

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
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F12

**Prepared March 30, 2023 (and corrected as of April 13, 2023), for April 14, 2023
Hearing**

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Central Coast District Director

Subject: Central Coast District Director's Report for April 2023

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, emergency CDPs (ECDPs), and LCP certification reviews for the Central Coast District Office are being reported to the Commission on April 14, 2023 via public hearing. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review from the Commission's Central Coast District Office in Santa Cruz. ECDPs and LCP certification reviews are being reported for informational purposes and don't require Commission concurrence, but staff is asking for the Commission's concurrence on the other reported items and will report any objections received and any other relevant information on these items when the Report is considered on April 14th. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual items attached for specific requirements).

Items being reported on April 14, 2023 (see attached)

CDP Waivers

- 3-22-0931-W, Monterey Tides Hotel Improvements (Monterey)
- 3-22-0946-W, Monterey Bay Aquarium Repair/Maintenance Provisions (Monterey)
- 3-23-0124-W, Bradford SFD (Oceano)
- 3-23-0199-W, Lighthouse Field State Beach Accessibility Improvements (Santa Cruz)

Emergency CDPs

- G-3-23-0028, Carmel River Flood Control (Carmel)
- G-3-23-0030, San Lorenzo Levee Protection (Santa Cruz)
- G-3-23-0031, Pajaro River Levee Protection (Pajaro)
- G-3-23-0032, Seacliff Pier Removal (Aptos)
- G-3-23-0035, Salinas River Lagoon Levee Repairs (Monterey)

CDP Amendments, CDP Extensions and LCP Certification Reviews

- None

Central Coast District Deputy Director's Report

How to provide testimony at this hearing

This Coastal Commission meeting will occur virtually through video and teleconference. Please see the Coastal Commission's Virtual Hearing Procedures posted on the Coastal Commission's webpage at www.coastal.ca.gov for details on the procedures of this hearing. If you would like to receive a paper copy of the Coastal Commission's Virtual Hearing Procedures, please email CentralCoast@coastal.ca.gov or call 415-904-5202.

How to provide written comments for this hearing

To submit written materials for review by the Commission, either email (via CentralCoast@coastal.ca.gov) or submit such materials to Commission staff no later than 5pm on the Friday before the hearing (and staff will then distribute your materials to the Commission). Note that such materials received after this time will not be distributed to the Commission. Alternatively, you may also submit such materials directly to the Commissioners (a current list of Commissioner names and email addresses is available from Commission staff or from the Commission's website) as long as such materials are submitted to all Commissioners, all alternates for Commissioners, the three non-voting members of the Commission, and Commission staff. You are requested to summarize the reasons for your position in no more than two or three pages, if possible.

Questions?

Questions regarding this agenda item and/or this hearing should be directed to the Commission's Central Coast District office at 725 Front Street, Suite 300, Santa Cruz, CA 95060, 831-427-4863.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: March 30, 2023
To: All Interested Parties
From: Kevin Kahn, Central Coast District Manager
Mariana Filip, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-22-0931-W
Applicant: ACP Monterey Hotel LLC

Proposed Development

The proposed project includes exterior maintenance and upgrades to the existing Monterey Tides Hotel at 2600 Sand Dunes Drive adjacent to Monterey State Beach in the City of Monterey. Improvements include modification of the existing porte cochere and entranceway, retrofitting the railing system along all exterior walkways, construction of two new sets of exterior stairs, non-structural exterior repairs and painting, non-structural roof repairs, and installation of a full building sprinkler system.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13253 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed project involves minor cosmetic and life-safety improvements to an existing hotel constructed in 1968 that is in need of repair due to age and its proximity to the harsh coastal environment. The project does not involve any improvements to the hotel's major structural components (structural roof, walls, or foundation) or other physical improvements that would expand the footprint or extend the life of the building.¹ As such, it does not involve any changes to or raise any potential inconsistencies with the CDP for the existing shoreline armoring at the site, including in terms of redevelopment.² The life-safety improvements, including the enhanced railings, ingress/egress stairwells, and sprinkler system are needed to bring the hotel up to current building code standards. The proposed improvements would not adversely affect views to or along the shoreline at this location or any public recreational access associated with adjacent Monterey State Beach. Construction best management practices have been incorporated into the proposed project to protect the beach and marine environment during construction, including runoff protection, erosion controls,

¹ For example, the project includes such non-structural elements as re-painting exterior areas subject to damage, peeling, rust, or spalling; refinishing the existing mansard roof; replacing windows; and installing new sprinkler lines for the exterior breeze ways.

² CDP No. 3-07-022 as amended.

3-22-0931-W (Monterey Tides Hotel Minor Improvements)

and good housekeeping measures to prevent construction-related materials and spills from entering storm drains or the ocean. In sum, the project will enhance the aesthetics and safety at this visitor-serving use and will not have any significant adverse impacts on coastal resources. Thus, the project is consistent with the Coastal Act.

California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment. The City of Monterey, acting as the lead CEQA agency, determined that the proposed project was categorically exempt from CEQA review pursuant to Section 15301 and 15303, and thus the City did not identify any significant adverse environmental effects from the proposed project.

The Commission's review, analysis, and decision-making process for CDPs and CDP amendments has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed CDP waiver is not expected to result in any significant environmental effects, including as those terms are understood in CEQA.

Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed CDP waiver would necessitate. Thus, the proposed CDP waiver will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

Coastal Commission Review Procedure

This waiver is not valid until it has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Friday, April 14, 2023, during the virtual online hearing. If three or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have any questions about the proposal or wish to register an objection, please contact Mariana Filip (Mariana.Filip@coastal.ca.gov) in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: March 30, 2023
To: All Interested Parties
From: Kevin Kahn, Central Coast District Manager
Mariana Filip, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-22-0946-W
Applicant: Monterey Bay Aquarium

Proposed Development

A Facility Maintenance Plan (Plan) authorizing minor improvements and maintenance activities necessary for the efficient operation and upkeep of the Monterey Bay Aquarium (Aquarium) located at 886 Cannery Row in the cities of Monterey and Pacific Grove in Monterey County. The Plan identifies the broad types of activities that Aquarium staff perform to keep the facility in good working order and the protocols/best management practices (BMPs) required so as not to impair or adversely impact coastal resources, particularly in the sensitive marine environment of the Monterey Bay. The kinds of activities authorized under the Plan includes things above and below the water, such as minor improvements and general maintenance and repair to existing concrete walls and piers; roof and gutters; decks; railings; plumbing; heating; ventilation; air conditioning (HVAC) systems; the boat ramp; windows; skylights; doors; siding; mechanical equipment; exhibits (including the Great Tidepool); and tanks. The Plan is valid for five years from the date of approval of this CDP waiver (i.e., until April 14, 2028), with allowances for extension as described in the Plan.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13252 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The Aquarium has served as a popular, world-renowned visitor-serving destination, as well as a marine education and research institution on California's Central Coast since its opening in 1984.¹ Given the facility's age and location in the harsh marine environment overlooking Monterey Bay, it requires a rather significant recurring program of maintenance and repairs to keep it in good working order for both its research and public education functions. Considering that all such maintenance activities would involve individual CDPs, the Plan streamlines and provides operational clarity for such

¹ The Aquarium was built pursuant to CDP P-80-213 and CDP 3-89-040 as amended.

3-22-0946-W (Monterey Bay Aquarium Facility Maintenance Plan)

efforts by explicitly listing the types of repairs² and required coastal resource protection protocols in one singular place. At a broad level, keeping such an important facility in a state of good repair—one that houses important visitor-serving and coastal-dependent/related educational and research endeavors—fulfills multiple Coastal Act priorities. Commission and Aquarium staff have worked cooperatively to also include a suite of required coastal resource protection measures and BMPs to be implemented during allowed maintenance activities, such as pre-construction nesting bird and black abalone surveys; exclusion zones for marine mammals (e.g., a 50-foot exclusion zone for sea otters and 150 feet for seals/sea lions molting or pupping); spill prevention; and general good housekeeping measures to protect water quality and the marine environment. These measures have been reviewed and approved by the Commission's Ecologist and are largely based on the parameters required of similar maintenance activities' CDPs at the Aquarium. As such, all maintenance activities will be carried out in a manner protective of the sensitive marine environment.

In sum, the Plan facilitates ongoing successful operation of the Aquarium, and in doing so, helps to further its purpose and mission as a premier educational/research institution in ocean conservation, whilst protecting coastal resources in a manner consistent with the Coastal Act.

California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment. The cities did not identify any significant adverse environmental effects and determined that the proposed project was categorically exempt from CEQA review pursuant to Section 15301 (as a minor alteration to existing facility with no expansion of use).

The Commission's review, analysis, and decision-making process for CDPs and CDP amendments has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed CDP waiver is not expected to result in any significant environmental effects, including as those terms are understood in CEQA.

