

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT  
725 FRONT STREET, SUITE 300  
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# Th12

**Prepared April 29, 2024 for May 9, 2024 Hearing**

**To:** Coastal Commissioners and Interested Persons

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

**Subject:** Central Coast District Director's Report for May 9, 2024

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 9, 2024. 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 9th during the hybrid virtual/in-person hearing.

With respect to the May 9th 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 9, 2024 (see attached)**

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**CDP Extensions**

- None

**CDP Waivers**

- 3-23-0583-W, Pajaro River Levee Reinforcement (Santa Cruz County)
- 3-24-0018-W, Seacliff State Beach Pump Station Repair (Aptos)

**Emergency CDPs**

- G-3-24-0036, Bethany Curve Culvert Armoring (Santa Cruz)

**LCP Certifications**

- None

**CDP Amendments**

- None

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** April 29, 2024

**To:** All Interested Parties

**From:** Kevin Kahn, Central Coast District Manager  
Nolan Clark, Coastal Planner

**Subject: Coastal Development Permit (CDP) Waiver 3-23-0583-W**

Applicants: Pajaro River Flood Management Agency (PRFMA); Santa Cruz County Community Development and Infrastructure Department, Flood Division 7 (the County)

### Proposed Development

Follow-up authorization for emergency work done under Emergency Coastal Development Permit (ECDP) G-3-23-0031 along approximately 1,500 linear feet of the upcoast waterside slope of the Pajaro River levee, directly adjacent to the City of Watsonville Wastewater Treatment Plant (WWTP) in south Santa Cruz County (APNs 052-571-08 and 052-571-13). This emergency work consisted of the placement of rock slope protection (RSP, commonly referred to as "riprap") along the waterside slope of the levee in order to augment its stability and avoid levee failure adjacent to the WWTP. The emergency work was undertaken in response to the March 11, 2023 failure of the Pajaro River levee that occurred upstream of the project site and caused catastrophic flooding to the unincorporated community of Pajaro. RSP, weighing approximately ½- to 1-ton per boulder, was placed in two stretches along the levee; the upstream length is approximately 1,200 linear feet and the downstream length is approximately 300 linear feet. PRFMA and the County propose to retain the RSP to maintain the augmented protection of the WWTP, which serves an estimated 60,000 residents of South Santa Cruz and North Monterey Counties. In addition, PRFMA and the County propose to repair an approximately 2,300-foot length of the existing levee-top road and bicycle/pedestrian pathway, which was damaged during the RSP placement efforts, consisting of asphalt leveling and repaving and including typical road construction best management practices.

### Executive Director's Waiver Determination

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

The proposed project would retain the RSP authorized by ECDP G-3-23-0031 in order to augment the existing protection of the City of Watsonville's Wastewater Treatment Plant (WWTP) provided by this reach of the Pajaro River Levee. As noted above, a

section of the levee upstream from the project site failed on March 11, 2023, impacting the residents of Pajaro in North Monterey County and inundating adjacent agricultural lands including associated residences and agricultural infrastructure. The WWTP is an important public facility that serves an estimated 60,000 residents of South Santa Cruz and North Monterey Counties, and failure of the levee at this location could result in the contamination of floodwaters by effluent from the WWTP, which ultimately flows to the Pacific Ocean, and could potentially cause these residents to be without adequate wastewater treatment service.

In terms of potential coastal resource impacts associated with the proposed project, the RSP was placed near the top of levee and above any water and riparian vegetation. As such, no disturbance occurred within the river itself or its floodplain, and no riparian vegetation was removed. The U.S. Army Corps of Engineers (ACOE) has strict requirements to maintain a “vegetation-free zone”<sup>1</sup> along the flanks of levees such as this, and therefore the project site before RSP placement was only vegetated by regularly mowed, low-lying perennial grasses. No RSP was placed within the active flow channel of the Pajaro River. Additionally, the County’s Flood Division 7 biologist conducted surveys for California red-legged frogs, western pond turtles, and nesting birds prior to and during RSP placement and none were observed in the vicinity during the emergency work. The proposed repair of the levee-top road would similarly employ construction BMPs such as erosion controls, water quality measures, and biological surveys for sensitive species. Further, the levee-top road is currently accessible to pedestrian and bicycle users, and thus this repair to the levee-top paving will support continued pedestrian/bicycle enjoyment along this stretch of the Pajaro River.

