

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT  
455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105  
PHONE: (415) 904-5260  
FAX: (415) 904-5400  
WEB: WWW.COASTAL.CA.GOV  
EMAIL: NORTHCENTRALCOAST@COASTAL.CA.GOV



# Th7

**Prepared April 28, 2023 for May 11, 2023 Hearing**

**To:** Coastal Commissioners and Interested Persons

**From:** Dan Carl, North Central Coast District Director

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

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, emergency CDPs (ECDPs), and LCP certification reviews for the North Central Coast District Office are being reported to the Commission on May 11, 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 North Central Coast District Office in San Francisco. 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 May 11th. 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 May 11, 2023 (see attached)**

---

### **LCP Certification Reviews**

- LCP-2-SMC-22-0004-1 (Child Care Centers)

### **Emergency CDPs**

- G-2-23-0038 (Shoreview Revetment, Pacifica)

### **CDP Amendments, CDP Waivers, and CDP Extensions**

- None

## **How to provide testimony at this hearing**

---

This Coastal Commission meeting will occur in person and virtually through video and teleconference. Please see the Coastal Commission's Hybrid Hearing Procedures posted on the Coastal Commission's webpage at [www.coastal.ca.gov](http://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 Hybrid Hearing Procedures, please call 415-904-5202. The in-person portion of the meeting will be held at the **California Natural Resources Agency at 715 P Street, 2nd Floor, Sacramento, CA 95814**. The Commission strongly encourages continued participation virtually through video and teleconferencing due to changing Covid-19 conditions.

### **How to provide written comments for this hearing**

---

To submit written materials for review by the Commission, either email (via [NorthCentralCoast@coastal.ca.gov](mailto:NorthCentralCoast@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 North Central Coast District office at 455 Market Street, Suite 300, San Francisco, CA 94105, 415-904-5260.

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT  
455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105  
PHONE: (415) 904-5260  
FAX: (415) 904-5400  
WEB: WWW.COASTAL.CA.GOV



# Th7

**Prepared April 28, 2023 for May 11, 2023 Hearing**

**To:** Coastal Commissioners and Interested Persons

**From:** Stephanie Rexing, North Central Coast District Manager  
Erik Martinez, North Central Coast Coastal Planner

**Subject: Certification Review for San Mateo County LCP Amendment Number LCP-2-SMC-22-0004-1 (Child Care Centers)**

---

On October 14, 2022, the Coastal Commission considered San Mateo County's LCP Amendment Number LCP-2-SMC-22-0004-1 which created a new Chapter 22.2 ("Child Care Centers") and eliminated Section 6401.2 in LCP Implementation Plan (IP) Chapter 22 (General Provisions Relating to Large Family Day Care Homes). The amendment also included text amendments to other chapters that contained outdated permit requirements for both Small and Large Day Care Homes, separate definitions for child care facility types including centers, and separate permit requirements for child care centers. It added related text amendments to the IP in order to streamline approvals for such child care facilities, including to help ease restrictions on and incentivize child care services within the County. At that time, and after a public hearing, the Commission conditionally certified the amendment provided it was modified as suggested by the Commission.

The San Mateo County Board of Supervisors considered the Commission's conditional certification on March 28, 2023, and approved the LCP text as modified per the Commission's suggested modifications (see **Attachment 1**).

The Executive Director reviewed the County's March 28, 2023 action, and has determined that the actions are legally adequate to meet all of the Commission's conditional certification requirements. The Executive Director will report that determination to the Coastal Commission at the Commission's May meeting on May 11, 2023 as part of the North Central Coast District Director's Report. The Commission meeting starts at 9am on May 11th, and the District Director's Report is **item number 7** on the agenda for that day. Interested persons are welcome to submit comments and/or to sign-up to testify to the Commission regarding this matter under that agenda item (see the Commission's website at [www.coastal.ca.gov](http://www.coastal.ca.gov) for further information and instructions to participate in these ways).

