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Action Deadline:	4/12/2019
Staff:	Rainey Graeven - SC
Staff Report:	1/25/2019
Hearing Date:	2/6/2019

STAFF REPORT: CDP HEARING

Application Number:	3-16-0446
Applicants:	Rockview Drive Homeowners (Jeff Goodman, Ita Gray, James and June Hoag, Alex and Kristine Ingram, and Catherine and Mark Stout) and Santa Cruz County.
Project Location:	Bluff area along the shoreline fronting Rockview Drive and the former location of Rockview Drive extending upcoast, directly seaward of the Rockview Drive public access pathway and the residential backyards associated with 1, 3, 5, 7, 9, and 11 Rockview Drive, at Soquel Point (aka "Pleasure Point") in the unincorporated Live Oak beach area of Santa Cruz County.
Project Description:	Authorize construction done pursuant to emergency CDP G-3-16-0005 (to augment an existing 200-foot-long and 14-foot-tall concrete seawall with a new approximately 81-foot-long cutoff wall footing/foundation, approximately two feet thick and embedded approximately 8.5 feet deep into the bedrock at its base) and authorize new construction of public access improvements at the associated Santa Cruz County Rockview Drive Park area (including Park expansion, resurfacing, landscaping, new Park amenities, and a new beach stairway).
Staff Recommendation:	Approval with Conditions.

SUMMARY OF STAFF RECOMMENDATION

In January 2016, due to acute erosion and potential undermining of an existing seawall, Commission staff issued an emergency coastal development permit (ECDP) to allow for the augmentation of an existing Commission-permitted three-decades-old seawall with a new embedded concrete footing/foundation along about half of the existing seawall's base. The augmented seawall project was designed to protect the public access pathway that is located at the top of the seawall, and ultimately the backyards and residences associated with the properties inland of it, from what was expected to be a total loss of the seawall absent the new seawall footing/foundation project. The project was completed in early 2016, and the Applicants are now applying for the required regular CDP to authorize the work done under the ECDP, as well as to allow additional improvements at the associated Santa Cruz County Park area at Rockview Drive as a means of offsetting armoring impacts due to the project.

Staff believes that approval of the seawall augmentation project is appropriate in this case, including as there are no feasible or less environmentally damaging alternatives to protect the existing public access pathway, which is part of the very popular Rockview Drive Park coastal access and overlook area. That said, the project is not without its coastal resource impacts, including that the augmented seawall encroaches onto the beach and rocky shelf recreational area at the base of the bluff, will result in a loss of this area over time as shoreline erosion continues (including as exacerbated by sea level rise), and results in the cumulative loss of such resources at a popular visitor and surfing destination.

Staff is therefore recommending approval of a CDP for the project with a series of conditions to mitigate for armoring and related impacts on coastal resources, including impacts to sand supply, scenic resources, and public recreational access caused by the project. To offset project impacts over an initial mitigation term, the Applicants have proposed (and the approval is conditioned to require) public access improvements at Rockview Drive Park, including installing a new stairway to help provide better beach and surf access, and generally improving the Park with amenities (e.g., benches, bike racks, picnic tables, interpretive signage, etc.), landscaping, consistent paving throughout the Park, and more viewshed-friendly fencing. In addition, all riprap in the area would be removed where feasible, and any riprap necessarily remaining would be restacked where required to ensure continued armor function. Also, the seawall would be stained an earth-tone and mottled color to better blend in with the surrounding bluff, rocky shelf, and beach area. Finally, the project would also be conditioned to require ongoing monitoring and maintenance of the as-built project, reassessment of seawall impacts in 20 years, seawall removal triggers, appropriate best management practices to protect water quality and public access during construction, and recordation of deed restrictions against the private properties governed by this CDP.

Staff has worked closely with the Applicants on the project and the mitigation package, and all parties are in agreement on the staff recommendation. As conditioned, the project can be found consistent with the Coastal Act, and staff recommends **approval** of the CDP. The motion is found on page 4 below.

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I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Motion: *I move that the Commission* ***approve*** *Coastal Development Permit Number 3-16-0446 pursuant to the staff recommendation, and I recommend a* ***yes*** *vote.*

Resolution to Approve CDP: *The Commission hereby approves Coastal Development Permit Number 3-16-0446 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.*

II. STANDARD CONDITIONS

This permit is granted subject to the following 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 of 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.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Approved Project.** This CDP (i.e., CDP 3-16-0446) authorizes the augmented seawall as constructed pursuant to Emergency CDP G-3-16-0005 as shown on the plans titled "Seawall Maintenance" dated received January 3, 2017 in the Coastal Commission's Central Coast District Office (see **Exhibit 3**), and also authorizes the development required pursuant to the approved Rockview Drive Park Public Access Improvement Plan (see **Special Condition 2** below), all subject to the terms and conditions of this CDP.

2. **Rockview Drive Park Public Access Improvement Plan.** PRIOR TO ISSUANCE OF THE CDP and no later than three months from the date of the Commission's approval of this CDP (i.e., by May 6, 2019), the Permittees shall submit two copies of a Rockview Drive Park Public Access Improvement Plan (Plan) to the Executive Director for review and written approval. The Plan shall provide for the following improvements to the Rockview Drive Park area:

   a. **Stairway.** A new public access stairway from the blufftop to the rock shelf that is substantially consistent with the stairway described and shown on the plan sheet titled "Conceptual Design for Rockview Dr. Public Accessway Stair" and dated July 27, 2018 (and dated received in the Coastal Commission's Central Coast District Office on August 1, 2018). The stairway treads shall be at least 3 feet wide (and shall be wider, up to 5 feet wide, if feasible) and at least 12 inches deep (and shall be wider, if feasible, with a roughly 6 inch rise), and landings shall be at least as wide as stairway treads on all sides, all as measured between any required railings (or from the edge of the tread where no railing is required). The base of the stairway shall be founded in concrete and shall be sited and designed to mimic natural bluff/rock shelf features as much as possible. The overall stairway, including all railings, shall be sited and designed in such a way as to blend into the natural environment and to minimize public view impacts as much as possible.

   b. **Park Area Expanded.** The existing Park area (i.e., the pathway area atop the seawall extending through and including the generally unpaved area including the existing picnic table) shall be expanded as much as feasible (including in relation to accommodating emergency vehicles), including via making use of the paved vehicular area and all other nearby portions of the Rockview Drive right-of-way for Park purposes (i.e., through realignment of curbs, relocation/removal of the power pole and street light, removal of fencing, etc.), and including through expanding the level area of the Park near the blufftop edge, including as necessary to prevent erosion and address drainage, to allow seamless connection to the new stairway, and to facilitate Park utility and aesthetics as much as possible.

   c. **Park Design and Aesthetics.** The expanded Park area shall make use of a coordinated design scheme to differentiate the Park area from the roadway and private property (i.e., via consistent surfacing throughout the Park; barriers, signs, and other transition elements to help demarcate Park use from vehicular and/or private uses; etc.), and to ensure

internal Park consistency (including through the use of matching/similar materials, colors, textures, and other design elements). All park design and aesthetics shall be chosen to best integrate with the natural surroundings in a manner to best facilitate public use and enjoyment.

d. Park Amenities. Picnic tables, viewing benches/sitting areas, bike racks, enclosed trash and recycling receptacles, doggie mitt stations, signs (see also below), and other such public Park amenities shall be provided in a way that maximizes their public utility, including in relation to views, and minimizes their impacts to public views otherwise.

e. Park Signage. Directional and other user signage shall be sited and designed to provide clear information while limiting public view impacts as much as possible. At least one interpretive sign providing appropriate shoreline/surfing content shall be provided. Sign details showing the location, materials, design, and text of all signs shall be provided. Public access and interpretive signs shall include the California Coastal Trail and California Coastal Commission emblems and recognition of the Coastal Commission's role in helping to provide public access at this location.

f. Park Landscaping. The Park shall include landscaping designed to improve public views, including to soften the appearance of hard edges and structural elements as much as possible. The Plan shall include landscape, landscape maintenance, and irrigation parameters that identify all such landscaping, including in terms of all plant materials (size, species, and quantity) and all irrigation systems. All plants used on site shall be native species appropriate to the local coastal bluff environment. Non-native and invasive plant species in the Park as well as adjacent to the Park (within the public right-of-way and/or other public spaces) shall be removed and shall not be allowed to persist on the site. The planting of non-native invasive species, such as those listed on the California Invasive Plant Council's Inventory of Invasive Plants, is prohibited. All landscaped areas shall be continuously maintained, and all plant material shall be continuously maintained in a litter-free, weed-free, and healthy growing condition.

g. Seawall Surfacing. All seaward facing elements of the seawall shall at a minimum be colored/stained to mimic natural bluff coloration appropriate to the Pleasure Point area, and may include undulation to mimic natural bluffs, and all such surfacing shall be maintained over the life of the project. All such surface treatments shall make use of paints, stains, sealants, and any other such materials that are appropriate for and safe for use in the marine environment. Such contouring and/or colorizing/staining shall also be required of any portion of the cutoff wall footing/foundation that becomes visible due to rock shelf erosion.

h. Riprap Removal/Restacking. All riprap as identified in **Exhibit 2** shall be removed as much as is feasible while maintaining protection for the Park, and where infeasible shall be restacked to occupy as little beach/rock shelf space as possible.

i. Park Fencing. The existing chain link fence atop the existing seawall shall be removed and replaced with fencing that is designed to avoid impacting public views as much as possible, including by limiting its height and being as visually permeable as possible.

Any other fencing located in the Rockview Drive right-of-way and/or other adjacent public spaces shall be removed. All remaining fencing shall be seamlessly integrated with the new stairway and any of its railings, and shall be consistent with Park design and aesthetics (see also above).

j. No Public Access Disruption. Development and uses within the Park area (including the public pathway on top of the seawall) that disrupt and/or degrade public access (such as furniture, planters, temporary structures, private use signs, fences, barriers, ropes, etc. being placed in the Park area) shall be prohibited. The public use areas shall be maintained consistent with the approved Plan and in a manner that maximizes public use and enjoyment.

k. Park Use Hours. Access to the Park and its amenities, including beach access via the stairway and access to the lateral pathway on top of the seawall, shall be available to the general public free of charge 24 hours per day.

l. Park Maintenance. All Park amenities (including the stairway, picnic tables, viewing benches/sitting areas, bike racks, trash and recycling receptacles, doggie mitt stations, signs, landscaping, hardscaping, fencing, irrigation, the overall Park area, etc.) shall be maintained in their approved state for as long as the seawall and/or any residential development inland of it exists in any form at this location, and the Plan shall provide a regular schedule of maintenance for same.

m. Park Improvements Implementation Timeline. The Plan shall include a schedule that identifies expected installation timelines for all improvements and amenities described in this condition above, all of which shall be constructed, installed, operational, and available for general public use as soon as possible, but no later than one year from CDP approval (i.e., February 6, 2020).

Minor adjustments to the above standards may be allowed in the approved Plan by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources, including that extension to the identified deadlines may be granted by the Executive Director for good cause. All requirements above shall be enforceable components of this CDP. The Permittee shall undertake development in conformance with this condition and the approved Rockview Drive Park Public Access Improvement Plan.

