

CALIFORNIA COASTAL COMMISSION

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W10a

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STAFF REPORT: REGULAR CALENDAR

Application No.:	1-22-0509
Applicant:	City of Crescent City
Location:	Beachfront Park, Crescent City, Del Norte County (APN 118-020-031)
Project Description:	Construction and placement of: (1) Tolowa interpretive trail with interpretive nodes; (2) Tolowa botanical garden; (3) amphitheater and stage with berms for seating; (4) waterfront plaza; (5) entryway signage; (6) inclusive play area; (7) Kamome plaza; (8) jogging/walking loop; (9) two restrooms; (10) parking; (11) landscaping, planting, and irrigation; (12) signage, lighting, and utilities; and (13) cultural center entryway and gateway structures. The proposed development also includes tree removal, demolition, construction, and staging.
Staff Recommendation:	Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The City of Crescent City is proposing to expand and improve public access and recreational opportunities within Beachfront Park, a City-owned 35-acre waterfront park located on the northwest shore of Crescent City harbor. The proposed project will add many recreational facilities and amenities to the park that were designed through a multiyear community engagement process that involved townhall meetings, tabling at community events, meetings with local boards and commissions including native American governing bodies and cultural committees, and stakeholder meetings with various local focus groups.

The Project is located within the ethnographic territory of the Tolowa Native American Tribal Group. As part of the Beachfront Park community engagement process for designing proposed project components, City staff outreached to Tolowa leaders of the local Tolowa tribes. Through an engagement with representatives of the three Tolowa tribes (Tolowa Nation, Tolowa Dee-ni' Nation, and Elk Valley Rancheria), as well as Tolowa representatives from the Del Norte Historic Society, tribal members directed the design of the Tolowa elements in the park.

The main components of the proposed development include: (1) Tolowa interpretive trail with interpretive nodes; (2) Tolowa botanical garden; (3) amphitheater and stage; (4) waterfront plaza; (5) entryway signage; (6) inclusive play area; (7) Kamome plaza; (8) 1-mile jogging/walking loop; (9) restrooms; (10) parking; (11) landscaping, planting, and irrigation; (12) non-native landscape tree removal; (13) signage, limited lighting, and utilities; and (14) cultural center entryway and gateway structures. The proposed development also includes associated demolition, construction, and staging.

The primary issue raised by the proposed project involves the project's consistency with the Coastal Act policies regarding protection of water quality. Beachfront Park is situated along Crescent City Harbor, between Elk Creek and the Pacific Ocean. Approximately six acres of ground disturbance is proposed. Proposed construction activities that require ground disturbance include demolition, grading, trenching and utility placement, and paving. Imported material used for fill includes engineered fill, dredge spoils, concrete, rock, topsoil, and raingarden soil blend.

To protect nearby marine resources, the City proposes a number of erosion and sediment control and pollution prevention measures during project construction including: (a) staging all equipment on the upper terrace of the park on paved, graveled, or ruderal habitat surfaces; (b) installing silt fencing and fiber rolls as perimeter sediment control barriers; (c) stockpiling soils at least 100 feet from Elk Creek wetlands; (d) covering exposed surfaces with straw mulch for soil stabilization; (e) seeding all bare soils with natural turf after the completion of construction; (f) following Best Management Practices (BMPs) for construction vehicle and equipment cleaning, fueling, and maintenance; and (g) preparing a Stormwater Pollution Prevention Plan (SWPPP) due to disturbance of over one acre.

To ensure that the applicant adheres to appropriate construction-related BMPs for dust control and other water quality protection measures, staff recommends **Special Condition 3** requiring a suite of BMPs be employed and imposing construction timing requirements limiting earth-moving construction activity to the dry season, and **Special Condition 4** requiring submittal of a final SWPPP for the Executive Director's review and approval prior to commencement of construction.

The proposed project also includes construction of a new accessible and inclusive play area adjacent to the existing playground area. The proposed project design includes the use of soft, poured-in-place (PIP) rubber surfacing (approximately 5,725 square feet (s.f.)) and artificial turf (approximately 1,590 s.f.). The proposed use of artificial turf and PIP synthetic rubber raises several concerns due to their potential adverse impacts to

the environment and biological resources. In general, artificial turf poses significant environmental risks in areas near coastal waters, such as the subject site. Runoff and wind from artificial turf can carry pollutants such as heavy metals, chemicals, and microplastics, which can bioaccumulate and harm terrestrial and marine ecosystems. Thus, the proposed permeable, synthetic grass must be eliminated from the landscape plan. For these reasons, staff recommends **Special Condition 9C** prohibiting the use of synthetic/artificial turf/grass, and **Special Condition 11** requiring the City to submit Final Revised Playground Plans that include the installation of natural turf – as opposed to artificial turf – at the subject site and addressing any additional site improvements required for the same.

The City has stated that the new playground area design is driven by the need to improve accessibility of the playground for all people, regardless of physical abilities and remove barriers to accessibility that exist in the adjacent playground area where wood chip surface materials are currently used. As such, the City is proposing to use a PIP rubber safety surfacing consisting of a 3/8-inch-thick wearing layer underlain by a variable-thickness cushioning layer (thickness determined by fall height). PIP rubber safety surfacing is typically designed to meet or exceed guidelines set by the Americans with Disabilities Act (ADA) and satisfy the required critical fall height compliance with the American Society for Testing and Materials (ASTM) F1292.

In recent permit actions, the Commission's water quality specialist has determined that synthetic rubber playground surface materials adversely impact the environment and biological resources, and potentially human health. Thus, the City's proposed use of PIP synthetic rubber surfacing raises significant concerns due to its potential adverse impacts to the environment and biological resources and cannot be used for playground surfacing. In order to avoid potential adverse impacts to biological resources raised by the use of the proposed synthetic rubber and waste tire playground surfacing materials, staff recommends **Special Condition 9** which prohibits the proposed Poured-in-Place rubber playground surface product and similar types of materials; **Special Condition 10** which indicates the types of acceptable playground surfacing material(s) to minimize the discharge of hazardous chemicals and microplastic pollution into the environment; **Special Condition 11** which requires submittal of Final Playground Plans including acceptable alternative playground surfacing material(s); and **Special Condition 12** which requires maintenance of Playground Surfacing Materials.

Staff believes that the proposed development, as conditioned, is consistent with all applicable Chapter 3 policies of the Coastal Act. The Motion to adopt the staff recommendation of approval with conditions is found on [Page 5](#).

TABLE OF CONTENTS

I. MOTION AND RESOLUTION.....	5
II. STANDARD CONDITIONS.....	5
III. SPECIAL CONDITIONS	6
IV. FINDINGS AND DECLARATIONS	16
A. PROJECT DESCRIPTION	16
B. ENVIRONMENTAL SETTING	18
C. STANDARD OF REVIEW	18
D. OTHER AGENCY APPROVALS.....	18
E. PUBLIC ACCESS AND RECREATION	19
F. TRIBAL CONSULTATION & PROTECTION OF ARCHAEOLOGICAL RESOURCES	22
G. GEOLOGIC AND FLOOD HAZARDS.....	24
H. PROTECTION OF COASTAL WATERS.....	27
I. VISUAL RESOURCES.....	32
J. ENVIRONMENTALLY SENSITIVE HABITAT AREAS	34
K. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).....	38

LIST OF APPENDICES

[Appendix A – Substantive File Documents](#)

LIST OF EXHIBITS

[Exhibit 1 – Location Maps](#)

[Exhibit 2 – Site Plan](#)

[Exhibit 3 – Design Plans and Visual Renderings](#)

[Exhibit 4 – Project Description](#)

[Exhibit 5 – Mitigation Monitoring and Reporting Plan \(MMRP\) From 2025 IS/MND](#)

[Exhibit 6 – Public Access Plan](#)

[Exhibit 7 – Map of Hybrid and Native Wolf’s Evening Primrose Locations](#)

I. Motion and Resolution

Motion

I move that the Commission **approve** Coastal Development Permit Application No. 1-22-0509 pursuant to the staff recommendation.

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution

The Commission hereby **approves** Coastal Development Permit Application No. 1-22-0509 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or (2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid, and development shall not commence, until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

This permit is granted subject to the following special conditions:

1. Final Plans.

- A. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT 1-22-0509, the applicant shall submit to the Executive Director for review and written approval final construction, drainage, and landscaping plans in substantial conformance with those submitted with the application materials on March 18, 2025.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission approved amendment to this CDP unless the Executive Director determines that no amendment is legally required.

2. Future Development Restriction.

This permit is only for the development described in Coastal Development Permit Application No. (CDP) 1-22-0509, including, but not limited to: (1) Tolowa interpretive trail with interpretive nodes; (2) Tolowa botanical garden; (3) amphitheater and stage; (4) waterfront plaza; (5) entryway signage; (6) inclusive play area; (7) Kamome plaza; (8) jogging/walking loop; (9) two restrooms; (10) parking; (11) landscaping, planting, and irrigation; (12) tree removal; (13) signage, lighting, and utilities; and (14) cultural center entryway and gateway structures. The following future development restrictions apply:

- A. An amendment to CDP 1-22-0509 from the Commission or an additional CDP from the Commission or from the applicable certified local government shall be required for any repair or maintenance identified as requiring a permit in PRC section 30610(d) and Title 14 CCR §13252(a)-(b).

3. Construction Responsibilities.

The applicant shall adhere to appropriate construction-related best management practices (BMPs) to protect water quality and surrounding environmentally sensitive habitat areas, including, but not limited to, the following:

- A. Except as modified in this permit, all mitigation measures proposed by the permittee shall be implemented, including all mitigation measures included in the final "Mitigation Monitoring and Reporting Program" adopted by the City for the project ([Exhibit 5](#))

B. Timing of Construction Activities.

- i. All earth-moving activities shall be conducted during the dry season period of May 15 through November 15; any earth-moving activity conducted between October 16 and November 15 shall be subject to the following conditions:
 - a) All work shall cease upon the onset of precipitation at the project site and shall not recommence until the predicted chance of rain is less than 50 percent for the Crescent City segment of the National Weather Service's forecast for Northwestern California;
 - b) The work site(s) shall be winterized between work cessation periods by installing stormwater runoff and erosion control barriers around the perimeter of the construction site to prevent the entrainment of sediment into coastal waters; and
 - c) Adequate stocks of stormwater runoff and erosion control barrier materials shall be kept onsite and made available for immediate use.
- ii. All construction activities shall occur during periods of dry weather only. No work shall occur within 72 hours of 50% or greater forecast of rain by the National Weather Service.

C. Minimize Erosion and Sediment Discharge. During construction, erosion and the discharge of sediment off-site or to coastal waters shall be minimized through the use of appropriate Best Management Practices (BMPs), including:

- i. Erosion control BMPs (such as mulch, soil binders, geotextile blankets or mats, or temporary seeding) shall be installed as needed to prevent soil from being transported by water or wind. Temporary BMPs shall be implemented to stabilize soil on graded or disturbed areas as soon as feasible during construction, where there is a potential for soil erosion to lead to discharge of sediment off-site or to coastal waters.
- ii. Sediment control BMPs (such as silt fences, fiber rolls, sediment basins, inlet protection, sand bag barriers, or straw bale barriers) shall be installed as needed to trap and remove eroded sediment from runoff, to prevent sedimentation of coastal waters.

D. Minimize Discharge of Construction Pollutants. The discharge of other pollutants resulting from construction activities (such as chemicals, paints, vehicle fluids, petroleum products, asphalt and cement compounds, debris,

and trash) into runoff or coastal waters shall be minimized through the use of appropriate BMPs, including:

- i. Materials management and waste management BMPs (such as stockpile management, spill prevention, and good housekeeping practices) shall be installed or implemented as needed to minimize pollutant discharge and polluted runoff resulting from staging, storage, and disposal of construction chemicals and materials. BMPs shall include, at a minimum:
 - a) Covering stockpiled construction materials, soil, and other excavated materials to prevent contact with rain, and protecting all stockpiles from stormwater runoff using temporary perimeter barriers.
 - b) Cleaning up all leaks, drips, and spills immediately; having a written plan for the clean-up of spills and leaks; and maintaining an inventory of products and chemicals used on site.
 - c) Proper disposal of all wastes; providing trash receptacles on site; and covering open trash receptacles during wet weather.
 - d) Prompt removal of all construction debris from the project area.

E. Minimize Other Impacts of Construction Activities. Other impacts of construction activities shall be minimized through the use of appropriate BMPs, including:

- i. The damage or removal of non-invasive vegetation (including trees, native vegetation, and root structures) during construction shall be minimized, to achieve water quality benefits such as transpiration, vegetative interception, pollutant uptake, shading of waterways, and erosion control; and
- ii. Soil compaction due to construction activities shall be minimized, to retain the natural stormwater infiltration capacity of the soil.
- iii. Only wildlife-friendly, 100-percent biodegradable erosion and sediment control products that will not entrap or harm wildlife shall be used. The use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) shall not incorporate synthetic netting (such as plastic, polypropylene, nylon, polyethylene, polyester, or other synthetic fibers), including photo- or biodegradable plastic netting, to prevent wildlife entanglement and plastic debris pollution. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

F. Hazardous Materials Management

- i. Fuels, lubricants, and solvents shall not be allowed to enter coastal waters.
- ii. All equipment used during construction shall be free of oil and fuel leaks at all times.
- iii. Staging fueling and equipment maintenance shall occur at least 100 feet away from wetlands, streams, or waterways.
- iv. Hazardous materials management equipment including absorbent pads shall be available and immediately on-hand at the project site. Any accidental spill shall be contained rapidly and cleaned up fully. In the event of a spill, the Permittee shall notify the appropriate regulatory agencies immediately.

4. Final Storm Water Pollution Prevention Plan.

A. NOT LESS THAN THIRTY DAYS PRIOR TO COMMENCEMENT OF DEVELOPMENT AUTHORIZED BY CDP 1-22-0509, the permittee shall submit to the Executive Director for review and written approval a final Storm Water Pollution Prevention Plan (SWPPP). The final SWPPP shall include, at a minimum, provisions for all of the following:

1. Runoff from the project site shall not increase sedimentation in coastal waters or wetlands post-construction. During construction runoff from the project site shall not increase sedimentation in coastal waters beyond what's allowable under the final Water Quality Certification approved for the project by the North Coast Regional Water Quality Control Board;
2. Runoff from the project site shall not result in other pollutants entering coastal waters or wetlands during construction or post-construction;
3. Best Management Practices (BMPs) shall be used to prevent the entry of polluted stormwater runoff into coastal waters and wetlands during construction and post-construction, including use of relevant BMPs as detailed in the current California Storm Water Quality Best Management Handbooks (<http://www.cabmphandbooks.com>);
4. An on-site spill prevention and control response program, consisting of best management practices (BMPs) for the storage of clean-up materials, training, designation of responsible individuals, and reporting protocols to the appropriate public and emergency services agencies in the event of a spill, shall be implemented at the project to capture and clean-up any accidental releases of oil, grease, fuels, lubricants, or other hazardous materials from entering coastal waters or wetlands;

5. Equipment operators shall be trained in the procedures to be taken should an accidental spill occur. Absorbent materials designed for spill containment and cleanup shall be kept onsite during construction for use in the event of an accidental spill;
 6. A schedule for installation and maintenance of appropriate construction source-control BMPs to prevent entry of stormwater runoff into the construction site and the entrainment of excavated materials into runoff leaving the construction site; and
 7. The SWPPP shall be prepared and implemented consistent with the provisions of all other terms and conditions of Coastal Development Permit 1-22-0509.
- B. The permittee shall undertake development in accordance with the approved final storm water pollution prevention plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.
- 5. Protection of Archaeological Resources.** The landowner/permittee shall undertake development in compliance with the following mitigation measures to protect archaeological and/or tribal cultural resources:
- A. If an area of tribal cultural and/or archaeological resources is discovered during ground-disturbing activities, all construction shall cease and shall not recommence except as provided in subsection (C) hereof, and the permittee shall retain a qualified archaeologist and/or tribal cultural resource specialist to analyze the significance of the find in consultation with the Native American Tribes listed on the NAHC list. The archaeologist and/or tribal cultural resource specialist shall immediately notify the Tribes on the NAHC list. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area that includes a reasonable buffer zone recommended by the monitor(s). Project activities may continue outside of the exclusion zone.
 - B. Should human remains be discovered on-site during the course of the project, immediately after such discovery, the on-site archaeologist and/or tribal cultural resource specialist shall notify the county coroner within 24 hours of such discovery, and all construction activities shall be temporarily halted until the remains can be identified. An "exclusion zone" may be established around the discovery area. Project activities may continue outside of the exclusion zone. If the county coroner determines that the human remains are those of a Native American, the coroner shall contact the NAHC within 24 hours, pursuant to Health and Safety Code Section 7050.5. The NAHC shall deem the Native American most likely descendant (MLD) to be invited to participate

- in the identification process pursuant to Public Resources Code Section 5097.98. The landowner/permittee shall comply with the requirements of Section 5097.98 and work with the MLD person(s) to preserve the remains in place, move the remains elsewhere onsite, relinquish the remains to the descendants for treatment, or determine other culturally appropriate treatment. Within five (5) calendar days of notification to NAHC, the permittee/landowner shall notify the Coastal Commission's Executive Director of the discovery of human remains and identify any changes to the proposed development or mitigation measures that may be needed related to the inadvertent discovery. The Executive Director shall maintain confidentiality regarding the presence of human remains on the project site. The Executive Director shall determine whether the identified changes are de minimis in nature and scope.
- C. A permittee seeking to recommence construction within an exclusion zone following discovery of tribal cultural and/or archaeological resources shall submit a Supplementary Archaeological Plan (SAP) prepared by an archaeologist in consultation with the Native American Tribes listed on the NAHC list for the review and written approval of the Executive Director. If the Executive Director approves the SAP and determines that the SAP's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made by the Executive Director in writing. If the Executive Director approves the SAP but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.
- 6. Landscaping Restrictions.** Only native and/or non-invasive plant species shall be planted as landscaping on the property. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California, shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the governments of the State of California or the United States shall be utilized within the bounds of the property.
- 7. North Coast Regional Water Quality Control Board Approval.** PRIOR TO COMMENCEMENT OF PROJECT ACTIVITIES, the Permittee shall provide to the Executive Director a copy of a permit issued by the Regional Board, a letter of permission, waiver of discharge requirements, or evidence that no permit or permission is required. The Permittee shall inform the Executive Director of any changes to the project required by the Regional Board. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

8. Encroachment Permit and Agreement. Prior to commencement of construction of the encroachments onto the public rights of way described herein, the permittee shall submit, for the review and approval of the Executive Director, a copy of a valid, approved Encroachment Permit and signed Agreement from Caltrans authorizing the development approved by this coastal development permit which would encroach onto the public right-of-way, or evidence demonstrating that no encroachment permit is required. The permittee shall comply with the provisions of the approved Encroachment Permit and Agreement. The Permittee shall inform the Executive Director of any changes to the project required by Caltrans. Such changes shall not be incorporated into the project until the Permittee obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

9. Prohibited Playground and Turf Surfacing Materials.

A. Playground Surfacing Materials Made from Waste Tires. Playground surfacing products made from shredded or granulated waste vehicle tires shall be prohibited, including any poured-in-place (PIP) rubber playground surfacing product. Shredded waste tire material such as that used in the cushioning base layer in PIP rubber playground surfacing is typically labeled in product descriptions as rubber, recycled rubber, or recycled SBR (styrene-butadiene rubber). Synthetic rubber playground mats, pads, and tiles made from granules of waste tires held together with chemical binders are typically labeled as rubber or recycled rubber products. Granules of waste tires used as infill for synthetic grass are typically called “crumb rubber.”

Prohibited types of playground surfaces made from waste tire materials shall include, but are not limited to, PIP rubber playground surfacing products made from shredded tires; loose-fill shreds or pieces of tires (i.e., “rubber mulch”); shredded tires held together with a resin binder (i.e., “bonded rubber mulch”); synthetic rubber mats, pads, and tiles manufactured from tire rubber; and synthetic grass (i.e., artificial turf) with tire crumb rubber infill.

B. Playground Surfacing Materials Made from Synthetic Rubber Granules. Synthetic rubber granules commonly used in the top layer of PIP rubber surfacing products, including ethylene propylene diene monomer (EPDM), thermoplastic vulcanizate (TPV), and thermoplastic elastomer (TPE), shall be prohibited for use in playground surfacing products. EPDM may be labeled as “virgin rubber” if it is not derived from recycled materials; however, this is a synthetic rubber, not natural rubber.

C. Synthetic Turf/Grass. No synthetic turf/grass is permitted.

10. Acceptable Playground Surfacing Materials. Acceptable playground surfacing materials to minimize the discharge of hazardous chemicals and microplastic debris shall include, but are not limited to, the following:

A. Natural Materials. Natural materials such as engineered wood fiber (EWF); cork PIP surfacing; loose-fill materials such as sand, pea gravel, wood chips, bark, or pieces of natural rubber; and mats, pads, or tiles made from natural rubber (not waste tire rubber) shall be the preferable choice for playground surfacing materials, where feasible. Mats, pads, or tiles that do not contain waste tire material may be installed on top of EWF or loose-fill playground materials to create wheelchair-accessible pathways to playground equipment, and/or to prevent displacement of loose-fill materials in high-use areas such as under swings. EWF with a resin binder ("bonded EWF") may also be used to create wheelchair-accessible pathways in the playground. Though the materials described in this section are preferable, the materials discussed in Section B. below may be used instead in the circumstances described therein.

B. Low-Toxicity Non-granular Plastics. Playground surfacing products made from types of plastics that have documented low toxicity to humans and the environment shall be acceptable if use of natural surfacing materials is not feasible. Any plastic products used for the top surface of the playground shall contain only non-granular plastics, not resin-bonded granules, to minimize microplastic pollution. Acceptable low-toxicity non-granular plastic playground surfacing products shall include, but are not limited to:

- i. Woven or non-woven roll-out polyester beach access mats that provide wheelchair-accessible pathways across sand.
- ii. Injection-molded polyvinyl chloride (PVC) interlocking perforated tiles that integrate with loose-fill surfacing materials to provide wheelchair-accessible pathways and/or to prevent displacement of loose-fill surfacing materials under high-use playground equipment (such as swings and slides). These tiles may also be used throughout the playground when installed on top of a cushioning pad. The cushioning pad beneath these tiles shall not contain waste tire material.
- iii. Cross-linked polyethylene foam (XPE) shock pads may be used as a cushioning material, such as under injection-molded interlocking perforated PVC tiles, to provide fall protection under playground equipment or throughout the playground.

11. Final Playground Plans. Prior to commencement of playground construction, the Permittee shall submit, for the review and approval of the Executive Director, final plans for the construction and maintenance of the playground using an acceptable alternative playground surfacing material as specified in Special Condition 10. The plans shall demonstrate the following:

- A.** Synthetic turf shall be eliminated, and shall be replaced by a more environmentally friendly alternative (e.g., organic bark, decomposed granite, native (to the project area) drought-tolerant non-invasive grass,

etc.). If grass or other landscaping is selected, the use of synthetic fertilizers on such area shall be prohibited.

B. The final playground plans shall be prepared by a qualified engineer and/or other qualified professional and shall include technical analyses addressing drainage, grading, and irrigation required for the proposed development. The plan shall include a description of best management practices (BMPs) to be employed during playground construction activities.

C. No elements of Pour-in-place synthetic rubber or artificial turf shall be included in the Final Revised Playground Plans. Pour-in-place synthetic rubber shall be eliminated and shall be replaced with an acceptable alternative material as specified in Special Condition 10.

12. Maintenance of Playground Surfacing Materials. Any synthetic playground surfacing materials shall be frequently inspected, and promptly repaired or replaced if the material becomes damaged or deteriorated, to minimize the discharge of microplastic debris into the environment. Playground surfaces that contain synthetic surfacing materials shall be inspected before and after power-washing, and any dislodged microplastic pieces shall be promptly collected for proper disposal. Microplastic pieces dislodged from playground surfacing materials shall not be washed or swept off the playground surface into adjacent areas, and instead shall be promptly collected for proper disposal.

13. Revised Final Lighting Plans.

A. WITHIN SIX MONTHS OF ISSUANCE OF CDP 1-22-0509, and not less than 30 days prior to installation or retrofit of any lighting facilities, the applicant shall submit to the Executive Director for review and written approval one full size set of revised lighting plans that demonstrate the following:

- i. Maximum color temperature of lighting fixtures shall contain a maximum color temperature of 2,700 degrees Kelvin (K), unless it can be demonstrated that such features would not meet required safety measures. In no case shall lighting exceed a correlated color temperature of 3,000 K.
- ii. All lighting fixtures shall be the minimum lumens required for safety and security. No non-security or non-safety lighting and no lighting for aesthetic purposes is allowed.
- iii. Security lighting attached to the structures shall use a control device or automatic switch system or equivalent functions to minimize lighting.
- iv. All lighting fixtures shall be shielded and directed downward to minimize light shining on adjacent properties or natural areas. Shielded shall mean that the light rays are directed onto the site,

and the light source (e.g., bulb, tube, etc.) is not visible beyond the property boundary of the site of the light source.

- v. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness.
 - vi. Stand-alone light fixtures shall be limited to a maximum height of 20 feet.
 - vii. No lighting shall produce an illumination level greater than one-foot candle (10.76 lumens) beyond the property boundary of the site of the light source.
- B.** The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

14. Protection of Sensitive Bird Nesting Habitat

- A.** NOT MORE THAN 72 HOURS PRIOR TO COMMENCEMENT OF DEVELOPMENT that involves vegetation removal activities, including ground disturbance for trenching work, during the bird nesting season (March 1 to August 15), a qualified biologist shall survey for active bird nests in and adjacent to the construction area according to current CDFW recommended survey protocol(s). The minimum survey area shall include the trees and other vegetation within the development footprint and a minimum 500-foot buffer area around the development footprint. Surveys shall be repeated any time development activities have ceased for more than 72 hours unless the work is occurring outside of the nesting season.
- B.** If any active bird nests for raptors or special status bird species are detected, development (including major vegetation removal) in the buffer zone shall be delayed until after the young have fledged, as determined by additional surveys conducted by a qualified biologist. Buffers shall be 500 feet for nesting raptors and 300 feet for other nesting bird species.
- C.** The Permittee shall submit to the Executive Director the results of the surveys required in subpart A above prior to commencement of development, including a narrative that describes the survey details (e.g., dates, methods, personnel and their qualifications), results, measures proposed to avoid disturbance of nesting birds, and a map that depicts the location(s) of any active nests identified and the associated buffer zones.

15. Assumption of Risk, Waiver of Liability, and Indemnity Agreement. By acceptance of this permit, the permittee acknowledges and agrees (a) that the

site may be subject to hazards from earth movement, earthquake shaking, liquefaction, differential settlement, erosion, flooding, and other geologic and flood hazards, some of which will worsen with future sea level rise; (b) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (c) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (d) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project 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 arising from any injury or damage due to such hazards.

16. Limitations on Use of Amphitheater Cover. As proposed by the Permittee, the amphitheater stage cover will be retractable and shall be locked in the closed position when not in use, and shall only be raised during events.

IV. Findings and Declarations

The Commission hereby finds and declares as follows:

A. Project Description

The project site is located within the City of Crescent City, Del Norte County. The City of Crescent City proposes to further develop Beachfront Park, an approximately 35-acre, City-owned waterfront park on the northwest shore of Crescent City Harbor ([Exhibits 1-3](#)). The park is bounded by Front Street on the north, Elk Creek on the east, Crescent City Harbor on the south, and B Street on the west. The project is located at 391 Front Street, Assessor Parcel Number (APN): 118-020-031-000.

The proposed development will implement some elements of the City's Beachfront Park General Development Plan. The Beachfront Park General Development Plan incorporates visioning and feedback from a multiyear community engagement process that involved townhall meetings, tabling at community events, meetings with local boards and commissions including native American governing bodies and cultural committees, and stakeholder meetings with various local focus groups¹. Feedback gathered through in-person events, via Zoom, Facebook, YouTube, and other venues was organized into three themes (culture, nature, and recreation) with recreational features and elements that represent a range of community interests and priorities.

¹ Populations reached through focus groups included: Youth aged 14-18; Senior population; Individuals with physical disabilities; Adults with developmental disabilities; Seniors with developmental disabilities; Caregivers; Childcare workers; Low-income families with children ranging from infants to teenagers; Tolowa Dee-Ni' Cultural Committee; and Hispanic/Latino populations

1-22-0509 (Crescent City Beachfront Park)

The main components of the proposed development include: (1) Tolowa interpretive trail with interpretive nodes; (2) Tolowa botanical garden; (3) amphitheater and stage; (4) waterfront plaza; (5) entryway signage; (6) inclusive play area; (7) Kamome plaza; (8) 1-mile jogging/walking loop; (9) restrooms; (10) parking; (11) landscaping, planting, and irrigation; (12) tree removal; (13) signage, lighting, and utilities; and (14) cultural center entryway and gateway structures. The proposed development also includes associated demolition, construction, and staging.

The Tolowa interpretive trail component will involve redeveloping 1,200 linear feet of the California Coastal Trail, along the eastern edge of Beachfront Park and Elk Creek, as a multiuse trail designed to honor the Tolowa people. Three interpretive nodes will be constructed along the path, including a sculptural redwood tree, burden basket, and canoe ([Exhibit 3](#)). Interactive placards (QR codes) at each node will explain the cultural significance of each feature to the Tolowa people.

The Tolowa botanical garden will be installed within the northeast portion of the park adjacent to the Del Norte County Visitor/Cultural Center. The garden areas will be planted with native plant forbs, grasses, and shrubs that the Tolowa people traditionally use for medicinal, nutritional, and ceremonial purposes. Native trees will also be planted. Concrete walking paths throughout the garden areas will connect with the interpretive trail.

The approximately 28,000-square-foot waterfront plaza includes a grass sitting area with terraced walls (“seatwalls”), farmers market area, and food truck area to accommodate five food trucks. This plaza will be developed along the waterfront, east of the intersection of Stamps Way and Howe Drive.

Entryway signage will be installed on concrete walls (maximum height of five feet) along the park entrance at Stamps Way (at the intersection of Front Street and H Street), including at the southeast and southwest corners of Stamps Way and Front Street. Additionally, gateway features with approximately five-foot-tall planted berms and two 15-20-foot-tall steel sculptural wave designs will be installed between L and M Streets, and one just west of L Street. Other wayfinding signs will be installed in these areas to direct park visitors.

The inclusive play area will be constructed adjacent to the existing playground area. Play equipment, a water play area, soft ground surfacing, and concrete paving will be installed. The play area will have a four-foot-tall chain-link fence around the perimeter. A new, 1,610-square-foot plaza will be developed adjacent to the play area and will feature a replica of the boat that washed up in Crescent City following the 2011 earthquake in Japan and associated tsunami that reached Crescent City. The boat will bear the name “Kamome” (meaning “seagull” in Japanese).

Two restroom buildings with four stalls each are proposed. The buildings are approximately 12 feet tall, with a total footprint of approximately 350 square feet each.

One of the buildings will be in the playground area, and one will be near the existing pump track. Additional project components are described in Finding IV.I (“Visual Resources”) below.

B. Environmental Setting

The 35-acre Beachfront Park is located approximately four miles southwest of the junction of Highway 101 and Highway 199 in Del Norte County and is situated along Crescent City Harbor, between Elk Creek and the Pacific Ocean. Historically, the project site was located approximately 800 feet out in the Crescent City Harbor. In 1964, the Great Alaska Earthquake set in motion a tsunami down the west coast of the U.S. that decimated the Crescent City Harbor and approximately 30 city blocks. After the tsunami, the U.S. Army Corps of Engineers dredged the harbor and placed the spoils along the coastline to create present day Beachfront Park. Approximately ten feet of concrete rubble and debris was first placed in the area, then approximately 18 inches of sandy fill was placed over the rubble, creating the present-day park surface. Large concrete chunks and rock revetment were also placed on the shoreline between the ocean and park to provide armoring along the beach and the Elk Creek Estuary.

The relatively flat and grassy expanse of Beachfront Park is currently used for open space and recreation. It is currently developed with several facilities and amenities including but not limited to: a visitor/cultural center, restrooms, an indoor swimming pool facility, marine mammal rescue center, playground, picnic areas, disc golf course, bicycle pump track, dog park, parking lots, various monuments, soccer fields, gazebo, and a number of open lawns. Battery Point Lighthouse is located $\frac{1}{4}$ mile southwest of Beachfront Park. A multimodal section of the California Coastal Trail also runs along the waterfront of the park, connecting the park with Battery Point Park and B Street pier to the west and the City-owned RV park and Crescent City Harbor to the east. Surrounding developments north of the park include a brewery/restaurant, various commercial businesses, and residential apartments along Front Street. Other nearby developments include the Crescent City Wastewater Treatment Facility west of the park.

C. Standard of Review

The City of Crescent City has a certified Local Coastal Program (LCP). However, the project site is located entirely in the Commission’s retained permit jurisdiction because it is located on filled tidelands and within an area shown on State Lands Commission maps over which the state retains a public trust interest. Therefore, as required by Public Resources Code section 30519(b) and 14 CCR section 13166(c), the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

D. Other Agency Approvals

The proposed project requires the applicant submit a Notice of Intent to be covered by a National Pollution Discharge Elimination System (NPDES) permit to the State Water

Resources Control Board, and must prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to commencement of construction. The beneficial reuse of dredge spoils requires a conditional waiver of waste discharge requirements under the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2017-0039, demonstrating that the fill is low threat and is appropriate for beneficial reuse. A small portion of the project involving the placement of temporary detour signage, and installation of wayfinding signage between M and N Streets, may require an encroachment permit from Caltrans.

To ensure that the Permittee obtains all necessary agency approvals, and that these approvals are consistent with the project authorized herein, the Commission attaches **Special Conditions 7 and 8**, which require the Permittee to submit to the Executive Director evidence of these agency approvals of the project prior to the commencement of construction activities and, in the case of Caltrans, prior to commencement of any encroachments within the public rights-of-way. The condition requires that any project changes resulting from any other agency approval not be incorporated into the project until the permittee obtains any necessary amendment to this CDP.

E. Public Access and Recreation

Coastal Act section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Coastal Act section 30212(a) states, in part:

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected.

Coastal Act section 30213 states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Coastal Act section 30214 states in part:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution...

Coastal Act section 30221 states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The purpose of the proposed project is to expand and improve public access and recreational opportunities within Beachfront Park. The proposed project will add many recreational facilities and amenities to the park, including but not limited to: Tolowa interpretive trail, Tolowa botanical garden, amphitheater and stage, plazas, inclusive play area, jogging/walking loop, and two restroom buildings. The section of the California Coastal Trail (CCT) adjacent to Elk Creek will be enhanced by incorporating stories of the Tolowa people through the installation of three interpretive nodes. Additionally, three smaller interpretive stations will be installed along the California Coastal Trail as it parallels Howe Drive. These stations will be solar-powered and offer a place to rest while listening to the history of the Tolowa culture.

Currently, the California Coastal Trail traverses the eastern and southern perimeter of Beachfront Park and then routes north near Battery Point, just west of the Project site ([Exhibit 2](#)). The eastern portion of the Coastal Trail will be reconstructed to Stamps Way with the Tolowa Interpretative Trail, a dedicated multiuse path honoring the Tolowa

indigenous people. Trail reconstruction will begin just south of the intersection of Front Street and K Street on the northeastern portion of the Project site and will run the eastern and southern perimeter of the park along Battery Street/Howe Drive until it meets B Street.

The trail will be constructed with vehicular concrete paving to allow access for maintenance vehicles and will conform to all national accessibility standards. The reconstructed portion of the CCT will be approximately 1,200 linear feet and 12 feet wide.

Construction of the proposed project is anticipated to last approximately 13 months, beginning in 2025 and with the goal to complete by summer of 2026. Although there will be temporary access closures during construction, the majority of the CCT trail system and park areas will remain open throughout project construction. The majority of Beachfront Park as well as the inner harbor beach areas, the B Street Fishing Pier, and the Battery Point Lighthouse will also remain open to public access and recreational use throughout construction. The City has provided an annotated construction schedule (shown below in Table 1) and Public Access Plans depicting both temporary impacts on public access, and access trails, roads, and parking areas that will remain open during construction in both 2025 and 2026 ([Exhibit 6](#)).

Construction will generally occur between the hours of 7 a.m. and 6 p.m., Monday through Friday, with the occasional need for work on Saturdays. During construction, access to the project area will remain at the existing entrances at Stamps Way and Play Street, and Battery Street via B Street, and alternative accessways will remain open during temporary closures. For example, Play Street may temporarily close during installation of the new playground area, parking lot improvements, and Tolowa garden. During this time, alternate access via Stamps Way will remain open. Access to the park will also be available along Howe Drive during construction. Construction will be phased to result in the least disturbance possible for the public/park visitors.

Table 1. Anticipated Construction Phasing

Construction Phase and Activity	Estimated Duration	Timeline
Phase 1B – Site and Equipment Mobilization	1 month	April 2026
Phase 1B – Demo	2 months	May – June 2026
Phase 1B – Grading & Utilities	4 months	July – Oct 2026
Phase 1B – Concrete & Paving	4 months	Aug – Nov 2026
Phase 1B – Playground, Interpretive & Planting	3 months	Aug – Oct 2026
Phase 1B – Punch List, Cleanup, Demobilization	1 month	Dec 2026
Phase 1C – Site and Equipment Mobilization	1 month	June 2025
Phase 1C – Demo	1 month	Aug 2025

Phase 1C – Grading & Utilities	2 months	Aug – Oct 2025
Phase 1B and 1C – Concrete for all walkways and Tolowa Cultural Trail	2 months	Oct 2025 – Mar 2026
Phase 1B and 1C – Interpretive & Planting for Cultural Center and Tolowa Cultural Trail and Nodes	2 months	Sept 2025

Road closures are not anticipated during construction and standard traffic control measures (e.g., flagging, signage, barricades and cones) would be used as needed to ensure access to Front Street at all times during construction. Construction equipment and materials will be delivered to the site via the entrances at Stamps Way and/or Play Street via Front Street and Highway 101. Standard traffic control measures will be implemented in accordance with City requirements during construction to avoid interference with traffic flow along Front Street. Such measures may include scheduling major truck trips and deliveries to avoid peak traffic hours, posting warning and detour signs for motorists, setting up temporary lane closure procedures, and placing cones to alert drivers. During improvements to the Del Norte County Visitor/Cultural Center (i.e., removing steps, etc.), the transit center/bus stop would be temporarily moved to a nearby location (e.g., across the street from the current location along Front Street or just to the northeast on K street); thus, any impacts would be limited and short-term.

Therefore, as (1) project construction that would affect public access use will be of relatively short duration, (2) public access will remain available in the project area throughout construction with only limited closures of specific areas for short periods of time, and (3) parking would remain accessible during construction, the Commission finds the proposed development does not have any significant adverse effect on public access, and that the project as proposed is consistent with the coastal access and recreation sections of the Coastal Act.

F. Tribal Consultation & Protection of Archaeological Resources

Coastal Act section 30244 states as follows:

Where development would adversely impact archeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The Project is located within the ethnographic territory of the Tolowa Native American Tribal Group. For thousands of years, the Tolowa have lived in coastal areas and coastal watersheds of Del Norte County and southwestern Oregon. Multiple Tolowa village sites were in the vicinity of Crescent City, with the closest village at Battery Point just to the southwest of Beachfront Park (the village of Tatatum). At the time of Euro-American contact, the Tolowa were found residing in eight large coastal villages. Each village claimed a specific section of shoreline and the boundaries of each village tract

were well known and defended if necessary. The Tolowa resided in the coastal villages year-round, moving inland to gather seasonally available resources.

Today, the Tolowa people are represented by various tribal entities, including the federally recognized Tolowa Dee-ni' Nation, Elk Valley Rancheria, Blue Lake Rancheria, and Big Lagoon Rancheria in California, as well as the Confederated Tribes of Siletz in Oregon. Additionally, they are members of the non-federally recognized Tolowa Nation, located in California. The enrolled membership of these tribal entities is unknown, but Tolowa Dee-ni' Nation itself has 2,098 enrolled citizens currently. The Tolowa community continues to engage in traditional gathering practices, with activities like smelt fishing camps gaining legal recognition due to their ongoing significance in contemporary Tolowa identity and resource access.

As part of the Beachfront Park community engagement process for designing proposed project components (see Finding IV.A), City staff outreached to Tolowa leaders of the local Tolowa tribes. With direction from representatives from the tribal governments, City staff were directed to begin conversations with each government's Cultural Committees. The Tolowa Cultural Committee is comprised of three Tolowa tribes (Tolowa Nation, Tolowa Dee-ni' Nation, and Elk Valley Rancheria), as well as Tolowa representatives from the Del Norte Historic Society, and was formed to allow tribal members to direct the design of the Tolowa elements in the park. Through these meetings tribal elders, tribal members, and tribal staff shared history, ideas for park features, and design suggestions including artwork and pictures from their archives. These suggestions were approved through Cultural Committees before being added to any design plans and taken to the larger community for feedback. The final, and necessary, step was to get official approval from each of these sovereign nations to use their cultural information in Beachfront Park. City staff presented to both Tribal Councils and received unanimous approval for moving forward with the current designs.

The City also outreached to Tribal Historic Preservation Officers (THPOs) from Melochundum Band of Tolowa Indians, Pulikla Tribe of Yurok People (formerly known as Resighini Rancheria), Tolowa Dee-ni' Nation, Yurok Tribe, Trinidad Rancheria, Elk Valley Rancheria, and Karuk Tribe, in accordance with AB 52. All THPOs declined the invitation for government consultation with the City of Crescent City.

In addition to the above outreach and coordination efforts by the City, the Tolowa Dee-ni' Nation also requested that during construction, access for monitoring by Tribal staff be granted during any excavation activities. This requirement has been incorporated into the project through IS/MND Mitigation Measure CULT-1 and **Special Condition 5**. This condition requires that if an area of cultural deposits is discovered during the course of the project, all construction must cease, and a qualified cultural resource specialist must analyze the significance of the find in compliance with state and federal laws. To recommence construction following discovery of cultural deposits or human remains, the Permittee is required to submit report for the review and approval of the Executive Director demonstrating whether any changes to the project are required to protect archaeological resources. If the Executive Director determines that changes to

the project are necessary, and those changes are not de minimis, the Permittee must obtain a permit amendment from the Commission before proceeding with construction.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act section 30244, as the development includes reasonable mitigation measures to ensure that construction activities will not result in significant adverse impacts to archaeological resources.

G. Geologic and Flood Hazards

Section 30253 of the Coastal Act states, in applicable part, as follows:

New development shall do all of the following:

- a. Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- b. Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs...

Coastal Act section 30270 states:

The commission shall take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise.

Section 30253 requires in part that new development minimize risk to life and property in areas of high geologic and flood hazards, assure structural integrity and stability, and neither create nor contribute significantly to erosion. The project entails development in an area subject to significant exposure to geologic and flood hazards including strong earthquake shaking, liquefaction, erosion, tsunami inundation, and flooding from wave run-up and storm surge.

Flood and Storm Surge Hazards

The project area is outside of the Federal Emergency Management Agency's (FEMA) mapped 100-year flood hazard zone. Existing unengineered revetment comprised of irregular rock boulders and concrete rubble lines the shoreline along the southern edge of the park, serving as a seawall for Beachfront Park. The site is separated from the exposed open waters of the Pacific Ocean by the Crescent City Harbor. Two jetties extend into the Pacific Ocean, southwest and southeast of the Project, which dissipate wave energy, reducing the probability for coastal erosion from storm surges or wave runup. The jetty southwest of the Project is divided into a publicly accessible pier, and a longer breakwater constructed of riprap and concrete tetrapods of varying sizes. The jetty to the southeast, which extends to Whaler Island from the Crescent City Harbor,

was previously used by the US Coast Guard, and is constructed from riprap. Thus, the risk of potential impacts to the project site resulting from storm surges or flooding is low.

Tsunami Hazards

The subject property is shown on emergency planning maps published in 2009 and updated in 2021 by the California Emergency Management Agency, California Geologic Survey, and University of Southern California as being within the zone of potential inundation by a tsunami. Crescent City is heavily affected by tsunamis from distant source seismic events and recent evidence suggests that earthquakes may generate large tsunamis every 300 to 700 years along the Cascadia subduction zone, an area off of the Pacific Northwest coast from Cape Mendocino to Puget Sound, where a crustal plate carrying part of the Pacific Ocean is diving under North America.

Crescent City has experienced at least six tsunamis in the last 65 years, the greatest occurring on March 28, 1964. On that date, a series of tsunamis generated from the Richter 9.2 earthquake near Anchorage, Alaska rolled into the Crescent City Harbor and inundated much of the waterfront and downtown area, killing eleven people. The fourth wave was the largest of the set, with a height of approximately 20 to 21 feet. It was preceded by a withdrawal of the water that left the inner harbor almost dry. This fast-moving wave capsized 15 fishing boats. Three other boats disappeared, and eight more sunk in the mooring area. Several other boats were washed onto the beach. Extensive damage was inflicted to the piers. The wave covered the entire length of Front Street, and about thirty blocks of Crescent City were devastated. Overall damage was estimated at between \$7.5 - 16 million (1964 dollars). Because of the ongoing risk of future tsunami events, much of the City's harbor waterfront remains vacant or has been reserved for open space, parks, and other low-occupancy public facilities uses.

The proposed development includes the construction of two restroom facilities that could be inundated and destroyed by a tsunami. All other proposed construction would not result in new buildings that could be inundated, but they could be destroyed by a tsunami, including but not limited to the stage, playground, interpretive nodes, signage, picnic tables, and lighting. Park visitors would be subject to the threat of tsunamis. It is not feasible to raise the park above maximum tsunami levels. However, the risk to park visitors can be minimized through tsunami warning and evacuation efforts.

Tsunami evacuation signage currently exists within and around the project area, as well as throughout Crescent City. Maps are available in both physical and digital format, from Crescent City as well as Del Norte County. The City of Crescent City also engages in public outreach regarding tsunami hazards, including providing fact sheets in hotels/motels, signage along the beaches, mailers to residents, and education in schools. The City of Crescent City also maintains a tsunami evacuation map with

tsunami safety information and evacuation routes². The Project would not impact evacuation routes, nor the ability to evacuate in the event of a tsunami, as neither barriers nor alterations to Front Street or adjoining streets north of the project area would occur.

As (1) the limited use of the site limits human exposure to tsunami events, (2) safe ground above the inundation area is located in close proximity, and (3) a tsunami warning education and evacuation system is in place, the Commission finds that the proposed development minimizes tsunami hazard risk.

Sea-Level Rise

Although rising sea levels will increase tidal action to Crescent City Harbor in the future, as discussed below the rate and effects of sea level rise would be insignificant relative to the location of existing and proposed structures. The California Ocean Protection Council's State of California Sea-Level Rise Guidance 2024 Update³, and the Commission's Sea Level Rise Policy Guidance November 2024 Adopted Update⁴, both contain a set of sea level rise scenarios for 14 tide gauges throughout California, and both agencies recommend using these scenarios and related information as best available science on sea level rise in California. The values included in these scenarios are slightly lower than the projections included in the 2018 version of the Sea Level Rise Policy Guidance, reflecting the updated body of research on global and regional sea level rise.

Table 2, below, provides the scenarios for Crescent City (measured at NOAA's North Crescent City Station, ID # 9419750), which has the lowest relative rate of sea level rise in the State due to higher rates of tectonic uplift in that area. This uplift is evidenced by a tide gauge located within Crescent City Harbor, which has recorded an annual drop in sea level of -0.78 millimeters per year⁵.

² Crescent City Tsunami Preparedness Information. Humboldt Earthquake Education Center January 2010.
https://www.crescentcity.org/media/Emergency%20Preparedness/Tsunami_Preparedness_Crescent_City.pdf

³ Ocean Protection Council Sea-Level Rise Guidance: 2024 Update is accessible online at:
<https://opc.ca.gov/wp-content/uploads/2024/05/Item-4-Exhibit-A-Final-Draft-Sea-Level-Rise-Guidance-Update-2024-508.pdf>

⁴ The California Coastal Commission's Sea Level Rise Guidance November 2024 Adopted Update is accessible online at: <https://www.coastal.ca.gov/climate/slrguidance.html>

⁵ According to NOAA relative sea level trend data for Station 9419750 (accessible at https://tidesandcurrents.noaa.gov/sltrends/sltrends_station.shtml?id=9419750), the relative sea level trend is -0.78 millimeters/year with a 95% confidence interval of +/- 0.26 mm/yr based on monthly mean sea level data from 1933 to 2023 which is equivalent to a change of -0.26 feet in 100 years.

Table 2. Median Values of Sea Level Scenarios* for Crescent City.⁶

	Intermediate	Intermediate-High	High
2030	0.2	0.2	0.2
2050	0.4	0.6	0.8
2070	0.8	1.6	2.3
2100	2.3	3.9	5.6

*Values are displayed in feet

Per the Commission’s adopted 2024 sea level rise guidance, “temporary structures, ancillary development, amenity structures, or moveable or expendable construction may identify a relatively short, expected life such as 25 years or less,” and the low risk aversion scenario may be used for projects that would have limited consequences or a higher ability to adapt.

As this proposed development does not include critical infrastructure, residential living space, or provide another critical need, but rather involves improvements to a park that can be easily removed or relocated, the inherent risk to the public regarding if and when the structures are subject to coastal hazards risk is relatively low. Therefore, the potential for damage to the site and the risk to life and property from flooding has been minimized, consistent with section 30253.

Nonetheless, given that the applicant is proposing development in a hazardous area, the Commission requires the applicant to assume the liability from potential flood or other risks and, therefore, imposes **Special Condition 15**. This condition requires the landowner to assume the risks of undertaking development on an inherently hazardous site and to waive any claim of liability on the part of the Commission.

Conclusion

For all the reasons set forth above, the Commission finds that the proposed development, as conditioned, assures stability and structural integrity and minimizes risks of geologic and flood hazards consistent with section 30253 of the Coastal Act. Furthermore, the Commission finds that the proposed project, as conditioned, takes into account the effects of sea level rise consistent with section 30270 of the Coastal Act.

H. Protection of Coastal Waters

Section 30231 of the Coastal Act addresses the protection of coastal water quality and marine resources in conjunction with development and other land use activities. Section 30231 states:

⁶ Source: 2024 State of CA <https://opc.ca.gov/wp-content/uploads/2024/05/Item-4-Exhibit-A-Final-Draft-Sea-Level-Rise-Guidance-Update-2024-508.pdf>

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with the surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Beachfront Park is located on the northwest shore of Crescent City Harbor. The adjacent Crescent City Harbor waters provide habitat for a variety of fish and wildlife species. Coho salmon (*Oncorhynchus kisutch*) pass seasonally through the harbor as they make their migration to and from spawning grounds within the Elk Creek drainage, and marine mammals, including the Steller sea lion (*Eumetopias jubatus*), utilize harbor sites as haul-outs and for feeding.

The proposed locations of the Tolowa interpretive trail and interpretive nodes, botanical garden, and cultural center entryway and gateway structures, are in close proximity to the mouth of Elk Creek. Beachfront Park sits atop filled former tidelands created from dredge spoils and sand collected after the 1964 tsunami event. The current project proposes excavation, grading, tree removal, and placement of additional dredge spoils from Crescent City Harbor. Fill material generated from construction of pathways, playground and plaza areas will be reused onsite to the extent possible, and approximately 7,500 cubic yards of dredge spoils from the harbor will be imported to be used as fill. The City is required to obtain a conditional waiver from the Regional Water Quality Control Board to use the dredge spoils for this purpose, as referenced in Finding D.

The project also proposes installation of rain gardens, vegetated drainage swales with French drains, and filter strips to capture stormwater and prevent surface runoff from new impervious surfaces, sized to meet California stormwater quality standards.

Approximately six acres of total ground disturbance is proposed. Excavation depths for project elements will range from approximately two to four feet. For placement of hardscape surfaces (e.g., walking paths, playground and parking areas) excavation will occur at a depth ranging from 0.5 to 1.5 feet, and two to six feet for structural elements (e.g., playground equipment, interpretive nodes, restrooms). Excavation for rain gardens and filter strips will occur at a depth of two to four feet. Additionally, new subsurface utilities associated with the project will be excavated generally to two to four feet, with a maximum of ten feet for a sewer line. Project components such as the playground, walking paths and plaza areas will require grading and placement of imported fill, which will come from tested and approved dredge spoils from Crescent City Harbor. Table 3 below shows the approximate amounts of imported materials to be used on-site.

Table 3. Imported Materials and Quantities

Import Material	Estimated Quantity
Engineered Fill	400 Cubic Yards
Dredge Spoils	7,500 Cubic Yards
Concrete	1,500 Cubic Yards
Rock	1,800 Cubic Yards
Topsoil	2,600 Cubic Yards
Raingarden Soil Blend	300 Cubic Yards

To protect nearby marine resources, the City proposes a number of erosion and sediment control and pollution prevention measures during project construction including: (a) staging all equipment on the upper terrace of the park on paved, graveled, or ruderal habitat surfaces; (b) installing silt fencing and fiber rolls as perimeter sediment control barriers; (c) stockpiling soils at least 100 feet from Elk Creek wetlands; (d) covering exposed surfaces with straw mulch for soil stabilization; (e) seeding all bare soils with natural turf after the completion of construction; and (f) following Best Management Practices (BMPs) for construction vehicle and equipment cleaning, fueling, and maintenance. Construction activities also require preparation of a Stormwater Pollution Prevention Plan (SWPPP) due to disturbance of over one acre. The City's contractor will prepare the SWPPP for implementation during project construction. This includes the use of BMPs to prevent pollutants and sediment from entering nearby Elk Creek and open coastal waters.

To ensure that the applicant adheres to appropriate construction-related BMPs for dust control and other water quality protection measures, the Commission attaches **Special Condition 3**. This condition requires, in part, the proper disposal of construction-related debris, the covering of stockpiles whenever there is a potential for rain to prevent polluted water runoff from the site, and the use of appropriate BMPs for erosion and runoff control as detailed in the current California Storm Water Quality Best Management Handbooks. Additionally, **Special Condition 4** requires submittal of the final SWPPP for the Executive Director's review and approval prior to commencement of construction.

New Inclusive Play Area

The proposed project includes construction of a new accessible and inclusive play area adjacent to the existing "Kid Town" play area ([Exhibit 2](#)). The project design includes the use of soft, poured-in-place (PIP) rubber surfacing (approximately 5,725 s.f.), concrete paving along a semi-circular path, artificial turf (approximately 1,590 s.f.), fencing, and picnic tables. New play equipment (e.g., swings, boat, tree, etc.), as well as a water play area (e.g., sand, water pump/channel, boulders, etc.) would also be installed. The proposed use of artificial turf and PIP synthetic rubber raises several concerns due to their potential adverse impacts to the environment and biological resources as discussed below.

Artificial turf

In general, artificial turf is not recommended in the coastal zone. While it may offer low maintenance and no water needs, it poses significant environmental risks in areas near coastal waters, such as the subject site. While similar projects have been permitted through past Commission action, the understanding of the potential impacts of artificial turf use upon resources protected by the Coastal Act has been evolving and is an active field of scientific study. Recent Commission actions have raised concerns over the use of artificial turf in projects due to issues of plastic degradation, chemical leaching, water quality impacts, offsite transport of microplastics, and sustainability aspects associated with the increased burden to plastic-saturated waste streams⁷. Runoff and wind from artificial turf can carry pollutants such as heavy metals, chemicals, and microplastics, which can bioaccumulate and harm terrestrial and marine ecosystems. In addition, it is far hotter than natural surfaces if exposed to sunlight and not shaded, as is the case here. Animals, including small lizards or small mammals, will avoid artificial turf due to its heat. Thus, the proposed permeable, synthetic grass must be eliminated from the landscape plan.

For these reasons, the Commission finds it necessary to exclude the installation of any artificial turf. **Special Condition 11** requires the City to submit Final Revised Playground Plans that include the installation of natural turf – as opposed to artificial turf – at the subject site and addressing any additional site improvements required for the same. The revised plans shall include a detailed plan for the installation of natural turf – as opposed to artificial turf – at the subject site, including plans for grading, drainage, irrigation, and any additional site improvements required for the same. The plans shall be prepared by a qualified engineer and/or other qualified professional and shall include technical analyses addressing drainage, grading, and irrigation required for the proposed development. The plan shall include a description of best management practices (BMPs) to be employed during construction activities. No elements of artificial turf shall be included in the Final Revised Project Plans.

Synthetic rubber

The City has stated that the new playground area design is driven by the need to improve accessibility of the playground for all people, regardless of physical abilities and remove barriers to accessibility that exist in the adjacent playground area where wood chip surface materials are currently used. As such, the applicant is proposing to use a PIP rubber safety surfacing consisting of a 3/8-inch-thick wearing layer underlain by a variable-thickness cushioning layer (thickness determined by fall height). PIP rubber playground surfacing typically consists of a base layer of 100% post-consumer recycled

⁷ Recent permit actions prohibiting the use of artificial turf include but are not limited to: CDP 5-24-0207 (Dunnwald Family Trust) accessible online at: <https://documents.coastal.ca.gov/reports/2025/4/w17b/w17b-4-2025-report.pdf>; Notice of Impending Development UCS-NOID-0002-23 (Baseball Stadium Turf), accessible online at: <https://documents.coastal.ca.gov/reports/2023/12/W13.1a/W13.1a-12-2023-report.pdf>, and CDP 3-22-0463 (San Luis Obispo County Department of Airports) accessible online at: <https://documents.coastal.ca.gov/reports/2023/10/F16a/F16a-10-2023-report.pdf>

shredded waste vehicle tires, which contain the synthetic rubber SBR (Styrene Butadiene Rubber), held together with a polyurethane binder; and a top surface layer consisting of small synthetic rubber granules of recycled post-industrial EPDM (Ethylene Propylene Diene Monomer) or TPV (Thermoplastic Vulcanizates) held together with an aromatic or aliphatic urethane binder. These materials are typically designed to meet or exceed guidelines set by the Americans with Disabilities Act (ADA) and satisfy the required critical fall height compliance with the American Society for Testing and Materials (ASTM) F1292.