In summary, retention of the RSP placed along the existing Pajaro River levee serves to augment the protection of the City of Watsonville’s Wastewater Treatment Plant and the bicycle/pedestrian trail on top of the levee system, will not result in any adverse impacts to sensitive habitats or coastal resources, and can be found consistent with the Coastal Act.

The Applicants shall undertake development in conformance with the project description and accompanying materials, including with respect to all Executive Director approved plans and other materials, which shall also be enforceable components of this CDP Waiver. Minor project changes may be allowed by the Executive Director if such changes (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

### **California Environmental Quality Act (CEQA)**

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have

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<sup>1</sup> USACE, 2014. Engineering Technical Letter (ETL) 1110-2-583, Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures.

Available at

[https://www.publications.usace.army.mil/Portals/76/Publications/EngineerTechnicalLetters/ETL\\_1110-2-583.pdf](https://www.publications.usace.army.mil/Portals/76/Publications/EngineerTechnicalLetters/ETL_1110-2-583.pdf).

on the environment. Santa Cruz County, acting as lead CEQA agency, determined that the proposed project was categorically exempt from CEQA review pursuant to Section 15269(c) (emergency projects).

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

Accordingly, because the project will not result in any significant adverse environmental effects, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures). Thus, the proposed CDP waiver will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

#### **Coastal Commission Review Procedure**

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on May 9, 2024, during the hybrid Coastal Commission meeting in Crescent City. If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

**If you have any questions about the proposal or wish to register an objection, please contact Nolan Clark in the Central Coast District office at [CentralCoast@coastal.ca.gov](mailto:CentralCoast@coastal.ca.gov).**

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** April 29, 2024

**To:** All Interested Parties

**From:** Kevin Kahn, Central Coast District Manager  
Nolan Clark, Coastal Planner

**Subject: Coastal Development Permit (CDP) Waiver 3-24-0018-W**

Applicant: Santa Cruz County Community Development and Infrastructure Department, Public Works Division (the County)

### Proposed Development

Follow-up authorization for emergency work done under Emergency Coastal Development Permit (ECDP) G-3-23-0015, which consisted of the placement of approximately 350 tons of rip rap (with each boulder weighing approximately 2 to 4 tons) on the beach seaward of the retaining wall that protects the Seacliff State Beach parking lot and the Santa Cruz County Sanitation District A1 Pump Station located at Seacliff State Beach in the unincorporated Aptos area of Santa Cruz County (APN 038-201-01). In total, the rip rap covers an area of approximately 560 square feet (56 feet long by 10 feet wide).

The emergency work was undertaken on January 12, 2023 in response to ongoing storm surge and high swells between January 3, 2023 and January 11, 2023 that caused significant damage to the wooden retaining wall and asphalt pedestrian walkway that fronts the Seacliff State Beach parking lot and the A1 Pump Station (including the wet well, force main, and vaults, which convey sewage collected from beach-level and blufftop residential development in the vicinity). Inundation of the pump station can cause catastrophic failure/rupture including inhibited sewage service for residences serviced by the pump station as well as severe adverse coastal resource impacts related to water quality, public recreational access, and habitat resulting from uncontained and untreated sewage draining on Seacliff State Beach and associated infrastructure (e.g., the public walkway, the road, etc.).

The County proposes to retain the rip rap for a limited additional period of time in order to continue to protect the A1 Pump Station from erosion and coastal hazard threats. Specifically, the County proposes to tie the lifetime of the rip rap to State Parks' currently underway Sea Level Rise Vulnerability Assessment and Adaptation Alternatives Study, and will adapt the rip rap to the outcomes of that study (including, but not limited to, removal of the rip rap) which is expected to be completed in late 2024. The County also proposes work with State Parks on a beach cleanup program to remove debris (which is still present in large amounts from those January 2023 storms) from the Seacliff State Beach parking lot and pedestrian walking area (totaling

approximately 5,700 square feet), supporting State Parks' efforts to reopen this accessible public space in time for the peak summer visitation season.