3. Construction Plan. PRIOR TO ISSUANCE OF THE CDP, the Permittees shall submit two copies of a Construction Plan to the Executive Director for review and written approval. The Construction Plan shall, at a minimum, include the following:

a. Construction Areas. The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas within which construction activities and/or staging are to take place shall minimize impacts on public access, including public parking, and other coastal resources, including by maximizing use of the developed blufftop portions of the Permittees' property for construction staging and materials storage, and minimizing use

of immediate shoreline public use areas for construction-related purposes as much as possible. Special attention shall be given to siting and designing construction areas in order to minimize impacts on the ambiance and aesthetic values of the Rockview Drive Park area, including but not limited to public views across the site.

b. Construction Methods. The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep construction areas separated from public use areas as much as feasible (including through use of unobtrusive fencing and/or other similar measures to delineate construction areas), including verification that equipment operation and equipment and material storage will not significantly degrade public views during construction. The Plan shall limit construction activities to avoid coastal resource impacts as much as possible.

c. Construction Timing. No work shall occur during weekends and/or during the summer peak months (i.e., from the Saturday of Memorial Day weekend through Labor Day, inclusive) unless, due to extenuating circumstances, the Executive Director authorizes such work. In addition, all work shall take place during daylight hours (i.e., from one-hour before sunrise to one-hour after sunset). Nighttime work and lighting of the work area are prohibited.

d. Construction BMPs. The Construction Plan shall identify the type and location of erosion control/water quality best management practices that will be implemented during construction to protect coastal water quality and other coastal resources, including at a minimum all of the following:

1. **Runoff Protection.** Silt fences, straw wattles, and equivalent apparatus shall be installed at the perimeter of the blufftop portion of the construction site to prevent construction-related runoff and/or sediment from discharging from the construction area, and/or entering into storm drains or otherwise offsite and/or towards the ocean. Similar apparatus shall be applied on the beach/shoreline recreational area for the same purpose when potential runoff is anticipated (and removed otherwise). Special attention shall be given to appropriate filtering and treating of all runoff, and all drainage points, including storm drains, shall be equipped with appropriate construction-related containment and treatment equipment.

2. **Equipment BMPs.** Equipment washing, refueling, and/or servicing shall take place at an appropriate off-site and inland location to help prevent leaks and spills of hazardous materials at the project site.

3. **Good Housekeeping.** The construction site shall maintain good construction 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 project site; etc.).

4. **Erosion and Sediment Controls.** All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day.

5. **No Intertidal Grading.** Grading of intertidal areas is prohibited, except removal of existing concrete, riprap, and rubble is allowed in these areas.

6. **Rubber-tired Construction Vehicles.** Only rubber-tired construction vehicles are allowed on the beach/shoreline recreational area, except track vehicles may be used if the Executive Director determines that they are required to safely carry out construction. When transiting on the beach/shoreline recreational area, all such vehicles shall remain as close to the bluff edge as possible and avoid contact with ocean waters.

7. **Construction Material Storage.** All construction materials and equipment placed seaward of the bluff 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 these areas by one hour after sunset each day that work occurs, except for necessary 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 coastal protection/bluff as possible, and are minimized in their extent.

e. **Restoration.** All beach/shoreline recreational area and other public recreational use areas and all beach/shoreline recreational area access points impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any native materials impacted shall be filtered as necessary to remove all construction debris.

f. **Construction Site Documents.** The Construction Plan shall provide that copies of the signed CDP and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times, and that such copies are available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.

g. **Construction Coordinator.** The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that his/her contact information (i.e., address, phone numbers, email address, etc.) including, at a minimum, a telephone number (with message capabilities) and an email that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas while still protecting public views as much as possible, 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 contact information (address, email, phone number, etc.) 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. All complaints and all actions taken in response shall be summarized and provided to the Executive Director on at least a weekly basis.

h. Construction Specifications. The construction specifications and materials shall include appropriate penalty provisions that require remediation for any work done inconsistent with the terms and conditions of this CDP.

i. Notification. 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, and immediately upon completion of construction.

Minor adjustments to the above Construction Plan 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 requirements above and all requirements of the approved Construction Plan shall be enforceable components of this CDP. The Permittees shall undertake development in conformance with this condition and the approved Construction Plan.

4. Monitoring and Reporting. The Permittees shall ensure that the condition and performance of the approved as-built project is regularly monitored and maintained. Such monitoring evaluation shall at a minimum address whether any significant weathering or damage has occurred that would adversely impact future performance, and identify any structural or other damage or wear and tear requiring repair to maintain the augmented seawall and the Rockview Drive Park Improvements in a structurally sound manner and in their approved state. The private individual Permittees shall be responsible for all aspects of compliance with this special condition related to the augmented seawall and any remaining riprap, and Santa Cruz County shall be responsible for all aspects of compliance with this special condition related to all other Rockview Drive Park Improvements. Monitoring shall at a minimum include:

a. Armoring. All armoring (including the seawall and the remaining riprap) shall be regularly monitored by a licensed civil engineer with experience in coastal structures and processes to ensure structural and cosmetic integrity including, at a minimum, evaluation of concrete competence, spalling, cracks, movement, outflanking and undercutting; evaluation of all required surface treatments; and evaluation of riprap movement and integrity (see also **Special Condition 2(h)** above). Such evaluation shall also describe the way in which the cutoff wall footing/foundation has become more visible due to rock shelf erosion, and shall identify steps necessary to contour and/or color/stain such exposed areas as required by this CDP (see **Special Condition 2(g)** above).

b. Park Improvements. All Park improvements described in **Special Condition 2** (except for riprap) shall be regularly monitored to ensure continued public utility and function of the Park and its features in their approved and required form as identified in the approved Rockview Drive Park Public Access Improvement Plan.

c. Photo Documentation. All project elements shall be photographed annually from an adequate number of inland and seaward locations as to provide complete photographic

coverage of the approved project. All photographs shall be documented on a site plan that notes the location of each photographic viewpoint and the date and time of each photograph to allow naked eye comparison of the same views over time.

d. Reporting. Monitoring reports covering the above-described evaluations shall be submitted to the Executive Director for review and approval at five-year intervals by March 1st of each fifth year (with the first report due March 1, 2024 and subsequent reports due March 1, 2029, March 1, 2034, and so on) for as long as the approved as-built project exists at this location. The reports shall identify the existing configuration and condition of the armoring and the Park improvements, and shall recommend actions necessary to maintain these project elements in their approved and/or required state, and shall include the above-described photographic documentation (in color hard copy and jpg format). Actions necessary to maintain the approved as-built project in a structurally sound manner and its approved state (see also **Special Condition 5** below) shall be implemented within 30 days of Executive Director approval, unless a different time frame for implementation is identified by the Executive Director.

5. Future Maintenance. This CDP authorizes future maintenance as described in this special condition. The Permittees acknowledge and agree on behalf of themselves and all successors and assigns that it is the Permittees' responsibility to: (a) maintain the approved project (including the augmented seawall (see **Special Condition 1**) as well as the Rockview Drive Park Public Access Improvements (see **Special Condition 2**)), and all related development in a structurally sound manner, visually compatible with the rock shelf and shoreline surroundings, and in their approved and required states, including that the surfacing of the seawall required by **Special Condition 2(g)** shall be maintained throughout the life of the structure; (b) retrieve any failing portion of the permitted structures or related improvements that might otherwise substantially impair the use, aesthetic qualities, or environmental integrity of the beach, rock shelf, and/or ocean; and (c) annually or more often inspect the seawall and riprap for signs of failure and/or displaced structural components. The private individual Permittees shall be responsible for all aspects of compliance with this special condition related to the augmented seawall and any remaining riprap, and Santa Cruz County shall be responsible for all aspects of compliance with this special condition related to all other Rockview Drive Park Improvements. Any such maintenance-oriented development associated with the approved seawall, riprap, public access improvements, and related development shall be subject to the following:

a. Maintenance. "Maintenance," as it is understood in this condition, means development that would otherwise require a CDP whose purpose is to repair and/or maintain the overall permitted structures and make improvements in their approved configuration, including retrieval of any project components that may be displaced from the approved design.

b. Other Agency Approvals. The Permittee acknowledges that these maintenance stipulations do not obviate the need to obtain permits and/or other authorizations from other agencies for any future maintenance and/or repair episodes.

c. **Maintenance Notification.** Prior to commencing any maintenance event, the Permittees shall notify planning staff of the Coastal Commission's Central Coast District Office, in writing, regarding the proposed maintenance. Except for necessary emergency interventions (see below), such notice shall be given by first-class mail at least 30 days in advance of commencement of work. The notification shall include a detailed description of the maintenance event proposed, and shall include any plans, construction BMPs, engineering and/or geology reports, proposed changes to the maintenance parameters, other agency authorizations, and other supporting documentation describing the maintenance event. The maintenance event shall not commence until the Permittee has been informed by Central Coast District planning staff that the maintenance event complies with this CDP. If the Permittees have not received a response within 30 days of receipt of the notification by the Central Coast District Office, the maintenance event shall be authorized as if Commission planning staff affirmatively indicated that the event complies with this CDP. The notification shall clearly indicate that the maintenance event is proposed pursuant to this CDP, and that the lack of a response to the notification within 30 days of its receipt constitutes approval of it as specified in this CDP. If the notification does not explicitly indicate same, then the automatic authorization provision does not apply.

d. **Non-compliance Proviso.** If the Permittees are not in compliance with any of the conditions of this CDP, or are in violation of the Coastal Act otherwise, at the time that a maintenance event is proposed, then the maintenance event that might otherwise be allowed by the terms of this future maintenance condition may not be allowed by this condition, subject to determination by the Executive Director.

e. **Emergency.** Nothing in this condition shall serve to waive any Permittee rights that may exist in cases of emergency pursuant to Coastal Act Section 30611, Coastal Act Section 30624, and Subchapter 4 of Chapter 5 of Title 14, Division 5.5, of the California Code of Regulations (Permits for Approval of Emergency Work).

f. **Duration and Scope of Covered Maintenance.** Future maintenance under this CDP may be allowed subject to the above terms throughout the duration of the armoring authorization (see **Special Condition 6**) subject to Executive Director review and approval every 5 years (with the first approval due March 1, 2024, and subsequent approvals March 1, 2029, March 1, 2034, and so on) to verify that there are not changed circumstances associated with such allowance of maintenance events that necessitate re-review. It is the Permittees' responsibility to request Executive Director approval prior to the end of each 5-year maintenance period (i.e., with the first period culminating on March 1, 2024). Maintenance can be carried out beyond March 1, 2024 (and beyond subsequent five-year periods) pursuant to these maintenance provisions only if the Permittee requests an extension prior to the end of each 5-year maintenance period and only if the Executive Director extends the maintenance term in writing. The intent of this CDP is to allow for 5-year extensions of the maintenance term for as long as the approved armoring, public access improvements, and related development remains authorized unless there are changed circumstances that may affect the consistency of this maintenance authorization with the policies of Chapter 3 of the Coastal Act and thus warrant a re-review of this maintenance condition. The Permittees shall maintain the

approved armoring, public access improvements, and related development in their approved state.

6. **Duration of Armoring Authorization.** This CDP authorizes the approved armoring (i.e., the augmented seawall and remaining riprap) until the time when the public park and related public access improvements inland of it are no longer present, or no longer require armoring, whichever occurs first. If some portion of the public improvements are removed, while some portion are retained, the armoring shall be reduced or modified so that it is the minimum necessary to protect the public improvements that are retained. At such time (i.e., when public improvements are removed or when the public improvements no longer require armoring), the Permittees shall submit a complete CDP amendment application to the Coastal Commission to remove or modify the approved armoring and to appropriately restore the affected area to a condition commensurate with natural bluff and shoreline landforms in the Pleasure Point area.