² As proposed, the Plan does not cover significant new construction, such as facility expansions or significant repairs to major structural components. These larger types of projects would require separate CDP authorization given their complexity and potential for greater coastal resource impact. To ensure the measures the Aquarium intends to undertake are indeed covered under the Plan, the Plan specifies a protocol for doing so. Specifically, the Aquarium will submit an Annual Work Plan to the Commission's Central Coast District Office prior to each calendar year that identifies the type of project, explains why it is covered under the Plan, as well as describes all applicable coastal resource protection measures. The Aquarium will also submit a Post-Activity Monitoring Report accompanied by as-built plans from the previous calendar year. The Aquarium will notify the Central Coast District Office 30 days before any additional routine work that is not authorized in the Annual Work Plan subject to the same identification protocols.

3-22-0946-W (Monterey Bay Aquarium Facility Maintenance Plan)

Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed CDP waiver would necessitate. Thus, the proposed CDP waiver will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

Coastal Commission Review Procedure

This waiver is not valid until it has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on April 14, 2023 during the virtual online hearing. If three or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have any questions about the proposal or wish to register an objection, please contact Mariana Filip (Mariana.Filip@coastal.ca.gov) in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: March 30, 2023
To: All Interested Parties
From: Kevin Kahn, Central Coast District Manager
Ryan Moroney, Central Coast District Supervisor
Esme Wahl, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-23-0124-W
Applicant: Clay Bradford

Proposed Development

Construction of a 1,440-square-foot two-story single-family dwelling (SFD), with a 654-square-foot attached garage, 704-square-foot deck area, and related site improvements located on a 3,000-square-foot vacant lot located on the corner of Honolulu Street and Aloha Place (the site does not currently have an address) in the unincorporated community of Oceano in San Luis Obispo County (APN 061-081-027).

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed SFD would be located in a developed neighborhood surrounded by existing development that is within an area of San Luis Obispo County where the Commission retains coastal permitting jurisdiction. Thus, the Coastal Act is the standard of review, with the certified San Luis Obispo County Local Coastal Program (LCP) providing guidance. The proposed SFD is consistent with the LCP's guidance with respect to residential site development standards for floor area, height, lot coverage, and lot setbacks. Thus, the SFD should be considered infill housing that mirrors the residential neighborhood aesthetic.

The proposed SFD is located within a low-lying area of former tidelands and wetlands since filled in for urban development. Thus, the site is subject to potential flood risk, and is actually mapped in the LCP as being within a flood zone (as is the rest of this residential neighborhood). To address such potential flood risk, the Applicant has designed the house to be elevated above the base flood elevation as established by FEMA (i.e., the finished floor elevation for the SFD is fifteen feet three inches, which is one foot above the FEMA-identified flood plain elevation of the lot), but still within the LCP's height limit for the area of 25 feet above grade. Additionally, the Applicant has

3-23-0124 (Bradford SFD, Oceano)

recorded a deed restriction which, among other things, acknowledges the site is subject to coastal hazards and waives any rights to future shoreline armoring. Thus, the project is consistent with the LCP's (and Coastal Act's) coastal hazards provisions.

The site is also located within the LCP's mapped Archaeologically Sensitive Area combining designation. The Applicant prepared an archaeological survey to ascertain the potential for archaeological resources given the scope of the project with minimal grading, and the study indicated the likelihood of any impact was low. In addition to the survey, the Applicant has incorporated into the project the Commission's standard archeological monitoring conditions in the unlikely event such resources are uncovered during construction, including halting work until appropriate authorities are notified of the discovery. As such, the project is consistent with Coastal Act Section 30244.

Finally, the proposed project is unlikely to have any impact on biological resources because the lot is generally devoid of native vegetation and is located approximately 600 feet away from the nearest riparian vegetation, which is well above the recommended LCP riparian setback of 50 feet for this area.

Thus, in summary, the proposed SFD has no potential for adverse effects on coastal resources and is consistent with Chapter 3 of the Coastal Act.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission, and when evidence of all other required approvals have been granted. This waiver is proposed to be reported to the Commission on April 14, 2023 during the virtual online hearing. If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have any questions about the proposal or wish to register an objection, please contact Ryan Moroney (Ryan.Moroney@coastal.ca.gov) in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: March 30, 2023

To: All Interested Parties

From: Kevin Kahn, Central Coast District Manager
Kiana Ford, Coastal Planner

Subject: Coastal Development Permit (CDP) Waiver 3-23-0199-W
Applicant: California Department of Parks and Recreation (State Parks)

Proposed Development

Accessibility improvements to parking lots, picnic areas, trails, a restroom facility, and the beach stairway at State Parks' Lighthouse Field State Beach in the City of Santa Cruz, Santa Cruz County. Specifically, the project includes the reconstruction four existing ADA-accessible parking spaces and conversion of two of those reconstructed spaces to be van accessible; the construction of a new pathway from the parking stalls to the sidewalk within the parking lot and a new accessible bench; reconstruction of four existing picnic tables, new trash and recycling receptacles; and new bathroom fixtures in the existing restroom facility. Select trails within the park are proposed to be upgraded by reshaping trail surfaces (i.e., filling in potholes and adding new base material), improving drainage (i.e., adding drain lenses), and adding new trailhead signage and interpretive panels, most notably at the Monarch Butterfly Grove area. Finally, the proposed project entails improvements to the existing beach stairway leading from West Cliff Drive to Its Beach, including repairing/replacing railings and wooden/concrete steps.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed project primarily seeks to upgrade facilities at Lighthouse Field State Beach in accordance with the Americans with Disabilities Act. The proposed improvements to parking facilities, trails, restroom, and coastal accessway will enhance public recreational access and use of the park for all visitors. Thus, all such proposed measures are consistent with the Coastal Act's mandates to maximize public coastal access and recreational opportunities, particularly at this popular stretch of shoreline in the City of Santa Cruz. In addition, State Parks has proposed to undertake the improvements in a manner to minimize construction impacts. For example, construction would be staggered over multiple seasons and would occur outside of monarch butterfly overwintering season as well as peak visitation times (e.g., weekends and summertime)

CDP 3-23-0199-W (Lighthouse Field State Beach Accessibility Improvements)

to ensure protection of sensitive species and to minimize disruption of public recreational opportunities. Finally, the project includes appropriate water quality best management practices (e.g., soil erosion and sedimentation provisions) to ensure protection of the sensitive coastal environment. In summary, the project proposes relatively minor improvements all aimed at enhancing the visitor experience (and particularly for those with disabilities) at the popular Lighthouse Field State Beach. As such, the project will improve public coastal access and is consistent with the Coastal Act.

California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment. California State Parks, acting as lead CEQA agency, determined that the proposed project was categorically exempt from CEQA review pursuant to sections 15301, 15302, 15303, and 15304. Therefore, State Parks did not identify any significant adverse environmental effects from the proposed project.

The Commission's review, analysis, and decision-making process for CDPs, including CDP waivers, has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed CDP waiver is not expected to result in any significant environmental effects, including as those terms are understood in CEQA.

Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed CDP waiver would necessitate. Thus, the proposed CDP waiver will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

Coastal Commission Review Procedure

This waiver is not valid it has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Friday, April 14, 2023, during the virtual Coastal Commission meeting. If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have any questions about the proposal or wish to register an objection, please contact Kiana Ford (kiana.ford@coastal.ca.gov) in the Central Coast District office.

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EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-3-23-0028 (Carmel River Vegetation Clearance)

Issue Date: March 16, 2023

Permittee: Monterey Peninsula Water Management District

Emergency Location: On the southern bank of the Carmel River, directly adjacent to the wastewater treatment plant operated by the Carmel Area Wastewater District, near the Mission Fields area of Monterey County (APN 009-521-002).

Emergency Description: A series of storms and associated high river flows caused one large Monterey cypress tree to fall partially into the Carmel River and destabilized the bank adjacent to three large eucalyptus trees, resulting in a high risk they will fail. Large downed trees in a dynamic river environment such as this can cause debris dams in periods of high flow, which can result in severe bank erosion and migration of the river channel, posing risks to the adjacent wastewater treatment plant as well as other nearby infrastructure and residences.

Emergency Development: The four trees will be removed in sections, potentially using a crane. The root balls of the trees will remain in place to prevent further destabilization of the riverbank and some sections of trunk will be left onsite for riparian habitat purposes. Best Management Practices will be employed to avoid any impacts to sensitive creek habitats, including pre-construction surveys and monitors for any California red-legged frogs.