Please note that this certification review is not a time to revisit any substantive issues associated with the approval of the subject LCP amendment, as certification review is limited to the question of whether the County adopted the suggested modifications to

the LCP amendment approved by the Commission. Please further note that the Executive Director's determination is not subject to any required concurrence or approval by the Commission, but rather is simply being reported to the Commission as is required by the Commission's regulations in order to allow for the amended LCP to be certified in that form (see Title 14, Division 5.5, Sections 13544 and 13544.5). Upon reporting this item to the Commission in the North Central Coast District Director's Report, the amended LCP will be certified as of that date and time.

**If you have any questions about this LCP amendment certification review process, including questions about how to submit written comments and/or to testify to the Commission, please contact the North Central Coast District office at (415) 904-5260 and/or [northcentralcoast@coastal.ca.gov](mailto:northcentralcoast@coastal.ca.gov).**

**Attachment:** San Mateo County Board of Supervisors March 28, 2023 Action<sup>1</sup>

---

<sup>1</sup> A copy of the attachment is available on the Commission's website on the web pages associated with the May 2023 meeting and this item. The attachment is also available for review from the Commission's North Central Coast District Office in San Francisco.

## CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT  
455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105-2219  
PHONE: (415) 904-5200  
FAX: (415) 904-5400  
WEB: WWW.COASTAL.CA.GOV



# Th7

**LCP-2-SMC-22-0004-1 (Child Care Centers)**

**April 25, 2023**

### EXHIBITS

**Table of Contents**

### EXHIBITS

**Exhibit 1: San Mateo County Board of Supervisors Ordinance No. 4874**

**ORDINANCE NO. 4874**  
**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,**  
**STATE OF CALIFORNIA**

\* \* \* \* \*

**ORDINANCE AMENDING THE COUNTY ORDINANCE CODE, DIVISION VI, PART ONE (ZONING REGULATIONS) CHAPTER 22.2 (CHILD CARE CENTERS) TO ADOPT THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS**

The Board of Supervisors of the County of San Mateo, State of California, **ORDAINS** as follows

**SECTION 1. Findings.** The Board of Supervisors of the County of San Mateo ("County") hereby finds and declares as follows:

**WHEREAS**, in May 2021 the Board of Supervisors adopted an ordinance repealing Section 6401.2. of the San Mateo County Ordinance Code (Zoning Regulations) and adopting a new Chapter 22.2 of the Zoning Regulations to regulate child care centers; and

**WHEREAS**, the County adopted Chapter 22.2, "Child Care Centers" of the Zoning Regulations to streamline the permitting process for child care centers, provide incentives to child care center developers and service providers to increase the supply of child care services in the County, and increase the ease of interpretation and implementation of the regulations (Chapter 22.2, "Child Care Centers"); and

**WHEREAS**, the adopted amendments were subsequently submitted to the California Coastal Commission for the Commission's review and certification, as required by law for any amendments to land use regulations in the County's Coastal Zone; and

**WHEREAS**, the California Coastal Commission considered the proposed amendments on October 14, 2022, and conditionally certified the amendments, contingent on modifications to require a Coastal Development Permit for the conversion of a single-family residence to a child care center, and to clarify that the State density bonus law provisions will only apply after separate certification of the County's Local Coastal Program amendment to address updates from State density bonus law provisions; and

**WHEREAS**, in order for the conditionally certified amendments to take effect, the Board of Supervisors must accept, agree, and adopt the Coastal Commission's suggested modifications, as reflected in this ordinance; and

**WHEREAS**, the San Mateo County Planning Commission considered the proposed modifications on January 25, 2023, and recommended that the Board of Supervisors adopt the amendments.

**NOW, THEREFORE**, the Board of Supervisors of the County of San Mateo, State of California, ordains as follows:

**SECTION 2.** The San Mateo County Ordinance Code (Zoning Regulations), Division VI, Part One, Chapter 22.2, is hereby amended to read as follows (additions shown in double underline text and deletions in ~~strikethrough~~ text):

**SECTION 6420.4.2. CHILD CARE CENTERS – MINISTERIAL PERMIT CRITERIA AND REQUIREMENTS**

A. Ministerial Permit Criteria and Requirements: CCCs meeting the following criteria and requirements, as determined by the Community Development Director, are eligible for a ministerial permit.

2. Locational Criteria:

- a. Outside the Coastal Zone, proposed CCC development is eligible for a ministerial permit if the development meets the criteria of this Section and applicable locational criteria pertaining to the type of development proposed, as set forth in Table 1.
- b. Within the Coastal Zone, a proposed CCC development is eligible for a ministerial permit if the development meets the criteria of this Section and applicable locational criteria pertaining to the type of development proposed, as set forth in Table 2.

Table 2 Locational Criteria for Ministerial Permits for Child Care Centers Within the Coastal Zone		
Project Types	Ministerial Permit	Use Permit and CDP
1. Location of a CCC in an existing building in an Institutional or Commercial Zoning District or in an existing Institutional Building or Public Facility, including expansion		
Applies to sites in an Institutional or Commercial Zoning District or designated for such use by the General Plan, or in an existing Institutional Building or Public Facility	X	
Design Review District: Development must comply with design review standards and permitting requirements.	X	
Coastal Commission Appeals Jurisdiction (CCC APJ) or Scenic Corridor: Expansion of less than 10% of existing internal floor area allowed; no additional stories/loft.	X	
Site is served by public utilities and roads or does not involve expansion or construction of water wells or septic systems	X	
Areas of Special Flood Hazard: In accordance with Chapter 35.5 of the Zoning Regulations, the project shall not involve an intensification of use (e.g., building occupancy shall remain equal to or lesser than the	X	



existing occupancy) and operator shall submit an emergency evacuation plan		
Conversion of a visitor-serving commercial use		X
Located within a sensitive habitat or buffer zone		X
2. Conversion of Single-Family Residence on Parcel $\geq$ 10,000 sq. ft. in a Residential Zoning District to a CCC, including expansion <sup>7</sup>		<u>X</u>
Parking Requirement Met: One on-site parking space per six children enrolled	X	
Parcel size is 10,000 sf or larger and in a Residential Zoning District	X	
Design Review District: Development must comply with design review standards and permitting requirements pertaining to residences.	X	
Located in Single Family Residence Categorical Exclusion Area (SFEX)	X	
Located outside of SFEX and involving expansion or construction of water wells or septic systems		X
— Located outside of SFEX and in CCC APJ or Scenic Corridor, involving: a) Expansion of 10% or more of existing internal floor area; b) additional stories/loft; or c) construction or installation of significant non-attached structure(s) (excluding play structures and fences)		X
Located within a sensitive habitat or buffer zone		X
3. New CCC building or replacement or reconstruction of an existing building		X
<sup>7</sup> CCCs located within an existing converted Single Family Residence: The conversion of a single family residential use to a CCC use is not an intensification of use. A Child Care Center use, as allowed in a residential structure in this Section, is similar in intensity to a Large Family Child Care Home (which allows up to 14 children) which is considered a residential use and allowed within any residence by State law, except that the Child Care Center may enroll more children and would not retain a residential use. This Section establishes additional criteria which limit the intensity of the Child Care Center use such that it is appropriate and proportional to the size of the parcel and available on-site parking.		

**SECTION 6420.5. INCENTIVES FOR THE PROVISION OF CHILD CARE CENTERS**

The County’s grant of any of the incentives described in this Section is subject to proposal by the applicant who shall demonstrate compliance with criteria at the time of permit application for the permits outlined in this Chapter. The decision-making authority for the CCC will determine whether criteria are adequately met and, if so, will grant the applicable bonus, concession, or incentives, at the time the permit is approved.

A. State Density Bonus Provisions for CCCs in Effect at the Time of Application:

When an applicant proposes a project that meets the requirements of the State Density Bonus Law, the County shall follow the provisions of State law to determine the applicable density bonus and additional concession(s) or incentive(s). Examples of projects that qualify under State Law include, but are not limited to: (1) a housing development including a child care facility (Government Code Section 65915(h)) and (2) a minimum 50,000 sq. ft. commercial or industrial development including a child care facility (Section 65917.5). Within the coastal zone only: State Density Bonus Law provisions associated with Zoning Regulations Chapter 22.6 (or its successor) shall only apply to child care center development if (1) Zoning Regulations Chapter 22.6 is updated and certified by California Coastal Commission after October 14, 2022; and (2) the so certified Chapter 22.6 allows for its application to child care center development.