7. **Future Coastal Resource Impact Mitigation.** This CDP accounts for mitigation of coastal resource impacts due to the approved armoring (i.e., the augmented seawall and remaining riprap) for the first 20 years from the date of the approval (i.e., until February 6, 2039). If the Permittees (or any subset thereto) intend to keep the armoring in place after February 6, 2039, such Permittees must submit a complete CDP amendment application prior to that time that analyzes the continued need for armoring, the feasibility of less impactful alternatives, and any necessary and/or desired project modifications. If the information in the CDP amendment application demonstrates that the public access improvements installed under this approval will not sufficiently mitigate for the adverse coastal resource impacts associated with the retention of the armoring beyond the preceding 20-year period, additional mitigation may be required. Similarly, if the Permittees (or any subset) apply for a separate CDP or an amendment to this CDP to modify the armoring, or to perform repair work affecting 50 percent or more of the armoring, such Permittees shall be required to provide additional commensurate mitigation for the impacts of the enlarged or redeveloped armoring on public views, public recreational access, shoreline processes, and all other affected coastal resources that have not already been mitigated through this CDP.

8. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this CDP, the Permittees acknowledge and agree, on behalf of themselves and all successors and assigns: (a) that the project area is subject to extreme coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, tidal scour, storms, tsunami, coastal flooding, sea level rise, landslides, bluff and geologic instability, and the interaction of same; (b) to assume the risks to the Permittees and the properties that are the subject of this CDP of injury and damage from such hazards in connection with the 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 this project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims due to such hazards), expenses, and amounts paid in settlement arising from any injury or damage; and (e) that any adverse effects to properties caused by the permitted project shall be fully the responsibility of the Permittees.

9. **Liability for Costs and Attorneys' Fees.** The Permittees 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/or (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 Permittees against the Coastal Commission, its officers, employees, agents, successors and/or assigns challenging the approval or issuance of this CDP, the interpretation and/or enforcement of CDP terms and conditions, or any other matter related to this CDP. The Permittees 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, its officers, employees, agents, successors and/or assigns.

10. **Public Rights.** By acceptance of this CDP, the Permittees acknowledge and agree, on behalf of themselves and all successors and assigns that the Coastal Commission's approval of this CDP shall not constitute a waiver of any public rights that may exist on the affected properties, including the area inland of the augmented seawall and public Park improvements, including the pathway area, and that the Permittees shall not use this CDP as evidence of a waiver of any public rights that may exist on these properties now or in the future.

11. **Future Permitting.** Any and all future proposed development at and/or directly related to this project, this project area, and/or this CDP shall require a new CDP or a CDP amendment that is processed through the Coastal Commission, unless the Executive Director determines a CDP or CDP amendment is not legally required.

12. **Real Estate Disclosure.** Disclosure documents related to any future marketing and/or sale of the subject private Permittees' properties (i.e., associated with 1, 3, 5, 7, 9, and 11 Rockview Drive), including but not limited to specific marketing materials, sales contracts and similar documents, shall notify potential buyers of the terms and conditions of this CDP. A copy of this CDP shall be provided in all real estate disclosures.

13. **Deed Restriction.** PRIOR TO ISSUANCE OF THE CDP and no later than three months from the date of the Commission's approval of this CDP (i.e., by May 6, 2019), the private individual Permittees shall each submit to the Executive Director for review and approval documentation demonstrating that each such Permittee has executed and recorded against their parcel(s) governed by this CDP a deed restriction (Deed Restriction), in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to CDP 3-16-0446, the California Coastal Commission has authorized development on the subject property subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the conditions of CDP 3-16-0446 as covenants, conditions and restrictions on the use and enjoyment of the property. Each Deed Restriction shall include a legal description of the entire parcel or parcels governed by CDP 3-16-0446. Each Deed Restriction shall also indicate that, in the event of an extinguishment or termination of the Deed Restriction for any reason, the terms and conditions of CDP 3-16-0446 shall continue to restrict the use and enjoyment of the subject property so long as either CDP 3-16-0446 or the development it

authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION, BACKGROUND, AND DESCRIPTION

Project Location and Background

The project site is located in the Pleasure Point neighborhood within the Live Oak coastal area of Santa Cruz County (between the City of Santa Cruz upcoast and the City of Capitola downcoast). The Live Oak coastal area is a popular visitor destination that is well known for excellent public access opportunities, with an array of beaches, well-known surf spots, lagoons, and parks owned and operated by both Santa Cruz County and the California Department of Parks and Recreation. The proposed project is at Soquel Point (aka "Pleasure Point") proper, just upcoast of the Pleasure Point Park/Parkway area (an LCP-designated Primary Public Access Point), which entails a range of public access opportunities including a very popular recreational trail atop the bluffs that provides panoramic views of the Monterey Bay and the offshore Pleasure Point surfing area, and includes public restrooms, water fountains, outdoor showers, parking, and multiple access stairways to the beach.[1]

The project site, commonly referred to as "Rockview," is an important and popular public access site, particularly for surfers, body-boarders, sunbathers, beachgoers, and tidepoolers who can get down to the craggy shoreline below the street from this location. The greater project area is located at the end of Rockview Drive (where it intersects the shoreline) and includes an existing ten-foot-wide public access pathway area on top of the seawall,[2] a picnic table and overlook area at the downcoast end of the pathway area, bike racks, interpretive signage, an eroded path down

[1] The Pleasure Point parkway project was developed and required as mitigation for the construction of the armoring that fronts it (Coastal Commission CDPs A-3-SCO-07-095 and 3-07-019).

[2] Historically, Rockview Drive extended seaward of the residences located at 1, 3, 5, 7, 9, and 11 Rockview Drive. Cars would park seaward of the paved road on an unpaved portion of the bluff top, and there were multiple "goat" trails that provided access to the rock shelf and the beach. In 1986, and due to erosion of the roadway, Santa Cruz County abandoned approximately 11,000 square feet of the public road area (approximately 185 feet in length and 60 feet in width) seaward of 1, 3, 5, 7, 9, and 11 Rockview Drive, and such abandonment was approved by the Commission under CDP 3-86-168. As a condition of approval of CDP 3-86-168, the homeowners (i.e., the recipients of the abandoned road right-of-way area) were required to record a rolling/ambulatory 10-foot-wide public access easement (i.e., as the bluff continued to erode, the easement would continue to move landward). In 1987, some of the Rockview Drive homeowners and Santa Cruz County applied for and obtained CDP 3-87-195, which authorized an approximately 170-foot-long vertical seawall at the base of the bluff, a 10-foot-wide public access path atop the seawall in the easement area, and placement of between 100 and 200 tons of riprap at the downcoast end of the seawall. There is also substantial riprap fronting the upcoast end of the seawall, and also extending across the bluffs fronting the adjacent upcoast property (i.e., just past the seawall and the public pathway). Some riprap fronting this adjacent upcoast property was approved by the Commission in 1984 (CDP 3-84-169), but it has clearly slumped from its permitted configuration, and significant rock is currently present on the beach/shoreline recreational area in front of the seawall on private individual Applicant property associated with the rock shelf as well.

the slope atop riprap to the beach/rocky shelf area,[3] and a pocket beach atop the rock shelf just below the seawall. The main public access pathway, which is located directly on top of the seawall, was formally constructed in the recorded public access easement area in 1987 as required by CDP 3-86-168. Inland of the public access pathway lies the abandoned road right-of-way that has since been developed with private backyards and related development associated with residential properties at 1, 3, 5, 7, 9, and 11 Rockview Drive (i.e., the private property owners who are the Applicants for this current application, along with the County). The beach area below the seawall primarily consists of a rock shelf and a relatively small sandy beach that varies in size with the tide, season, and longshore drift of sediment. The beach and shoreline area provide access to a prominent surf spot aptly named "Rockview," which is immediately upcoast of the popular "Wind and Sea" surf spot and immediately downcoast of the main series of breaks at Pleasure Point (i.e., "Sewer Peak," "First Peak," "Second Peak," etc.).

The popular 26th Avenue Beach is located just upcoast of Rockview; however, 26th Avenue Beach is generally inaccessible from Rockview due to geomorphic and anthropogenic factors (i.e., a prominent rockshelf that protrudes seaward creating a "point" coupled with substantial residential development atop the bluffs and related armoring). In addition, although there is pathway atop the seawall at Rockview, this pathway terminates at the upcoast end of the seawall and does not currently connect to the 26th Avenue Beach area because of the rocky headland and intervening residential development. On the other side of the Rockview site (i.e., the downcoast side) there is, however, a staircase (located between 18 and 20 Rockview Drive) that provides access to another popular pocket beach that also varies in size with the tide, season, and longshore drift, and also provides access to the "Rockview" and the adjacent downcoast "Sewer Peak" and "First Peak" surf spots. Access around the Point to the Pleasure Point Park/Parkway area from this beach is currently unavailable due to intervening residential development, armoring, and the ocean.[4]

See **Exhibit 1** for a project location map and **Exhibits 4 and 5** for site area photos.

Project Description

The proposed project would provide for regular CDP authorization of the emergency work completed under Emergency CDP (ECDP) G-3-16-0005,[5] including the excavation and

[3] Historically, this path has been somewhat of an unkempt volunteer trail that has eroded considerably over the years, and requires access users to navigate a series of boulders at its base. It was further damaged during winter 2016-2017 by a deteriorated drainage pipe, which ultimately created a sinkhole. Although the County Public Works Department replaced the damaged pipe, and placed small rocks at the terminus of the upper viewing area and around the outlet of the newly replaced storm drain, the access path remains largely inaccessible.

[4] The Commission is aware of this gap, and is actively working with property owners in this area to more effectively connect the two public access areas as projects are proposed, including recent Coastal Commission approvals that included such public pathway connections in the past few years (e.g., see CDP 3-14-0488 (Iceplant LLC Seawall) and CDP waiver 3-14-0210-W (Flavell).

[5] In November of 2015 the private individual Applicants were issued an ECDP G-3-15-0041 for emergency augmented seawall development. However, ECDP G-3-15-0041 was not exercised because the Applicants never accepted its terms and conditions as required within the requisite timeframe. These same Applicants were subsequently issued ECDP G-3-16-0005 with substantially similar terms and conditions that were ultimately accepted, and the emergency augmented seawall development work was completed under its authorization. See **Exhibit 6** for ECDP G-3-16-0005.

construction of an approximately 81-foot-long, 8.5-foot-deep, and two-foot-wide cutoff footing/foundation wall embedded into the natural rock shelf (i.e., the beach bedrock platform) located immediately seaward of and below the existing seawall. Work done under the ECDP also included retrieval and restacking of existing riprap at the downcoast end of the seawall.[6]

The cutoff footing/foundation wall fronts about 40 percent of the overall length of the seawall. As constructed, the cutoff wall is "right-centered" along the seawall, meaning that the upcoast end of the cutoff wall is approximately 78 feet from the upcoast end of the seawall and the downcoast end of the cutoff wall is approximately 26 feet from the downcoast end of the seawall. The exposed portion of the shotcrete face of the cutoff wall is colored and textured as much as possible to conform to the adjacent natural surfaces (i.e., the beach bedrock platform). The cutoff footing/foundation wall was not repair and maintenance of the previously permitted seawall, including because it modified the shape and form of the previously permitted seawall, increasing its scale and scope (see, for example, Coastal Act Section 30610(d)). Rather, the project results in an augmented seawall structure overall, one that is different (including larger and expected to last longer) than the prior seawall, and thus it represents a new seawall project and is considered here accordingly.