Executive Director's Determination

The Executive Director of the California Coastal Commission hereby finds that: (a) a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services exists (i.e., an "emergency" (see Title 14 California Code of Regulations Section 13009 and California Coastal Act (Public Resources Code) Section 30624); (b) the emergency requires action more quickly than allowed by the procedures for regular CDPs; (c) the emergency development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; (d) the emergency development carried out under this ECDP is considered temporary work done in an emergency situation to abate an emergency and is undertaken at Permittee risk; (e) a regular CDP must be obtained for the emergency development to become more than temporary emergency abatement and/or if the Permittee wishes to expand the scope of work beyond that authorized by

Enclosure: ECDP Acceptance Form

cc: (via email): Katerina Galacatos (US Army Corps of Engineers); Thomas Wadsworth (NOAA); Kim Sanders (Central Coast Water Quality Control Board); Erik Lundquist (Monterey County); Patrick Treanor (Carmel Area Wastewater District); Dan Shaw (State Parks); Linda Connolly (CA Dept. of Fish and Wildlife); Chad Mitcham (US Fish and Wildlife)

Emergency CDP G-3-23-0028 (Carmel River Vegetation Clearance)

Issue Date: March 16, 2023

this ECDP; (f) absent obtaining a regular CDP, the emergency development shall be removed and the affected area restored; and (g) Commission staff will review public comment on the proposed emergency development as time allows.

The emergency development is hereby approved, subject to the conditions listed below.

Kevin Kahn

Kevin Kahn, Central Coast District Manager, for Kate Hucklebridge, Executive Director

Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the Permittee and returned to the California Coastal Commission's Central Coast District Office within 15 days of the date of this ECDP (i.e., by March 31, 2023). This ECDP is not valid unless and until the acceptance form has been received in the Central Coast District Office.
2. All emergency development shall be limited in scale and scope to that specifically identified in the Emergency Permit Application Form dated received in the Commission's Central Coast District Office on March 10, 2023. Only that emergency development specifically described in this ECDP and for the specific location listed above is authorized. Any other development requires separate authorization from the Executive Director or the Commission, as applicable.
3. The emergency development authorized on a temporary basis by this ECDP must be completed within 30 days of ECDP issuance (i.e., by April 15, 2023).
4. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., Monterey County, California State Lands Commission, Monterey Bay National Marine Sanctuary, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
5. By exercising this ECDP, Permittee acknowledges and agrees that: (a) the emergency development is temporary, is designed to temporarily abate the emergency, and shall be removed unless and until a regular CDP authorizing the work is approved, and provided the Permittee adheres to such regular CDP's terms and conditions; and (b) a regular CDP is subject to all of the provisions of the California Coastal Act (as codified in Sections 30000 to 30900 of the Public Resources Code) and any applicable Local Coastal Program (LCP) policies and may be conditioned accordingly to avoid and/or to offset coastal resource impacts consistent with the Coastal Act (and LCP as applicable) (including but not limited to requirements for public access provisions (such as offers to dedicate, easements, in-lieu fees, etc.), assumption/disclosure of risks (including deed restrictions), triggers for relocation/removal, offsetting mitigations, etc.). The Permittee acknowledges that review of the CDP application to determine

Emergency CDP G-3-23-0028 (Carmel River Vegetation Clearance)

Issue Date: March 16, 2023

consistency with the Coastal Act (and LCP as applicable) will be based on the conditions the property was legally in prior to initiation of the temporary emergency development that is the subject of this ECDP.

6. By exercising this ECDP, the Permittee acknowledges and agrees in relation to this ECDP and the emergency development that it authorizes: (a) to assume all risks (including all coastal hazard risks, that include but are not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, tidal scour, storms, tsunamis, coastal flooding, landslides, earth movement, and the interaction of all of these, many of which will worsen with future sea level rise); (b) to unconditionally waive any claim of damage and/or liability against the Commission and/or its officers, employees, agents, successors and/or assigns; (c) to indemnify and hold harmless the Commission and its officers, employees, agents, successors and/or assigns against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement, including as it relates to any damages to public and/or private properties and/or personal injury; (d) that any adverse effects to property or people caused by the emergency development shall be fully the responsibility of the Permittee.
7. The Permittee shall reimburse the Commission in full for all Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (a) charged by the Office of the Attorney General; and/or (b) required by a court) that the Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Commission, its officers, employees, agents, successors and/or assigns challenging the approval or issuance of this ECDP, the interpretation and/or enforcement of ECDP terms and conditions, or any other matter related to this ECDP. The Permittee shall reimburse the Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The 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.
8. Within 120 days of ECDP issuance (i.e., by July 14, 2023), the Permittee shall either: (a) remove all of the materials placed or installed in connection with the emergency development, and restore all affected areas to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP); or (b) submit a complete application (i.e., satisfying the requirements of Title 14 California Code of Regulations Section 13056) for a regular CDP to authorize the emergency development (or for a different project designed to address the emergency development), including submitting all information and materials requested, and as directed, by the Executive Director if/when the Executive Director determines that such application is incomplete. If such regular follow-up CDP application is withdrawn by the Permittee, or is denied by the Commission, or if it remains incomplete for a period of 120 days after the Executive Director informs the Permittee that the application is incomplete, then all of the materials placed and/or installed in connection with the emergency development shall be

Emergency CDP G-3-23-0028 (Carmel River Vegetation Clearance)

Issue Date: March 16, 2023

removed, and all affected areas shall be restored to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP).

9. Failure to meet any of the applicable requirements of Condition 8 above shall constitute a knowing and intentional violation of the Coastal Act and may result in formal enforcement action by the Executive Director and/or the Commission. Such formal action may include: recordation of a Notice of Violation on the Permittee's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties of up to \$11,250 per day per violation; a civil lawsuit (that may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day); and/or other applicable penalties and relief pursuant to Coastal Act Chapter 9. In addition, failure to follow and meet all terms and conditions of this ECDP shall also constitute a knowing and intentional Coastal Act violation to which the same actions above may be applied.
10. All emergency development shall be limited to the least amount necessary to temporarily abate the emergency, and shall be undertaken in a time and manner that avoids any and all coastal resource impacts as much as possible, including avoiding impacts to public access. The Permittee shall keep the Executive Director informed regarding emergency development progress, including in terms of any issues encountered that may require adjustment.
11. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
12. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit site plans and cross sections to the Executive Director clearly identifying all development completed under this emergency authorization (comparing the legal pre-emergency development condition to both the emergency condition and to the post-emergency development condition), and a narrative description of all emergency development activities undertaken pursuant to this ECDP. Photos showing the project site before the emergency (if available), during emergency development construction activities, and after the work authorized by this ECDP is complete shall be provided with the site plans and cross sections.
13. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and the construction coordinator's contact information (i.e., address, email, phone numbers, etc.) including, at a minimum, an email address and a telephone number (with voice mail capabilities) that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily

Emergency CDP G-3-23-0028 (Carmel River Vegetation Clearance)

Issue Date: March 16, 2023

visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (e.g., name, 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. The Permittee shall submit the record of complaints/inquiries and actions taken in response to the Executive Director on a weekly basis, and upon completion of construction activities.

14. Minor adjustments to the requirements above, including deadline adjustments, may be allowed by the Executive Director if the Executive Director determines that such adjustments: (a) are deemed reasonable and necessary to help to temporarily abate the identified emergency, including as emergency conditions may change; (b) are designed to avoid coastal resource impacts (and limit those that are unavoidable) as much as possible; and (c) in the case of deadline extension adjustments, are appropriate in light of circumstances, including that the Permittee has shown diligence in pursuing the emergency development and meeting all ECDP terms and conditions.
15. By exercising this ECDP, Permittee acknowledges and agrees that this ECDP shall not constitute evidence against and/or a waiver of any public rights which may exist on the property.
16. The Permittee shall disclose this ECDP, including all of its terms and conditions, to any prospective buyer of the affected property during the period of time that any development that is the subject of this ECDP remains on such property.
17. Failure to comply with the terms and conditions of this ECDP may result in enforcement action under the provisions of Coastal Act Chapter 9. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the property without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Coastal Act Chapter 9.

If you have any questions about the provisions of this ECDP, please contact the Commission's Central Coast District Office at 725 Front Street, Suite 300, Santa Cruz, CA 95060; centralcoast@coastal.ca.gov; and/or (831) 427-4863.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



EMERGENCY COASTAL DEVELOPMENT PERMIT ACCEPTANCE FORM

TO: CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060

RE: **Emergency Coastal Development Permit (ECDP) No. G-3-23-0028**

INSTRUCTIONS: After reading the attached ECDP, please sign this form and return it to the Central Coast District Office within 15 days from the permit's date.

I hereby understand all of the conditions of the ECDP being issued to the Monterey Peninsula Water Management District and agree to abide by them.

I also understand that the emergency work is TEMPORARY and that a regular CDP is necessary. I agree to apply for a regular CDP within 120 days of the date of issuance of this ECDP (i.e., by **July 14, 2023**) unless this deadline is extended by the Executive Director.

Thomas Christensen (3/16/23)

Signature of Monterey Peninsula Water Management District Authorized Representative

THOMAS CHRISTENSEN (MPWMD)

Name (Print)

P.O. BOX 85

Address

MONTEREY, CA 93942-0085

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5200
FAX: (415) 904-5400
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EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-3-23-0030 (San Lorenzo Levee Storm Repair)

Issue Date: March 21, 2023

Permittee: City of Santa Cruz

Emergency Location: On the western/upcoast slope of the San Lorenzo River Levee, adjacent to the San Lorenzo River Trestle Bridge and the Santa Cruz Beach Boardwalk in the City of Santa Cruz, Santa Cruz County.

