

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
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Th10

Prepared April 27, 2023 for May 11, 2023 Hearing

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Central Coast District Director

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

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, emergency CDPs, and LCP certification reviews for the Central Coast District Office are being reported to the Commission on May 11, 2023. 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. Staff is only reporting any emergency CDPs and LCP certification reviews, is asking for the Commission's concurrence on the other items in the 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 11th during the hybrid virtual/in-person hearing.

With respect to the May 11th hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the 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 11, 2023 (see attached)

LCP Certification Reviews

- LCP-3-SLO-20-0059-2-Part F, Accessory Dwelling Units (San Luis Obispo County)

CDP Extensions

- A-3-MCO-04-012-E7, Wang Residence (Big Sur)

Emergency CDPs

- G-3-23-0039, Kessinger and County Parks Revetment (Live Oak)
- G-3-23-0041, Seacliff Campground Erosion Control (Aptos)

CDP Waivers and CDP Amendments

- None

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Prepared April 27, 2023 (for May 11, 2023 Hearing)

To: Coastal Commissioners and Interested Persons

From: Kate Hucklebridge, Executive Director
Kevin Kahn, Central Coast District Manager
Ryan Moroney, District Supervisor

Subject: Certification Review for San Luis Obispo County Local Coastal Program (LCP) Amendment Number LCP-3-SLO-20-0059-2-Part F (ADUs)

On February 11, 2022, the Coastal Commission approved LCP Amendment Number LCP-3-SLO-20-0059-2-Part F to modify provisions related to accessory dwelling units (ADUs), including to update the LCP consistent with changes to state housing law. At that time, and after a public hearing, the Commission approved the amendment provided it was modified as suggested by the Commission.

By action taken April 4, 2023¹, the San Luis Obispo County Board of Supervisors adopted the LCP text as modified by the Commission (see **Exhibit 1**). The Executive Director has determined that the action taken by the County is legally adequate and that the amended LCP should be certified. The Executive Director recommends that the Commission concur with this determination and that the LCP, as amended, be certified. If the Commission concurs, the amended LCP will be certified as of today's date (i.e., May 11, 2023), and notification of this certification and Commission concurrence will be forwarded to the County.

Executive Director's Recommendation. Staff recommends that the Commission concur with the Executive Director's determination that the actions of San Luis Obispo County in accepting the Commission's certification of LCP Amendment Number LCP-3-SLO-20-0059-2-Part F, with modifications, are legally adequate.

Exhibit 1: County's Acceptance of the Coastal Commission's Approval

¹ On July 14, 2022, the Commission extended the deadline for the County to adopt the suggested modifications to August 11, 2023.

C-449 29

IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

Tuesday, April 4, 2023

PRESENT: Supervisors Bruce S. Gibson, Dawn Ortiz-Legg, Jimmy Paulding,
Debbie Arnold and Chairperson John Peschong

ABSENT: None

RESOLUTION NO. 2023-076

RESOLUTION ACKNOWLEDGING RECEIPT OF THE CALIFORNIA COASTAL COMMISSION'S RESOLUTION OF CERTIFICATION AND ACCEPTING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS PERTAINING TO LOCAL COASTAL PROGRAM AMENDMENT NUMBER LCP-3-SLO-20-0059-2 (LAND USE REGULATIONS FOR ACCESSORY DWELLINGS IN COASTAL ZONE)

The following resolution is hereby offered and read:

WHEREAS, the County of San Luis Obispo Board of Supervisors conducted a public hearing on January 28, 2020, and approved amendments to the Coastal Zone Land Use Ordinance (Title 23 of the San Luis Obispo County Code), as it relates to accessory dwellings; and

WHEREAS, the County of San Luis Obispo Board of Supervisors conducted a public hearing on June 16, 2020, and approved amendments to Coastal Table "O" (Coastal Allowable Use Table) of the Coastal Zone Framework for Planning to add accessory dwelling as an allowable use in various land use categories, in accordance with Government Code Section 65852.2 (State Accessory Dwelling Unit Law); and

WHEREAS, on September 16, 2020, the County of San Luis Obispo subsequently submitted a request to amend the County of San Luis Obispo Local Coastal Program, in accordance with the Board-approved amendments to the Coastal Zone Land Use Ordinance and the Board-approved amendments to Coastal Table "O" of the Coastal Zone Framework for Planning, to the California Coastal Commission for consideration and certification; and

