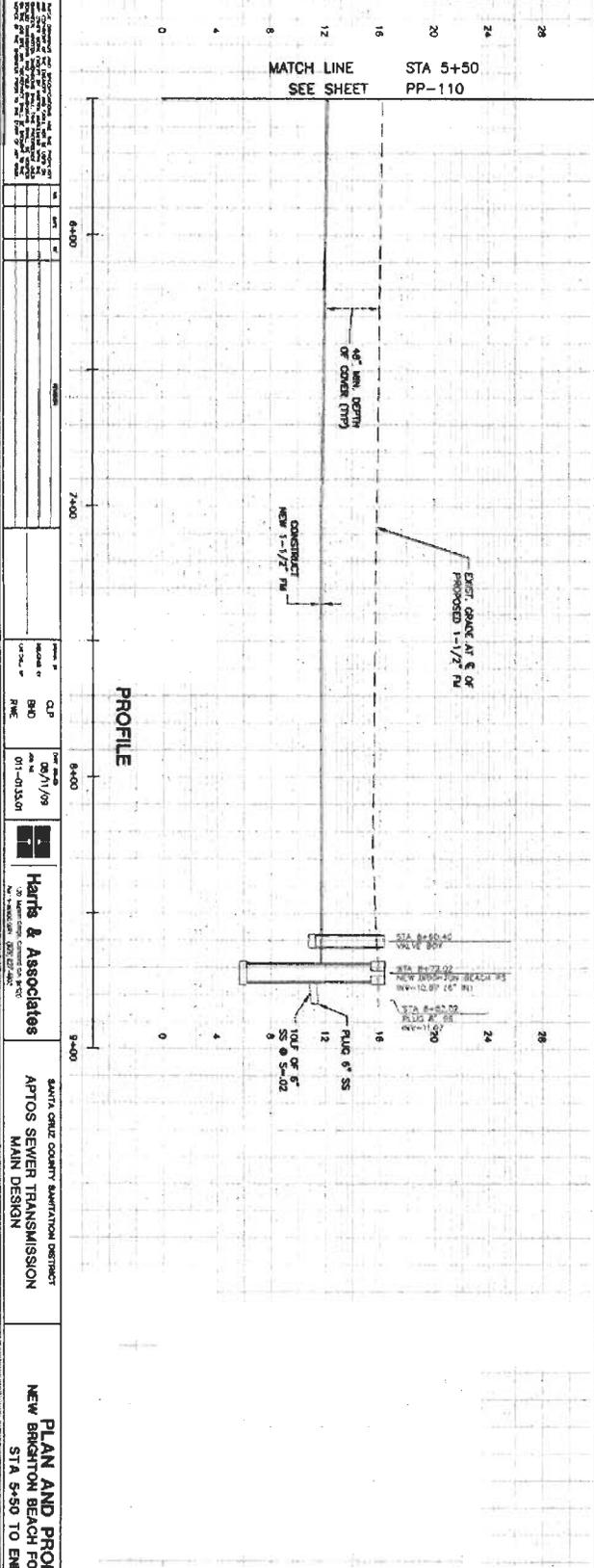
APITOS TRANSMISSION MAIN REMOVALS
 MAIN RELOCATION

APITOS TRANSMISSION MAIN REMOVALS
 POTBELLY BEACH ROAD & LAS OLAS DRIVE

SHEET 52 OF 105

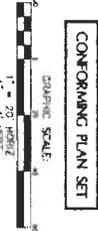


CCC Exhibit B
 (page 9 of 17 pages)



Handwritten notes:
 across road
 pipeline under along side of
 proposed side of new restroom

- NOTES
1. USE EXIST. HOPE FOR 1-1/2" SSM THIS SHEET.
 2. THE DIAMETER INDICATED FOR THE PROPOSED FORCE MAIN IS IPS PIPE SIZE.
 3. SSM CONTROL (STATIONING) CONCORDS WITH 6" OF 1-1/2" SSM. SEE TRP SECTION.
 4. SLOPE FORCE MAIN CONTIGUOUSLY BE PROVIDED. AN READER VALUES WILL BE PROVIDED AT APP. 100' SPACING IN THE LINE.



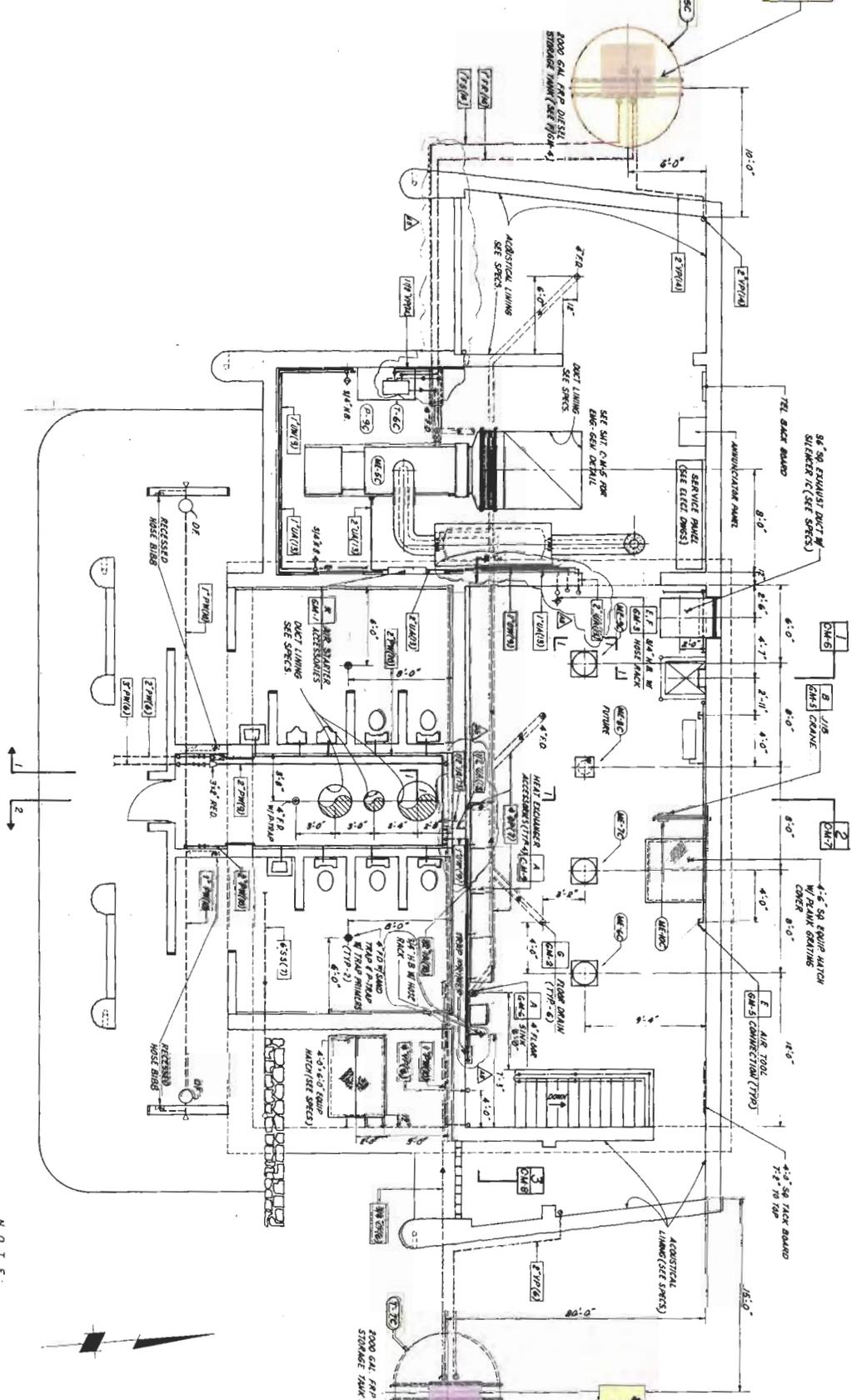
<p>DATE: 01/26/10 DRAWN BY: J... CHECKED BY: J... PROJECT: APTOS SEWER TRANSMISSION MAIN DESIGN SHEET: 46 OF 105</p>	<p>DATE: 01/26/10 DRAWN BY: J... CHECKED BY: J... PROJECT: APTOS SEWER TRANSMISSION MAIN DESIGN SHEET: 46 OF 105</p>	<p>DATE: 01/26/10 DRAWN BY: J... CHECKED BY: J... PROJECT: APTOS SEWER TRANSMISSION MAIN DESIGN SHEET: 46 OF 105</p>	<p>DATE: 01/26/10 DRAWN BY: J... CHECKED BY: J... PROJECT: APTOS SEWER TRANSMISSION MAIN DESIGN SHEET: 46 OF 105</p>	<p>DATE: 01/26/10 DRAWN BY: J... CHECKED BY: J... PROJECT: APTOS SEWER TRANSMISSION MAIN DESIGN SHEET: 46 OF 105</p>
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CCC Exhibit **B**
 (page 13 of 17 pages)

PP-111
 SHEET 46 OF 105

2,000-gallon Fuel Oil Tank (to be removed)



PLAN - MOTOR ROOM AND COMFORT STATION

NOTE:
CONCRETE SURFACES SHALL BE ACoustICALLY LINED PER SPECS EXCEPTIONS AND ADDITIONAL INFORMATION SHALL BE AS NOTED ON THE DRAWINGS.

AS-BUILT DRAWING

DATE: 10/12/12	SCALE: 1/4" = 1'-0"	DATE: 10/12/12							
BY: J.M.M.									
DESCRIPTION: AS-BUILT CORRECTIONS									
PROJECT: 2198									
CLIENT: JAMES M. MONTGOMERY CONSULTING ENGINEERS, INC.									
ADDRESS: 1891 NORTH CALIFORNIA AVENUE, WALNUT CREEK, CALIFORNIA 94596	ADDRESS: 1891 NORTH CALIFORNIA AVENUE, WALNUT CREEK, CALIFORNIA 94596	ADDRESS: 1891 NORTH CALIFORNIA AVENUE, WALNUT CREEK, CALIFORNIA 94596	ADDRESS: 1891 NORTH CALIFORNIA AVENUE, WALNUT CREEK, CALIFORNIA 94596	ADDRESS: 1891 NORTH CALIFORNIA AVENUE, WALNUT CREEK, CALIFORNIA 94596	ADDRESS: 1891 NORTH CALIFORNIA AVENUE, WALNUT CREEK, CALIFORNIA 94596	ADDRESS: 1891 NORTH CALIFORNIA AVENUE, WALNUT CREEK, CALIFORNIA 94596	ADDRESS: 1891 NORTH CALIFORNIA AVENUE, WALNUT CREEK, CALIFORNIA 94596	ADDRESS: 1891 NORTH CALIFORNIA AVENUE, WALNUT CREEK, CALIFORNIA 94596	ADDRESS: 1891 NORTH CALIFORNIA AVENUE, WALNUT CREEK, CALIFORNIA 94596
PHONE: 925-938-1111									
WEBSITE: WWW.JMMENGINEERS.COM									
PROJECT: 2198									
DATE: 10/12/12									
BY: J.M.M.									
DESCRIPTION: AS-BUILT CORRECTIONS									
SHEET: C-M-4									

chc Exhibit B
(page 15 of 17 pages)

AT-13 (75)

NEW BARNHORN PUMPING STATION
PUMP SCHEDULE

PUMP NO.	LOCATION	SERVICE	QPM	HEAD (FT)	HP	TYPE OF PUMP	REMARKS	SECTION PRESS (PSI)	DISCHARGE PRESS (PSI)
P-1C	PUMP ROOM	WASTE WATER	2500	124	180	CENTRIFUGAL	VERTICAL NON-CLOS	0-10	0-70
P-2C	PUMP ROOM	WASTE WATER	2500	124	180	CENTRIFUGAL	VERTICAL NON-CLOS	0-10	0-70
P-3C	PUMP ROOM	WASTE WATER	2500	124	180	CENTRIFUGAL	NOT IN CONTRACT		
P-4C	PUMP ROOM	WASTE WATER	2500	124	180	CENTRIFUGAL	VERTICAL NON-CLOS	0-10	0-70
P-5C	PUMP ROOM	DISSOLVE	50	18.5	1.0	CENTRIFUGAL	SOUP PUMP		
P-6C	PUMP ROOM	DISSOLVE	50	18.5	1.0	CENTRIFUGAL	SOUP PUMP		
P-7C	INTERMEDIATE ROOM	UTILITY WATER	40	24	7-1/2	TUBELINE	BOOSTER PUMP		
P-8C	INTERMEDIATE ROOM	UTILITY WATER	40	24	7-1/2	TUBELINE	BOOSTER PUMP		
P-9C	GENERATOR ROOM	#2 FUEL OIL	1-1/2	58	1/4	GEAR-TYPE ROTARY	TRANSFER PUMP		
P-10C	BAR SCREEN ROOM	ACQUEDUCT SOLUTION	*	*	*	CENTRIFUGAL	RECYCLATION PUMP		0-10
P-11C	BAR SCREEN ROOM	LEUO CHEMICAL	0.551	*	1/4	DIAPHRAGM	METERING PUMP		

NEW BARNHORN PUMPING STATION
PUMP SCHEDULE

TANK NO.	LOCATION	SERVICE	QPM	DN (IN. W. C.)	HP	TYPE	REMARKS
T-1C	MOTOR ROOM ROOF	EXHAUST	1500	1/4	1	CENTRIFUGAL	
T-2C	MOTOR ROOM ROOF	EXHAUST	3500	1/4	1	CENTRIFUGAL	
T-3C	MOTOR ROOM ROOF	EXHAUST	1500	1/4	1	CENTRIFUGAL	
T-4C	MOTOR ROOM ROOF	EXHAUST	3500	1/4	1	CENTRIFUGAL	
T-5C	GENERATOR ROOM ROOF	EXHAUST	3000	1/4	1/2	TWO SPEED CENTRIFUGAL	
T-6C	INTERMEDIATE ROOM	EQUIPMT	11,000	1/2	5	TWO SPEED TUBULAR CENTRIFUGAL	
T-7C	BAR SCREEN ROOM	EXHAUST	5000	1/4	2	TWO SPEED CENTRIFUGAL	YIELD CLASS
T-8C	BAR SCREEN ROOM	SCRUMPER EXHAUST	2000	1	2	CENTRIFUGAL	YIELD CLASS

NEW BARNHORN PUMPING STATION
TANK SCHEDULE

TANK NO.	LOCATION	SERVICE	SIZE/ VOLUME	CONNECTION	MATERIAL	PRESSURE RATING (PSI)
T-1C	INTERMEDIATE ROOM	UTILITY WATER, AIR CAP	2 FT 8" x 4 FT	FLANDED	STEEL	
T-2C	INTERMEDIATE ROOM	UTILITY WATER	4 FT 8" x 80 GAL	FLANDED	STEEL	110
T-3C	INTERMEDIATE ROOM	AIR RECEIVER	4 FT 8" x 40 GAL	FLANDED	STEEL	100
T-4C	INTERMEDIATE ROOM	AIR RECEIVER	4 FT 8" x 40 GAL	FLANDED	STEEL	100
T-5C	UNDERGROUND	FUEL OIL STORAGE	2,000 GAL	FLANDED	FIBERGLASS REINFORCED PLATE	
T-6C	GENERATOR ROOM	FUEL OIL DAY TANK	21 GAL	SCREWED	STEEL	
T-7C	UNDERGROUND	LEUO CHEMICAL	2,000 GAL	FLANDED	FIBERGLASS REINFORCED PLATE	

2,000-gallon Fuel Oil Tank (to be removed)

NEW BARNHORN PUMPING STATION
VALVE SCHEDULE (6" AND OVER)

