

City of Santa Cruz

# 2025 Beach Management Plan

## Main and Cowell Beaches



Prepared by:



Approved By:

California Coastal Commission  
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## **SECTION I. INTRODUCTION**

The City of Santa Cruz is fortunate to have a multitude of natural resources including several miles of coastal beaches. These Santa Cruz beaches, along with the San Lorenzo River and the ocean waters of the Monterey Bay, are natural conditions caused by the interaction of river flows, winds, tides, geologic process and sand drifts. These processes build and erode beaches, sandbars and ocean bottom trenches, which exist on- and off-shore of the Santa Cruz beaches and the San Lorenzo River mouth. This management plan is intended to guide the activities of persons using the natural environment associated with Cowell and Main Beaches in Santa Cruz, and to manage uses and activities to ensure protection of public access opportunities.

### **A. Description of Plan Area**

For the purposes of this plan, the beach area covered is considered to be the sandy beach areas immediately adjacent to bay waters from the San Lorenzo River/Railroad Trestle to the western portion of Cowell Beach. This area includes the beaches adjacent to the Santa Cruz Seaside Company's Santa Cruz Beach Boardwalk, the Santa Cruz Wharf, and the Dream Inn Hotel. The beach east or down coast of the Santa Cruz Wharf is named Main Beach; the beach west of the Santa Cruz Wharf is named Cowell Beach.

This sandy beach area is approximately one mile in length and varies seasonally in width, to as little as 100 feet wide in some areas during the winter months. The sandy beach sustains heavy recreational use. The area is entirely open to the general public with multiple pedestrian vertical access ways and lateral access the full length. Overall, the entire length of shoreline within the city limits of the City of Santa Cruz has almost 100 percent of potential maximum physical access open to the public. Access has been greatly increased over the years with the addition of stairwells, pathways and access ramps.

These beaches are located in an urban setting. The population of the City of Santa Cruz is approximately 65,000. Many residents visit the local beaches throughout the year. In addition, the local beaches are inundated with visitors throughout the year, but in particular the summer months. It is estimated that well over a million people visit Main and Cowell Beaches per year. The beach area sustains a heavy recreational use.

### **B. Purpose**

The purpose of the 2025 Beach Management Plan (BMP) is to guide the activities of public agencies and private property owners in use and operations associated with Main and Cowell Beaches as a means to protect natural resources, provide for public safety, and to maximize the extent and quality of the recreational experience for the residents of and visitors to the City of Santa Cruz. This 2025 Beach Management Plan is an update to a long-standing document that has guided beach activities now for three decades.

The Plan describes the existing permanent and temporary facilities and uses, which occur on an

ongoing and seasonal basis. It is not a plan for future development or new commercial use of the beaches. It is designed to identify on-going uses and activities which are "development" under the Coastal Act and to allow such uses and activities to be authorized by a California Coastal Commission Coastal Development Permit (CDP). The Plan streamlines interagency processing, reduces redundancy and provides assurances to the City, Coastal Commission and private interests to provide clear direction and prevent misunderstandings.

The Plan guides the uses and activities approved under a Coastal Development Permit. It allows for flexibility under the existing permit to accommodate minor changes over the planning period, such as adjustments to programs and operations in response to emerging needs or fluctuations in beach conditions. As part of this authorization, the City may present minor changes to the uses and activities broadly described in the BMP to the Commission staff. If the Executive Director of the California Coastal Commission determines that the City's proposed changes are reasonable and necessary, do not adversely impact coastal resources, and are in keeping with the purpose of the Plan and permit, then the changes can be allowed without an amendment to the overall permit.

The beaches described in the BMP are an integral part of the City's major beach recreation area, which includes the Santa Cruz Beach Boardwalk, the Santa Cruz Wharf, and supporting beach commercial and residential uses located in the nearby vicinity. Thus, this plan is best understood as a part of a comprehensive planning effort envisioned by the City for the beach and its surrounding area together.

Other City planning documents have been adopted for nearby natural resources including Neary Lagoon and the San Lorenzo River. These documents include the San Lorenzo Urban River Plan and the Neary Lagoon Management Plan. The BMP references these documents for policies on specific interactions with the beach area, but does not include them as a component of this BMP and does not authorize any development associated with such documents (i.e., they are separate planning documents that are associated with separate CDP processes).

The Plan outlines the most common practices employed by staff in regular maintenance and operations duties. It describes and sets parameters for major and minor facilities, provides for special events, beach related recreational pursuits, support concessions, and educational opportunities. The City also maintains and is committed to improving access to facilities and its interpretive and safety signage programs.

### **C. Planning Process**

The City of Santa Cruz General Plan/Local Coastal Program 2005, Parks and Recreation Policy 1.7.3, directed the preparation and implementation of a beach management plan for Main and Cowell Beaches including all properties public and private. The intent was to address use and activity in the beach area, including drainage onto the beach, litter control and beach maintenance, lagoon levels at Neary Lagoon, special events coordination, distribution of recreational uses, handicapped access and interpretive signing to ensure safe public access and

protection of environmentally sensitive areas. Policy 1.7.3 also provided that future land division of properties, which includes sandy beach area, shall contain use restrictions consistent with the BMP.

The BMP was first approved in 1995 by the California Coastal Commission (CDP 3-95-043) and has been updated multiple times since then, most recently in 2020. On March 11, 2020, the California Coastal Commission conditionally approved a Coastal Development Permit (CDP App. No. 3-20-0088) for the implementation of the 2020 BMP for a five-year period ending in March 2025. The 2025 BMP updates the 2020 BMP and covers the next five-year implementation period.

#### **D. Jurisdictions**

Santa Cruz County Assessor's parcel records indicate four property owners have deeded lands within or directly fronting the BMP area: the City of Santa Cruz, the Santa Cruz Seaside Company, the Santa Cruz Beach Hotel Partners, LLC, and James Gilbert. Most of the Santa Cruz City lands were granted to the City by State Lands pursuant to Chapter 342 of the statutes of 1872. For areas where the State Lands boundary is in dispute, no formal determination has been undertaken by the State Lands Commission and the assessor's parcel maps and deeds cannot be assumed to legally reflect property ownership. The City also has a recreational easement over a large portion of the sandy beach area parcels, which are shown on Assessor's Parcel Maps as under the fee title ownership of the Santa Cruz Seaside Company.

All of the BMP area is within the Coastal Commission's original CDP jurisdiction. Hence, as currently identified, the beach sand areas are public trust lands, and the Coastal Commission retains CDP authority.

Other public entities which do or may have jurisdiction over various development or activities in the BMP area include the State Regional Water Quality Control Board, State Lands Commission, California Department of Fish and Wildlife, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and the Monterey Bay National Marine Sanctuary.

## **SECTION II. BEACH MAINTENANCE OPERATIONS**

The majority of City operations on the City's beaches are maintenance operations performed by the City's Parks and Recreation Department. Occasionally, at the request of the Parks and Recreation Department, other departments or private businesses perform limited services on the beaches.