Recognizing that the augmented seawall structure leads to adverse coastal resource impacts, the Applicants are proposing offsetting public access improvements to the park area/accessway located at the end of Rockview Drive (i.e. "Rockview Park"). These improvements include a new formalized public access stairway that will lead from the upper park area down to the beach/rock shelf, new permeable pavers in the upper park area, and a new fence atop the seawall and along the 10-foot-wide existing public access easement. Finally, the Applicants also propose to stain/paint the seawall an earth-tone color to better blend with the surrounding environment.

See **Exhibits 4 and 5** for photos of the site before and after construction of the augmented seawall and the riprap restacking. See **Exhibits 2 and 3** for project and site plans of the seawall, cutoff wall, and proposed stairway.

B. STANDARD OF REVIEW

The project is located within both the Commission's retained CDP jurisdiction area (for the armoring) as well as the County's CDP jurisdiction (for the park improvements), and is the subject of prior Coastal Commission CDP decisions and requirements, including the requisite follow up regular CDP application for the Commission-issued ECDP for the augmented armoring. The Applicants, the County, and the Executive Director have all agreed to a consolidated CDP processing pursuant to Coastal Act Section 30601.3, and thus the standard of

[6] Such riprap was authorized by the CDP for the original seawall (CDP 3-87-195) at its downcoast end, and the emergency work was designed to bring it into conformity with that original authorization as much as possible. As indicated above, there is also substantial riprap fronting the upcoast end of the seawall and also extending across the bluffs fronting the adjacent upcoast property (i.e., just past the seawall and the public pathway). Some riprap fronting this adjacent upcoast property was approved by the Commission in 1984 (CDP 3-84-169), but it has clearly slumped from its permitted configuration, and significant rock is currently present on the beach/shoreline recreational area in front of the seawall on private individual Applicant property associated with the rock shelf as well.

review for the proposed project is the Coastal Act, with the Santa Cruz County LCP providing non-binding guidance.

C. COASTAL HAZARDS

Coastal Act Section 30235 addresses the use of shoreline protective devices:

> ***30235.*** *Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.*

Coastal Act Section 30253 addresses the need for new development to ensure long-term structural integrity, minimize future risk, and to avoid landform altering protective measures along the shoreline as part of the new development or in the future. Section 30253 provides, in 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.*

Consistency Analysis

Coastal Act Sections 30253 and 30235 acknowledge that seawalls, revetments, cliff retaining walls, groins and other such structural or "hard" methods designed to forestall erosion also alter natural landforms and natural shoreline processes. Accordingly, shoreline armoring devices are only compelled approval for coastal-dependent uses, existing structures, or public beaches in danger of erosion (subject to the requirement that adverse impacts to local shoreline sand supply are mitigated or eliminated) under Section 30235. The Coastal Act provides these limitations because shoreline structures can have a variety of negative impacts on coastal resources, including adverse effects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, ultimately resulting in the loss of beaches.

Under Coastal Act Section 30235, and for other than public beaches and coastal dependent uses (which are not applicable here), a shoreline structure is required to be approved if: (1) there is an existing structure; (2) the existing structure is in danger from erosion; (3) shoreline-altering construction is required to protect the existing endangered structure; and (4) the required

protection is designed to eliminate or mitigate its adverse impacts on shoreline sand supply.[7] The first three criteria relate to whether the proposed armoring is necessary, while the fourth criterion applies to mitigating some of the impacts from the proposed armoring if it is deemed necessary.

Existing Structure to be Protected

The first Section 30235 test is whether or not the structure for which a shoreline protective device is proposed is considered "existing." The Coastal Act distinguishes between development where shoreline protective devices may be required and development where that is not the case. Under Coastal Act Section 30235, existing development (meaning development existing prior to the effective date of the Coastal Act on January 1, 1977) is potentially compelled a shoreline protective device if the remaining three criteria identified above are also satisfied. Under Section 30253, *new* development (i.e., all development built on or after January 1, 1977) is to be sited, designed, and built in a manner safe from coastal hazards without creating a need for a shoreline protective device that would substantially alter landforms along bluffs and cliffs and therefore is not entitled to such shoreline protection pursuant to Section 30235. Coastal zone development approved and constructed prior to the Coastal Act going into effect was not subject to Section 30253 requirements. Although some local hazard policies may have been in effect prior to the Coastal Act, these pre-Coastal Act structures have not necessarily been sited, designed, permitted and built in such a way as to avoid the need for future shoreline protection.

In this case, the lateral public access pathway area atop the bluff has existed at the site for many decades, predating the passage of 1972's Proposition 20 (The Coastal Initiative)[8] and the subsequent enactment of the 1976's Coastal Act. This lateral public access path and overlook area has been consistently and heavily used by the public over the years, including both prior to and following its formalized construction under CDP 3-86-168, as amended.[9] The trail is also coastal-dependent inasmuch as it requires a site adjacent to the sea to function for its intended public purpose, and Section 30235 allows for consideration of armoring to protect it for this purpose as well. Thus, in this case and for these reasons, the 10-foot-wide access pathway and overlook area inland of the augmented seawall and restacked riprap qualifies as an existing structure (and as a coastal-dependent use) as specified in Coastal Act Section 30235. Thus, the proposed project meets the first test of Section 30235 of the Coastal Act.

Danger from Erosion

The second Section 30235 test is whether the existing structure is in danger from erosion. The Coastal Act allows shoreline armoring to protect existing structures in danger from erosion, but it does not define the term "in danger." There is a certain amount of risk involved in maintaining development along a California coastline that is actively eroding and can be directly subject to violent storms, large waves, flooding, earthquakes, and other coastal hazards. These risks can be

[7] CDP approval also requires that projects be found consistent with the other policies of the Coastal Act in addition to these Section 30235 requirements. Discussion regarding consistency with other policies of the Coastal Act follows.

[8] Proposition 20, approved by California voters in 1972, introduced coastal permitting requirements in February 1973.

[9] The 10-foot-wide lateral public access pathway/overlook area on top of the existing seawall was first formalized in the 1980's under CDP 3-86-168, and was recently improved (including via the installation of permeable pavers, bicycle racks, and coastal access signage) under CDP Amendment 3-86-168-A1 in 2015.

exacerbated by sea level rise and localized geography that can focus storm energy at particular stretches of coastline. In a sense, all development along the immediate California coastline is in a certain amount of "danger." It is a matter of the degree of threat that distinguishes between danger that represents an ordinary and acceptable risk, and danger that requires shoreline armoring per 30235. Lacking Coastal Act definition, the Commission has in the past evaluated the immediacy of any threat in order to make a determination as to whether an existing structure is "in danger" for the purposes of Section 30235 considerations. While each case is evaluated based upon its own particular set of facts, the Commission has previously interpreted "in danger" to mean that an existing structure would be unsafe to use/occupy within the next two or three storm season cycles (generally, the next few years) if nothing were to be done (i.e., in the no project alternative).[10]

As a part of the original ECDP application, the private individual Applicants demonstrated that the public access pathway was in immediate danger due to erosion. Specifically, the central portion of the sandstone bedrock beach platform on which the existing seawall and public access pathway are founded experienced rapid and accelerated erosion, whereby the bedrock platform receded approximately 40 feet in less than eight months, and was within 12 feet of the toe of the seawall. These Applicants' geologic and geotechnical consultants subsequently provided further evidence that additional and ongoing recession of the bedrock platform was inevitable, and that such recession would shortly lead to the failure of the unsupported bedrock overhang, which would result in continued accelerated erosion, "allowing blocks of bedrock to be dislodged and lost seaward" (**see Exhibit 7**), which in turn would result in the loss of the seawall and the public access pathway.

In addition, as a part of the application for this CDP, the private individual Applicants also submitted a "Threat Analysis" report, which reiterated the key information identified in these Applicants' November 2015 ECDP request, and also included additional information demonstrating that the access pathway was immediately threatened at the time of the ECDP (see **Exhibit 7**). Specifically, these Applicants' 2017 "Threat Analysis" report identified that the seawall and the public access pathway were immediately in danger (i.e., this report found that if the work had not been completed in the winter of 2016, then it is likely that the public access path, the seawall, and an area up to 14 feet inland of the landward edge of the seawall could have been seriously damaged and impacted by erosion). The report further noted that if the work had not been completed in the winter of 2016, the degree of danger and resulting repair would have only increased over time due to sea-level rise (predicted to be between 5 inches and 24 inches by 2050), including through accelerated bluff recession rates, and the cumulative and combined impacts associated with higher tides, El Niños, storm surges, and wave run-up (i.e., larger tides, more intense storms, increased water levels, and the concentrated direction and ocean bathymetry that individually and collectively contribute to concentrated energy and erosion of the subject bedrock platform). The Applicants' 2017 Threat Analysis ultimately concluded that continued erosion of the bedrock platform would lead to the short-term failure of the seawall via significant structural damage (including due to settlement, bending, and/or overturning), and that any repair to just the seawall at that point would be infeasible (see **Exhibit 4** for photos of the

[10] See, for example, CDP A-3-SCO-07-095/3-07-019 3-07-019 (Pleasure Point seawall); CDP 3-09-025 (Pebble Beach Company Beach Club seawall); CDP 3-09-042 (O'Neill seawall); CDP 2-10-039 (Lands End seawall); CDP 3-14-0488 (Iceplant LLC seawall); and CDP 2-17-0702 (Sharp Park golf course).

receding bedrock platform). The Commission's Senior Coastal Engineer, Dr. Lesley Ewing, evaluated these Applicants' Threat Analysis and the related project materials and agreed with its conclusion that the public access pathway was in immediate danger from erosion. Thus, and for all of the above reasons, the public access path is determined to be in immediate danger from erosion for purposes of Section 30235.

Alternatives Analysis

The third Section 30235 test that must be met is that the proposed armoring must be "required" to protect the existing threatened structure. In other words, shoreline armoring must be permitted if it is the only feasible alternative capable of protecting the existing endangered structure.[11] When read in tandem with other applicable Coastal Act policies cited in these findings, this Coastal Act Section 30235 evaluation has been conceptualized by the Commission in the past as a search for the least environmentally damaging feasible alternative that can serve to protect existing endangered structures. Other alternatives which the Commission has considered in the past include: the "no project" alternative; abandonment of endangered structures; relocation of endangered structures; sand replenishment programs; drainage and vegetation measures on the blufftop and bluff; and combinations of each.

The Applicants prepared an alternatives analysis for the proposed project (see **Exhibit 8**), and each of the possible alternatives evaluated is discussed briefly below.

No Project Alternative

The no-project alternative would have resulted in continued rapid erosion of the bedrock platform, which would undermine the existing seawall and cause the loss of the public access pathway in the very short term. Specifically, given the substantial size of the seawall, undermining of the seawall could have led to significant structural damage resulting from settlement, bending, and/or overturning of the seawall, leading to exposure and then erosion of the granular soils behind the seawall. As discussed above, the private individual Applicants' geologic/geotechnical consultants concluded that if the emergency construction of the cutoff wall had not been completed in March of 2016, the erosion of the bedrock platform would have likely damaged the seawall and thus the public access pathway on top of the wall and "at least 14 feet inland of the landward edge of the wall based on the soil strength of the backfill and terrace deposits." Moreover, these Applicants' consultants predicted that periodic wave run-up following seawall failure could have further eroded the backfill and terrace deposits an additional 10 to 20 feet inland, exacerbating all of the above, and making relocation of the pathway area more difficult, if not impossible, in light of intervening residential development. For these reasons, the no-project alternative was determined not to be feasible in this case.

Managed Retreat/Relocation

While relocation of the seawall and public access path may be possible as a matter of engineering, the environmental impacts associated with relocation and reconstruction would be significant and thus relocation/managed retreat is considered both an undesirable and infeasible alternative. As indicated above, presuming failure of the seawall, very little space would be

[11] Coastal Act Section 30108 defines feasibility as follows: "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

available within which to site another public access pathway that would provide commensurate views of the coast and access to the beach relative to the existing pathway. Moreover, if the seawall was to be prophylactically removed and the path moved inland, there would be significant alteration and damage to the existing bluff and landform, and the newly relocated and unprotected path would then be extremely susceptible to loss again, likely in the very short term, given the aggressive rate of coastal erosion in this area, as discussed above. Additional armoring would likely be pursued at that point, whether for the pathway or for inland residential development or both. Therefore, managed retreat/relocation was determined not to be the least environmentally damaging alternative.

Beach Nourishment

Successful beach nourishment programs generally require vast amounts of sand materials over a larger area and are subject to very specific program parameters intended to maximize their efficacy and utility. The high variability and rate of littoral cell drift in this area, as well as the area's exposure to wave and storm events, add to the challenge for a successful beach nourishment effort and also argue against beach nourishment as a feasible alternative. Beach nourishment can be a feasible option in many parts of the coast, especially locations that have headlands or promontories to retain sand, but there is little means of targeting a nourishment project that could in any way maintain an effective beach buttress fronting the Rockview area. Therefore, beach nourishment is not a feasible alternative in this case.

Vegetation and Drainage

Stabilization of the bluff and the area immediately inland of the seawall with enhanced native landscaping and drainage would do little to curb erosion given the bluff itself is already armored by the seawall, and this type of solution would have essentially no effect on the identified problem. Similarly, an attempt at stabilizing the bedrock platform using vegetation and drainage is infeasible as there is no means of growing plants in the rocky environment of the rock-sea interface. Even if soils were imported to this area, they would be washed away shortly after planting/installation due to the low elevation of the bedrock platform and the concentrated wave energy/direction at this location. Any vegetation efforts would be expected to be fairly futile, similar to any beach nourishment efforts, eliminating vegetation as a feasible alternative in this case.

Thus, in this case, "soft" alternatives to the proposed project are not feasible, and therefore, hard armoring alternatives must be considered.

Riprap Revetment

Riprap has been successfully used to protect endangered structures along the California coast for many decades. However, the placement of riprap in the eroded area of the bedrock platform would occupy valuable and limited beach/shoreline recreational space and thus result in more adverse impacts to public access and recreation than an augmented seawall. Further, it is not clear if a riprap revetment could adequately curb the bedrock erosion and protect the existing public access pathway anyway. Riprap commonly experiences spreading, slumping and related maintenance issues (as seen at the site at both the up- and downcoast ends of the seawall). Given its impacts and limitations, riprap, even if feasible, would not be the least environmentally damaging alternative in this case.

Augmented Seawall

Construction of the approximately 81-foot-long, two-foot wide, and 8.5-foot deep cutoff footing/foundation wall to augment and further fortify the existing seawall is the preferred alternative because it achieves the desired project goals (e.g., prevents loss of the public access pathway) and minimizes adverse impacts to coastal resources, including public access and recreation, as much as feasible given the circumstances. Because the cutoff footing/foundation wall is installed at the base of the existing seawall, construction impacts (including those related to water quality) can be minimized. Further, the cutoff wall is also embedded into the bedrock, meaning that it is mostly underground, limiting its impacts to public access/recreation and visual resources to the maximum degree feasible at this location. The exposed portions of the cutoff wall can be designed to match the bedrock platform as much as possible, helping to reduce adverse visual resource and access impacts. In addition, the augmented seawall allows an opportunity to remove and/or restack errant riprap at either end of the seawall as part of the overall package. In sum, the cutoff wall, which changes the seawall into a new, different, and augmented seawall, is the preferred alternative because it is feasible to achieve the project objective (protection of the lateral public access path) and it helps to reduce adverse impacts to coastal resources as much as feasible with a project like this and in this environment.

Thus, in this case the proposed project is the least environmentally damaging feasible solution to protect the existing endangered structure, and the proposed project meets the third analytic test of Section 30235 of the Coastal Act.

Beach and Shoreline Access and Sand Supply Impact Assessment and Mitigation

The fourth test of Section 30235 that must be met in order to compel Commission approval of a shoreline armoring project is that such armoring must be designed to eliminate or mitigate adverse impacts to local shoreline sand supply.

Shoreline Processes

Some of the effects of engineered armoring structures on the beach (such as scour, end effects and modification to the beach profile) are temporary or are difficult to distinguish from all the other actions that modify the shoreline. Others are more qualitative (e.g., impacts to the character of the shoreline and visual quality). Some of the effects that a shoreline structure may have on natural shoreline processes can be quantified, however, including: (1) the loss of the beach and shoreline recreational area on which the structure is located; (2) the long-term loss of beach and shoreline recreational area that will result when the back-beach location is fixed on an eroding shoreline; and (3) the amount of material that would have been supplied to the beach and shoreline recreational area if the back-beach or bluff were to erode naturally. The first two calculations affect beach and shoreline use areas, and the third calculation is related to shoreline sand supply impacts, but all three calculations relate to public recreational access to the beach and shoreline recreational area.

Encroachment on the Beach/Shoreline Recreational Area

With respect to loss of beach and other shoreline recreational area, shoreline protective devices, such as the augmented seawall in this case, are physical structures that occupy space. Typically when a shoreline protective device is placed on a beach or other shoreline recreational area, the underlying area cannot be used for beach and other recreation. This generally results in a loss of

public access as well as a loss of sand and/or areas from which sand-generating materials can be derived. The area where the structure is placed will be altered from the time the protective device is constructed, and the extent or area occupied by the device will remain the same over time, until the structure is removed or moved from its initial location, or in the case of a revetment, as it spreads seaward over time. The beach/recreational area located beneath a shoreline protective device, referred to as the encroachment area, is the area of the structure's footprint.

In this case, as discussed in the project description section above, the proposed cutoff wall augments the seawall that was present at this location in a way that significantly changes its overall configuration, fortifying the extent of armoring at this location and extending its expected useful design lifetime. In other words, the entire seawall structure has changed to the point that it is a new and different wall compared to that which was originally constructed, and it must be evaluated as the new seawall it has become. The footprint of the seawall before the augmentation was approximately 200 feet long and 9 feet wide or 1,800 square feet (measured laterally from the bluff edge to the seaward extent of the seawall), and the cutoff footing/foundation wall adds another 162 square feet to the footprint (i.e., it is 81 feet long and 2 feet wide), for a total encroachment area of 1,962 square feet.

Fixing the Shoreline Position (the "Coastal Squeeze")

On an eroding shoreline, beach and shoreline recreational areas will exist between the shoreline/waterline and the bluff as long as sand and space is available to form a beach. As bluff erosion proceeds in a natural setting, the profile of the beach also retreats and the beach area migrates inland along with the bluff. This process essentially stops, however, when the backshore is fronted by a hard protective structure, such as a revetment or a seawall. Experts generally agree that where the shoreline is eroding and armoring is installed, the armoring will eventually define the boundary between the sea and the upland.[12] While the shoreline on either side of the armor continues to retreat, shoreline in front of the armor eventually stops at the armoring. This effect is also known as passive erosion or "coastal squeeze". The beach/recreational area will narrow, being squeezed between the moving shoreline and the fixed backshore, and this represents the loss of a beach and recreational shoreline as a direct result of the armor. The coastal squeeze phenomenon caused by armoring will only be exacerbated by climate change and sea-level rise. As climate change causes the seas to rise ever faster, beach and recreational shoreline areas will retreat inland at an increasingly rapid pace.[13,14] If the inland

[12] See, for example: Kraus, Nicholas (1988) "Effects of Seawalls on the Beach: An Extended Literature Review", Journal of Coastal Research, Special Issue No. 4: 1 – 28; Kraus, Nicholas (1996) "Effects of Seawalls on the Beach: Part I An Updated Literature Review", Journal of Coastal Research, Vol.12: 691 – 701., pg. 1 – 28; and Tait and Griggs (1990) "Beach Response to the Presence of a Seawall", Shore and Beach, 58, 11-28.

[13] Sea level has been rising for many years, and 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 (some shoreline experts have indicated that sea level could rise 4.5 to 6.0 feet by the year 2100). The Coastal Commission's Sea Level Rise Policy Guidance identifies the National Research Council's "Sea Level Rise for the Coasts of California, Oregon and Washington: Past, Present and Future" (NRC Report) as the current best available science for sea level rise. The NRC Report uses a year 2000 baseline and produced sea level rise projections for 2030, 2050 and 2100, taking into account geophysical differences north and south of Cape Mendocino attributed to vertical land movement. Based on the NRC Report projections, the estimated range of sea level rise for 2065 and 2090 can be interpolated between the projections for 2050 and 2100 to be from 7 inches to 35 inches (0.19 m to 0.88 m) for 2065 and from 14 inches to 56 inches (0.36 m to 1.4 m) for 2090. The observed trend for global sea level has been a long-term, persistent rise. Mean water level affects shoreline erosion several ways,

area cannot also retreat, eventually, there will be no available dry beach area and the shoreline will be fixed at the base of the armoring structure. In the case of an eroding shoreline, this represents the loss of a beach and shoreline recreational area as a direct result of the armor. Specifically, beach and shoreline recreational areas are diminished as the beach is compressed between the ocean migrating landward and the fixed backshore. Such passive erosion impacts can be calculated over the time the proposed armoring is expected to be in place. Consistent with the Commission's experience that shoreline armoring often needs to be reinforced, augmented, replaced, or substantially changed within twenty years of its original installation, and to provide for re-review on a regular basis to allow for consideration of possible changes in policy, law, and physical conditions associated with armoring, the Commission evaluates this impact for an initial twenty-year period from the date of approval (which in this case will amount to twenty-three years from the date of installation because the augmented seawall was installed under an emergency CDP on February 2, 2016). After this 23-year initial mitigation period, additional impact analysis will be needed (see **Special Condition 7**) to assess the appropriate additional mitigation necessary at that time, if any.

The Commission has in the past used a methodology for calculating the passive erosion impacts of a seawall, or the long-term loss of beach/shoreline area due to fixing the back beach. Specifically, the lost area is equivalent to the footprint of the beach/shoreline area that would have been created by natural erosion processes absent the armoring, and is equal to the long-term average annual erosion rate multiplied by the width of property that has been fixed by a shoreline protective device. In this case, the augmented seawall spans approximately 200 linear feet of bluff, and the average long-term annualized erosion rate for both the bedrock platform and the terrace deposits at this location has been estimated by the private individual Applicants' Threat Analysis (and verified by Dr. Ewing) to be 0.6 feet per year. Therefore the impacts due to the proposed project from fixing the back beach will be the loss of 120 square feet of beach and shoreline recreational area per year. Over the initial 23-year mitigation period, approximately 2,760 square feet of beach/shoreline area will be lost in this way (i.e., beach that would have been created naturally if the back beach had not been fixed by the augmented seawall).