WHEREAS, on February 11, 2022, the California Coastal Commission held a hearing and took action on the County of San Luis Obispo's proposed amendments to the County of San Luis Obispo Local Coastal Program, which consists of (1) certifying the Board-approved amendments to Coastal Table "O" of the Coastal Zone Framework for Planning without suggested modifications and (2) certifying the Board-approved amendments to the Coastal Zone Land Use Ordinance if modified in accordance with the California Coastal Commission's suggested modifications; and

WHEREAS, the California Coastal Commission's suggested modifications, pertaining to Local Coastal Program Amendment Number LCP-3-SLO-20-0059-2, are described in the California Coastal Commission's resolution of certification, attached hereto and incorporated by reference herein; and

WHEREAS, pursuant to the California Code of Regulations, Title 14, Section 13544, the County of San Luis Obispo Board of Supervisors may accept and agree to the terms and modifications suggested by the California Coastal Commission in Local Coastal Program Amendment Number LCP-3-SLO-20-0059-2 and take formal action to satisfy the terms and modifications.

WHEREAS, the County of San Luis Obispo Board of Supervisors' acceptance and agreement to the suggested modifications regarding the exclusion of ADUs in the Cambria Community Services District boundary and the Los Osos Groundwater Basin boundary is not a determination by the Board regarding the adequacy of water supplies in those areas and instead is intended to be a good faith action by the County to provide certainty to the public regarding current ADU development standards in unincorporated coastal zone areas in a manner which the Board believes is consistent with, and equitable in light of, existing regulatory constraints on development in Cambria and Los Osos and for which long term land use and infrastructure planning efforts are underway, including the Los Osos Community Plan which is pending review and certification by the Coastal Commission and the Cambria Community Services District's proposed Water Reclamation Facility whose Coastal Development Permit application is currently on information hold with the County.

WHEREAS, the Board of Supervisors acknowledges and accepts the California Coastal Commission's suggested modification to prohibit ADUs in Los Osos in order to consistently apply development restrictions to both primary dwelling units on vacant lots and accessory dwelling units (ADUs) on existing developed lots. While Condition 6 of the Los Osos Wastewater Reclamation Facility prevents landowners from developing primary dwelling units on vacant lots requiring community sewer service until the Los Osos Community Plan is approved, a similar requirement does not exist to prevent owners from developing an ADU on a lot that is already developed with a primary dwelling unit. This means a landowner in Los Osos could build a second home on a developed lot, while their neighbor cannot build a primary home on a vacant lot within the sewer service area. By prohibiting ADUs in areas served by the Los Osos groundwater basin, the California Coastal Commission's suggested modifications would give ADUs and primary dwellings on vacant lots equal treatment under the County's land use regulations and permitting practices.

WHEREAS, an LOS III designation per the County's Resource Management System (RMS) does not constitute a building moratorium or an effective building moratorium. Rather, it is part of the County's RMS framework that requires the Board of Supervisors to institute appropriate measures to address the identified resource deficiency. In the case of the Los Osos groundwater basin, construction of the communitywide sewer project was completed by the County and the Board of Supervisors amended the Building and Construction Ordinance, Title 19 of the County Code, to enact water conservation provisions, including a retrofit-to-build program that requires new development in Los Osos to offset new water demand on a 2:1 basis. While, with implementation of the water conservation provisions in Section 19.07.041 of the County Code, ADU development in Los Osos would have a neutral to positive effect on the Los Osos groundwater basin, the Board of Supervisors has determined accepting the suggested modifications would be in the public interest and further the public welfare in a manner that is consistent with existing regulatory constraints and principles of fairness while resolution of the area specific resource concerns are addressed as part of long range land use and infrastructure planning efforts currently underway before the County and the Coastal Commission.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 4th day of April, 2023, that the Board of Supervisors of the County of San Luis Obispo, acknowledges receipt of the California Coastal Commission's resolution of certification and hereby accepts and agrees to the modifications, as suggested by the California Coastal Commission, without further changes, pertaining to Local Coastal Program Amendment Number LCP-3-SLO-20-0059-2, as set forth in Exhibit A and Exhibit B attached hereto and incorporated herein as though fully set forth.

BE IT FURTHER RESOLVED AND ORDERED that pursuant to California Code of Regulations, Title 14, Section 13544, the Board of Supervisors directs staff to submit this resolution to the Executive Director of the California Coastal Commission for determination, in writing, that the County of San Luis Obispo's action is legally adequate to satisfy conditions of certification set forth in the California Coastal Commission's resolution of certification.

BE IT FURTHER RESOLVED AND ORDERED that Local Coastal Program Amendment Number LCP-3-SLO-20-0059-2 shall become final, effective and operative upon the California Coastal Commission's concurrence with its Executive Director's determination pursuant to California Code of Regulations, Title 14, Section 13544, at which point the amendments to the County of San Luis Obispo Local Coastal Program will become effective immediately.