In recent permit actions⁸, the Commission's water quality specialist has determined that synthetic rubber playground surface materials adversely impact the environment and biological resources, and potentially human health due to the numerous hazardous chemicals and compounds including heavy metals (e.g., lead, zinc, mercury, and arsenic), polyaromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), 6-phenylenediamine (6-PPD), phthalates, organophosphate esters (OPEs), and per- and polyfluoroalkyl substances (PFAS), among others, that potentially pose problems for human health, the environment, and aquatic life. The use of synthetic rubber playground surfaces is further explained in CDP 5-23-0345 and the exhibits on that staff report include a memo prepared by Vanessa Metz, Ph.D., Commission Senior Environmental Scientist dated June 27, 2024⁹.

In its conditional approval of CDP 5-23-0345, the Commission required alternative playground surfacing materials and prohibition of PIP synthetic rubber materials, finding that the analyses provided by Dr. Metz demonstrated the use of the proposed Poured-in-Place rubber playground surfacing materials raises significant environmental concerns. The Commission's adopted findings state in part the following:

The base layer of the proposed material is comprised of shredded waste tires, which contains numerous hazardous chemicals and compounds including heavy metals (e.g., lead, zinc, mercury, and arsenic), polyaromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), 6-phenylenediamine (6-PPD), phthalates, organophosphate esters (OPEs), and perand polyfluoroalkyl substances (PFAS), among others, that potentially pose problems for human and environmental health. Some of the additives found in waste tire rubber (including stabilizers, vulcanization agents, and antiozonants) are considered toxic to a wide range of aquatic life and have long-lasting adverse effects. Also, shredded

⁸ Recent permit actions prohibiting the use of PIP synthetic rubber include but are not limited to: CDP 6-23-0627 (City of San Diego playground and basketball court renovations at Playa Pacifica Park), accessible online at <https://documents.coastal.ca.gov/reports/2024/12/Th5b/Th5b-12-2024-report.pdf>; and 5-23-0345 (Newport Mesa Unified School District replacement of an existing beach playground), accessible online here: <https://documents.coastal.ca.gov/reports/2024/7/Th15b/Th15b-7-2024-report.pdf>

⁹ Accessible online here: <https://documents.coastal.ca.gov/reports/2024/7/Th15b/Th15b-7-2024-exhibits.pdf#page=9>

tire rubber and EPDM synthetic rubber granules are microplastics that can be dislodged from the playground and distributed into the environment (including the soil, air, waterways, and the ocean) where both the microplastic particles and their leachates can have potential adverse ecological effects.

The top layer of the playground surface (also known as the “wear layer”) that consists of small granules of synthetic rubber (“post-industrial EPDM rubber” or TPV) with a urethane binder is also problematic. One significant concern is that due to both layers of the playground surface being porous, rainwater (or wash water used for cleaning) passes through the top layer of EPDM and also through the base layer of shredded tires, potentially leaching toxic chemicals from these materials into the environment. Another proposed option for the top layer is TPV (Thermoplastic Vulcanizates) synthetic rubber granules that are made from polypropylene and EPDM synthetic rubber, which is also of concern. Both EPDM and TPV synthetic rubber granules contain several of the same hazardous chemicals as waste tire rubber does, including lead, PAHs, VOCs, and OPEs. TPV is also more susceptible to shedding or breaking away small granules of rubber as the playground surface wears, compared to EPDM.

Thus, the City’s proposed use of PIP synthetic rubber surfacing raises significant concerns due to its potential adverse impacts to the environment and biological resources and cannot be used for playground surfacing. In order to avoid potential adverse impacts to biological resources raised by the use of the proposed synthetic rubber and waste tire playground surfacing materials, the Commission imposes the following special conditions: **Special Condition 9** prohibits the proposed Poured-in-Place rubber playground surface product and similar types of materials; **Special Condition 10** indicates the types of acceptable playground surfacing material(s) to minimize the discharge of hazardous chemicals and microplastic pollution into the environment, **Special Condition 11** requires submittal of Final Playground Plans including acceptable alternative playground surfacing material(s), and **Special Condition 12** requires maintenance of Playground Surfacing Materials.

Therefore, the Commission finds that the proposed development, as conditioned, is consistent with section 30231 of the Coastal Act, because the project as conditioned will protect marine resources, water quality, and the biological productivity of coastal waters and wetlands.

I. Visual Resources

Coastal Act section 30251 states in applicable part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

The project site provides variable views of Elk Creek, Crescent City Harbor, the Pacific Ocean, and Battery Point Lighthouse. The project site within Beachfront Park is relatively flat but variable gentle slopes exist throughout the project area. The project areas along the waterfront and along Elk Creek are approximately 15 feet in elevation, whereas Play Street and Front Street are approximately 10 feet in elevation.

Interpretive sculptures at each node along the Tolowa interpretive trail include a sculptural redwood tree, burden basket, and canoe and have been designed with openings that allow the public to see the landscape in the distance. The redwood node will be approximately ten feet tall and 100 square feet. The burden basket node will be approximately eleven feet tall and 96 square feet. The canoe node will be approximately seven feet tall and 105 square feet ([Exhibit 3](#)). Each node will be constructed of metal on concrete foundations. The open design encourages interaction with interpretive nodes and prevents complete obstruction of coastal views. Significant unobstructed coastal views will continue to remain throughout Beachfront Park.

The project also includes construction of an amphitheater (i.e., stage and elevated planted grassy berm for seating), where seasonal outdoor performances will be offered. The amphitheater will be located immediately south of Play Street and west of the Fred Endert Municipal Pool parking lot. Elements include a concrete stage and foundation, which will accommodate temporary installations of lighting and sound, near the southeast corner of Stamps Way and Play Street. The height of the stage will not exceed 30 inches. The stage will also include a dome-shaped cover of the same design as is installed at Azalea Park in Brookings, Oregon ([Exhibit 3](#)). The stage cover will be retractable and locked in the closed position and will only be raised during events. To ensure the amphitheater stage cover does not interfere with coastal views when not in use, **Special Condition 16** memorializes the City's proposal to limit its use to during events only. When the stage cover is in use during events, it will be approximately 26 feet tall. Lawn seating in front of the central staging area will be accessible via new concrete paths, and will consist of approximately 23,500 square feet of planted grassy area, and an adjacent 40,200 square-foot topographic relief/berm, approximately five feet in height above the existing grade, which will provide additional seating. There are no existing blue water views in the proposed location of the amphitheater and berm due to upward slopes from north to south. Thus, the amphitheater and berm will not adversely affect views of the harbor or ocean. There will be new views from the berms of the harbor and ocean.

Proposed project lighting includes hip-height bollards to illuminate pathways around the amphitheater. The bollards will be down-cast and will not exceed 3000K in color temperature. The two restroom buildings will have mounted downcast lighting. Backlighting is proposed to illuminate the park entry way signage at Stamps Way. This backlighting will not exceed 3000K in color temperature, and will comply with Dark Sky guidelines. No new overhead lighting would be added to the parking areas beyond what is currently there. The limited nighttime lighting, primarily at the park entrance, restrooms and bollard lighting (at hip level) to illuminate pathways would not degrade

the scenic quality of the park and adjacent habitats and would be fleetingly visible to motorists, pedestrians or bicyclists on Front Street.

To protect the visual character of the area as well as prevent the cumulative impacts of glare to the visual resources of the area, the Commission attaches **Special Condition 13** which requires the submittal of revised final plans within six months of issuance of CDP 1-22-0509 and not less than 30 days prior to installation or retrofit of any lighting facilities demonstrating that all exterior lighting associated with the proposed development shall be low-wattage, downcast shielded, and that no glare is directed into adjoining environmentally sensitive areas. Maximum color temperature shall not exceed 2,700K, unless it can be demonstrated that required safety measures cannot be met with such features, and in that case color temperature cannot exceed 3,000K.

In summary, the proposed development as conditioned will not adversely affect views to or along the coast, result in major landform alteration, or be incompatible with the character of the surrounding area. The Commission therefore finds that for all of the reasons discussed above, the project, as conditioned, will be consistent with section 30251 of the Coastal Act.

J. Environmentally Sensitive Habitat Areas

Section 30107.5 of the Coastal Act defines “environmentally sensitive area” as:

...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 30240 of the Coastal Act states:

- a. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- b. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Elk Creek borders the eastern portion of Beachfront Park and is separated from the park by large concrete revetment along the shoreline of the Elk Creek Estuary. The California Coastal Trail crosses Elk Creek and then continues along the beachfront adjacent to the park. The proposed locations of the Tolowa interpretive trail and interpretive nodes, botanical garden, and cultural center entryway and gateway structures, are in close proximity to the mouth of Elk Creek. Elk Creek is a Class 1, Third Order coastal stream that supports small runs of anadromous and resident salmonids, including coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*Oncorhynchus tshawytscha*), steelhead (*Oncorhynchus mykiss*), and cutthroat trout (*Oncorhynchus clarki*). As described in Finding IV.H above, construction staging for the

project components adjacent to Elk Creek would occur further upland in the park and work limits along the riparian area will be clearly marked with flagging. Silt fences will be installed as needed to prevent any silt and sediment transport into Elk Creek, and any stockpiled soils will be located away from Elk Creek (by at least 100 feet). Seasonal work windows will be implemented where possible to avoid construction in the rainy season.