The most common maintenance operations include regular beach and facility cleaning and upkeep and installation of recreational, accessibility and safety equipment. Public facilities include public restrooms, which are located at the Cowell Beach parking lot and the east side of the Ideal Bar and Grill Restaurant on Beach Street. They are maintained by the City and are available for public use. The Beach Street restrooms and the Cowell Beach restrooms are open

year round.

Access to the beach for visitors with physical limitations is maintained through a combination of access ramps and specialized equipment. A permanent ramp, located at the entrance to Cowell Beach, starts at the parking lot and extends out toward the ocean for approximately 50 feet. A temporary ramp is typically installed at the end of the permanent ramp from April through October depending on the surf and weather conditions. The ramp extends from the permanent ramp towards the ocean, ending near Lifeguard Tower 1. Specialized "surf chairs" (wheelchairs designed to move on the sand) are located at Lifeguard Towers 1 and Lifeguard Headquarters when personnel are on duty. The City will continue to explore methods for improving ADA access. The City recently installed a seasonal, roll-out mat designed to provide ADA access across the beach to extend the Cowell Beach ADA accessway towards the water.

A wooden deck with bicycle parking racks is located on the beach near the Cowell Beach ramp. It remains year-round but the City can remove it if beach conditions warrant it. If removed, the City will reinstall the wooden deck and bicycle parking racks to be available during the busy months, typically April to October.

The Santa Cruz Seaside Company installs a handicap accessible walkway at the west end of the Boardwalk. It extends from the handicap accessible ramp near Beach Street, on the west side of the Casino, across the sandy beach for approximately 70 feet south towards the ocean and 230 feet east to the colonnade. The seasonal walkway is installed from Spring Break through October 31.

#### **A. Regular Maintenance Operations**

**City of Santa Cruz:** Regular maintenance of the majority of the sandy beach area and facilities is the responsibility of the City. Limited regular maintenance occurs during the late fall, winter and early spring months. Staff is added and maintenance operations increase during the late spring and summer high use season. Most cleaning, general work, and installation of safety and recreational equipment occur in the morning hours before 11 a.m.

The primary duties include:

- Litter removal;
- Small debris removal;
- Restroom cleaning;
- Graffiti removal;
- Sweeping/cleaning walkways;
- Recreational equipment upkeep (Lifeguard towers, volleyball courts);
- Installation and removal of the access ramp at Cowell Beach;
- Leveling and contouring of sand for volleyball tournaments and other similar recreational uses where sand is displaced; and
- Maintaining planted areas including tree wells, medians and landscaped areas.

Both manual labor and mechanized equipment are used to accomplish the duties. The methods include but are not limited to:

- Hand-picking litter;
- Garbage removal by 4x4 vehicle;
- Garbage removal by small tractor trailer/loader;
- Sand sifting machinery;
- Recreational and safety equipment installation and removal by tractor/4x4 vehicle including but not limited to Lifeguard Towers, handicap access ramp, and volleyball courts;
- 4x4 vehicle general maintenance (towing/mechanical services if a vehicle breaks down or becomes stuck);
- Sand leveling/smoothing by loader/sand sifting machinery (in and among volleyball courts, and near the San Lorenzo River but no closer than 100 feet to its banks, except to maintain the accessibility of the City's eastern emergency/maintenance vehicle accessway);
- Leaf blowers; and
- Pressure washer.

**Santa Cruz Seaside Company:** Other seasonal maintenance duties have been performed in the past by the Santa Cruz Seaside Company in the area extending the San Lorenzo River to the west end of the Casino Building. The work can be approved through an agreement between the City and Santa Cruz Seaside Company and would consist of removing trash and other artificial debris from the beach, placing and servicing garbage cans on the beach, sifting the above mentioned area for removal of smaller debris, and removal of sand buildup along the Santa Cruz Boardwalk frontage typically after a period of sustained onshore winds and/or storm activity.

The methods used would include but are not limited to:

- Garbage removal by 4x4 vehicle or small tractor trailer;
- Front end loader; and
- Sand sifting machinery.

Additionally, the Santa Cruz Beach Boardwalk installs and maintains a seasonal ADA accessway on the beach in front of the Casino from Spring Break through October 31.

**Maintenance, Grooming, and Monitoring:** All regular maintenance operations, both those of the City and the Santa Cruz Seaside Company, that involve sand grooming, leveling, contouring, smoothing, sifting, and similar sand manipulation using machinery primarily occurs before 11 a.m., and shall not include any sand area within 100 feet of the San Lorenzo River or its lagoon, except to maintain the accessibility of the City's eastern emergency/maintenance vehicle and pedestrian accessway. This accessway shall remain cleared at all times and will not impede the natural flow of the river, and vehicles using this accessway are prohibited from entering the river

itself. All such operations shall be undertaken in a manner that limits public recreational use impacts as much as possible.

## **B. Seasonal Debris Removal Operations**

The San Lorenzo River and upcoast watersheds often deposit large quantities of debris on the beaches after large storms and runoff. While this debris is generally small branches and logs, it may also include trees, pilings, construction materials, tires, and other debris. This debris is typically deposited throughout the winter months. The City schedules a yearly beach cleaning, typically in the early spring, after the last major storms pass through but before spring break. Additional major debris removal may be necessary depending on weather conditions.

The debris pose public safety concerns and should be removed prior to the high use season. Whether as a floating hazard in the surf line or as an obstacle on the beach, the debris is incompatible in the primary recreation area of the City and surrounding region.

Removal of the debris requires the use of heavy equipment on a seasonal basis. Most commonly, the task is performed by the City's Parks and Recreation and Public Works Departments. If the volume is exceptionally high, the City may opt to contract with outside companies for removal.

Typically, the removal of this debris takes from one to two weeks. At this time contouring of the beach may also occur. Specifically, the beach may be smoothed out to eliminate large berms or gullies that have formed, as well as the removal of large deposits of sand that have built up and blocked stairs (e.g., leading from the beach onto the boardwalk) or other permanent structures. Contouring does not include restructuring to control the natural discharge or to breach the sand berm of the San Lorenzo River. The most common pieces of equipment used are:

- Front loaders;
- Tractors;
- Dump trucks;
- Sand sifters; and
- Beach rakes.

From time to time, special pieces of equipment such as saws or cranes may be required.

All seasonal debris removal operations and any additional major debris removal necessary throughout the year, depending on weather conditions, shall be undertaken in a manner that minimizes coastal resource and public recreational use impacts as much as possible. All debris removal operations shall not take place in any area within 100 feet of the San Lorenzo River or its lagoon, except to maintain the accessibility of the City's eastern emergency/maintenance vehicle and pedestrian accessway or to remove large trees, pilings, construction materials, tires, and other debris. No removal of trees shall take place in the river itself.