Upon motion of Supervisor Gibson, seconded by Supervisor Paulding, and on the following roll call vote, to wit:

AYES: Supervisors Gibson, Paulding, Ortiz-Legg, Arnold and Chairperson Peschong

NOES: None

ABSENT: None

ABSTAINING: None

The foregoing resolution is hereby adopted on the 4th day of April, 2023.



John Peschong
Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors

By: Nikki Martin
Deputy Clerk

[SEAL]

Approved as to Legal Form and Effect:
RITA L. NEAL
County Counsel

By: /s/ Benjamin Dore
Deputy County Counsel

Dated: February 28, 2023

STATE OF CALIFORNIA) ss.
COUNTY OF SAN LUIS OBISPO)

I, WADE HORTON, Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors on April 10, 2023.

WADE HORTON,
Ex-Officio Clerk of the Board of Supervisors

By: Nikki Martin
Deputy Clerk

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NOTICE OF PROPOSED PERMIT EXTENSION

Date: April 27, 2023
To: All Interested Parties
From: Kevin Kahn, Central Coast District Manager
Katie Butler, Central Coast District Supervisor
Subject: Proposed Extension to Coastal Development Permit (CDP) A-3-MCO-04-012
Applicant: Brandon Wang

Original CDP Approval

CDP A-3-MCO-04-012 was approved by the Coastal Commission on June 7, 2017 and provided for the construction of a 2,315-square-foot single-family residence at 36228 Highway 1, at Kasler Point, in the Big Sur Coast area of unincorporated Monterey County.

Proposed CDP Extension

As indicated above, the CDP was originally approved by the Coastal Commission on June 7, 2017 and included a two-year term with an expiration date of June 7, 2019. The Applicant previously filed for six extensions to extend this deadline (ultimately to June 7, 2023), which were granted by the Commission. Thus, under this proposed extension, the expiration date of CDP A-3-MCO-04-012 would be extended one additional year to June 7, 2024. The Commission's reference number for this proposed extension is **A-3-MCO-04-012-E7**.¹

Executive Director's Changed Circumstances Determination

Pursuant to Title 14, Section 13169 of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that there are no changed circumstances affecting the approved development's consistency with the certified Monterey County Local Coastal Program and/or Chapter 3 of the Coastal Act, as applicable.

Coastal Commission Review Procedure

The Executive Director's determination and any written objections to it will be reported to the Commission on May 11, 2023, at the Commission's hybrid virtual and in-person hearing in Sacramento. If three or more Commissioners object to the Executive

¹ CDP extensions -E1 and -E2 were granted in 2006 and 2007, respectively, while the original CDP approval was undergoing litigation. The CDP application was remanded to the Commission by the Court of Appeal, and subsequently approved in June 2017.

Director's changed circumstances determination at that time, a full hearing on whether changed circumstances exist will be scheduled pursuant to the Commission's regulations.

If you have any questions about the proposal or wish to register an objection, please contact Katie Butler in the Central Coast District office at Katie.Butler@coastal.ca.gov.

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EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-3-23-0039 (Kessinger and County Parks Revetment)

Issue Date: April 11, 2023

Permittee: Charles and Jacque Kessinger; Santa Cruz County Parks Department

Emergency Location: Slumped revetment and displaced rock located on the sandy beach at Moran Lake County Park adjacent to East Cliff Drive and the residence located at 22798 East Cliff Drive (APNs 028-481-06 and 028-481-05, respectively) in the Live Oak beach area of Santa Cruz County.

Emergency Description: Storm swells in January 2023 destabilized the revetment, strewing rock across the sandy beach area on both the private property and adjacent County-owned beach, causing a nuisance to beach goers and the potential for damage to East Cliff Drive.

Emergency Development: The rock on the beach would be retrieved and restacked to return the revetment to its previously permitted configuration (per CDP 3-07-058) which spans both the private parcel and the County parks parcel (i.e., the revetment protects both the residence and public street) using an excavator that would access the beach via East Cliff Drive, immediately adjacent to the project site.

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.