**SECTION 3. California Environmental Quality Act.** The County adopted a Negative

Declaration for Child Care Center regulations, consistent with the requirements of the California Environmental Quality Act (CEQA), and determined that Chapter 22.2, "Child Care Centers" would not have a significant effect on the environment because all potential impacts of the project would be below established CEQA thresholds of significance.

Adoption of this ordinance would reduce the scope of permitted uses authorized by the adopted regulations. Therefore, the environmental impacts of the amended regulations would be less than the level of impact identified in the adopted Negative Declaration and no additional environmental analysis is required. The ordinance is also exempt from CEQA because the Coastal Commission review process is the functional equivalent of CEQA review and therefore LCP amendments are not subject to CEQA review by local governments.

**SECTION 4. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Ordinance.

**SECTION 5. Publication.** The Clerk shall publish this Ordinance in accordance with applicable law.

**SECTION 6. Effective Date.** This Ordinance shall be effective immediately upon the California Coastal Commission's filing of the notice of certification of the LCP amendment with the Secretary of the Natural Resources Agency.

\* \* \* \* \*

Regularly passed and adopted this 28<sup>th</sup> day of March, 2023

*AYES and in favor of said ordinance:*

Supervisors: DAVE PINE

NOELIA CORZO

RAY MUELLER

WARREN SLOCUM

DAVID J. CANEPA

*NOES and against said ordinance:*

Supervisors: NONE



President, Board of Supervisors  
County of San Mateo  
State of California

Certificate of Delivery

*I certify that a copy of the original ordinance filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.*



Assistant Clerk of the Board of Supervisors

**RESOLUTION NO. 079498**

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

\* \* \* \* \*

**RESOLUTION ACKNOWLEDGING RECEIPT OF THE CALIFORNIA COASTAL COMMISSION RESOLUTION OF CONDITIONAL CERTIFICATION OF THE COUNTY'S CHILD CARE CENTERS REGULATIONS; AGREEING TO ISSUE COASTAL DEVELOPMENT PERMITS SUBJECT TO THE CHILD CARE CENTERS REGULATIONS, AND THE LOCAL COASTAL PROGRAM, INCORPORATING THE CALIFORNIA COASTAL COMMISSION'S MODIFICATIONS; AND DIRECTING SUBMITTAL OF THE AMENDED CHILD CARE CENTERS REGULATIONS TO THE EXECUTIVE DIRECTOR OF THE CALIFORNIA COASTAL COMMISSION FOR REVIEW**

---

**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that

**WHEREAS**, in May 2021 the Board of Supervisors adopted Ordinance No. 4844 (Regulations) and adopting a new Chapter 22.2 of the Zoning Regulations to regulate child care centers; and

**WHEREAS**, the County adopted Chapter 22.2, "Child Care Centers" of the Zoning Regulations to streamline the permitting process for child care centers, provide incentives to child care center developers and service providers to increase the supply of child care services in the County, and increase the ease of interpretation and implementation of the regulations (Chapter 22.2, "Child Care Centers"); and

**WHEREAS**, the adopted amendments were subsequently submitted to the California Coastal Commission (“Coastal Commission”) for the Coastal Commission’s review and certification, as authorized by the Board of Supervisors by Resolution No. 078147, as required by law for any amendments to land use regulations in the County’s Coastal Zone; and

**WHEREAS**, the California Coastal Commission considered the proposed amendments on October 14, 2022, and conditionally certified the amendments, contingent on modifications to require a Coastal Development Permit for the conversion of a single-family residence to a child care center, and to clarify that the State density bonus law provisions will only apply after separate certification of the County’s Local Coastal Program amendment to address updates from State density bonus law provisions; and

**WHEREAS**, in order for the conditionally certified amendments to take effect, the Board of Supervisors must accept, agree, and adopt the Coastal Commission’s suggested modifications; and

**WHEREAS**, the Board of Supervisors has adopted the suggested modifications, by ordinance.

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** that: The Board of Supervisors acknowledged receipt of the California Coastal Commission's resolution of certification LCP-2-SMC-22-0004-1, including suggested modifications to the County's Child Care Centers regulations and Local Coastal Program.

**BE IT FURTHER RESOLVED** that the Board of Supervisors agrees to issue coastal development permits subject to the amended regulations and Local Coastal Program, as adopted by ordinance, incorporating the Coastal Commission's suggested modifications.

**BE IT FURTHER RESOLVED** that Planning and Building Department staff are directed to submit the amended Chapter 22.2 of the County Zoning Regulations and the amendments to the County's Local Coastal Program regulating child care centers in the County's Coastal Zone to the Executive Director of the California Coastal Commission for review of legal adequacy.

\* \* \* \* \*

*Regularly passed and adopted this 28<sup>th</sup> day of March, 2023*

*AYES and in favor of said resolution:*

*Supervisors:* \_\_\_\_\_ *DAVE PINE*

\_\_\_\_\_ *NOELIA CORZO*

\_\_\_\_\_ *RAY MUELLER*

\_\_\_\_\_ *WARREN SLOCUM*

\_\_\_\_\_ *DAVID J. CANEPA*

*NOES and against said resolution:*


*Supervisors:* \_\_\_\_\_ *NONE*



\_\_\_\_\_  
*President, Board of Supervisors  
 County of San Mateo  
 State of California*

***Certificate of Delivery***

*I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.*



\_\_\_\_\_  
*Assistant Clerk of the Board of Supervisors*



**CALIFORNIA COASTAL COMMISSION**

455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105  
PHONE: (415) 904-5200  
FAX: (415) 904-5400  
WEB: WWW.COASTAL.CA.GOV

**EMERGENCY COASTAL DEVELOPMENT PERMIT**

Emergency CDP G-2-23-0038 (Shoreview Revetment Repair)

Issue Date: April 6, 2023

**Permittee:** Jeff Howes and Karen Maxwell**Emergency Location:** Along the approximately 650-foot-long revetment located on the sandy beach seaward of the residences located at 204 and 220 Shoreview Ave Pacifica, San Mateo County, APNs 009-281-170 and 009-281-200.**Emergency Description:** Storms and associated strong wave action caused missing sections of riprap in the Shoreview revetment, resulting in risk of bluff erosion and property damage at two residential properties.**Emergency Development:** Placement of 400 tons of riprap using 5–7-ton rocks on the revetment fronting 204 Shoreview Ave, within the authorized revetment configuration, and after-the-fact authorization of 100 tons of riprap comprised of 5-7-ton rocks on the revetment fronting 220 Shoreview Ave, within the authorized revetment configuration.**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.

DocuSigned by:

Handwritten signature of Stephanie Rexing in black ink.

035096250A8E49E  
Stephanie Rexing, North Central Coast District Manager, for Kate Huckelbridge, Executive Director

Enclosure: ECDP Acceptance Form

### Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the Permittee and returned to the California Coastal Commission's North Central Coast District Office within 15 days of the date of this ECDP (i.e., by April 21, 2023). This ECDP is not valid unless and until the acceptance form has been received in the North 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 North Central Coast District Office in hard copy on April 3, 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 during the next -1 low tide event on May 7<sup>th</sup> through May 12<sup>th</sup>.
4. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., City of Pacifica, California State Lands, 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, 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 August 4, 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 missing section. 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 on the void. 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 North Central Coast District Office immediately upon completion of construction. If planning staff should identify reasonable restoration measures, such measures shall be implemented immediately.
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 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

Emergency CDP G-2-23-0038 (Shoreview Revetment Repair)

Issue Date: April 6, 2023

Commission's North Central Coast District Office at 455 Market Street, Suite 300, San Francisco, CA 94105; [northcentralcoast@coastal.ca.gov](mailto:northcentralcoast@coastal.ca.gov); and/or (415) 904-5260.