### **C. Marine Mammal Removal**

Dead or diseased marine mammals frequently wash up on City's beaches. Hurt or diseased animals are referred to Native Animal Rescue or Marine Mammal Rescue. The Parks and Recreation Department is responsible for disposal of dead animals to maintain the health and safety of the beach area.

### **D. Kelp Removal**

Due to the geography of the area and natural oceanic processes, kelp (*Macrocystis* and *Nereocystis*) and other seaweeds tend to wash ashore in significant quantities. Typically, such kelp mounds together in large entangled mats, oftentimes forming a distinct wrack line at the high tide line. Such kelp has historically been removed from the beach area because it detracts from beach recreational use, both in terms of direct displacement of useable beach area as well as degrading recreational use values (e.g., increased brine flies). However, beach kelp provides habitat and food for an abundance of invertebrate, brine flies, beetles, shorebirds and other animals. Numerous studies on kelp and wrack have shown the importance that it can play in this regard in terms of overall beach ecology. However, the degree to which kelp and wrack contribute to such beach ecologies is complex, dependent on many location specific criteria, and differs from beach to beach. For example, kelp and wrack at more remote beaches with less human presence and manipulation tends to interact favorably with other ecological factors to result in a typically higher ecological value than more urban beaches (including more shorebird activity, etc.). At Main and Cowell Beaches the near continuous presence of visitors recreating in the summer season is perhaps the most significant factor affecting the presence or absence of shorebirds and other animals on these beaches as opposed to the presence of kelp/wrack itself.

Therefore, in the high use season between April and October, removal of kelp from the dry, sandy areas above the wrack line (above the high tide line) of the beach is allowed as necessary to limit impacts of high fly populations and large beach displacement areas on beachgoers. The most extensive kelp removal will occur between Memorial Day and Labor Day when beach use is at its peak. The City believes that such kelp removal is the most appropriate balance between the public recreation benefits afforded to beachgoers and the ecological benefits that kelp provides. No kelp will be removed for these reasons between November and March (other than incidental removal during ordinary grooming as outlined in Section II (A): Regular Maintenance Operations or to clear sections of the beach when large kelp deposits prevent public access or create safety issues). Thus, the City intends to remove kelp to meet these beach recreational use objectives in the dry sandy area (i.e., above the high tide line) during the high use season where all such kelp removal activities will primarily occur before 11 a.m., and shall not include any sand area within 100 feet of the San Lorenzo River or its lagoon, except to maintain the accessibility of the City's eastern emergency/maintenance vehicle and pedestrian accessway. All such activities shall be undertaken in a manner that limits public recreational use impacts as much as possible.

## **E. Bird Habitat**

Despite Main and Cowell Beaches historical use as the most popular recreational beach in the region, the sandy beach area provides habitat to numerous species of resident and migratory birds. Heavy recreational use limits potential nesting opportunities for breeding shorebirds, but the dynamic nature of the littoral zone provides year-round food sources for various species of shorebirds and seabirds. Nutrients are added to sand through the decomposition of deposits of wrack in the upper intertidal zone and plankton in the lower intertidal zone. This supports beach hoppers (*Megalorchestia californiana*), kelp flies (*Coelopa vanduzeei*), sand crabs (*Emerita analoga*) and other invertebrate species which feed in and around the intertidal zones and are preyed upon by birds.

As described above, the City leaves kelp below the high tide line and only removes kelp from above the high tide line during the high use season. The City also does not allow pets on the beach and removes trash and litter on a daily basis.

## **F. Parameters for Ongoing and Seasonal Maintenance Activities:**

1. The Parks and Recreation Department shall advise other City Departments and shall stipulate in all contracts and agreements with non-City groups that operations or activities that affect the beach area as outlined in the BMP must be undertaken consistent with the Plan. A copy of the Plan or relevant sections of the Plan shall be given to operators.
2. All mechanized equipment shall enter and exit the beach at three access ramps: the Cowell Beach ramp; the Westbrook ramp; and the 3rd Street Parking Lot ramp (known as the eastern emergency/maintenance vehicle and pedestrian accessway). Except for specific equipment that is explicitly identified to be located on the beach in the BMP, no equipment shall be stored on the sandy beach area.
3. All equipment shall be fueled offsite and shall be inspected prior to entering the beach to assure that there are no fluid leaks present. If fluid leaks are detected, such leaks will be repaired before the equipment may enter the beach area.
4. All beach area equipment operators are required to complete the City's beach safety driving program a minimum of one time per year.
5. Contouring of the beach along the San Lorenzo River, its sandbar, or artificial breaching of the sand bar are not a part of this plan and not covered by it. Allowed activities pursuant to the BMP shall not include any area within 100 feet of the San Lorenzo River or its lagoon, except to maintain the accessibility of the City's eastern emergency/maintenance vehicle and pedestrian accessway. The Parks and Recreation Department is not responsible for flood control, breaching or water quality, but coordinates with other departments and agencies to assure protection of the public through signing and beach closure.

6. To the greatest degree possible maintenance activities shall be scheduled to prevent conflict with access and use of the beach by the public.
7. Debris is ordinarily disposed of at the City landfill. Disposal at other sites within the Coastal Zone requires a coastal permit. During the spring months, the City may apply for a burn permit required by the Monterey Bay Air Pollution Control District to burn wood debris left on the beach from winter storms.
8. The operation of any equipment shall be done with safety as a first consideration. Dependent on the piece of equipment, the operator will provide the necessary safety monitors, procedures and equipment to ensure the public safety. In the case of four wheel drive vehicles, the operators will follow guidelines set by the City's Marine Safety Division. The Marine Safety Division will assist with any heavy equipment safety monitoring when requested. Major considerations for safety are: crowd size, weather and environmental conditions, availability of safety monitors, and job urgency.

### **G. Miscellaneous Activities**

The Santa Cruz Seaside Company may do permitted construction projects that require equipment access across the beach. Heavy equipment may be used for short periods of time from a few hours to several days. Equipment used sometimes includes, but is not limited to, cranes, front-end loaders, and tractors.

These installation/removal/construction processes are allowed by this BMP, but only in conjunction with projects reviewed and approved by the City and the Coastal Commission (i.e., the beach area located in the Commission's retained CDP jurisdiction). It is the policy of the City that beach access for equipment shall be reviewed as part of the larger projects and shall follow the parameters of the BMP policies of the LCP. The City permit shall require the permittee to be responsible for the implementation of a safety program that provides for the safety of the public and staff while operations are conducted in the area listed in the permit.

### **SECTION III. SAFETY FACILITIES AND OPERATIONS**

The City of Santa Cruz Fire Department's Marine Safety Division implements regular and seasonal Marine Safety operations along Main and Cowell Beaches, including lifeguard coverage on spring weekends, summer months and fall weekends; off season rescue assistance by the division's Marine Rescue Unit and the Fire Department's Rescue Swimmers; and response to various aquatic emergencies using a combination of Lifeguard vehicles, Fire apparatus for cliff rescue, personal watercraft (PWC's) and other lifesaving equipment.