Thus, the augmented seawall results in a loss of approximately 4,722 square feet of beach and shoreline recreational area (1,962 square feet associated with the augmented seawall's footprint and 2,760 square feet associated with coastal squeeze due to such armoring over the initial 23-year time frame). There is no doubt that such impacts represent significant public recreational access impacts, including the loss of the socio-economic value of beach and shoreline recreational access area, for which the Coastal Act requires mitigation.

The most obvious in-kind mitigation for these impacts would be to create a new 4,722 square-

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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. This, too, leads to loss of the beach as a direct result of the armor as the beach is squeezed between the landward migrating ocean and the fixed backshore (e.g., a 1-foot rise in sea level generally translates into a 40-foot inland migration of the land/ocean interface for a roughly 40:1 slope, typical of average sandy beach profiles).

[14] See, for example: Sea Level Rise, Adopted Policy Guidance, https://www.coastal.ca.gov/climate/slrguidance.html. The most current data provided by the Ocean Protection Council, http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf, estimates between 3.3 and 10.1 feet of sea level rise by 2100.

foot area of beach/shoreline recreational area to replace that which will be lost over the first 23 years with an identical area of beach/shoreline recreational area in close proximity to the eliminated beach/shoreline recreational area. While in concept this would be the most direct mitigation approach, in reality, finding an area that can be allowed to erode and turned into a beach and ensuring it does so appropriately over time is very difficult in actual practice. At the same time, the calculations of affected area do provide an appropriate relative scale for evaluating alternative mitigations. For example, in the past, the Commission has looked at several ways to value such beach and shoreline areas in order to determine appropriate in-lieu mitigation fees, including evaluating the recreational value of the beach/shoreline recreational area in terms of the larger economy, as well as the real estate value of the land that would be taken from public use.

In terms of the recreational beach/shoreline value, the Commission has recognized that in addition to the more qualitative social benefits of beaches and shoreline areas (recreational, aesthetic, habitat values, etc.), beaches and shoreline recreational areas provide significant direct and indirect revenues to local economies, the state, and the nation. Most people recognize that the ocean and the coastline of California contribute greatly to the California economy through activities such as tourism, fishing, recreation, and other commercial activities.[15] There is also value in just spending a day at the beach and having wildlife and clean water at that beach, and being able to walk along a stretch of beach and shoreline. There is also the societal benefit to beaches and shoreline areas, including the ways in which they contribute to local community, state social fabric, and cultural identity, although it is difficult to put a price tag on either of these.

Thus, these recreational impacts are in many cases difficult to quantify, including at sites such as Rockview where visitation data needed for certain economic impact models are lacking. In other cases where visitation data is lacking, the Commission has found that using a real estate valuation method as a basis for identifying mitigation values allows for objective quantification of the value of beach and shoreline area, and that this valuation is appropriate both in terms of the scope of impacts and the rational basis for applying such methodology.[16] This method requires an evaluation of the cost of land that could be purchased and allowed to erode and turn into beach naturally to offset the area that would be lost due to the construction and continued placement of the augmented seawall over time.

Toward this end, the market values of representative blufftop properties in the Live Oak/Pleasure Point area were identified as a means to identify what it might cost to purchase such property and allow it to erode to create beach/shoreline recreational space. Specifically, this review was conducted by looking at the sales of blufftop property in close proximity to the project site between the years 2014 and 2016 (i.e., no more than two years preceding the date of the 2016 emergency construction of the cutoff wall). This value is then divided by the property square footage to derive a price per square foot. The square-foot calculated value provides an estimated

[15] Sea Level Rise, Adopted Policy Guidance, https://www.coastal.ca.gov/climate/slrguidance.html, "Just over 21 million people lived in California's coastal counties as of July 2014 (CDF 2014), and the state supports a $40 billion coastal and ocean economy (NOEP 2010)."

[16] See, for example, CDPs 2-10-039 (Land's End Seawall), 2-11-009 (City of Pacifica Shoreline Protection), A-3-PSB-12-042 and A-3-PSB-12-043 (Pismo Seawalls), and 3-16-0345 (Honjo Seawall).

value of what it would cost to purchase/acquire an equivalent blufftop property area that could be allowed to naturally erode and provide a beach area roughly equivalent to what will be lost due to the augmented seawall over the initial 23-year authorization.

This evaluation focused on a total of nine blufftop properties sold in the immediate vicinity between 2014 and 2016. Over this time frame, sales show a range of per-square-foot values from $175.53 per square-foot at the low end,[17] up to $810.98 per square-foot at the high end,[18] with an average of $417.54 per square-foot.[19] This value represents a reasonable estimate of the market value of blufftop lots nearest to the subject site based on actual sales data in the years leading to the installation of the augmented seawall in 2016. Given that median sales prices have been steadily increasing in the Live Oak/Pleasure Point area over the same timeframe, and since the valuation was conducted in 2016 when the cutoff wall was first constructed, such a value may slightly underestimate current costs, but it is still a valid conservative estimate of the cost of such mitigation.

Applying this land acquisition value to the 4,722 square-foot impact associated with the augmented seawall would result in a mitigation fee of $1,971,624 for the loss of beach and shoreline use areas based on the initial 23-year mitigation period (i.e., 4,722 square feet x $417.54/square foot = $1,971,624). The Commission finds that this mitigation fee amount is most closely tied to specific land values in the vicinity of the project, and is thus both reasonably related and roughly proportional to the anticipated impacts of the augmented seawall on beach and shoreline recreational use areas for the first 23 years it is in place.

Shoreline Sand Supply Impacts/Retention of Potential Beach Material

The final impact calculation pertains to the loss of sand and sand-generating materials due to the project, and the way that affects the larger sand supply system. Beach sand material comes to the shoreline from inland areas, carried by rivers and streams; from offshore deposits, carried by waves and tidal currents; and from coastal dunes and bluffs feeding sandy beaches and shoreline recreational areas. Bluff retreat is one of several ways that sand and sand generating materials are added to the shoreline. Bluff retreat and erosion are natural processes resulting from many different factors such as erosion by wave action causing cave formation, enlargement and eventual collapse; saturation of the bluff soil from groundwater causing the bluff to slough off; and natural bluff deterioration. For coastal dunes, the contribution to the system is typically more direct, with sand becoming part of the shoreline system during and as a result of climatic events, including wind, rain, and storms. When the bluff/shoreline area is armored with a shoreline protective device, the natural exchange of material from the armored area to the beach/shoreline area and offshore sand supply system will be interrupted and, if the armored bluff/shoreline area

[17] The property at 2866 South Palisades Avenue sold for $2,875,000 in 2015 and included 16,379 square feet of property, or $175.53 per square-foot.

[18] The property at 2868 South Palisades Avenue sold for $6,500,000 in 2016 and included 8,015 square feet of property, or $810.98 per square-foot.

[19] The other properties used to derive the average price per square foot for blufftop land in the immediate vicinity include: 2-2812 East Cliff Drive where the average price per square-foot was $621.23; 11 Rockview Drive ($352.27/square-foot); 18 Rockview Drive ($622.32/square-foot); 2879 Pleasure Point Drive ($389.35/square-foot); 3052 Pleasure Point Drive ($302.91/square-foot); 2-3920 East Cliff Drive ($275.10/square-foot); and 4170 Opal Cliff Drive ($208.18/square-foot).

would have otherwise eroded, there will be a measurable loss of material to the beach/shoreline/offshore sand supply system area as a result.

In these cases, sand and sand generating materials would be added to the beach/shoreline at these locations, as well as to the larger littoral cell sand supply system fronting the bluff/shoreline, if natural erosion were allowed to continue (i.e., if the armoring weren't there). The volume of total material that would have gone into the sand supply system over the lifetime of the shoreline protective device would be the volume of material between (a) the likely future bluff/shoreline configuration with shoreline protection; and (b) the likely future bluff/shoreline configuration without shoreline protection. The private individual Applicants' consultants conducted analyses using the Commission's methodology and determined that the amount of beach-quality sand retained by the augmented seawall would be 227.4 cubic yards of sand per year, or 5,230 cubic yards over 23 years (and Dr. Ewing reviewed and concurs on this estimate).

To mitigate for this loss of sand, the Commission has in the past required payment of an in-lieu fee to contribute to ongoing sand replenishment or other appropriate mitigation programs, where such fee is based on the cost of buying and delivering an equivalent volume of beach quality sand to the affected area. Based on recent estimates of costs for beach quality sand for other projects, the cost of purchasing and delivering 5,230 cubic yards of beach quality sand is currently approximately $50 per cubic yard.[20] Thus, an in-lieu fee to address this sand supply impact would be approximately $261,510 (i.e., $50/cubic yard x 227.4 cubic yards/year x 23 years = $261,510 for the initial mitigation timeframe).

Approvable Mitigation Package

Therefore, over the first 23-year mitigation timeframe, sand supply and related beach/shoreline loss impacts associated with the armoring would result in a required mitigation fee of $2,233,134 (i.e., $1,971,624+ $261,510 = $2,233,134). While requiring such a mitigation fee could commensurately mitigate for these impacts, the Commission has also instead required the provision of in-lieu public recreational access improvements to offset such impacts, particularly when a public agency, such as Santa Cruz County in this case, is an applicant for a shoreline armoring project. Such mitigation strategies can allow for bona fide improvements to public recreational access infrastructure and utility so that mitigation benefits can be realized in the near term, and in the area of the impacts. Toward that end the Applicants (i.e., both the private individuals (through their representative) and the County (through its Parks Department)) and Commission staff have worked together to develop an appropriate mitigation package that could be brought to fruition in the very short term to offset project impacts in the Rockview area. Specifically, such a mitigation package would focus on improvements and enhancements to the Rockview Drive County Park area, including installing a new stairway to help provide better beach and surf access, and generally improving and expanding the Park with amenities (e.g., benches, bike racks, picnic tables, interpretive signage, etc.), landscaping, consistent paving throughout the Park, and more viewshed-friendly fencing. In addition, all riprap in the area would be removed where feasible, and any riprap necessarily remaining would be restacked where required to ensure continued armoring function, while also freeing up beach/shoreline recreational space. In addition, as part of such Park improvements, the augmented seawall would

[20] The estimate of $50/cubic yard is the cost of sand and transportation from the Wilder Sand Plant in northern Santa Cruz County to the project site.

be stained an earth-tone-and-mottled color to better blend in with the surrounding bluff, rocky shelf, and beach area.

Thus, in this case, the Commission finds that the best way to mitigate for the above-identified armoring impacts, as well as to enhance and maximize public access and recreational opportunities in the project area as required by the Coastal Act, is to require the Applicants to prepare and implement a Rockview Drive County Park Improvement Plan (Access Plan) with the objective of maximizing and enhancing public recreational access and utility in this area, including through the new stairway, within one-year of this approval (i.e., by February 6, 2020) (see **Special Condition 2**). In addition to the stairway, revised fencing, and new pavers proposed by the Applicants, **Special Condition 2** also requires an expanded park area, an unified park aesthetic, park amenities (such as benches, bike racks, enclosed trash and recycling receptacles), signage, and also requires landscaping improvements made up of native plant species. This condition also requires removal of as much riprap as feasible from the area seaward of the blufftop portion of the park, with any remaining riprap restacked to occupy as little beach/rocky shelf space as possible.[21] Finally, **Special Condition 2** prohibits future development and uses that may disrupt public access, and prohibits interference of public access by requiring access amenities to be open to the public 24 hours a day free of charge.

These types of on-the-ground public access improvements, including those that create or improve public coastal access, are preferred here to collecting funds for an undetermined mitigation project or a project with an uncertain timeframe for execution. In some cases, individual applicants for shoreline protection do not have the ability and/or willingness to develop projects to enhance public recreation, including as they are not public agencies in the public access business, and in-lieu fees can be more appropriate in such a context. In this case however, the private individual Applicants are co-Applicants with the County, and the County operates, maintains, and improves a variety of parks including coastal beach accessways in the Live Oak and Pleasure Point Area, including at Rockview. There is also value in being able to realize such mitigation in the short term and at the immediate location of the impact. This mitigation project resembles other compensatory projects required by the Commission in the past,[22] and is appropriate in this particular case given the beach/shoreline characteristics at issue (i.e., the somewhat transitory beach space available at the base of the seawall) and the currently degraded nature of some of the access amenities at Rockview Park. In addition, this approach will allow the Rockview Drive Park Improvement project to be realized in the very short term, providing fairly immediate and tangible public benefits as opposed to an in-lieu fee that may not

[21] Again, as noted earlier, this restacking riprap authorization applies to both the downcoast riprap nearest the stairway location and the upcoast riprap fronting the seawall, where only the minimum amount of rock at the edge of the seawall to allow an appropriate transition to the permitted portion of the riprap fronting the adjacent upcoast property there is allowed. Thus, this approval is structured to address the riprap fronting the seawall to achieve this requirement. In addition, Commission staff intends to work with the adjacent upcoast property owners to bring their riprap into conformance with their CDP, ideally in tandem with the work to be undertaken as part of this authorization (to the extent feasible).

[22] See, for example, the following CDPs: 3-02-107 (Podesto), 3-07-019 and A-3-SCO-07-015 (Pleasure Point Seawall and Parkway), 3-09-042 (O'Neill), 2-11-009 (Pacifica Drainage Armoring), A-3-PSB-12-042 and A-3-PSB-12-043 (Pismo Beach Oceanview Boulevard Seawalls), 2-16-0684 (Aimco), 3-16-0345 (Honjo), and 2-17-0702 (Sharp Park).

be used or applied for some time, where the time lag would reduce its effectiveness. In short, the above-described access improvement project constitutes an appropriate and adequate compensatory mitigation package to offset the impacts identified above, and to be able to find the project consistent with Coastal Act Section 30235.

Duration of Armoring Authorization

The Coastal Act only compels shoreline protection devices when necessary to serve a coastal-dependent use or to protect a public beach or an existing principal structure in danger of erosion, and therefore shoreline protective devices are no longer compelled after the existing structures or coastal-dependent uses they protect are no longer present or no longer require armoring. Although the purpose of the proposed development is to protect an existing public Park and accessway, the shoreline armoring itself nevertheless impedes public access to and along the shoreline, adversely impacts beaches and shoreline recreational areas, potentially increases erosion on adjacent properties, and visually impairs this coastal area. Although in this case it is likely that the public pathway (i.e., the structure being protected by the augmented seawall) will be in place for many years, it is unclear how sea level rise and other coastal hazards may affect the shoreline in this area over time, so it is still necessary to ensure that the shoreline protection as constructed does not outlast the structure/use it was designed and approved to protect, even in the case of public infrastructure.

Special Condition 6 thus limits the duration of this armoring approval to the time when the public accessway improvements inland of the augmented seawall are no longer present or no longer require armoring, whichever occurs first. If some portion of the public improvements are removed, while some portion are retained, the armoring is required to be reduced or modified so that it is the minimum necessary to protect the existing public improvements that are retained.

In terms of impact mitigation for the approved project, as discussed above, the mitigation for the Section 30235 impacts associated with the augmented seawall is based on an initial 23-year time period.[23] These impacts will continue to occur, though, for the full time that the approved armoring structure is in place, including beyond 23 years if it continues to be necessary to protect the public accessway. Using an initial time period of 23 years for the mitigation calculations ensures that the mitigation will cover the likely initial impacts from the augmented armoring, but future impacts beyond the initial mitigation period are far more uncertain to predict at this point in time due to, among other factors, possible changes in sea level, storm frequency and intensity and direction of wave attack. The public access mitigation improvements required under this approval may very well be sufficient to offset the continued impacts of retaining the augmented seawall beyond the initial 23-year mitigation period, but an evaluation of ongoing project impacts to shoreline resources in the future may demonstrate that additional mitigation is necessary in order to adequately mitigate for ongoing project impacts to coastal resources. **Special Condition 7** therefore requires the private individual Applicants to reevaluate the impacts associated with the retention of armoring beyond the initial 23-year mitigation period and provide additional mitigation if deemed necessary to mitigate for additional impacts to

[23] The timeframe was adjusted because the project was initially installed under an emergency permit. The mitigation thus represents the impacts beginning the date of installation (i.e. 2016) and includes up to 20 years from the date of Commission approval of this CDP, amounting to 23 years for the initial impact mitigation timeframe.

coastal resources past the initial 23 years in the event that said impacts are not mitigated sufficiently under this approval.

Thus, as conditioned, the project satisfies the Coastal Act Section 30235 requirements regarding mitigation for sand supply impacts, and thus also meets all Section 30235 tests for requiring such armoring.

Long-Term Stability, Maintenance, and Risk

Coastal Act Section 30253 requires the project to assure long-term stability and structural integrity, minimize future risk, and avoid additional, more substantial protective measures in the future. This is particularly critical given the dynamic shoreline environment in this area. Also critical to the task of ensuring long-term stability, as required by Section 30253, is a formal long-term monitoring and maintenance program. If the subject armoring were damaged in the future (e.g., as a result of flooding, landsliding, wave action, storms, etc.), it could lead to a degraded public access condition. In addition, such damages could adversely affect nearby beaches and recreational use areas by resulting in debris on the beaches and/or creating a hazard to the public using the beaches and offshore areas. Therefore, in order to find the proposed project consistent with Coastal Act Section 30253, the project must be maintained in its approved state. Further, in order to ensure that the Applicants and the Commission know when repairs or maintenance are required, the Applicants must regularly monitor the condition of the subject armoring, particularly after major storm events. Such monitoring will ensure that the Applicants and the Commission are aware of any damage to or weathering of the armoring and other project components, and can determine whether repairs or other actions are necessary to maintain the armoring and the offsetting access improvements in their approved state before such repairs or actions are undertaken. To assist in such an effort, monitoring plans should provide vertical and horizontal reference distances from armoring structures to surveyed benchmarks for use in future monitoring efforts. It is noted that the intent of such monitoring and maintenance parameters is that the private individual Applicants are to be responsible for all aspects of compliance with this special condition related to the augmented seawall and any remaining riprap, and Santa Cruz County is to be responsible for all aspects of compliance with this special condition related to all other Rockview Drive Park Improvements, and that the Applicants are in agreement regarding this division of monitoring responsibilities for the approved development.

To ensure that the project is properly maintained to ensure its long-term structural stability, **Special Condition 4** requires regular submission of monitoring and maintenance reports. Such reports shall provide for evaluation of the condition and performance of the approved project and overall bluff stability, and shall provide for necessary maintenance, repair, changes or modifications to both the seawall and park elements of the project. **Special Condition 5** authorizes the Applicants to repair and maintain project components in their approved state through this CDP, subject to the terms and conditions identified by the special conditions.

In terms of recognizing and assuming the hazard risks for shoreline development, the Commission's experience in evaluating proposed development in areas subject to hazards has been that development has continued to occur despite periodic episodes of heavy storm damage and other such occurrences. Development in such dynamic environments is susceptible to damage due to such long-term and episodic processes. Past occurrences statewide have resulted in public costs (through low interest loans, grants, subsidies, direct assistance, etc.) in the many,

many millions of dollars. As a means of allowing continued development in areas subject to these hazards while avoiding placing the economic burden for damages onto the people of the State of California, the Commission has in the past required applicants to acknowledge site hazards and agree to waive any claims of liability on the part of the Commission for allowing the development to proceed. Accordingly, this approval is conditioned for the Applicants to assume all risks for developing at this location **(see Special Condition 8**).

Coastal Hazards Conclusion

The existing public access pathway is in danger from erosion (and is a coastal-dependent use) and requires protection as identified through the proposed project, as identified in **Special Condition 1**. Conditions are included to ensure that the project will appropriately mitigate for its sand supply and beach/shoreline recreational use area impact, and to ensure long term stability. Therefore, as conditioned, the proposed project is consistent with Coastal Act Sections 30235 and 30253.

D. PUBLIC ACCESS AND RECREATION

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 (which in this case is East Cliff Drive). Coastal Act Sections 30210 through 30224 specifically protect public access and recreation, and Section 30240 protects parks and recreational areas. 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. ...*
>
> ***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.*

30222. *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

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

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 Coastal Act policies clearly protect public recreational access to and along the beach/shoreline and to offshore waters for public recreational access purposes, particularly free and low-cost access.

Consistency Analysis

Shoreline protective devices have significant adverse impacts to public access and recreation. Section 30210 of the Coastal Act requires the Commission to provide the general public maximum access and recreational opportunities, while respecting the rights of private property owners. Section 30211 prohibits development from interfering with the public's right of access to the sea. In approving new development, Section 30212(a) requires new development to provide access from the nearest public roadway to the shoreline and along the coast, save certain limited exceptions, such as existing adequate nearby access. Section 30213 protects lower cost forms of access, such as the free access available at the project site. Section 30220 protects coastal areas suited for ocean-oriented activities, such as the beach and surfing accessway here, for such purposes. Sections 30221 and 30223 protect oceanfront and upland areas for public recreational uses, and Section 30222 prioritizes visitor-serving amenities providing for public recreational use. Section 30240(b) protects park facilities, such as Rockview Park, from degradation. Finally, the Coastal Act Section 30210 direction to maximize access represents a different threshold than to simply provide or protect such access, and is fundamentally different from other like provisions in this respect. In other words, it is not enough to simply provide access to and along the coast, and not enough to simply protect such access, but rather that such access must also be *maximized*. This terminology distinguishes the Coastal Act in certain respects, and provides fundamental direction to maximize public recreational access opportunities with respect to projects along the California coast that raise public access issues, like this one.

As mentioned in the project description, this area (including both the greater Pleasure Point area and the end of Rockview Drive specifically) is heavily used by the public, and it provides significant coastal access and recreational opportunities for residents and visitors alike. However,

access to the beach, rock shelf, and shoreline at Rockview has gradually been diminished in recent years for a variety of reasons, including erosion, storm damage, drainage issues, and derelict/aging shoreline protective devices.[24]

The proposed project would have identifiable impacts on public recreational access, including through loss of beach/shoreline recreational use area where it is sited, incremental loss of beach due to the "coastal squeeze," and cumulative impacts to beach and shoreline recreation in the area (see discussion above in Section C "Coastal Hazards," incorporated here by reference). More specifically, the proposed project would eventually lead to a loss of available beach and shoreline recreation area for public access and recreation because the back of the beach/shoreline area will be fixed by the continued placement of the augmented seawall, and the ocean interface will gradually move landward as sea level rises due to climate change. More specifically, sea level is expected to rise between 0.5 feet to 1.8 feet by 2040,[25] and thus it is likely that the augmented seawall will have discernible impacts on public access and recreation for as long as it is in place. In fact, with sea levels anticipated to rise between half-a-foot and nearly two feet within the next 20 years, less of the beach/shoreline area seaward of the seawall will be available and such availability will be for a shorter period of time each day. Further, these impacts will only be exacerbated as the years go on.