**Executive Director's Waiver Determination**

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

The proposed project would temporarily retain the rip rap authorized by ECDP G-3-23-0015 in order to maintain protection of the A1 Pump Station. As noted above, the Seacliff State Beach retaining wall and asphalt parking lot were severely damaged during early January 2023 storms, and further damage jeopardized the pump station. Loss or severe damage of the pump station would result in severe adverse coastal resource impacts related to water quality, public recreational access, and habitat. Thus, the rip rap at this time is needed in order to stave off and guard against these adverse coastal resource impacts. At the same time, the armoring itself would result in the loss of beach space that would otherwise be available to the public, which itself is an adverse impact. The County acknowledges all these complex issues, and intends to address them holistically by working with State Parks on their longer-term adaptation vision. This vision is part of State Parks' planning process at looking at this stretch of shoreline with fresh eyes toward what makes sense in terms of public access, critical infrastructure, and environmental protection in light of climate change-driven storm events that have disrupted the status quo. The potential result of this exercise could identify ways to move the sewer line and pump station away from coastal hazards risk and thus eliminate the need for armoring in the first place. Conversely, it could also suggest a certain amount of armoring is needed to maintain public access and other infrastructure needs. In other words, the armoring is needed right now, but may not be so in the future, and the County proposes to tie the life of the armoring to the outcome and recommendations of State Parks' adaptation planning efforts. In addition, to address immediate needs, the County also proposes to work with State Parks on beach/pedestrian area cleanup, including removal of creosote-treated wood and broken asphalt chunks that will essentially open this beach/pedestrian area up to public use and enjoyment. This will result in an immediate benefit to the site while longer-term planning can take place.

In summary, the armoring can be understood as a temporary solution to address the somewhat competing coastal resource needs at this site while the longer-term visioning and adaptation planning can take place. When understood in this light, the project can be found consistent with the Coastal Act.

The Applicant shall undertake development in conformance with the project description and accompanying materials, including with respect to all Executive Director approved plans and other materials, which shall also be enforceable components of this CDP Waiver. Minor project changes may be allowed by the Executive Director if such changes (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

**California Environmental Quality Act (CEQA)**

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment.

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

Accordingly, because the project will not result in any significant adverse environmental effects, it is unnecessary for the Commission to suggest modifications (including thorough alternatives and/or mitigation measures). Thus, the proposed CDP waiver will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

**Coastal Commission Review Procedure**

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on May 9, 2024, during the hybrid Coastal Commission meeting in Crescent City. If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

**If you have any questions about the proposal or wish to register an objection, please contact Nolan Clark in the Central Coast District office at [CentralCoast@coastal.ca.gov](mailto:CentralCoast@coastal.ca.gov).**

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**EMERGENCY COASTAL DEVELOPMENT PERMIT****Emergency CDP G-3-24-0036 (Bethany Curve Culvert)**

Issue Date: April 4, 2024

**Permittee:** City of Santa Cruz

**Emergency Location:** West Cliff Drive including the bluff area, culvert, public walking path, and roadway, starting across from 1004 West Cliff Drive (APN 003-302-27), continuing downcoast across from Bethany Curve Park and including the Bethany Curve Culvert, and terminating approximately at the intersection of Woodrow Avenue and West Cliff Drive in the City of Santa Cruz, Santa Cruz County.

**Emergency Description:** Continuous storm surges and swells in January 2023 destabilized riprap fronting West Cliff Drive and the Bethany Curve Culvert (which has been in place for 100 years and has experienced significant deterioration over time), dislodging riprap into the surf zone and exposing the bluff slope around and in front of the culvert at the location noted. Subsequent wave action and storm runoff further eroded the bluff, causing the headwall of the culvert to rotate away from the roadway, resulting in damage to and loss of portions of the roadway, pathway, and culvert, all of which increased the risk of complete failure and loss of the roadway, pathway, underground utilities, and associated public infrastructure.

**Emergency Development:** The City would remove the damaged culvert in its entirety and replace it with a new culvert and coastal/inland headwalls of similar proportions with two side-by-side openings for drainage of the creek; the culvert would be surfaced with textured concrete intended to mimic the natural bluff face, and new barrier rails would be added. In addition, the City would fill an existing sea cave at the site with grouted riprap and the public bike/pedestrian path and roadway would be raised (by approximately one foot) and resurfaced/restored atop the armoring. City and Commission staff, including the Commission's Engineer and Geologist, collaborated to ensure that the project scope represented the least amount of armoring necessary to protect/restore the public infrastructure and public coastal access at these locations.

**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

Enclosure: ECDP Acceptance Form

cc: (via email): Jessica deGrassi (Santa Cruz County); Kenneth Foster (California State Lands Commission); Kacy Cooper (Monterey Bay National Marine Sanctuary); Kim Sanders (Regional Water Quality Control Board)



Emergency CDP G-3-24-0036 (Bethany Curve Culvert Armoring)

Issue Date: April 4, 2024

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

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

*Kevin Kahn*

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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 19, 2024). 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 28, 2024. 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 six months of ECDP issuance (i.e., by October 4, 2024).
4. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., California State Lands Commission, Monterey Bay National Marine Sanctuary, 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

## Emergency CDP G-3-24-0036 (Bethany Curve Culvert Armoring)

Issue Date: April 4, 2024

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 1 year of ECDP issuance (i.e., by April 4, 2025), 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

Emergency CDP G-3-24-0036 (Bethany Curve Culvert Armoring)

Issue Date: April 4, 2024

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

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

Emergency CDP G-3-24-0036 (Bethany Curve Culvert Armoring)

Issue Date: April 4, 2024

construction materials and equipment shall be removed in their entirety from the beach area by one hour after sunset each day that work occurs.

- e. All excess riprap shall be removed to the greatest extent feasible; special attention shall be given to removing excess riprap fronting the grouted sea cave fill area.
  - f. The outer facing of the structure shall be designed to mimic the natural bluff face as much as possible, including through coloring, texturizing, and form.
  - g. All construction areas shall be minimized and demarcated 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.
  - h. 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.).
  - i. 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.
  - j. 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.
  - k. 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.
  - l. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction. If planning staff should identify reasonable restoration measures, such measures shall be implemented immediately.
13. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content

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and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.

14. Within 60 days of completion of construction authorized by this ECDP, the Permittee shall submit site plans and cross sections to the Executive Director clearly identifying all development completed under this emergency authorization (comparing the legal pre-emergency development condition to both the emergency condition and to the post-emergency development condition), and a narrative description of all emergency development activities undertaken pursuant to this ECDP. Photos showing the project site before the emergency (if available), during emergency development construction activities, and after the work authorized by this ECDP is complete shall be provided with the site plans and cross sections.
15. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and the construction coordinator's contact information (i.e., address, email, phone numbers, etc.) including, at a minimum, an email address and a telephone number (with voice mail capabilities) that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (e.g., name, address, email, phone number, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. The Permittee shall submit the record of complaints/inquiries and actions taken in response to the Executive Director on a weekly basis, and upon completion of construction activities.
16. Minor adjustments to the requirements above, including deadline adjustments, may be allowed by the Executive Director if the Executive Director determines that such adjustments: (a) are deemed reasonable and necessary to help to temporarily abate the identified emergency, including as emergency conditions may change; (b) are designed to avoid coastal resource impacts (and limit those that are unavoidable) as much as possible; and (c) in the case of deadline extension adjustments, are appropriate in light of circumstances, including that the Permittee has shown diligence in pursuing the emergency development and meeting all ECDP terms and conditions.
17. By exercising this ECDP, Permittee acknowledges and agrees that this ECDP shall not constitute evidence against and/or a waiver of any public rights which may exist on the property.
18. The Permittee shall disclose this ECDP, including all of its terms and conditions, to any prospective buyer of the affected property during the period of time that any development that is the subject of this ECDP remains on such property.
19. Failure to comply with the terms and conditions of this ECDP may result in

Emergency CDP G-3-24-0036 (Bethany Curve Culvert Armoring)

Issue Date: April 4, 2024

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](mailto:centralcoast@coastal.ca.gov); and/or (831) 427-4863.