Emergency Description: Ongoing storm surges and swells between January 3, 2023 and January 9, 2023 caused significant damage to portions of the levee rip rap that fronts portions of the Santa Cruz Riverwalk pathway and other public and private infrastructure, including the Boardwalk's parking lot and City utilities. The resulting exposure of sections of the levee interior increased the risk of complete levee failure due to highly erosive conditions and ongoing storm and large swell events, putting surrounding public and private properties at risk.

Emergency Development: This ECDP is following verbal authorization of emergency protective measures given by Commission staff to City staff on January 23, 2023. The emergency development consists of the placement of rip rap and gabion rock to prevent failure of the levee and protect the aforementioned public and private areas. A total of 150 tons of rock rip rap and 75 tons of gabion rock was delivered and placed on January 12 and January 24. Placement was concentrated in areas where the levee armoring was almost entirely destroyed and thus where the embankment of the levee had been heavily eroded. The rip rap filled large escarpments that would otherwise continue to compromise the integrity of the levee. Rip rap was not placed within the Riverwalk pathway.

Executive Director's Determination

The Executive Director of the California Coastal Commission hereby finds that: (a) a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services exists (i.e., an "emergency" (see Title 14 California Code of Regulations Section 13009 and California Coastal Act (Public Resources Code) Section 30624); (b) the emergency requires action more quickly than allowed by the procedures for regular CDPs; (c) the emergency development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; (d) the emergency development carried out under this ECDP is considered temporary work done in an emergency situation to abate an emergency and is undertaken at Permittee risk; (e) a regular CDP must be obtained for the emergency development to become more than temporary emergency abatement

Enclosure: ECDP Acceptance Form

cc: (via email): Kim Sanders (California Water Boards); Serena Stumpf (CDFW); Joel Casagrande (NOAA); Chad Mitcham (USFWS)

Emergency CDP G-3-23-0030 (San Lorenzo Levee Storm Repair)

Issue Date: March 21, 2023

and/or if the Permittee wishes to expand the scope of work beyond that authorized by this ECDP; (f) absent obtaining a regular CDP, the emergency development shall be removed and the affected area restored; and (g) Commission staff will review public comment on the proposed emergency development as time allows.

The emergency development is hereby approved, subject to the conditions listed below.

Kevin Kahn

Kevin Kahn, Central Coast District Manager, for Kate Huckelbridge, Executive Director

Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the Permittee and returned to the California Coastal Commission's Central Coast District Office within 15 days of the date of this ECDP (i.e., by April 5, 2023). This ECDP is not valid unless and until the acceptance form has been received in the Central Coast District Office.
2. All emergency development shall be limited in scale and scope to that specifically identified in the Emergency Permit Application Form dated received in the Commission's Central Coast District Office on March 15, 2023. Only that emergency development specifically described in this ECDP and for the specific location listed above is authorized. Any other development requires separate authorization from the Executive Director or the Commission, as applicable.
3. The emergency development authorized on a temporary basis by this ECDP must be completed within 30 days of ECDP issuance (i.e., by April 20, 2023).
4. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
5. By exercising this ECDP, Permittee acknowledges and agrees that: (a) the emergency development is temporary, is designed to temporarily abate the emergency, and shall be removed unless and until a regular CDP authorizing the work is approved, and provided the Permittee adheres to such regular CDP's terms and conditions; and (b) a regular CDP is subject to all of the provisions of the California Coastal Act (as codified in Sections 30000 to 30900 of the Public Resources Code) and any applicable Local Coastal Program (LCP) policies and may be conditioned accordingly to avoid and/or to offset coastal resource impacts consistent with the Coastal Act (and LCP as applicable) (including but not limited to requirements for public access provisions (such as offers to dedicate, easements, in-lieu fees, etc.), assumption/disclosure of risks (including deed restrictions), triggers for relocation/removal, offsetting mitigations, etc.). The Permittee acknowledges that review of the CDP application to determine consistency with the Coastal Act (and LCP as applicable) will be based on the conditions the property was legally in prior

Emergency CDP G-3-23-0030 (San Lorenzo Levee Storm Repair)

Issue Date: March 21, 2023

to initiation of the temporary emergency development that is the subject of this ECDP.

6. By exercising this ECDP, the Permittee acknowledges and agrees in relation to this ECDP and the emergency development that it authorizes: (a) to assume all risks (including all coastal hazard risks, that include but are not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, tidal scour, storms, tsunamis, coastal flooding, landslide, earth movement, and the interaction of all of these, many of which will worsen with future sea level rise); (b) to unconditionally waive any claim of damage and/or liability against the Commission and/or its officers, employees, agents, successors and/or assigns; (c) to indemnify and hold harmless the Commission and its officers, employees, agents, successors and/or assigns against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement, including as it relates to any damages to public and/or private properties and/or personal injury; (d) that any adverse effects to property or people caused by the emergency development shall be fully the responsibility of the Permittee.
7. The Permittee shall reimburse the Commission in full for all Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (a) charged by the Office of the Attorney General; and/or (b) required by a court) that the Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Commission, its officers, employees, agents, successors and/or assigns challenging the approval or issuance of this ECDP, the interpretation and/or enforcement of ECDP terms and conditions, or any other matter related to this ECDP. The Permittee shall reimburse the Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The 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.
8. Within 120 days of ECDP issuance (i.e., by July 19, 2023), the Permittee shall either: (a) remove all of the materials placed or installed in connection with the emergency development, and restore all affected areas to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP); or (b) submit a complete application (i.e., satisfying the requirements of Title 14 California Code of Regulations Section 13056) for a regular CDP to authorize the emergency development (or for a different project designed to address the emergency development), including submitting all information and materials requested, and as directed, by the Executive Director if/when the Executive Director determines that such application is incomplete. If such regular follow-up CDP application is withdrawn by the Permittee, or is denied by the Commission, or if it remains incomplete for a period of 120 days after the Executive Director informs the Permittee that the application is incomplete, then all of the materials placed and/or installed in connection with the emergency development shall be removed, and all affected areas shall be restored to their prior condition or better, all subject to

Emergency CDP G-3-23-0030 (San Lorenzo Levee Storm Repair)

Issue Date: March 21, 2023

Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP).

9. Failure to meet any of the applicable requirements of Condition 8 above shall constitute a knowing and intentional violation of the Coastal Act and may result in formal enforcement action by the Executive Director and/or the Commission. Such formal action may include: recordation of a Notice of Violation on the Permittee's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties of up to \$11,250 per day per violation; a civil lawsuit (that may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day); and/or other applicable penalties and relief pursuant to Coastal Act Chapter 9. In addition, failure to follow and meet all terms and conditions of this ECDP shall also constitute a knowing and intentional Coastal Act violation to which the same actions above may be applied.
10. All emergency development shall be limited to the least amount necessary to temporarily abate the emergency, and shall be undertaken in a time and manner that avoids any and all coastal resource impacts as much as possible, including avoiding impacts to public access. The Permittee shall keep the Executive Director informed regarding emergency development progress, including in terms of any issues encountered that may require adjustment.
11. A licensed civil engineer with experience in coastal structures and processes shall oversee all construction activities and shall ensure that all emergency development is limited to the least amount necessary to temporarily abate the emergency consistent with the terms and conditions of this ECDP.
12. All emergency construction activities shall limit impacts to coastal resources (including public recreational access) to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements:
 - a. Construction activities shall be limited to no more than a total of 7 days, and shall take place on non-holiday weekdays to the maximum extent feasible.
 - b. All construction activities shall take place during daylight hours (i.e., from one-hour before sunrise to one-hour after sunset).
 - c. All construction areas shall be minimized and demarked by temporary fencing designed to allow through public access and protect public safety to the maximum extent feasible, where such areas shall be limited in their spatial extent as much as possible. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
 - d. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep equipment 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

Emergency CDP G-3-23-0030 (San Lorenzo Levee Storm Repair)

Issue Date: March 21, 2023

- construction debris; etc.).
- e. All construction activities that result in discharge of materials, polluted runoff, or wastes to the marine environment shall be prohibited. Any erosion and sediment controls used shall be in place prior to the commencement of construction as well as at the end of each workday.
 - f. All areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction.
 - g. All contractors shall ensure that work crews are carefully briefed on the importance of observing the construction precautions given the sensitive work environment. Construction contracts shall contain appropriate penalty provisions sufficient to offset the cost of retrieval/cleanup of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.
 - h. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction. If planning staff should identify reasonable restoration measures, such measures shall be implemented immediately.
13. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
14. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit site plans and cross sections to the Executive Director clearly identifying all development completed under this emergency authorization (comparing the legal pre-emergency development condition to both the emergency condition and to the post-emergency development condition), and a narrative description of all emergency development activities undertaken pursuant to this ECDP. Photos showing the project site before the emergency (if available), during emergency development construction activities, and after the work authorized by this ECDP is complete shall be provided with the site plans and cross sections.
15. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and the construction coordinator's contact information (i.e., address, email, phone numbers, etc.) including, at a minimum, an email address and a telephone number (with voice mail capabilities) that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (e.g., name, address, email, phone number, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take

Emergency CDP G-3-23-0030 (San Lorenzo Levee Storm Repair)

Issue Date: March 21, 2023

remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. The Permittee shall submit the record of complaints/inquiries and actions taken in response to the Executive Director on a weekly basis, and upon completion of construction activities.