The central operations for the Marine Safety Division are located in Lifeguard Headquarters, which is the first building on the Santa Cruz Wharf. Most division equipment, vehicles, boat and supplies are stored there. A central lifeguard tower is located upstairs, with communication

capability to all Lifeguard Towers, Police, Fire, Harbor Patrol, Boardwalk Security and other related agencies. This building also houses staff locker rooms and offices.

The Marine Safety Division is integral to the safe operation of the beach for the public. By monitoring the areas of rescue and medical aid, the City strives to provide a safe and enjoyable recreational opportunities for all. The division functions with a number of different tools to achieve the City's goals including:

- 4 wheel drive emergency vehicles;
- ATVs;
- Lifeguard towers;
- PWCs;
- Safety signage;
- Public address systems;
- Vehicle access ramps and lanes; and
- Communication systems.

Five lifeguard towers are positioned along the Main Beach. They are generally installed each spring and removed in the fall. Tower 1 is stored at the back of the beach next to the Dream Inn Hotel, and Towers 2 through 5 are stored on the sand along the Boardwalk at the back of the beach (see Attachment A). A greater or lesser number of towers may be installed at the discretion of the Fire Captain assigned to the Marine Safety Division. Tower staffing and placement is driven by public safety needs and beach use patterns.

Emergency response vehicles can access the beach at three points: Cowell Beach, Westbrook ramp and the Third Street parking lot (which serves as the City's eastern emergency/maintenance vehicle and pedestrian accessway), whichever is closest to the area in which work is being conducted. City staff generally works in pairs when operating equipment and when working in vehicles. One employee operates the machinery while the other assists in safety precautions such as spotting for members of the public, marking off areas in which work will take place and monitoring the movement of the equipment. Since each operation varies depending upon the location, beach attendance and beach conditions, the methods used to ensure safety will vary accordingly. However, the City is constantly adjusting to make the beach as safe as possible not only for the public but for employees as well.

The City's emergency service personnel also patrol and respond to calls for service on Main and Cowell Beaches.

#### **SECTION IV. CITY RECREATIONAL/EDUCATIONAL PROGRAMS**

The City runs three types of recreational and educational programs on Main and Cowell Beaches: Junior Lifeguards, summer camps, and recreation classes. To ensure beach availability for general public use, it is City policy that recreational and educational programs will at no time restrict

more than 20 percent of the total beach area and shall be confined as much as possible to minimize impacts on general beach recreational use.

The City's classes and programs are designed to ensure that the beach and surf remain a shared public resource, preserving the natural beauty of the beach while providing opportunities for active and passive recreation. The programs and classes also help introduce participants to beach recreation and safety.

The City and its partners offer recreational opportunities to promote access for all. These programs are listed in the Parks and Recreation Activity Guide, published in English and Spanish, and distributed broadly. The programs are open to everyone, not just City residents. Many seek out the summer beach programs as an opportunity for youth to have fun and learn new skills during summer break, easing the pressure on working parents.

Friends of Parks and Recreation Santa Cruz, a non-profit organization supporting the City's Parks and Recreation Department, offers scholarships for low-income City residents to participate in City programs. Additionally, partial scholarships have been made available to help non-City residents participate in the Junior Guard Program. These partnerships may change over time but reflect the City and community's ongoing efforts to promote access.

The City's programs primarily serve the public and are partially funded by the City's general fund. Any revenue generated is reinvested into the City's general fund.

#### **A. Junior Lifeguard Program**

The City runs a Junior Lifeguard program for approximately nine weeks in the summer. This program enrolls more than 1,000 children aged 6 through 17 years. Classes are scheduled morning and afternoon between 9 a.m. and 4 p.m., Monday through Friday. The Junior Lifeguard Headquarters is located at the edge of the Cowell Beach parking lot, next to the Dream Inn Hotel. Program equipment is stored in the Junior Lifeguard Building, which is located in the Cowell Beach parking lot. During the season, a supply trailer and vehicle are often parked in the lot near the building during program times. The building also serves as a central check-in for lifeguards assigned to the program. Storage of Junior Lifeguard equipment under the Dream Inn Hotel Pool Deck, can be offered at the discretion of Dream Inn Management. However, Dream Inn has the right to ask for equipment to be moved at any time. Storage timeline and needs must be set in place each season. Storage under Dream Inn Pool Deck is not contracted or guaranteed. The Junior Lifeguard Program also provides support features on the beach, such as obstacles, shade structures, an aesthetically appropriate storage container, and other amenities which are commonly used by lifeguard programs on California beaches. The Junior Lifeguard program operates primarily on Cowell Beach.

#### **B. Summer Camps**

The City offers beach oriented summer camps to the community that serve children aged 6 years

to 12 years. Generally, the camps are scheduled from June through August and run Monday through Friday, between the hours of 9:00 am and 4:00 pm. The camps are structured so they do not interfere with the public's use of the beach area and are conducted by qualified city staff. Additionally, other City summer camps visit the beach area as part of their scheduled activities.

### **C. Beach Recreational Classes**

The City and its partners offer a variety of beach-oriented recreational classes to the community. The types of classes tend to change throughout the years. Presently, volleyball classes and beach camp take place on Main Beach. In the past, some classes have utilized the beach and offshore areas, such as surf and kayak classes. Generally, the classes are scheduled from March through October and structured so they do not interfere with the public's use of the areas. Classes are conducted by qualified instructors who are independent contractors and have an approved permit as required by the City's Municipal Ordinance Code and commercial liability insurance.

### **D. City Volleyball Courts**

The City will maintain up to twenty volleyball courts for public use, eighteen on Main Beach and two on Cowell Beach. The volleyball courts will be configured to minimize the space between courts and will be located within the same footprint as previous years. The courts may be reserved for private use as all temporary events are scheduled (See Section VI: Special and Temporary Events Coordination). In order to ensure beach availability for general public use, beach volleyball courts are restricted to designated areas on Main and Cowell Beaches. Any reserved private use of these courts counts toward the one-third limit imposed on the City for special and temporary events (See Section VI: Special and Temporary Events Coordination). The volleyball courts will not be seasonally lit unless approved by the California Coastal Commission as part of a separate Coastal Development Permit.

## **SECTION V. COMMERCIAL USES, PUBLIC AND PRIVATE**

The beach area also is the scene of public/private commercial recreation activities. Many of these activities have been recognized by the City, subject to local and state law governing such activities. In particular, in 1933, the City and the Santa Cruz Seaside Company entered into an agreement related to ownership of the beach. At that time a zone was created on City property (roughly 150 feet in width) from the Santa Cruz Seaside Company's property towards the ocean. This Recreational Easement Zone extends from the San Lorenzo River to the beach area at the end of Main Street. The agreement states neither the City nor the Santa Cruz Seaside Company may use this area for commercial purposes, only recreation. Typical events that occur in this zone include free concerts and movies at the seasonal bandstand, volleyball tournaments, company picnics, races, special group events, and recreation programs. These uses are subject to any land title restrictions, property ownership and agreements such as the "1933 Recreation Easement" established on the Main Beach.

The BMP addresses historically permitted and allowed permanent and ongoing seasonal commercial uses. New commercial uses beyond the scope of the Plan require the City of Santa Cruz, California Coastal Commission, and state and federal permits or inputs, as appropriate.

#### **A. Concessionaire Ocean Equipment Rental Service**

The City may allow up to one beach rental concessionaire on each of Main and Cowell Beaches. The City can enter into an agreement with a private concessionaire to operate the ocean equipment rental concession(s). Each concession trailer (approximately 21' long by 8.5' wide by 10' high) can be dropped off onto the beach and removed daily by a 4x4 vehicle during summer months (i.e., the Saturday of Memorial Day weekend through Labor Day). In addition to wetsuits, fins, and boogie boards, each concession can also rent surfboards and paddle boards, as well as offer beach amenities and food and beverages. Each concessionaire is allowed to operate as long as the operation is providing significant public benefit. The concession location on Main Beach will not be located within the recreational easement zone.

#### **B. The Seaside Company Bandstand**

The original bandstand was erected in 1963 and located on the beach in front of the Undertow ride on the Boardwalk. This bandstand was destroyed in the 1989 earthquake; in its place, the Santa Cruz Seaside Company typically erects a seasonal bandstand to be used from spring break through October 31<sup>st</sup>. The bandstand is an approximately 2,000-square-foot stage and is located in the same area as the original structure. The bandstand and beach area around the bandstand are used for a variety of events, including but not limited to: magic shows, Clam Chowder Cook Off, group beach games, music concerts, Band Review awards, cheerleading competitions, DCARA (Deaf Counseling Advocacy & Referral Agency) Day Awards, as well as the free public concert and movie series. City policy prohibits charging for events, which occur in the recreational easement zone. It is the City's policy that the installation and removal of the bandstand be undertaken consistent with the maintenance and safety policies of the BMP.

#### **C. The Santa Cruz Wharf/Beach Street Promenade Walkway/Ideal Deck Connection**

A Coastal Development Permit was approved by the City and the California Coastal Commission (3-93-47) to develop an approximately 200-foot-wide public walkway/deck that extends from the Santa Cruz Wharf diagonally along the ocean side of the Ideal Bar and Grill Restaurant to the Beach Street Promenade. The approximately 8,600-square-foot deck surrounds the restaurant and the public restrooms and showers and was designed to improve access to the area by connecting the Santa Cruz Wharf, the Wharf intersection, and Beach Street. The deck has public tables to accommodate 30 people, along with benches and lighting. Pursuant to the conditions of CDP 3-93-47, the permittee has dedicated a permanent non-exclusive easement to the restaurant deck area to the City and the City provided an operational plan for both the restaurant area and the public area as part of its zoning permit. Approximately 1,800 square feet of the deck immediately adjacent to the restaurant is reserved for private restaurant use, while the restaurant is in operation. This area can accommodate approximately 60 people and is

maintained by the restaurant. The walkway/deck surrounding this area is maintained by the Parks and Recreation Department.

## **SECTION VI. SPECIAL AND TEMPORARY EVENTS COORDINATION**

Main and Cowell Beaches are the sites of many special and temporary events. Special events, as they are understood by this BMP, are those events that are held regularly, such as beach volleyball tournaments. Temporary events, as they are understood by this BMP, are those events that are not BMP special events and are scheduled throughout the year, such as weddings or any reserved private use of the City's volleyball courts. Most special and temporary event permits are processed by the Parks and Recreation Department in conjunction with the Fire Department's Marine Safety Division. City permits for events must conform to the City's Municipal Code Chapters 10.64 Public Major Special Events and 10.65 Public Gathering and Expression to ensure conflicts, overlap and impacts are minimized. These codes prevent substantial interference with the community's peace and safety. Review and approval of the event is based on traffic, security, safety, cleanup, and other requirements. In addition to the standards in the Chapters 10.64 and 10.65, special and temporary events are subject to the City's Zoning Ordinance Section 24.08.230.2 V, which requires that all special and temporary events in the Coastal Zone be evaluated for exclusion status pursuant to Coastal Commission Guidelines for the Exclusion of Temporary Events from Coastal Commission Permit Requirements. Under these guidelines, special and temporary events must be reviewed for, among other things, significant impacts on general public use of public recreational areas including parking and traffic and fees associated with the event.

By January 1 of each year (and prior to any event occurring for that year), the City shall provide to the Executive Director of the Coastal Commission for review and approval a list of all known special events and any known temporary events pursuant to this BMP. If the Executive Director of the Coastal Commission needs more information for a given event, then City staff shall provide a more detailed narrative description of the event, a site plan identifying affected beach areas and any associated physical development (beach area structures shall be accompanied by elevations as well), and all identifying information (including, but not limited to its duration, expected number of participants, any fees, operating plans, parking plans, signs, etc.). A schedule of all special events, land and water, is posted on the City's or Parks and Recreation Department's website (<http://www.cityofsantacruz.com>) as a service to the public and all relevant agencies. Temporary events, which are non-regular and can be scheduled at any time during the year, are noticed immediately to the Coastal Commission via the City's email distribution list.

Special and temporary events shall only be allowed if they are sited and designed to minimize impacts on general public recreational use as much as possible (including the requirement that they do not block lateral access along the lower beach area, nor block access to the beach from any and all public access points), and events that restrict more than 33 percent of the total beach area shall be prohibited unless the Executive Director determines that there are special circumstances and that the additional restriction will not significantly adversely affect general public recreational use. Only events on the approved list shall be allowed, and any changes to

the approved list shall be submitted to the Executive Director for review and approval subject to the same criteria identified above. All events that are scheduled after the Executive Director's approval of the yearly list referenced above shall be subject to Executive Director approval based on the same methods above. Any such subsequent event to which the Executive Director has not responded within ten working days of receiving the event notification package from the City shall be deemed approved.

The City continues to promote equitable access to the beach area. The City presently maintains a lower rate for non-profit groups when reserving portions of the beach for an event with more than 30 participants. Non-profits, federally recognized Native American Tribes, and California Native American tribes with 30 or fewer participants, however, can access and use the beach and coastal waters free of charge, so long as they do not receive a benefit beyond what is provided under general public use. The City may require permits and charge appropriate fees for commercial uses, special events, and private events. The City also currently has a grant program to provide up to \$2,500 towards events promoting social cohesion, economic vitality, and community pride. In recent years, popular events have included adaptive sports, veterans, and inclusive paddle-outs. The Parks and Recreation Department shall be responsible for monitoring and maintaining records of any negative impacts on coastal resources, and shall provide such records to the Executive Director, along with any irregularities or noncompliance with the permits upon identification of same.

## **SECTION VII. BEACH HOURS**

The City of Santa Cruz Municipal Code authorizes the Director of Parks and Recreation to establish hours of operation on the City's beaches, which are also subject to coastal development permitting requirements. The Director consults with the Parks and Recreation Commission and City Council prior to making significant changes, which may also be subject to coastal permitting requirements. During the Beach Management Plan timeframe, the City of Santa Cruz will ensure public access to the beaches as described below:

### **A. Open Hours**

The dry sand portions of Main and Cowell Beaches will remain open for public access from a minimum of one hour before sunrise to midnight. The wet sand portions of Main and Cowell Beaches will remain open 24 hours a day, except as described under Subsection C, Severe and Immediate Threat.

### **B. Closed Hours**

The City may close the dry sand portion of Main and Cowell Beaches at night from midnight to one hour before sunrise to public use. If restrictions are set during the nighttime hours, the public will still be allowed to cross the dry sand portion of the beach to reach the wet sand portion of the beach. The wet sand portion of the beach will remain available for public access and use at any time, except as described under Subsection C, Severe and Immediate Threat. The nighttime restrictions will not inhibit members of the public from accessing the water or enjoying a variety of recreational activities on the wet sand portion of the beach 24 hours a day (e.g. jogging,

kayaking, paddle boarding, or surfing, walking, meditating, swimming, sightseeing, nature observation, etc.).

### **C. Severe and Immediate Threat Closure**

The City may determine that it is necessary to completely close-off all public access to the beaches to protect public health and safety when there is a severe and immediate threat, such as if there is a tsunami warning or widespread contamination. Under this unlikely occurrence, the short-term closure will be lifted as soon as the threat has subsided. This type of closure will not be used for any other purpose other than to protect public health and safety from a hazard.

## **SECTION VIII. SIGNING PROGRAM**

Enforcement and safety signage has been placed at all access points to the beach. These signs delineate the rules and laws on the beach and basic ocean safety principles. Additional signage for locations of rest rooms, disabled access, specific safety issues, lawful vending requirements, and acknowledgement of beach improvement contributions will be placed as needed, subject to Executive Director approval. Signs shall be maintained in a good condition. Signs which restrict public access, except for signs approved subject to this BMP for health and safety reasons/public nuisance or special events, shall be prohibited.

## **SECTION IX. FLOOD AND DRAINAGE DISCHARGE OPERATIONS**

The City Parks and Recreation Department performs most of the regular operations on the City's beaches, but the City Public Works Department also has an impact through regular operations, which fall under its jurisdiction. These operations range from flood and drainage control to debris removal. Not all functions are performed by the City's Parks and Recreation Department or Public Works Department; the City may also utilize contracted service operations for public works type functions.

Drainage may flow onto Main and Cowell Beaches from many points and sources. Management of major drainage flows is generally addressed upstream through plans developed by other public entities and separate from this BMP. The relevant parts of these plans as they relate to the Beach Management Plan area are discussed in A and B below. Private property sourced drainage is addressed in C below.

### **A. San Lorenzo River.**

By far the most significant water flow through Main Beach is the San Lorenzo River. Ranging from high flow events during the rainy season to low flow in the summer months, the river continually affects the beaches. The lagoon that forms behind the sand berm at the river mouth has significant natural resource values, but the waters that rise behind the berm in the summer and fall seasons can pose a flood hazard.

This BMP does not address the San Lorenzo River or its lagoon, and explicitly does not allow

activities pursuant to it within 100 feet of these areas, except to maintain the accessibility of the City's eastern emergency/maintenance vehicle and pedestrian access path, which begins at the pedestrian walkway underneath the trestle bridge, and continues south adjacent to the Santa Cruz Seaside Company's eastern seawall until it connects to Main Beach. This important public emergency vehicle and pedestrian access route is comprised of a sand berm that forms along the seawall. In recent years, the sand that provides this access has been absent, and the City is pursuing grant funding to study physical improvements to this pathway, which would allow for a permanent accessway along this route (i.e. the "Main Beach Eastern Access and Adaptation Project"), regardless of the amount of sand present in any given year. The lagoon is managed by the City in partnership with and under permits from the California Coastal Commission, California Department of Fish and Wildlife, Army Corps of Engineers, and Regional Water Quality Control Board. The lagoon management activities are guided by the San Lorenzo River Lagoon Interim Management Program.

## **B. Neary Lagoon.**

The second largest flow of water onto the City's Main Beach is the discharge from Neary Lagoon. The 14-acre lagoon is surrounded by an 850-acre urban drainage basin. Neary Lagoon management is regulated by the Neary Lagoon Management Plan (NLMP), a component of the City's General Plan/Local Coastal Program (GP/LCP). The lagoon is managed as a unique natural habitat with important recreational and educational resources for residents and visitors. An important function of the lagoon is the retention of storm water runoff and flood control. The NLMP and the BMP interface in relation to the manner in which Neary Lagoon storm water discharge is managed across Cowell Beach to the Pacific Ocean. At the beginning of the dry season, the City may use mechanized equipment on the beach to close-off the Neary Lagoon discharge. Subsequently, during the dry season, the lagoon's discharge is diverted to the treatment plant by way of a by-pass line (that runs only if the water level is high enough in the lagoon). The City may divert lagoon water to the treatment plant during the "wet weather season" if the plant has adequate capacity, including both hydraulic and organic loading. This is done upon occasion to maintain consistent lagoon levels, and to minimize pump operation and discharges to the beach, in addition to treating the water prior to discharge. The dry weather diversion to the plant is important for the receiving water quality because during the spring and summer months the bacterial levels in Neary Lagoon tend to increase primarily due to the reduced freshwater flows into the lagoon and the presence of many birds that utilize the lagoon. Thus, this water is diverted to the treatment plant for treatment in lieu of being discharged to Cowell Beach.

If Neary Lagoon water levels go too high, the City may use pumps for a period of time to re-establish the natural flow of lagoon waters across Cowell Beach. Mechanized equipment may be necessary to groom the beach to accept drainage from Neary Lagoon. Specifically, when the lagoon reaches the elevation of 5.5 mean sea level (MSL), the City initiates its sequence for opening the storm drain outlet for Neary Lagoon where it meets Cowell Beach just upcoast of the Santa Cruz Wharf. At that time, the City provides e-mail notices to a variety of agencies, interested parties, and City staff. City staff also physically monitors the discharge and delivers

warning to persons in the water and on the beach before the pumping operation actually commences. During the wet weather season, the Neary outfall will independently operate as the lagoon reaches its spilling point.

**C. Private Property.** Three major private property holders (the Santa Cruz Seaside Company, the Dream Inn Hotel, and the Ideal Bar and Grill Restaurant) are located directly along Cowell and Main Beaches. Drainage flows originate at these properties from time to time and from varying activities (e.g. washing of decks and flood abatement). Additionally, a drainage infiltration box was installed near the volleyball courts on Cowell Beach in around 2010, and another has been proposed as part of the La Bahia Hotel (215 Beach Street) project's off-site drainage plan.

The Santa Cruz Seaside Company has installed a drainage pipe at the east end of the Boardwalk (and facing the San Lorenzo River) that dewater its basement of river water via a sump pump. The Santa Cruz Seaside Company also has two emergency bypass discharge pipes facing the ocean underneath Neptune's Kingdom and Coconut Grove, which are used in high flood situations only.<sup>1</sup> Most of these temporary drainages occur on a seasonal basis and during a heavy flood or high water level period in the San Lorenzo River lagoon.

Other modes of drainage to and across the BMP area are less well known. These include potential flows to the beach from outdoor rinse showers located along the perimeter of Cowell and Main beaches, deck and amusement ride washing from the Seaside Company staff, and from various restaurant and hotel activities. More information, however, is necessary to fully gauge the size and scope of these discharges, and in turn how to reduce or mitigate for them. Ideally, all potential runoff from these private property owners should flow into the City's sewer system for treatment off site. Therefore (and besides what is allowed per the BMP in sections above), absent of further knowledge about these activities, this BMP does not explicitly allow for these types of discharges.

## **SECTION X. INTERDEPARTMENTAL AND INTERAGENCY COORDINATION**

This section deals primarily with common interactions the City maintains with other public and private businesses. The City encourages cooperation and consultation with internal and external groups to enhance the viability of recreational experiences for visitors and residents alike.

### **A. Adopt-A-Beach**

The City is an original participant in the California Coastal Clean-up and Adopt-A-Beach programs. The programs are effective in assisting the City in maintaining the beach as well as offering the public the opportunity for public service. Historically, the City has donated staff and access to the

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<sup>1</sup> The permitting status, potential health impacts, and general appropriateness of these drainage/discharge pipes (as well as the other non-point sources identified below) are currently being assessed by Commission staff, and changes to these pipes appear likely within the term of this plan.

landfill, and has been active in encouraging groups and individuals to participate in the program. The Parks and Recreation Department acts as the beach manager for the City of Santa Cruz beaches.

### **B. Seabright Beach Coordination**

Twin Lakes State Beach, also known as Seabright Beach, is located within the city limits but is operated by the California State Department of Parks and Recreation. The City's Lifeguard and maintenance services staff maintain a close working relationship with the State Parks staff on matters of mutual concern. Communication is maintained through the Parks and Recreation Department and the Fire Department's Marine Safety Division and the State Lifeguard office. These issues may include but are not limited to:

1. San Lorenzo Point Maintenance
2. Mott Street Access Maintenance
3. San Lorenzo River Issues
4. Public Safety Issues

### **C. Santa Cruz Wharf Coordination**

Issues relating to the Santa Cruz Wharf and Beach operations are handled through the in-house staff process. The City follows all guidelines currently established by agencies such as the Coastal Commission relating to both operations. The Marine Safety Division of the Fire Department and the Parks and Recreation Department's Wharf Crew will continue close association with both the Police and Fire Departments for security and public safety.

### **D. Private/Public Coordination**

The City will continue to inform the public of significant projects or impacts and encourages input into the decision making process in a timely matter. This is most commonly handled by the Parks and Recreation Commission through meetings and public hearings or through City Council meetings. The Parks and Recreation Department regularly meets with major beach property holders to cover issues of mutual interest on the beach.

### **E. Sea Level Rise Coordination**

The City will continue to study and develop policies and actions to respond to climate change and adapt to sea level rise. The City plans to undertake a project to more comprehensively identify and coordinate coastline specific adaptation strategies. Future LCP updates may include recommendations for programs, policies, and actions that can achieve resilient coastal access, use, and beach management. Staff does not anticipate that any of the future study's recommendations will affect the activities covered within the Beach Management Plan's five-year timeframe.

## **SECTION XI. REFERENCES**

The following appendices are provided here for general reference but are not a part of this BMP for CDP purposes. This BMP does not authorize any development associated with these documents:

San Lorenzo Urban River Plan

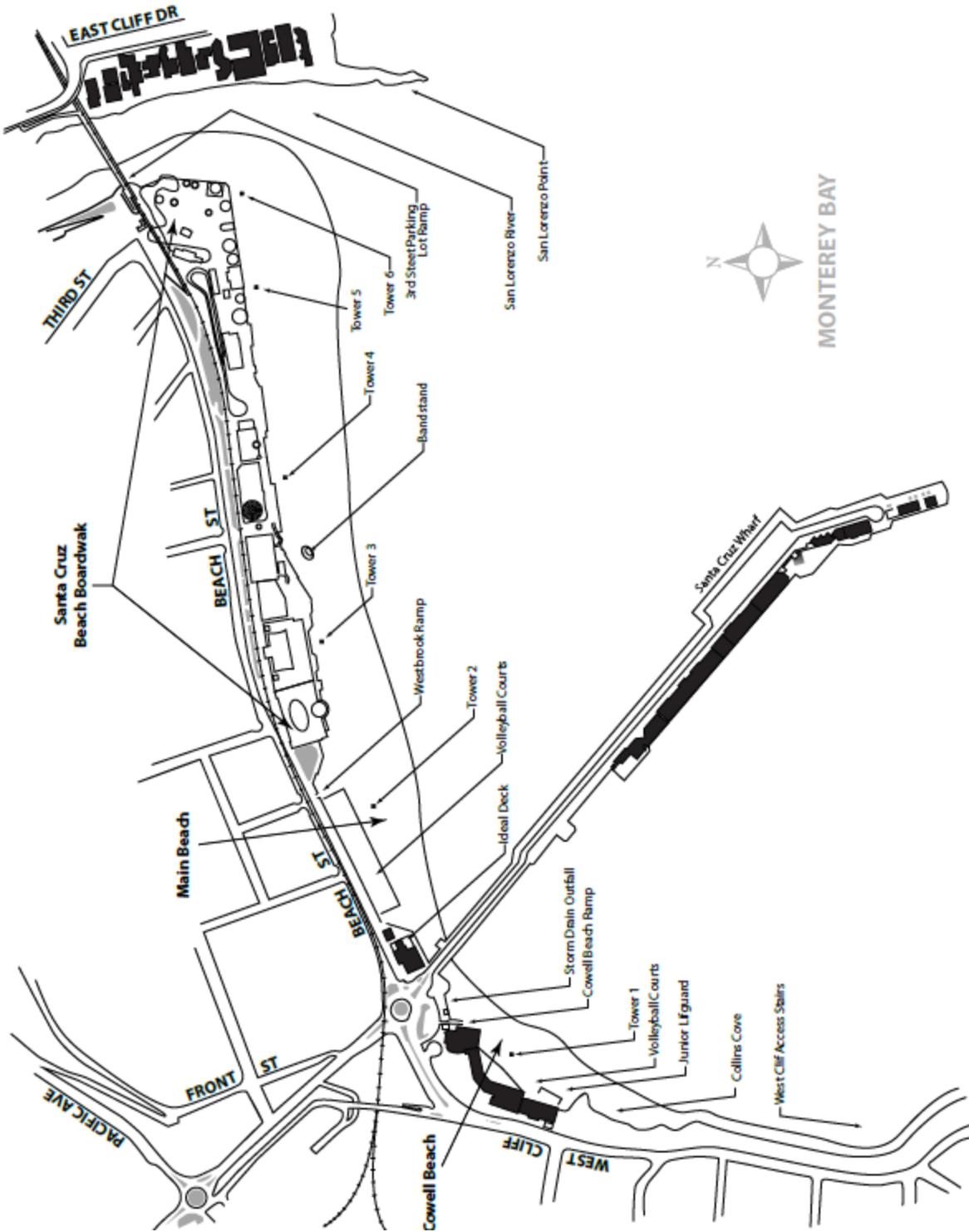
Neary Lagoon Management Plan

Seaside Company - City of Santa Cruz Beach Maintenance Agreement

## **SECTION XII: ATTACHMENTS**

- A. Cowell and Main Beaches – Area Map
- B. Coastal Development Permit

ATTACHMENT A: COWELL AND MAIN BEACHES AREA MAP



**ATTACHMENT B: COASTAL DEVELOPMENT PERMIT**



**California Coastal Commission**

**COASTAL DEVELOPMENT PERMIT  
CDP 3-25-0079 (Beach Management Plan)**

**Permittees: City of Santa Cruz Department of Parks and Recreation**

**Issue Date: March 14, 2025**

**Page 1 of 4**

Coastal development permit (CDP) number 3-25-0079 was approved by the California Coastal Commission on March 12, 2025. CDP 3-25-0079 implements the City's Beach Management Plan at Cowell and Main Beaches for an additional five years, including provisions to address general beach area maintenance activities (e.g., sand sifting, debris removal, etc.); kelp removal; minor beach re-contouring (except along the San Lorenzo River and its lagoon); two summer beach concessionaires; public recreation and education activities; seasonal bandstand; special and temporary events; safety facilities and operations; flood control/drainage operations; beach area signage; the number and location of volleyball courts; and beach hours. Located at Cowell and Main Beaches seaward of the Santa Cruz Beach Boardwalk, Beach Street, Ideal Bar and Grill Restaurant, the Dream Inn, the Sea and Sand Inn, and West Cliff Drive, and roughly between San Lorenzo Point and Collins Cove in the City of Santa Cruz. CDP 3-25-0079 is subject to certain terms and conditions, including the standard and special conditions beginning on page 2 of this CDP.

As of March 12, 2025, all of the CDP's prior to issuance requirements have been met, and the CDP can now be issued. Thus, by my signature below, the CDP is issued on behalf of the California Coastal Commission:

DocuSigned by:

Dan Carl, Central Coast District Director, for Kate Huckelbridge, Executive Director

**Acknowledgement**

The undersigned Permittees acknowledge receipt of this CDP and agree to abide by all terms and conditions thereof. The undersigned Permittees acknowledge that Government Code Section 818.4 (that states in pertinent part that "a public entity is not liable for injury caused by the issuance of any permit") applies to the issuance of this CDP.

Noah Downing, Park Planner

3/17/25

City of Santa Cruz Department of Parks and Recreation Representative

Date

# COASTAL DEVELOPMENT PERMIT

## CDP 3-25-0079 (Beach Management Plan)

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### Standard Conditions

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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 or 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.

### Special Conditions

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This permit is granted subject to the following special conditions:

1. **Approved Beach Management Plan.** This CDP authorizes implementation of the City's Beach Management Plan for Main and Cowell Beaches (dated received in the Coastal Commission's Central Coast District Office on February 14, 2025; see **Exhibit 3**), as modified to replace the third paragraph of the Beach Management Plan Page 17 (see Exhibit 3, Page 18) as follows:

The City continues to promote equitable access to the beach area. The City presently maintains a lower rate for non-profit groups when reserving portions of the beach for an event with more than 30 participants. Non-profits, federally recognized Native American Tribes, and California Native American tribes with 30 or fewer participants, however, can access and use the beach and coastal waters for activities and programs that seek to help them to understand and connect with these areas natural, cultural, and historic resources free of charge, so long as they do not receive a benefit beyond what is provided under general public use. The City may require permits and charge appropriate fees for commercial uses, special events, and private events. The City also currently has a grant program to provide up to \$2,500 towards events promoting social cohesion, economic vitality, and community pride. In recent years, popular events have included adaptive sports, veterans, and inclusive paddle-outs. The Parks and Recreation Department shall be responsible

# COASTAL DEVELOPMENT PERMIT

## CDP 3-25-0079 (Beach Management Plan)

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for monitoring and maintaining records of any negative impacts on coastal resources, and shall provide such records to the Executive Director, along with any irregularities or noncompliance with the permits upon identification of same.

2. **CDP Duration.** The authorization provided by this CDP shall expire five years from the date of Commission approval (i.e., on March 12, 2030), unless, prior to such expiration, the Permittee requests that the Executive Director extend the CDP's authorization term. If such a request is made, it shall only be accepted by the Executive Director if it is accompanied by an assessment of the project's operations and their effect on coastal resources to date. If the Executive Director determines that the approved project continues to operate in a manner that is consistent with the CDP's terms and conditions, including that it does not lead to any unforeseen and/or unaddressed adverse coastal resource impacts, then the Executive Director can extend the CDP's expiration date for an additional five years (i.e., until March 12, 2035). Subsequent Executive Director expiration extensions are also allowed under the same criteria, where the required assessment shall cover all years of program operation since the last assessment and shall provide past assessments as appendices.
3. **Coastal Hazards.** By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns: (a) that the project area is subject to coastal hazards, including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, tidal scour, storms, tsunamis, coastal flooding, landslide, earth movement, and the interaction of all of these, many of which will worsen with sea level rise; (b) to assume the risks to the Permittee and the properties that are the subject of this CDP 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; (d) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the CDP 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 and (e) that any adverse effects to property caused by the permitted project shall be fully the responsibility of the Permittee.
4. **Minor Modifications.** Additional development beyond the activities specified in this approval shall be submitted for a determination of CDP requirements (i.e., a separate CDP, a CDP amendment, a CDP waiver, a CDP exemption). Minor adjustments to the terms and conditions of this CDP may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; (2) do not adversely impact coastal resources; and (3) do not legally require a CDP amendment.
5. **Liability for Costs and Attorneys' Fees.** The Permittee shall reimburse the Coastal Commission in full for all costs and attorneys' fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and/or (2) required

# **COASTAL DEVELOPMENT PERMIT**

## **CDP 3-25-0079 (Beach Management Plan)**

**Page 4 of 4**

by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this CDP, the interpretation and/or enforcement of CDP terms and conditions, or any other matter related to this CDP. The Permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission, its officers, employees, agents, successors and/or assigns.