VALVE NO.	LOCATION	SERVICE	TYPE	SIZE (IN.)	OPERATOR	REMARKS
V-1C	PUMP ROOM	PUMP NO. 1C SECTION	PLUG	14	HAND WHEEL	
V-2C	PUMP ROOM	PUMP NO. 2C SECTION	PLUG	14	HAND WHEEL	
V-3C	PUMP ROOM	PUMP NO. 3C SECTION	PLUG	14	HAND WHEEL	
V-4C	PUMP ROOM	PUMP NO. 4C SECTION	PLUG	14	HAND WHEEL	
V-5C	PUMP ROOM	PUMP NO. 5C CONTROL	PLUG	12	PRELIMINARY	
V-6C	PUMP ROOM	PUMP NO. 6C CONTROL	PLUG	12	PRELIMINARY	
V-7C	PUMP ROOM	PUMP NO. 7C CONTROL	PLUG	12	PRELIMINARY	
V-8C	PUMP ROOM	PUMP NO. 8C CONTROL	PLUG	12	PRELIMINARY	
V-9C	PUMP ROOM	PUMP NO. 9C DISCHARGE	PLUG	12	CHAIN WHEEL	
V-10C	PUMP ROOM	PUMP NO. 10C DISCHARGE	PLUG	12	CHAIN WHEEL	
V-11C	WET WELL	WET WELL DISCHARGE	SLUICE GATE	24 x 24	FLOOR MOUNTED RUBBER GASKET	
V-12C	PUMP ROOM	HEADS UP ISOLATION	PLUG	18	CHAIN WHEEL	

NEW BARNHORN PUMPING STATION
MOTOR AND GENERATOR SCHEDULE

EQUIPMENT NO.	LOCATION	SERVICE	TYPE OF EQUIPMENT	HP	CAPACITY	REMARKS
M-1C	BAR SCREEN ROOM	WET WELL CONTROL	WOUND MOTOR	150	2,000 SQ FT	
M-2C	INTERMEDIATE ROOM	UTILITY AND DISTRIBUTION AIR	AIR COMPRESSOR	23	70 ACFM	NOT IN CONTRACT
M-3C	INTERMEDIATE ROOM	UTILITY AND DISTRIBUTION AIR	AIR COMPRESSOR	23	70 ACFM	250 PSIG
M-4C	GENERATOR ROOM	POWER	ENGINE-GENERATOR	400 KW		168 PSIG
M-5C	MOTOR ROOM	DRIVE FOR PUMP NO. 1C	WOUND MOTOR	150		
M-6C	MOTOR ROOM	DRIVE FOR PUMP NO. 2C	WOUND MOTOR	150		
M-7C	MOTOR ROOM	DRIVE FOR PUMP NO. 3C	WOUND MOTOR	150		
M-8C	MOTOR ROOM	DRIVE FOR PUMP NO. 4C	WOUND MOTOR	150		
M-9C	BAR SCREEN ROOM	SCRUBBER	GENERATOR	19	2,000 LBS/LIB	
M-10C	INTERMEDIATE ROOM	AIR COOLING	AIR-DRIVEN AFTERCOOLER	3/4	70 ACFM	
M-11C	INTERMEDIATE ROOM	UTILITY AIR DRYING	AIR DRYER	3/4	70 ACFM	

SCALE: 1" = 10'-0"