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

Enclosure: ECDP Acceptance Form

cc: (via email): Jessica deGrassi (Santa Cruz County); Rebecca Hurley (Santa Cruz County); Kenneth Foster (California State Lands Commission); Sophie De Beukelaer (Monterey Bay National Marine Sanctuary)

Issue Date: April 11, 2023

DocuSigned by:

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 26, 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 29, 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 May 11, 2023).
4. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., Santa Cruz 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 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, tsunami, 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 August 9, 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 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. Any rock dislodged onto the beach from the revetment during emergency construction activities shall be retrieved and restacked atop the revetment. Any existing rock already on the beach in the area seaward of the revetment on the Permittee's property may also be retrieved and stacked. Such fugitive rock shall only be so retrieved and stacked if it is located above the tidal reach and able to be retrieved without significant excavation (i.e., where more than 50% of the rock is visible above the beach elevation). Any other rock work, including any addition of other rock and/or any expansion of the revetment's configuration, shall be prohibited.
13. 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 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). Lighting of the beach and/or intertidal area is prohibited.
 - c. Construction work and equipment operations: shall avoid areas seaward of the tidal extent as much as possible; shall be prohibited in ocean waters and/or wetted sand (i.e., areas either wet and/or with a noticeable sheen from tidal and/or wave action); and shall avoid beachgoers and beach recreational areas as much as possible.

- d. Any grading of or in intertidal areas shall be prohibited.
 - 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.
14. 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 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.

15. 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.
16. 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.
17. 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.
18. 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.

19. 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.
20. 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.
21. 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-3-23-0041 (Seacliff Campground Erosion Control)

Issue Date: April 11, 2023

Permittee: California Department of Parks and Recreation

Emergency Location: Portions of the retaining wall and RV parking spaces at the campground at Seacliff State Beach, located along the shoreline at the base of Las Olas Drive in the unincorporated community of Aptos, between the Las Olas Gate and State Park Drive (APN 381-201-01).

Emergency Description: Ongoing storm surges and swells between January 3, 2023 and January 9, 2023 caused significant damage to portions of the retaining wall and RV parking area/campground that fronts Las Olas Drive at Seacliff State Beach. Due to failure of the retaining wall, large portions of the campground along Las Olas Drive and adjacent parking areas landward of the retaining wall were severely damaged or destroyed. In addition, the Santa Cruz County Sanitation District's main sewer line runs under Las Olas Drive, and the lack of protection threatens the structural integrity of this critical infrastructure. Intense rains and increased soil moisture resulted in major mass wasting from the bluff face above Las Olas Drive, resulting in road blockage and coverage by earthen debris materials.

Emergency Development: This ECDP is following verbal authorization of emergency protective measures given by Commission staff to State Parks staff on April 6, 2023. The emergency development consists of: debris removal, including the portions of the destroyed retaining wall, asphalt from the campground areas, and the displaced earthen materials (unconsolidated mud, sand, silt, and plant debris) along Las Olas Drive; the placement of rip rap to protect the aforementioned development and infrastructure; and the temporary closure of the portions of the park necessary to complete emergency repairs and damage assessment. A total of 2,200 tons of rock rip rap was delivered and placed commencing on April 7, 2023. Placement was concentrated in areas where the retaining wall was almost entirely destroyed and thus where the road and parking had been heavily eroded. In other words, rip rap filled large escarpments, landward of the since-destroyed wall, that would otherwise continue to compromise the integrity of the roadway and RV campground. No rip rap will be placed landward of Las Olas Drive, nor placed seaward on the sandy beach.

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

Enclosure: ECDP Acceptance Form

cc: (via email): Jessica deGrassi (Santa Cruz County); Kenneth Foster (California State Lands Commission); Sophie De Beukelaer (Monterey Bay National Marine Sanctuary).

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.

DocuSigned by:

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 26, 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 April 6, 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 May 11, 2023).
4. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., Santa Cruz County, California State Lands Commission, 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 (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 August 9, 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 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. No rock shall be placed seaward of the retaining wall on the sandy beach or landward of Las Olas Drive at the base of the bluff.
13. 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:
14. 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.
15. 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.

16. Construction work and equipment operations: shall avoid areas seaward of the tidal extent as much as possible; shall be prohibited in ocean waters and/or wetted sand (i.e., areas either wet and/or with a noticeable sheen from tidal and/or wave action); and shall avoid beachgoers and beach recreational areas as much as possible.
17. Any grading of or in intertidal areas shall be prohibited.
18. 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.
19. 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.
20. 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.).
21. 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.
22. 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.
23. 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.
24. 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.
25. 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 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.

26. 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.
27. 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.
28. 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.
29. 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.

30. 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.
31. 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.
32. 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-3-23-0041**

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 California Department of Parks and Recreation 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 **August 9, 2023**) unless this deadline is extended by the Executive Director.

DocuSigned by:
Scott Rohlf

Signature of CA Department of Parks and Recreation Authorized Representative

Scott Rohlf

Name (Print)

303 N. Big Trees Park Road

Address

Felton, Ca, 95018

RECEIVED

APR 14 2023

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA