

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST DISTRICT OFFICE  
89 SOUTH CALIFORNIA STREET, SUITE 200  
VENTURA, CALIFORNIA 93001-2801  
(805) 585-1800 FAX (805) 641-1732  
WWW.COASTAL.CA.GOV



# F12

## South Central Coast District Deputy Director's Report for May 2023

**Prepared May 04, 2023 (for the May 12, 2023 Hearing)**

**To:** Commissioners and Interested Parties

**From:** Steve Hudson, South Central Coast District Deputy Director

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, and emergency CDPs and LCP certification reviews for the South Central Coast District Office are being reported to the Commission on May 12, 2023. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Central Coast District Office in Ventura. Staff is asking for the Commission's concurrence on the items in the South Central Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on May 12th.

With respect to the May 12th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on May 12, 2023 (see attached)**

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### Waivers

- 4-23-0354-W, The City of Oxnard

### Emergency Permits

- G-4-23-0043, City of Goleta

### CDP Amendments, CDP Extensions, LCP Certification Reviews

- None

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April 24, 2023

## Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 4-23-0354-W

**Applicant:** City of Oxnard

**Location:** Oxnard Shores Beach, between 5<sup>th</sup> Street and Embassy Suites Parking Lot (City of Oxnard, Ventura County)

**Proposed Development:** One-time removal of a significant build-up of storm debris including tree trunks, branches, trash, debris, and invasive *Arundo donax* (Giant Reed) plant material, located near the high tide line on Oxnard Shores Beach between 5<sup>th</sup> Street and the Embassy Suites parking lot. The proposed project will utilize mechanized equipment such as tracked or large wheeled skid steers, front loaders, and tractors that would access the beach from designated staging areas and load debris with root grapple buckets into 30-yard roll-off boxes. Equipment will be confined to the identified work areas and paths that avoid sensitive dune areas and additional best management practices are proposed to be implemented. Prior to work, a biological monitor will survey dunes and special status bird nesting habitats and will flag off sensitive areas to limit the area of work disturbance and ensure protection of sensitive species and habitats during project activities. The work is proposed to occur in segments so that public access to and along the beach would not be adversely impacted. The proposed work will take place on weekdays from 7:30am through 5:00pm and will be approximately 21 days in duration.

**Rationale:** The proposed project consists of the one-time removal of an unusually large build-up of debris on the beach following a series of large winter storm events. A significant portion of the debris consists of invasive plant species material (*Arundo donax*), as well as large tree trunks, branches, and trash. Removal of this material would serve to prevent the potential spread of invasive plant species and eliminate impediments to public access along the shoreline and to City and lifeguard vehicles that patrol and service this stretch of beach. Equipment and roll-off containers will use designated routes

to avoid the surrounding dune habitats. Best Management Practices are proposed to avoid impacts to coastal resources such as special status bird nesting habitats, dunes, public access, and water quality during project activities. Therefore, the proposed project will not result in any significant adverse impacts on coastal resources, and the project is consistent with all applicable Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at the May 12, 2023 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

Dr. Kate Huckelbridge  
Executive Director

Original on File signed by:

Jonathan Hasbun  
Coastal Program Analyst

cc: Commissioners/File

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**EMERGENCY PERMIT**

**Date:** April 21, 2023

**Permit No.:** G-4-23-0043

**Applicant:** City of Goleta

**Project Location:** Cul-de-sac at 447 Ellwood Beach Dr. and 450 Ellwood Beach Dr.,  
Goleta  
(APNs: 079-553-019 and 079-551-024)

**Work Proposed:** Replacement and repair of an existing asphalt swale and reconnection of the 18-inch diameter corrugated metal pipe (CMP) down drain. Excavation to subgrade with heavy machinery (excavators, backhoe, etc.), placement of 40 cubic yards of soil fill, and installation of concrete slope protection and jute netting for slope stability and erosion control to protect the adjacent asphalt road and private property from further erosion, slope failure, and flooding. The project includes BMPs to protect water quality, habitat areas, and sensitive species, including the use of barriers, locating staging areas on the street away from drainages, and conducting a nesting bird survey prior to work.

This letter constitutes approval of the emergency work you have requested to be done at the location listed above. I understand from the information submitted that an unexpected occurrence in the form of heavy storm run-off bypassed the asphalt swale which undermined and collapsed a portion of the asphalt swale, CMP down drain, and the adjacent dirt slope. Continued erosion would further undermine the road at Ellwood Beach Drive and adjacent apartment complexes and could cause closures to the public road. This occurrence requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. The Executive Director hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of the permit; and
- (b) Public comment on the proposed emergency action has been reviewed if time allows.

The work is hereby approved, subject to the conditions listed on the attached pages.

Sincerely,

Dr. Kate Huckelbridge  
Executive Director

By Barbara Carey, District Manager  
For Steve Hudson, District Director

cc: City of Goleta

**CONDITIONS OF APPROVAL:**

1. The enclosed form must be signed by the applicant and returned to our office within fifteen (15) days, though the work may begin in advance of that submittal.
2. Only that work specifically described above and for the specific property listed above, subject to the conditions set forth below, is authorized. Any additional work at the location of the proposed project requires separate authorization from the Executive Director.
3. This permit does not obviate the need to obtain necessary authorizations and/or permits from other local, state and federal agencies including, but not limited to, the Army Corp of Engineers, Regional Water Quality Control Board, etc., as applicable.
4. The work authorized by this emergency permit must be completed within 30 days of the date of this permit, or as extended by the Executive Director through correspondence, and shall take place in a manner to minimize any potential damages to any resources, including sensitive species, and to minimize impacts to public access.
5. The work authorized by this emergency permit is considered temporary and subject to removal unless a regular coastal development permit permanently authorizing the development is approved by the California Coastal Commission. Within one year of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, the applicant shall either: (a) remove the emergency development authorized in this permit and restore all affected areas to their prior condition after consultation with Commission staff; OR (b) submit a complete follow-up Coastal Development Permit (CDP) that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations. If the Executive Director determines that the follow-up CDP application is incomplete and requests additional information, the applicant shall submit this additional information by a certain date, as established by the Executive Director. If such a follow-up CDP application is withdrawn by the applicant or is denied by the Commission, or if the follow-up CDP application remains incomplete for a period of 120 days after the Executive Director informs the applicant that the application is incomplete, the emergency-permitted development shall be removed and all affected areas restored to their prior condition, after consultation with Commission staff and consistent with the Coastal Act, within 60 days, subject to any regulatory approvals necessary for such removal. In some instances, a permit may be needed for removal.
6. In exercising this emergency permit, the applicant agrees to hold the California Coastal Commission (Commission) harmless from any liabilities for damage to public or private properties or personal injury that may result from the project and to indemnify the Commission, which includes its officers, agents, and employees, against any and all liability, related claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any such damage or personal injury.

**IMPORTANT**

The emergency work is considered to be temporary work done in an emergency situation. If the applicant wishes to have the emergency work become a permanent development, a coastal permit must be obtained. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. Failure to a) submit a complete follow-up CDP Application that complies with Condition 5 above, or b) remove the emergency development and restore all affected areas to their prior condition after consultation with CCC staff, and consistent with the Coastal Act (if required by this Emergency Permit) by the date specified in this Emergency Permit<sup>1</sup>, or c) comply with all terms and conditions of the required follow-up CDP, including any deadlines identified therein, or d) remove the emergency-permitted development and restore all affected areas to their prior condition after consultation with Commission staff and consistent with the Coastal Act immediately upon denial of the required follow-up CDP<sup>2</sup> will constitute a knowing and intentional violation of the Coastal Act<sup>3</sup> and may result in formal enforcement action by the Commission or the Executive Director. This formal action could include a recordation of a Notice of Violation on the applicant's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties for violations involving public access; and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation

If you have any questions about the provisions of this emergency permit, please call Jonathan Hasbun at the Commission's Ventura Office at (805) 585-1800.

Enclosures: 1) Acceptance Form

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<sup>1</sup> In some instances, a permit may also be required for removal.

<sup>2</sup> As noted above, in some instances, a permit may also be required for removal.

<sup>3</sup> The Coastal Act is codified in sections 30000 to 30900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.