Coastal Act Section 30212 requires new development projects, where appropriate, to provide public coastal access as part of the project. In this case, the proposed project includes **Special Condition 2**, which provides for a Rockview Drive Public Access Improvement Plan. Specifically, and as described in the previous findings regarding coastal hazards, the project would be conditioned to provide offsetting public park improvements at Rockview Drive Park to mitigate for the projects impacts on coastal resources, including public access. As such and as conditioned, the proposed project would facilitate much-needed public access improvements at this park and would ensure the continued vitality of the coastal access pathway area directly on top of the seawall. Accordingly, **Special Condition 2** requires the construction of a stairway to the beach/rockshelf area, as well as aesthetic improvements (such as landscaping, a unified park aesthetic, etc.) and additional public access features/amenities (e.g., interpretive signage, additional benches, etc.) to the park area. Notably, the project will formalize access to the rockshelf/shoreline in an area that has otherwise been difficult for even the nimblest afoot to access. In addition, as part of the stairway construction, errant riprap will be removed and restacked, opening up more public beach/shoreline area, and creating a more inviting and aesthetically pleasing atmosphere for public access.

While the project site and associated beach area are relatively small, the significance of improved access at Rockview Drive Park should not be understated. Rockview has a long history of being a heavily favored access point and generally an all-around popular and well-used community destination and meeting place. The requirements of **Special Condition 2** will help

[24] Specifically, beach access at this location has gradually decreased over the years due to erosion, a lack of maintenance of the accessway required by CDP 3-87-195, the failure of a drainage pipe located beneath Rockview Drive just downcoast of the seawall, and the gradual slumping of a conglomeration of shoreline armoring including large and small rocks, cement, and grouted sand bags.

[25] *State of California Sea-Level Rise Guidance (2018 Update); California Natural Resources Agency & Ocean* Protection Council; Sacramento, California; March 14, 2018; 1-84.

restore and substantially improve access, and ultimately the public's enjoyment of this particularly cherished public coastal access area. It is further envisioned that the proposed public access improvements at Rockview will have similarities to and complement the nearby Pleasure Point/East Cliff Drive Parkway Project. It is also worth noting that the nearby East Cliff Drive Parkway Project is a very popular visitor destination, including as witnessed by the large number and wide variety (i.e., pedestrians, bicyclists, dog walkers, skateboarders, strollers, etc.) of recreational users enjoying the Parkway daily. It is anticipated that the public access improvements made possible by this project's conditions will be seen as an extension of the East Cliff Drive Parkway, further improving interconnected coastal access and recreation in the Pleasure Point area.

In conclusion, as conditioned, the public access improvements required at Rockview Drive Park appropriately mitigate for the public recreational access impacts associated with the augmented seawall. Therefore, as conditioned, the proposed project is consistent with the Coastal Act access and recreation policies cited above.

E. PUBLIC VIEWS

Coastal Act Section 30251 states:

> ***Section 30251.*** *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Consistency Analysis

The augmented seawall results in an artificial concrete plane at the back of the beach/shoreline area that does not appear natural, and adversely impacts the public viewshed. The new cutoff footing/foundation wall addition was designed with coloring and texturing to mimic the bedrock platform, which helps reduce impacts, but this design treatment cannot avoid the fundamental problem that the augmented seawall represents a very prominent concrete structure in the back beach that is neither natural, nor natural-looking. The artificially manipulated environment is further exacerbated by existing riprap at both the upcoast and downcoast ends of the seawall, as previously described. The project therefore detracts from public shoreline views in a significant and visually sensitive area, inconsistent with the Coastal Act Section 30251 requirements to protect the public viewshed, minimize landform alteration, be visually compatible with surrounding character, and enhance the visual quality where it is degraded. In addition, over time, it can be expected that the rock shelf elevation will naturally erode down, and the two-foot-wide cutoff wall footing/foundation will gradually extend above the rock shelf, further contributing to visual impacts.

To help mitigate the adverse visual impacts associated with shoreline armoring devices, the Commission has in the past required that seawalls be contoured, textured, and colored to mimic natural bluff landforms as much as possible (as was the case with the nearby Pleasure Point and Iceplant seawalls),[26] and has required other offsetting visual mitigation (e.g., landscaping, removal of unsightly development at or near the site, removal and/or restacking of permitted riprap, restoration of landforms, etc.). Even with these types of measures, however, it is generally difficult to completely eliminate the visual impacts with projects of this type and scale. In this case, the Applicants have colored and contoured the visible portion of the cutoff wall footing/foundation, but given its limited visibility as compared to the expanse of flat concrete seawall otherwise, this mitigation only provides limited visual respite. In addition, as the rock shelf erodes, more of the untreated portion of the cutoff wall footing/foundation will become visible, exacerbating visual issues.

To address these impacts, the Applicants propose to stain the remaining seawall surface, which would alter the existing seawall's coloring from its current shade of concrete gray to a more natural buff/brown shade, but they do not propose any contouring and texturing of the seawall surface. Although staining has not been the Commission's preferred visual mitigation for seawalls in the past, it can be found appropriate in this case given the challenges associated with adding contour and texture to the existing seawall face. Particularly, the Applicants contend that adding new facing materials to provide bluff-like contours would pose significant challenges, including in terms of the feasibility of successfully bonding newer materials to the older seawall face without impairing its function. In addition, such facing materials necessarily occupy space, albeit fairly limited space generally, but would occupy in this case more of the beach/shoreline area that is already fairly limited in scope and in need of protection as much as possible. Thus, in this case and given this particular fact set, the approval gives the Applicants the option of seawall contouring, provided such contouring is limited in seaward expansion, and at a minimum requires staining the seawall to limit its visual impact, and applies the same criteria to any portion of the cutoff wall footing/foundation that becomes visible due to rock shelf erosion[27] (see **Special Condition 2(g)**).

To address remaining visual impacts, fortunately the project area provides a rich palette for visual improvement. First, the required Park improvement project should help to improve the broader public viewshed at this location, helping to offset visual impacts of the augmented seawall (see **Special Condition 2**). In addition, the Park project includes the requirement to remove (where feasible) and otherwise restack riprap in the project area at both the upcoast end of the seawall and at the downcoast end of the seawall where the new stairway will be placed (see **Special Condition 2(h)**), to replace chain link fencing with a more visually sensitive fence design **(**see **Special Condition 2(i)**), and to provide landscaping that can both soften visual impacts as well as help the Park area blend as much as possible with the adjacent natural environment. Overall, as conditioned, the project would significantly improve the public

[26] See CDPs A-3-SCO-07-015/3-07-019 and 3-14-0488.

[27] Although one method of addressing this potential rock shelf erosion issue is removal of exposed cutoff wall footing/foundation components over time down to the eroded rock shelf elevation as it becomes exposed, such removal would negatively impact the cutoff wall footing/foundation's structural effectiveness, and is not recommended. Rather, coloring and/or contouring should address such impacts appropriately, including potentially allowing for this area to have public utility as a "seat wall" of sorts in the rock shelf area.

viewshed as seen from the ocean, the beach, and Rockview Drive. Therefore, as conditioned, the proposed project is consistent with Coastal Act Section 30251.

F. MARINE RESOURCES

The Coastal Act protects the marine resources and habitat at this location and offshore. 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.*

Consistency Analysis

Construction of the cutoff wall footing/foundation portion of the augmented seawall adequately protected marine resources through the implementation of best management practices (BMPs) during construction, as required by conditions of ECDP G-3-16-0005 (see **Exhibit 6**). With respect to construction-related BMPs related to the park improvements required by **Special Condition 2,** including the staining of the augmented seawall and the installation of a public access stairway, given the proposed project's proximity to the Pacific Ocean and Monterey Bay National Marine Sanctuary, there is the potential for impacts to marine resources. The project is therefore conditioned to include construction BMPs required by the Commission in the past in similar armoring and shoreline projects to protect water quality and marine resources during construction, including maintaining good construction site housekeeping controls and procedures, the use of appropriate erosion and sediment controls, a prohibition on equipment washing, refueling, or servicing on the beach, etc. (see **Special Condition 3**). To further protect marine resources and offshore habitat, **Special Condition 3** requires construction documents to be kept at the site for inspection, and also requires a construction coordinator to be available to respond to any inquiries that arise during construction. Therefore, as conditioned, the proposed project is consistent with Coastal Act Sections 30230 and 30231.

G. OTHER

Public Rights
The area associated with this CDP application includes areas that are clearly public, e.g. the area seaward of the blufftop edge of the seawall is likely either part of the former Rockview right-of-way and/or constitutes State Lands. Other areas historically used by the public include the area inland of the public pathway and the Park. Although the Commission has identified areas of public land and public use herein, essentially seaward of residences at 1, 3, 5, 7, 9, and 11 Rockview Drive, the Commission here does not intend its action waive *any* public rights that may exist on the affected properties, including the area inland of the augmented seawall and public Park improvements. Thus, this approval is conditioned to make that clear, and to require the private individual Applicants to agree and acknowledge same, including that these Applicants shall not use this CDP as evidence of a waiver of any public rights that may exist on these properties now or in the future (see **Special Condition 10**).

Future Permitting
The Commission herein fully expects to review any future proposed development at and/or directly related to this project and/or project area, including to ensure continued compliance with the terms and conditions of this CDP through such future proposals, but also to ensure that any such future proposed development can be understood in terms of same. Thus, any and all future proposed development at and/or directly related to this project, this project area, and/or this CDP shall require a new CDP or a CDP amendment that is processed through the Coastal Commission, unless the Executive Director determines a CDP or CDP amendment is not legally required (see **Special Condition 11**).

Disclosure
The proposed project represents a unique set of facts, including with respect to the site's past history associated with road abandonment. And this CDP includes important conditions reflecting the set of facts as they apply to this approval, including the required conditions of approval. In order to ensure that the terms and conditions of this approval are clear to these Applicants as well as any future owners, this approval requires that the CDP terms and conditions be recorded as covenants, conditions, and restrictions against use and enjoyment of the property, and that all real estate disclosures include clear explanation of the CDP and its terms and conditions (see **Special Conditions 12 and 13**).

Indemnification
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 actions on the pending CDP applications in the event that the Commission's action is challenged by a party other than the Applicants. Therefore, consistent with Section 30620(c), the Commission imposes **Special Condition 9** 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 CDP, or challenging any other aspect of its implementation, including with respect to condition compliance efforts.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires that a specific finding be made in conjunction with CDP 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. Santa Cruz County, acting as the lead CEQA agency, categorically exempted the project from the provisions of CEQA (pursuant to Section 15269(c) of the CEQA regulations applicable to emergency projects).

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of environmental review under CEQA (pursuant to Section 15251(c) of the CEQA regulations). The Commission has reviewed the relevant coastal resource issues with the proposed project, and has identified appropriate and necessary modifications to address potential adverse impacts to such coastal resources. All above findings are incorporated herein in their entirety by reference.

The Commission finds that only as modified and conditioned by this CDP 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).

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Files for CDPs 3-16-0446 and 3-87-195, and ECDP G-3-16-0005

APPENDIX B – STAFF CONTACT WITH AGENCIES AND GROUPS

- Applicants
- Santa Cruz County Planning Department
- Santa Cruz County Parks, Open Space, and Cultural Services Department
- Santa Cruz County Public Works Department
- Santa Cruz County Counsel
- California State Lands Commission
- Monterey Bay National Marine Sanctuary
- United States Army Corps of Engineers