16. Minor adjustments to the requirements above, including deadline adjustments, may be allowed by the Executive Director if the Executive Director determines that such adjustments: (a) are deemed reasonable and necessary to help to temporarily abate the identified emergency, including as emergency conditions may change; (b) are designed to avoid coastal resource impacts (and limit those that are unavoidable) as much as possible; and (c) in the case of deadline extension adjustments, are appropriate in light of circumstances, including that the Permittee has shown diligence in pursuing the emergency development and meeting all ECDP terms and conditions.
17. By exercising this ECDP, Permittee acknowledges and agrees that this ECDP shall not constitute evidence against and/or a waiver of any public rights which may exist on the property.
18. The Permittee shall disclose this ECDP, including all of its terms and conditions, to any prospective buyer of the affected property during the period of time that any development that is the subject of this ECDP remains on such property.
19. Failure to comply with the terms and conditions of this ECDP may result in enforcement action under the provisions of Coastal Act Chapter 9. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the property without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Coastal Act Chapter 9.

If you have any questions about the provisions of this ECDP, please contact the Commission's Central Coast District Office at 725 Front Street, Suite 300, Santa Cruz, CA 95060; centralcoast@coastal.ca.gov; and/or (831) 427-4863.

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
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**EMERGENCY COASTAL DEVELOPMENT PERMIT****Emergency CDP G-3-23-0031 (Pajaro River Levee Riprap)****Issue Date: March 21, 2023**

Permittee: Santa Cruz County Flood Control and Water Conservation District – Zone 7

Emergency Location: The waterside slope of the Pajaro River right (upcoast) bank levee, directly adjacent to the City of Watsonville Wastewater Treatment Plant (WWTP) in south Santa Cruz County (APNs 052-571-08 and 052-571-13).

Emergency Description: On March 11, 2023, the left (downcoast) bank levee breached upstream from the WWTP outside of the coastal zone, which caused major flooding in north Monterey County (including in the unincorporated community of Pajaro in Monterey County). The floodwaters put pressure of the dryside (the side inland of the river) of the left bank levee, increasing the risk for a second breach. If such a breach occurred, there would be significant risk for the right bank levee to breach and flood the WWTP.

Emergency Development: Due to the immediacy of the situation, emergency development began on March 13, 2023, which is recognized, after-the-fact, by this ECDP. The County placed rock riprap (boulders of 1/2 to 1 ton in weight) along two stretches of the waterside slope of the right bank levee directly adjacent to the WWTP in order to augment its stability and avoid levee failure. The upstream length is approximately 1,300 linear feet and the downstream length is approximately 300 linear feet. Riprap was only placed on the levee slope, with none in standing or flowing water.

Executive Director's Determination

The Executive Director of the California Coastal Commission hereby finds that: (a) a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services exists (i.e., an "emergency" (see Title 14 California Code of Regulations Section 13009 and California Coastal Act (Public Resources Code) Section 30624); (b) the emergency requires action more quickly than allowed by the procedures for regular CDPs; (c) the emergency development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; (d) the emergency development carried out under this ECDP is considered temporary work done in an emergency situation to abate an emergency and is undertaken at Permittee risk; (e) a regular CDP must be obtained for the emergency development to become more than temporary emergency abatement and/or if the Permittee wishes to expand the scope of work beyond that authorized by this ECDP; (f) absent obtaining a regular CDP, the emergency development shall be removed and the affected area restored; and (g) Commission staff will review public comment on the proposed emergency development as time allows.

Enclosure: ECDP Acceptance Form

cc: (via email): Jackie McCloud (City of Watsonville); Kenneth Foster (California State Lands Commission); Kim Sanders (California Central Coast Regional Water Quality Control Board); James Mazza (U.S. Army Corps of Engineers)

Emergency CDP G-3-23-0031 (Pajaro River Levee Riprap)

Issue Date: March 21, 2023

The emergency development is hereby approved, subject to the conditions listed below.

DocuSigned by:

Kevin Kahn

DEF0E587E71C402

Kevin Kahn, Central Coast District Manager, for Kate Hucklebridge, Executive Director

Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the Permittee and returned to the California Coastal Commission's Central Coast District Office within 15 days of the date of this ECDP (i.e., by April 5, 2023). This ECDP is not valid unless and until the acceptance form has been received in the Central Coast District Office.
2. All emergency development shall be limited in scale and scope to that specifically identified in the Emergency Permit Application Form dated received in the Commission's Central Coast District Office on March 17, 2023. Only that emergency development specifically described in this ECDP and for the specific location listed above is authorized. Any other development requires separate authorization from the Executive Director or the Commission, as applicable.
3. The emergency development authorized on a temporary basis by this ECDP must be completed within 30 days of ECDP issuance (i.e., by April 20, 2023).
4. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., Santa Cruz County, City of Watsonville, California State Lands Commission, Monterey Bay National Marine Sanctuary, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
5. By exercising this ECDP, Permittee acknowledges and agrees that: (a) the emergency development is temporary, is designed to temporarily abate the emergency, and shall be removed unless and until a regular CDP authorizing the work is approved, and provided the Permittee adheres to such regular CDP's terms and conditions; and (b) a regular CDP is subject to all of the provisions of the California Coastal Act (as codified in Sections 30000 to 30900 of the Public Resources Code) and any applicable Local Coastal Program (LCP) policies and may be conditioned accordingly to avoid and/or to offset coastal resource impacts consistent with the Coastal Act (and LCP as applicable) (including but not limited to requirements for public access provisions (such as offers to dedicate, easements, in-lieu fees, etc.), assumption/disclosure of risks (including deed restrictions), triggers for relocation/removal, offsetting mitigations, etc.). The Permittee acknowledges that review of the CDP application to determine consistency with the Coastal Act (and LCP as applicable) will be based on the conditions the property was legally in prior to initiation of the temporary emergency development that is the subject of this ECDP.
6. By exercising this ECDP, the Permittee acknowledges and agrees in relation to this ECDP and the emergency development that it authorizes: (a) to assume all risks

Emergency CDP G-3-23-0031 (Pajaro River Levee Riprap)

Issue Date: March 21, 2023

(including all coastal hazard risks, that include but are not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, tidal scour, storms, tsunamis, coastal flooding, landslides, earth movement, and the interaction of all of these, many of which will worsen with future sea level rise); (b) to unconditionally waive any claim of damage and/or liability against the Commission and/or its officers, employees, agents, successors and/or assigns; (c) to indemnify and hold harmless the Commission and its officers, employees, agents, successors and/or assigns against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement, including as it relates to any damages to public and/or private properties and/or personal injury; (d) that any adverse effects to property or people caused by the emergency development shall be fully the responsibility of the Permittee.

7. The Permittee shall reimburse the Commission in full for all Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (a) charged by the Office of the Attorney General; and/or (b) required by a court) that the Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Commission, its officers, employees, agents, successors and/or assigns challenging the approval or issuance of this ECDP, the interpretation and/or enforcement of ECDP terms and conditions, or any other matter related to this ECDP. The Permittee shall reimburse the Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The 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.
8. Within 120 days of ECDP issuance (i.e., by July 19, 2023), the Permittee shall either: (a) remove all of the materials placed or installed in connection with the emergency development, and restore all affected areas to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP); or (b) submit a complete application (i.e., satisfying the requirements of Title 14 California Code of Regulations Section 13056) for a regular CDP to authorize the emergency development (or for a different project designed to address the emergency development), including submitting all information and materials requested, and as directed, by the Executive Director if/when the Executive Director determines that such application is incomplete. If such regular follow-up CDP application is withdrawn by the Permittee, or is denied by the Commission, or if it remains incomplete for a period of 120 days after the Executive Director informs the Permittee that the application is incomplete, then all of the materials placed and/or installed in connection with the emergency development shall be removed, and all affected areas shall be restored to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP).
9. Failure to meet any of the applicable requirements of Condition 8 above shall constitute a knowing and intentional violation of the Coastal Act and may result in

Emergency CDP G-3-23-0031 (Pajaro River Levee Riprap)

Issue Date: March 21, 2023

formal enforcement action by the Executive Director and/or the Commission. Such formal action may include: recordation of a Notice of Violation on the Permittee's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties of up to \$11,250 per day per violation; a civil lawsuit (that may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day); and/or other applicable penalties and relief pursuant to Coastal Act Chapter 9. In addition, failure to follow and meet all terms and conditions of this ECDP shall also constitute a knowing and intentional Coastal Act violation to which the same actions above may be applied.

10. All emergency development shall be limited to the least amount necessary to temporarily abate the emergency, and shall be undertaken in a time and manner that avoids any and all coastal resource impacts as much as possible, including avoiding impacts to public access. The Permittee shall keep the Executive Director informed regarding emergency development progress, including in terms of any issues encountered that may require adjustment.
11. A licensed civil engineer shall oversee all construction activities and shall ensure that all emergency development is limited to the least amount necessary to temporarily abate the emergency consistent with the terms and conditions of this ECDP.
12. All emergency construction activities shall limit impacts to coastal resources, including the riverine environment of the Pajaro River, to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements:
 - a. Construction activities shall be limited to no more than a total of 7 days, and shall take place on non-holiday weekdays to the maximum extent feasible.
 - b. All construction activities shall take place during daylight hours (i.e., from one-hour before sunrise to one-hour after sunset).
 - c. Construction work and equipment operations shall be prohibited in Pajaro River waters.
 - d. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
 - e. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep equipment 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 river; etc.).
 - f. All construction activities that result in discharge of materials, polluted runoff, or wastes to the Pajaro River shall be prohibited. Equipment washing, refueling,

Emergency CDP G-3-23-0031 (Pajaro River Levee Riprap)

Issue Date: March 21, 2023

and/or servicing shall not take place on the waterfront. Any erosion and sediment controls used shall be in place prior to the commencement of construction as well as at the end of each workday.

- g. All areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any riverbank materials that are impacted by construction shall be restored as necessary to remove any construction debris.
 - h. All contractors shall ensure that work crews are carefully briefed on the importance of observing the construction precautions given the sensitive work environment. Construction contracts shall contain appropriate penalty provisions sufficient to offset the cost of retrieval/cleanup of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.
 - i. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction. If planning staff should identify reasonable restoration measures, such measures shall be implemented immediately.
13. A qualified biologist or environmental resources specialist acceptable to the Executive Director shall monitor all emergency construction activities (including but not limited to, placement and removal of equipment, construction activities near sensitive habitat areas, all grading, etc.) to ensure that adverse impacts to sensitive plant and animal species and/or their habitats are avoided and, where avoidance is not possible, are minimized as much as possible and to the satisfaction of both the monitor and the Executive Director. The monitor shall have the authority to stop emergency construction activities if sensitive species and/or their habitats may be threatened in order to consult with the Executive Director on appropriate impact avoidance and minimization measures.
14. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
15. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit site plans and cross sections to the Executive Director clearly identifying all development completed under this emergency authorization (comparing the legal pre-emergency development condition to both the emergency condition and to the post-emergency development condition), and a narrative description of all emergency development activities undertaken pursuant to this ECDP. Photos showing the project site before the emergency (if available), during emergency development construction activities, and after the work authorized by this ECDP is complete shall be provided with the site plans and cross sections.
16. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries

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and emergencies), and the construction coordinator's contact information (i.e., address, email, phone numbers, etc.) including, at a minimum, an email address and a telephone number (with voice mail capabilities) that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (e.g., name, 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. The Permittee shall submit the record of complaints/inquiries and actions taken in response to the Executive Director on a weekly basis, and upon completion of construction activities.

17. Minor adjustments to the requirements above, including deadline adjustments, may be allowed by the Executive Director if the Executive Director determines that such adjustments: (a) are deemed reasonable and necessary to help to temporarily abate the identified emergency, including as emergency conditions may change; (b) are designed to avoid coastal resource impacts (and limit those that are unavoidable) as much as possible; and (c) in the case of deadline extension adjustments, are appropriate in light of circumstances, including that the Permittee has shown diligence in pursuing the emergency development and meeting all ECDP terms and conditions.
18. By exercising this ECDP, Permittee acknowledges and agrees that this ECDP shall not constitute evidence against and/or a waiver of any public rights which may exist on the property.
19. The Permittee shall disclose this ECDP, including all of its terms and conditions, to any prospective buyer of the affected property during the period of time that any development that is the subject of this ECDP remains on such property.
20. Failure to comply with the terms and conditions of this ECDP may result in enforcement action under the provisions of Coastal Act Chapter 9. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the property without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Coastal Act Chapter 9.

If you have any questions about the provisions of this ECDP, please contact the Commission's Central Coast District Office at 725 Front Street, Suite 300, Santa Cruz, CA 95060; centralcoast@coastal.ca.gov; and/or (831) 427-4863.

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**EMERGENCY COASTAL DEVELOPMENT PERMIT****Emergency CDP G-3-23-0032 (Seacliff Pier Removal)****Issue Date: March 21, 2023**

Permittee: California Department of Parks and Recreation

Emergency Location: The pier and adjacent beach areas at Seacliff State Beach in the unincorporated community of Aptos, Santa Cruz County (APN: 042-112-03).

Emergency Description: On January 5, 2023, high tides compounded by a large storm surge resulted in a 35-foot swell. The swell, in combination with storm-fed debris (e.g., large driftwood logs, cobbles, and pieces of asphalt from the nearby damaged parking lot and campground areas) entirely destroyed the seaward half and severely damaged the landward half of the Seacliff Pier. An estimated 44% of the pier remains standing, though this section is now missing several pilings, and pier planking continues to fail and fall from the structure. The still-standing section of the pier is highly unstable and poses a safety risk to beachgoers, while debris from the pier is actively disturbing the marine environment.

Emergency Development: This ECDP is following verbal authorization of emergency removal of the Seacliff Pier given by Commission staff to State Parks staff on January 26, 2023. For the pier elements located on the beach, the emergency removal consists of demolition and removal of the pier decking and structural timbers by an excavator, with a hand crew following behind and gathering any materials not captured by the excavator for landward storage prior to disposal. For the pier elements located in the water, a crane, staged on crane mats on the beach, will rig into sections of the pier to be cut and subsequently removed. Any debris not successfully gathered by the crane will similarly be collected by hand crews for landward storage prior to disposal. Pilings located landward of the low tide line will be excavated to 6 feet below the existing surface, cut, and removed, and the resulting void will be backfilled with sand. If any pile stubs are discovered beyond the low tide line, divers will cut the piles at 2 feet below the existing surface. All debris will be stored landward prior to proper disposal.

Executive Director's Determination

The Executive Director of the California Coastal Commission hereby finds that: (a) a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services exists (i.e., an "emergency" (see Title 14 California Code of Regulations Section 13009 and California Coastal Act (Public Resources Code) Section 30624); (b) the emergency requires action more quickly than allowed by the procedures for regular CDPs; (c) the emergency development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; (d) the emergency development carried out under this ECDP is considered temporary work done in an emergency situation to abate an

Enclosure: ECDP Acceptance Form

cc: (via email): Kenneth Foster (California State Lands Commission); Sophie De Beukelaer (Monterey Bay National Marine Sanctuary)

Emergency CDP G-3-23-0032 (Seacliff Pier Removal)

Issue Date: March 21, 2023

emergency and is undertaken at Permittee risk; (e) a regular CDP must be obtained for the emergency development to become more than temporary emergency abatement and/or if the Permittee wishes to expand the scope of work beyond that authorized by this ECDP; (f) absent obtaining a regular CDP, the emergency development shall be removed and the affected area restored; and (g) Commission staff will review public comment on the proposed emergency development as time allows.

The emergency development is hereby approved, subject to the conditions listed below.

DocuSigned by:
Kevin Kahn

Kevin Kahn, Central Coast District Manager, for Kate Hucklebridge, Executive Director

Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the Permittee and returned to the California Coastal Commission's Central Coast District Office within 15 days of the date of this ECDP (i.e., by April 5, 2023). This ECDP is not valid unless and until the acceptance form has been received in the Central Coast District Office.
2. All emergency development shall be limited in scale and scope to that specifically identified in the Emergency Permit Application Form dated received in the Commission's Central Coast District Office on March 17, 2023. Only that emergency development specifically described in this ECDP and for the specific location listed above is authorized. Any other development requires separate authorization from the Executive Director or the Commission, as applicable.
3. The emergency development authorized on a temporary basis by this ECDP must be completed within 30 days of ECDP issuance (i.e., by April 20, 2023).
4. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., California State Lands Commission, Monterey Bay National Marine Sanctuary, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
5. By exercising this ECDP, Permittee acknowledges and agrees that: (a) the emergency development is temporary, is designed to temporarily abate the emergency, and shall be removed unless and until a regular CDP authorizing the work is approved, and provided the Permittee adheres to such regular CDP's terms and conditions; and (b) a regular CDP is subject to all of the provisions of the California Coastal Act (as codified in Sections 30000 to 30900 of the Public Resources Code) and any applicable Local Coastal Program (LCP) policies and may be conditioned accordingly to avoid and/or to offset coastal resource impacts consistent with the Coastal Act (and LCP as applicable) (including but not limited to requirements for public access provisions (such as offers to

Emergency CDP G-3-23-0032 (Seacliff Pier Removal)

Issue Date: March 21, 2023

dedicate, easements, in-lieu fees, etc.), assumption/disclosure of risks (including deed restrictions), triggers for relocation/removal, offsetting mitigations, etc.). The Permittee acknowledges that review of the CDP application to determine consistency with the Coastal Act (and LCP as applicable) will be based on the conditions the property was legally in prior to initiation of the temporary emergency development that is the subject of this ECDP.

6. By exercising this ECDP, the Permittee acknowledges and agrees in relation to this ECDP and the emergency development that it authorizes: (a) to assume all risks (including all coastal hazard risks, that include but are not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, tidal scour, storms, tsunamis, coastal flooding, landslide, earth movement, and the interaction of all of these, many of which will worsen with future sea level rise); (b) to unconditionally waive any claim of damage and/or liability against the Commission and/or its officers, employees, agents, successors and/or assigns; (c) to indemnify and hold harmless the Commission and its officers, employees, agents, successors and/or assigns against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement, including as it relates to any damages to public and/or private properties and/or personal injury; (d) that any adverse effects to property or people caused by the emergency development shall be fully the responsibility of the Permittee.
7. The Permittee shall reimburse the Commission in full for all Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (a) charged by the Office of the Attorney General; and/or (b) required by a court) that the Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Commission, its officers, employees, agents, successors and/or assigns challenging the approval or issuance of this ECDP, the interpretation and/or enforcement of ECDP terms and conditions, or any other matter related to this ECDP. The Permittee shall reimburse the Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The 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.
8. Within 120 days of ECDP issuance (i.e., by July 19, 2023), the Permittee shall either: (a) remove all of the materials placed or installed in connection with the emergency development, and restore all affected areas to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP); or (b) submit a complete application (i.e., satisfying the requirements of Title 14 California Code of Regulations Section 13056) for a regular CDP to authorize the emergency development (or for a different project designed to address the emergency development), including submitting all information and materials requested, and as directed, by the Executive Director if/when the Executive Director determines that such application is incomplete. If such regular follow-up CDP application is withdrawn by the Permittee, or is denied by the Commission, or if it remains

Emergency CDP G-3-23-0032 (Seacliff Pier Removal)

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incomplete for a period of 120 days after the Executive Director informs the Permittee that the application is incomplete, then all of the materials placed and/or installed in connection with the emergency development shall be removed, and all affected areas shall be restored to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP).

9. Failure to meet any of the applicable requirements of Condition 8 above shall constitute a knowing and intentional violation of the Coastal Act and may result in formal enforcement action by the Executive Director and/or the Commission. Such formal action may include: recordation of a Notice of Violation on the Permittee's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties of up to \$11,250 per day per violation; a civil lawsuit (that may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day); and/or other applicable penalties and relief pursuant to Coastal Act Chapter 9. In addition, failure to follow and meet all terms and conditions of this ECDP shall also constitute a knowing and intentional Coastal Act violation to which the same actions above may be applied.
10. All emergency development shall be limited to the least amount necessary to temporarily abate the emergency, and shall be undertaken in a time and manner that avoids any and all coastal resource impacts as much as possible, including avoiding impacts to public access. The Permittee shall keep the Executive Director informed regarding emergency development progress, including in terms of any issues encountered that may require adjustment.
11. A licensed civil engineer with experience in coastal structures and processes shall oversee all construction activities and shall ensure that all emergency development is limited to the least amount necessary to temporarily abate the emergency consistent with the terms and conditions of this ECDP.
12. All emergency construction activities shall limit impacts to coastal resources (including public recreational access and the Pacific Ocean) to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements:
 - a. Construction activities shall take place on non-holiday weekdays to the maximum extent feasible.
 - b. All construction activities shall take place during daylight hours (i.e., from one-hour before sunrise to one-hour after sunset). Lighting of the beach and/or intertidal area is prohibited.
 - c. Construction work and equipment operations shall avoid impacts to ocean waters and/or wetted sand (i.e., areas either wet and/or with a noticeable sheen from tidal and/or wave action) to the maximum extent possible; and shall avoid beachgoers and beach recreational areas as much as possible.

Emergency CDP G-3-23-0032 (Seacliff Pier Removal)

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- d. Any grading of or in intertidal areas shall be the minimum necessary for piling removal.
 - e. Any construction materials and equipment placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from the beach area by one-hour after sunset each day that work occurs.
 - f. All construction areas shall be minimized and demarked by temporary fencing designed to allow through public access and protect public safety to the maximum extent feasible, where such areas shall be limited in their spatial extent as much as possible. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
 - g. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep equipment covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach; etc.).
 - h. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach or the adjacent marine environment shall be prohibited. Equipment washing, refueling, and/or servicing shall not take place on the beach. Any erosion and sediment controls used shall be in place prior to the commencement of construction as well as at the end of each workday.
 - i. All areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand that is impacted by construction shall be filtered as necessary to remove any construction debris.
 - j. All contractors shall ensure that work crews are carefully briefed on the importance of observing the construction precautions given the sensitive work environment. Construction contracts shall contain appropriate penalty provisions sufficient to offset the cost of retrieval/cleanup of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.
 - k. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction. If planning staff should identify reasonable restoration measures, such measures shall be implemented immediately.
- 13.A qualified biologist or environmental resources specialist acceptable to the Executive Director shall monitor all emergency construction activities (including but not limited to, placement and removal of equipment, construction activities

Emergency CDP G-3-23-0032 (Seacliff Pier Removal)

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near dune areas and/or plover and least tern habitat areas, all grading, etc.) to ensure that adverse impacts to sensitive plant and animal species and/or their habitats are avoided and, where avoidance is not possible, are minimized as much as possible and to the satisfaction of both the monitor and the Executive Director. The monitor shall have the authority to stop emergency construction activities if sensitive species and/or their habitats may be threatened in order to consult with the Executive Director on appropriate impact avoidance and minimization measures.

14. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
15. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit site plans and cross sections to the Executive Director clearly identifying all development completed under this emergency authorization (comparing the legal pre-emergency development condition to both the emergency condition and to the post-emergency development condition), and a narrative description of all emergency development activities undertaken pursuant to this ECDP. Photos showing the project site before the emergency (if available), during emergency development construction activities, and after the work authorized by this ECDP is complete shall be provided with the site plans and cross sections.
16. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and the construction coordinator's contact information (i.e., address, email, phone numbers, etc.) including, at a minimum, an email address and a telephone number (with voice mail capabilities) that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (e.g., name, 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. The Permittee shall submit the record of complaints/inquiries and actions taken in response to the Executive Director on a weekly basis, and upon completion of construction activities.
17. Minor adjustments to the requirements above, including deadline adjustments, may be allowed by the Executive Director if the Executive Director determines that such adjustments: (a) are deemed reasonable and necessary to help to temporarily abate the identified emergency, including as emergency conditions

Emergency CDP G-3-23-0032 (Seacliff Pier Removal)

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may change; (b) are designed to avoid coastal resource impacts (and limit those that are unavoidable) as much as possible; and (c) in the case of deadline extension adjustments, are appropriate in light of circumstances, including that the Permittee has shown diligence in pursuing the emergency development and meeting all ECDP terms and conditions.

18. By exercising this ECDP, Permittee acknowledges and agrees that this ECDP shall not constitute evidence against and/or a waiver of any public rights which may exist on the property.
19. The Permittee shall disclose this ECDP, including all of its terms and conditions, to any prospective buyer of the affected property during the period of time that any development that is the subject of this ECDP remains on such property.
20. Failure to comply with the terms and conditions of this ECDP may result in enforcement action under the provisions of Coastal Act Chapter 9. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the property without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Coastal Act Chapter 9.

If you have any questions about the provisions of this ECDP, please contact the Commission's Central Coast District Office at 725 Front Street, Suite 300, Santa Cruz, CA 95060; centralcoast@coastal.ca.gov; and/or (831) 427-4863.

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EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-3-23-0035 (Salinas River Lagoon Storm Repairs)

Issue Date: March 30, 2023

Permittee: Monterey County Water Resources Agency

Emergency Location: On the land side of the northern bank of the Salinas River Lagoon levee and at the slide gate that regulates flow between the Salinas River Lagoon and the old Salinas River channel (APNs 135-011-005, 229-041-012, and 135-021-005).

Emergency Description: The January 2023 storms and associated high river flows, wave action, and flooding of the agricultural field adjacent to the northwest side of the lagoon caused significant erosion of the landward side of the levee and a buildup of sediment around the slide gate that regulates flows between the Salinas River lagoon and Old Salinas River channel. The northern levee at this location is severely compromised and at risk of breach during high water and/or wave action. Levee failure would put various infrastructure at risk of damage and/or failure, including culverts, bridges, and tide gates in the Old Salinas River Channel, Tembladero, Merritt, and Espinosa slough/creek areas. Property would also be at risk of flooding, including residences, businesses, and agricultural lands adjacent to Molera Road in Moss Landing and in and to the southeast of Castroville.