DATE: 11/13/82

DESIGNED BY: JAMES M. MONTGOMERY

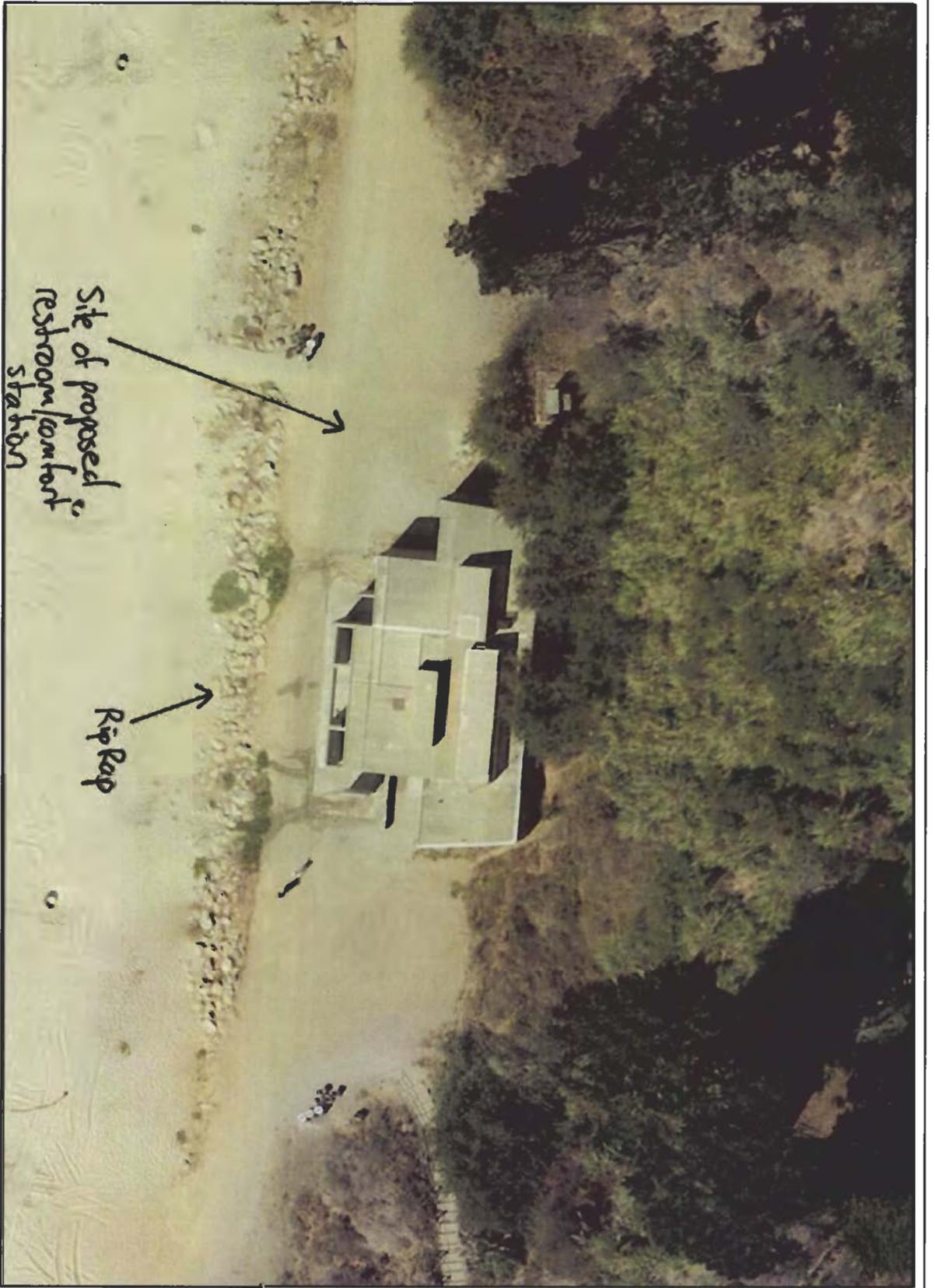
CHECKED BY: JAMES M. MONTGOMERY

APPROVED BY: JAMES M. MONTGOMERY

JAMES M. MONTGOMERY CONSULTING ENGINEERS, INC. 190 NORTH OULDS BLVD. WILSON, CALIFORNIA 95709

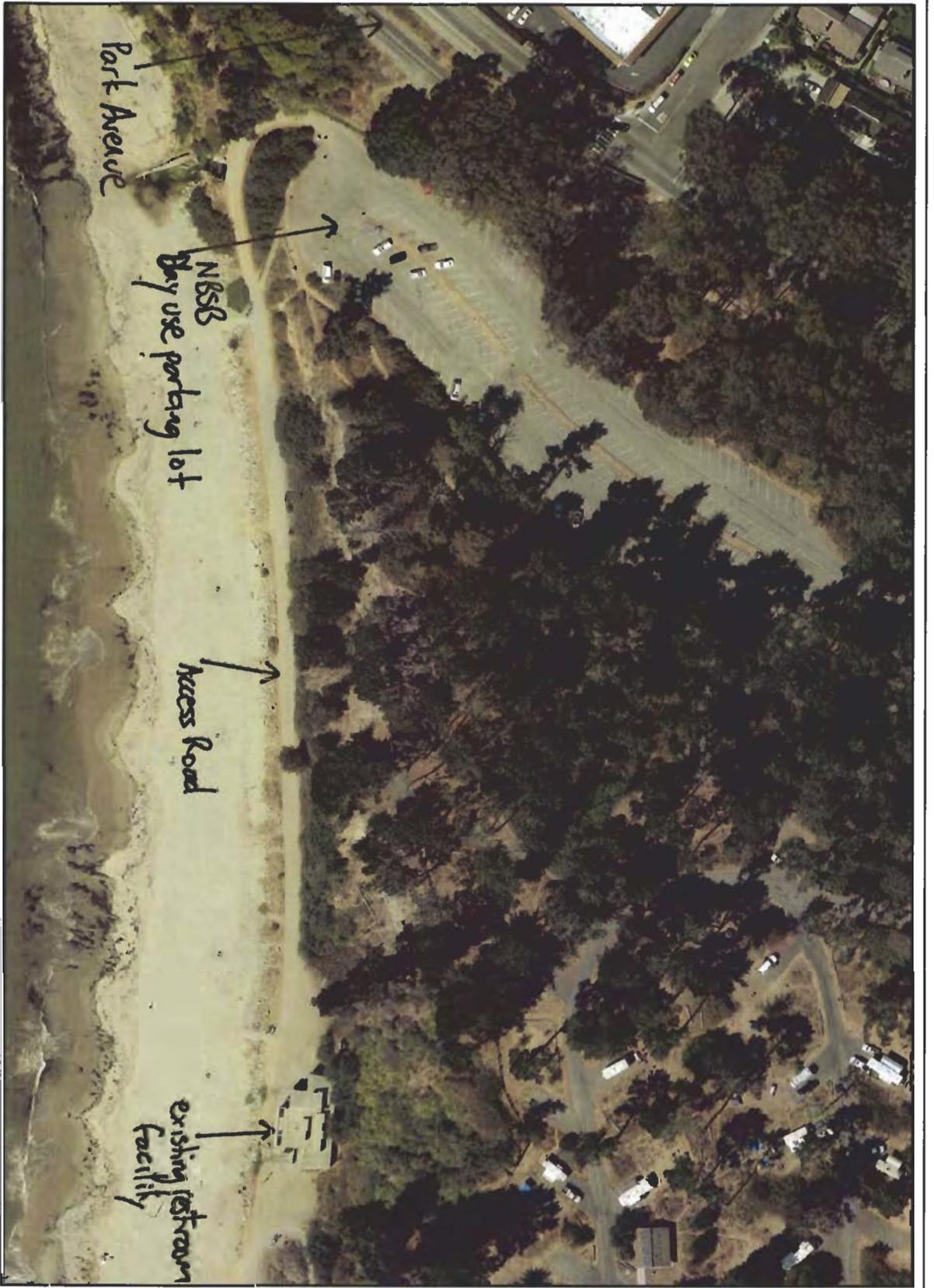
SANTA CRUZ COUNTY SANITATION DISTRICT NEW BARNHORN PUMPING STATION EQUIPMENT SCHEDULE

SHEET C-M-11



NEW BRIGHTON STATE BEACH

Existing Santa Cruz County Sanitation District
New Brighton State Beach Pump Station / Comfort Station



NEW BRIGHTON STATE BEACH

Existing Santa Cruz County Sanitation District
New Brighton State Beach Pump Station / Comfort Station
and Day Use Parking Lot



APTOS TRANSMISSION MAIN RELOCATION PROJECT

**PHASE 3 NEW / BRIGHTON BEACH STATE PARK
REMOVALS & DEMOLITION**



- ALTERNATIVE COMFORT STATION LOCATIONS:
- ① ADJACENT TO EXISTING COMFORT STATION (PREFERRED LOCATION)
 - ② AT DEMOED LIFT STATION / COMFORT STATION LOCATION
 - ③ IN PARKING LOT

MEASUREMENTS OF PROXIMITY:
 NEW COMFORT STATION TO:

SAND:	50 FEET
OCEAN:	190 FEET
OLD LIFT STATION:	10 FEET
DIESEL TANK:	12 FEET
HILLSIDE:	16 FEET

COASTAL DEVELOPMENT PERMIT EXHIBIT

FOR
 COMFORT STATION REPLACEMENT
 AT
 NEW BRIGHTON STATE BEACH
 AUGUST 8, 2011