The mouth of Elk Creek and surrounding tidal flats attract a large congregation of resting and foraging birds. The project area also provides nesting and roosting habitat for several species of migrating birds and also supports resident birds. Birds using the project sites may include sensitive species such as raptors and other species protected under Fish and Game Code sections 3503¹⁰ and 3503.5¹¹. One birding guide of Del Norte County describes the mouth of Elk Creek as an excellent spot to view Western, Glaucous-winged, Mew, California, Heermann's and Herring Gull, Caspian Tern, Elegant Tern, Black-crowned Night-Heron, Western Grebe, Osprey, Great Egret, Red Phalarope, Whimbrel and Sanderling.¹²

The applicant proposes to remove approximately 45 previously planted landscaping trees. The trees to be removed are primarily located in the proposed amphitheater area, and consist of Monterey cypress (*Hesperocyparis macrocarpa*) and Monterey pine (*Pinus radiata*) species (not native to Del Norte County)¹³. The City has provided tree protection and removal plans showing the location of each tree proposed to be removed or retained and protected during construction. Trees to be retained within proposed construction areas will be fenced off with tree protection fencing.

Trees proposed for removal may support bird nests, and removal of vegetation during the nesting bird season (generally March 1 to August 15) could result in direct mortality of adults or young birds and the destruction or abandonment of active nests. Indirect impacts such as increased noise and visual human activity associated with construction activities could result in the disturbance of normal nesting behaviors, reduction in prey availability, and degradation of overall nesting habitat. These disturbances could cause

¹⁰ Fish and Game Code section 3503 states "It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto."

¹¹ FGC section 3503.5 states "It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto."

¹² <http://www.oregoncoastbirding.com/PDFs/5%20California%20Redwoods%20Listings.pdf>

¹³ Monterey cypress is native to California but has been widely cultivated and planted in many non-native areas for landscaping purposes. Monterey pine is not native to Del Norte County. Monterey pine is a native tree from Central and Southern California to Baja California. However, cultivars of Monterey pine have been developed and widely planted for economic and ornamental purposes for decades. These cultivars are very invasive and displace native habitats where they would not normally be found.

nest abandonment and death of young or loss of reproductive potential at active nests located in or near the project area.

However, these potential adverse impacts to nesting birds as a result of the project can be avoided if (1) surveys for active nests are conducted if vegetation removal occurs during the bird nesting season, and (2) appropriate buffers around any identified active nests are established to protect sensitive bird nest habitat areas from disturbance.

Special Condition 14 includes these nesting bird protection requirements.

Beachfront Park also supports a scattered population of Wolf's evening primrose (*Oenothera wolfii*), a rare plant with a state ranking of S1¹⁴ and a California Rare Plant Rank of 1B.1.¹⁵ Wolf's evening primrose is found in coastal sand dunes, bluffs, and sandy roadsides along the Pacific coast north of Cape Mendocino in northern California and southern Oregon. The greatest threat to this rare, native species is hybridization with *Oenothera glazioviana*, an introduced ornamental. The hybrid appears to be more aggressive than either parent, displacing the native Wolf's evening primrose and threatening its genetic integrity. Because of the serious threat of genetic dilution to the endemic Pacific coast's Wolf's evening primrose posed by hybrid plants, the habitats of these hybrid plants are not considered to be Environmentally Sensitive Habitat Area (ESHA), whereas genetically pure populations of Wolf's evening primrose are ESHA. Because Wolf's evening primrose genetic integrity and persistence is threatened by hybridization, the establishment of genetically pure populations in areas isolated from *Oenothera glazioviana* and hybrid individuals is critical to saving this rare species.¹⁶

Wolf's evening primrose is typically a biennial, germinating during the first year and producing rosettes that then bolt in the spring of the second growing season and produce flowers by May or June. Seed set occurs in August and September, followed by senescence (Imper, 1997). Disturbance of any Primrose habitat prior to the natural dispersal of seed from the plants would impair the regeneration of native Primrose at the site. If instead the Primrose individuals are allowed to naturally disperse seed prior to construction, Primrose plants would have the opportunity to regenerate in accordance with the plant's normal life cycle and the subsequent disturbance is less likely to cause any significant adverse harm to the species.

Zack Larson and Associates completed a biological assessment for the Crescent City Storm Drain Project, including four surveys in 2018 and a follow up in 2019 (Larson & Assoc. 2019). Subsequently, SHN performed follow-up surveys of Beachfront Park in

¹⁴ Plants with an S1 rank are critically imperiled in California.

¹⁵ Plants with a 1B rank are rare, threatened, or endangered in California and elsewhere, and the .1 threat rank indicates that the species is seriously threatened in California (over 80% of occurrences threatened/ high degree and immediacy of threat).

¹⁶ Center for Plant Conservation (2010). CPC National Collection Plant Profile: *Oenothera wolfii*. Retrieved from https://web.archive.org/web/20150918173701/http://www.centerforplantconservation.org/Collection/CPC_ViewProfile.asp?CPCNum=3004

2022 and 2023 and mapped rare plants (SHN 2023). The highest concentration of the plant within the project area is in the northeastern area west of Elk Creek (SHN 2023). All non-flowering individuals will be protected in place and will be considered native species until they flower.

Additionally, the City of Crescent City as the lead agency for CEQA review prepared a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan (MMRP) ([Exhibit 5](#)). The MMRP stipulates mitigation measures to reduce impacts to biological resources to a less than significant level. These include Mitigation Measure BIO-1, which requires in part that Wolf's evening primrose plants within 100 feet of project construction will be fenced off to prevent trampling by construction workers or equipment, and erosion control devices will be placed between the road construction work and the Wolf's evening primrose individuals to prevent sediment and other materials generated by construction from coming into contact with the rare plant habitat.

Mitigation Measure BIO-1 also specifies that the Project's ground disturbing activities and construction will take place entirely outside of the rare plant environmentally sensitive habitat area (ESHA) and a 100-foot buffer will be put in place to prevent any trampling or other disturbance, prior to any ground disturbing activities or staging of equipment. For construction of Project components (e.g., the proposed Tolowa Interpretive Plaza and Trail) where it may not be feasible to maintain a 100-foot buffer from ESHA, construction staging would occur further upland in the park and stockpiling of any soils at least 100 feet away, work limits would be clearly marked with temporary fencing, and silt fences would be installed as needed. The applicant proposes to complete earth-moving work during seasonal work windows (summer and early fall dry season) to minimize the risk of erosion and sediment discharge from rain events. To ensure that the City implements ESHA protection measures as proposed, the Commission attaches **Special Condition 3A**. This condition requires that the permittee undertake development in accordance with the protocols and measures of the MMRP ([Exhibit 5](#)). Additionally, **Special Condition 3B** limits the timing of all earth-moving activities to during the dry season period of May 15 through November 15; and requires additional measures in the latter part of that construction window such that any earth-moving activity conducted between October 16 and November 15 shall be subject to additional site preparation, rain event, and erosion control procedures.

The Commission finds that ESHA located near the site could be adversely affected if non-native, invasive plant species were introduced in landscaping at the site. Introduced invasive exotic plant species could physically spread into ESHA and displace native and/or rare vegetation thereby disrupting the values and functions of the ESHAs. The seeds of exotic invasive plants could also be spread to nearby ESHA by wind dispersal or by birds and other wildlife. The City is proposing landscaping as part of the proposed Tolowa Botanical Garden, playground, and waterfront areas and is additionally proposing to reseed areas disturbed by construction for erosion control. The City has prepared a planting plan using locally native species that the Tolowa people traditionally

used for medicinal, nutritional, and ceremonial purposes. The Commission attaches **Special Condition 6** to ensure that only native and/or non-invasive plant species are planted on the subject property. As conditioned, the proposed project will ensure that the ESHA near the site is not significantly degraded by any future landscaping that would contain invasive exotic species.

With the mitigation measures discussed above, which are designed to minimize any potential impacts to the adjacent ESHA, the project as conditioned will not significantly degrade adjacent ESHA and will be compatible with the continuance of the habitat area. Therefore, the Commission finds that the project as conditioned is consistent with section 30240(b) of the Coastal Act.

K. California Environmental Quality Act (CEQA)

The City of Crescent City served as the lead agency for the project for California Environmental Quality Act (CEQA) purposes. The City adopted a Mitigated Negative Declaration for the project on April 21, 2025 (SCH# 2025030222). In addition, the Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA (14 CCR § 15251(c).)

Section 13096 of the Commission's regulations requires Commission approval of CDP applications to be supported by a finding showing the application, as modified by any conditions of approval, is consistent with any applicable requirement of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are any feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effect the proposed development may have on the environment.

Accordingly, this report has discussed the relevant coastal resource issues with the proposal and the Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. No public comments regarding potential significant adverse environmental effects of the project were received by the Commission prior to preparation of the staff report. As discussed above, the project has been conditioned to be consistent with the policies of the Coastal Act. As specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impacts, either individually or cumulatively, that the activity may have on the environment. Therefore, the Commission finds that the proposed development, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A

Application File for CDP Application No. 1-22-0509

Imper, D.K. (1997). Ecology and conservation of Wolf's evening primrose in northwestern California. In Kaye, T.N., A. Liston, R.M. Love, D.L. Luoma, R.J. Meinke, and M.V. Wilson, eds. Conservation and management of native plants and fungi. Native Plant Society of Oregon, Corvallis, Oregon.

Larson and Associates. (2019). Biological Assessment for the "C" Street Storm Sewer Rehabilitation Project. Prepared for the City of Crescent City, Del Norte County, California.

SHN Engineers & Geologists. 2023. Wolf's Evening-primrose Population Assessment of Beachfront Park prepared for the City of Crescent City. Survey dates, December 6, 2022, August 3, 2023.