Emergency Development: Approximately 900 cubic yards (cy) of treated fill will be placed on the levee and compacted to replace eroded soil and restore the levee to pre-emergency conditions. Damaged areas of the levee will be overexcavated and recompacted. No rock or other hard armoring elements will be added to the levee. Staging areas, disturbed areas adjacent to the levee, and the access road will be regraded as needed to restore them to pre-emergency condition and enable necessary access and staging at the site. Approximately 50 cy of storm-accumulated sediment will be removed from the slide gate area to restore slide gate function. Where feasible, sediment will likely be donated to the adjacent Monterey Dunes Colony for future dune restoration projects. Best management practices will be employed, including the setback of all staging, maintenance and storage areas at least 100 feet from the water; regular maintenance and leak checks; and a spill prevention and control plan.

Executive Director's Determination

The Executive Director of the California Coastal Commission hereby finds that: (a) a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss
Enclosure: ECDP Acceptance Form

cc: (via email): Katerina Galacatos (US Army Corps of Engineers); Thomas Wadsworth (NOAA); Kim Sanders (Central Coast Water Quality Control Board); Erik Lundquist (Monterey County); Dan Shaw (State Parks); Linda Connolly (CA Dept. of Fish and Wildlife); Chad Mitcham (US Fish and Wildlife)

Emergency CDP G-3-23-0035 (Salinas River Lagoon Storm Repairs)

Issue Date: March 30, 2023

or damage to life, health, property or essential public services exists (i.e., an “emergency” (see Title 14 California Code of Regulations Section 13009 and California Coastal Act (Public Resources Code) Section 30624); (b) the emergency requires action more quickly than allowed by the procedures for regular CDPs; (c) the emergency development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; (d) the emergency development carried out under this ECDP is considered temporary work done in an emergency situation to abate an emergency and is undertaken at Permittee risk; (e) a regular CDP must be obtained for the emergency development to become more than temporary emergency abatement and/or if the Permittee wishes to expand the scope of work beyond that authorized by this ECDP; (f) absent obtaining a regular CDP, the emergency development shall be removed and the affected area restored; and (g) Commission staff will review public comment on the proposed emergency development as time allows.

The emergency development is hereby approved, subject to the conditions listed below.

Kevin Kahn

Kevin Kahn, Central Coast District Manager, for Kate Huckelbridge, Executive Director

Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the Permittee and returned to the California Coastal Commission’s Central Coast District Office within 15 days of the date of this ECDP (i.e., by April 14, 2023). This ECDP is not valid unless and until the acceptance form has been received in the Central Coast District Office.
2. All emergency development shall be limited in scale and scope to that specifically identified in the Emergency Permit Application Form dated received in the Commission’s Central Coast District Office on March 23, 2023. Only that emergency development specifically described in this ECDP and for the specific location listed above is authorized. Any other development requires separate authorization from the Executive Director or the Commission, as applicable.
3. The emergency development authorized on a temporary basis by this ECDP must be completed within 30 days of ECDP issuance (i.e., by April 29, 2023).
4. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., Monterey County, California State Lands Commission, Monterey Bay National Marine Sanctuary, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
5. By exercising this ECDP, Permittee acknowledges and agrees that: (a) the emergency development is temporary, is designed to temporarily abate the emergency, and shall be removed unless and until a regular CDP authorizing the

Emergency CDP G-3-23-0035 (Salinas River Lagoon Storm Repairs)**Issue Date: March 30, 2023**

work is approved, and provided the Permittee adheres to such regular CDP's terms and conditions; and (b) a regular CDP is subject to all of the provisions of the California Coastal Act (as codified in Sections 30000 to 30900 of the Public Resources Code) and any applicable Local Coastal Program (LCP) policies and may be conditioned accordingly to avoid and/or to offset coastal resource impacts consistent with the Coastal Act (and LCP as applicable) (including but not limited to requirements for public access provisions (such as offers to dedicate, easements, in-lieu fees, etc.), assumption/disclosure of risks (including deed restrictions), triggers for relocation/removal, offsetting mitigations, etc.). The Permittee acknowledges that review of the CDP application to determine consistency with the Coastal Act (and LCP as applicable) will be based on the conditions the property was legally in prior to initiation of the temporary emergency development that is the subject of this ECDP.

6. By exercising this ECDP, the Permittee acknowledges and agrees in relation to this ECDP and the emergency development that it authorizes: (a) to assume all risks (including all coastal hazard risks, that include but are not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, tidal scour, storms, tsunamis, coastal flooding, landslide, earth movement, and the interaction of all of these, many of which will worsen with future sea level rise); (b) to unconditionally waive any claim of damage and/or liability against the Commission and/or its officers, employees, agents, successors and/or assigns; (c) to indemnify and hold harmless the Commission and its officers, employees, agents, successors and/or assigns against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement, including as it relates to any damages to public and/or private properties and/or personal injury; (d) that any adverse effects to property or people caused by the emergency development shall be fully the responsibility of the Permittee.
7. The Permittee shall reimburse the Commission in full for all Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (a) charged by the Office of the Attorney General; and/or (b) required by a court) that the Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Commission, its officers, employees, agents, successors and/or assigns challenging the approval or issuance of this ECDP, the interpretation and/or enforcement of ECDP terms and conditions, or any other matter related to this ECDP. The Permittee shall reimburse the Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The 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.
8. Within 120 days of ECDP issuance (i.e., by July 28, 2023), the Permittee shall either: (a) remove all of the materials placed or installed in connection with the emergency development, and restore all affected areas to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP); or (b) submit a

Emergency CDP G-3-23-0035 (Salinas River Lagoon Storm Repairs)

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complete application (i.e., satisfying the requirements of Title 14 California Code of Regulations Section 13056) for a regular CDP to authorize the emergency development (or for a different project designed to address the emergency development), including submitting all information and materials requested, and as directed, by the Executive Director if/when the Executive Director determines that such application is incomplete. If such regular follow-up CDP application is withdrawn by the Permittee, or is denied by the Commission, or if it remains incomplete for a period of 120 days after the Executive Director informs the Permittee that the application is incomplete, then all of the materials placed and/or installed in connection with the emergency development shall be removed, and all affected areas shall be restored to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP).

9. Failure to meet any of the applicable requirements of Condition 8 above shall constitute a knowing and intentional violation of the Coastal Act and may result in formal enforcement action by the Executive Director and/or the Commission. Such formal action may include: recordation of a Notice of Violation on the Permittee's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties of up to \$11,250 per day per violation; a civil lawsuit (that may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day); and/or other applicable penalties and relief pursuant to Coastal Act Chapter 9. In addition, failure to follow and meet all terms and conditions of this ECDP shall also constitute a knowing and intentional Coastal Act violation to which the same actions above may be applied.
10. All emergency development shall be limited to the least amount necessary to temporarily abate the emergency, and shall be undertaken in a time and manner that avoids any and all coastal resource impacts as much as possible, including avoiding impacts to public access. The Permittee shall keep the Executive Director informed regarding emergency development progress, including in terms of any issues encountered that may require adjustment.
11. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
12. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit site plans and cross sections to the Executive Director clearly identifying all development completed under this emergency authorization (comparing the legal pre-emergency development condition to both the emergency condition and to the post-emergency development condition), and a narrative description of all emergency development activities undertaken pursuant to this ECDP. Photos showing the project site before the emergency (if available), during emergency development construction activities, and after the

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work authorized by this ECDP is complete shall be provided with the site plans and cross sections.

13. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and the construction coordinator's contact information (i.e., address, email, phone numbers, etc.) including, at a minimum, an email address and a telephone number (with voice mail capabilities) that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (e.g., name, 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. The Permittee shall submit the record of complaints/inquiries and actions taken in response to the Executive Director on a weekly basis, and upon completion of construction activities.
14. Minor adjustments to the requirements above, including deadline adjustments, may be allowed by the Executive Director if the Executive Director determines that such adjustments: (a) are deemed reasonable and necessary to help to temporarily abate the identified emergency, including as emergency conditions may change; (b) are designed to avoid coastal resource impacts (and limit those that are unavoidable) as much as possible; and (c) in the case of deadline extension adjustments, are appropriate in light of circumstances, including that the Permittee has shown diligence in pursuing the emergency development and meeting all ECDP terms and conditions.
15. By exercising this ECDP, Permittee acknowledges and agrees that this ECDP shall not constitute evidence against and/or a waiver of any public rights which may exist on the property.
16. The Permittee shall disclose this ECDP, including all of its terms and conditions, to any prospective buyer of the affected property during the period of time that any development that is the subject of this ECDP remains on such property.
17. Failure to comply with the terms and conditions of this ECDP may result in enforcement action under the provisions of Coastal Act Chapter 9. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the property without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Coastal Act Chapter 9.

If you have any questions about the provisions of this ECDP, please contact Breylen Ammen at the Commission's Central Coast District Office at 725 Front Street, Suite 300, Santa Cruz, CA 95060; breylen.ammen@coastal.ca.gov; and/or (831) 427-4863.