

CALIFORNIA COASTAL COMMISSION

Central Coast District Office
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CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT

*For the
May Meeting of the California Coastal Commission*

MEMORANDUM

Date: May 14, 2014

TO: Commissioners and Interested Parties
FROM: Dan Carl, Central Coast District Deputy Director
SUBJECT: *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the Central Coast District Office for the May 2014 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the Central Coast District.

DETAIL OF ATTACHED MATERIALS

REPORT OF REGULAR WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13250(c) and/or Section 13253(c) of the California Code of Regulations.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
3-14-0583-W Bruce & Sue Foster	Follow-up authorization for emergency permit G-3-14-0012, for replacement in-kind of eight "stringers" (4' by 12' by 16') located just below the wood decking of an existing boating pier at the Bayfront Marina. The project work area is limited to the 16-foot-long portion of the boating pier that abuts the land.	201 Main St, Morro Bay, San Luis Obispo County

REPORT OF DE MINIMIS WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<p>3-13-0232-W Ash Lot 1 LLC</p>	<p>Construct a new 2,240 square foot, single-family residence, a 708-square-foot attached garage, a 484 square-foot detached garage with a 363 square-foot guest unit above, and an access driveway; perform grading, landscaping, and drainage improvements..</p>	<p>295 Ash Ave, Cayucos, San Luis Obispo County</p>
<p>3-13-1339-W City of Morro Bay, Public Services Department</p>	<p>Construction of: 1) an approximately 1,475 linear-foot separated 8-foot wide multi-use public access trail and 12-foot wide Class 1 bike path; 2) an approximately 275 linear-foot interpretive overlook area adjacent to Morro Creek; 3) an approximately 130-foot long, 13-foot wide pedestrian and bicycle bridge across Morro Creek (vehicular use limited to emergency vehicles only); 4) associated bike parking, interpretive signage, seating, and low-level shielded lighting; and 5) minor road and drainage improvements immediately north of the proposed bridge. The proposed project additionally includes minor grading for the trail alignment, replacement of existing dune habitat fence, and exotic plant removal and native dune scrub habitat restoration, all within the City of Morro Bay, San Luis Obispo County (APNs 066-331-028, 066-461-002, 066-461-004, 066-461-013, 066-461-005, 066-461-012).</p>	<p>Morro Bay, San Luis Obispo Co.</p>

CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT CONTINUED

<p>3-14-0631-W Harbor Director, Morro Bay Harbor Department,</p>	<p>Construct a new 13' by 16' by 10'/9' high Oil Recycling/Recovery Center within the Harbor Maintenance Yard.</p>	<p>1196 Front St., Morro Bay, San Luis Obispo County</p>
<p>3-14-0648-W New Ocean Wave; Chris Martin</p>	<p>Use of the 100-space Southern Pacific (SP) waterfront parking lot for setup and staging of ocean row boats to be used in the Great Pacific Wave rowing event, which is a row boat crossing of the Pacific Ocean from Monterey to Hawaii. The site would be secured at night with a chainlike fence to prevent damage to the boats and to ensure public safety. Site is located at Municipal Wharf II.</p>	<p>290 Figueroa St, Monterey, Monterey Co.</p>

REPORT OF EMERGENCY PERMITS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13142 of the California Code of Regulations because the development is necessary to protect life and public property, or to maintain public services.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<p>G-3-14-0012 Attn: Bruce & Sue Foster</p>	<p>ECDP authorizes emergency development consisting of replacement of eight stringers (4" by 12" by 16') located just below the wood decking of an existing boating pier at the Bayfront Marina.</p>	<p>201 Main St., Morro Bay, San Luis Obispo County</p>

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**NOTICE OF PROPOSED PERMIT WAIVER**

Date: May 1, 2014
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager
Daniel Robinson, Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-14-0583-W**
Applicants: Bruce and Sue Foster

Proposed Development

Follow-up authorization for emergency permit G-3-14-0012, for replacement in-kind of eight “stringers” (4” by 12” by 16’) located just below the wood decking of an existing boating pier at the Bayfront Marina, at 201 Main Street in Morro Bay. The project work area is limited to the 16-foot-long portion of the boating pier that abuts the land.

Executive Director’s Waiver Determination

Pursuant to Title 14, Section 13252 of the California Code of Regulations, and based on project plans and information submitted by the applicants regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The stringers, which support the wood decking, had been deteriorating rapidly over time. A recent storm event in mid to late March 2014 further damaged the stringers such that there was imminent danger to this section of the pier collapsing and falling into Morro Bay Harbor. An emergency permit (G-3-14-0012) was issued on April 9, 2014, allowing the applicants to immediately replace the stringers to abate the danger. This CDP waiver recognizes the work that took place pursuant to the emergency permit. All work was done above water and using the Commission’s typical best management practices for pier work to protect the marine environment and public access during construction. The Commission’s water quality staff reviewed the proposed wood treatment and concurred that this material (ACZA Chemonite) was appropriate to use in this case due to the structural nature of the pier and the location of the stringers above water. For all of the above reasons, the project has not had any significant adverse impacts on coastal resources, including public access to the shoreline.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday May 15, 2014, in Inverness. If three Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have any questions about the proposal or wish to register an objection, please contact Daniel Robinson in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: May 1, 2014
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager
Daniel Robinson, Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-13-0232-W**
Applicant: Ash Lot 1 LLC

Proposed Development

Construct a new 2,240 square foot, single-family residence, a 708-square-foot attached garage, a 484 square-foot detached garage with a 363 square-foot guest unit above, and an access driveway; perform grading, landscaping, and drainage improvements, at 295 Ash Street (APN 006-235-015) in the community of Cayucos, San Luis Obispo County.

Executive Director's Waiver Determination

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

The project is located more than two blocks inland of the Cayucos shoreline, approximately 250 feet east of Cayucos Creek, and along the edge of a residential neighborhood. As such, the proposed project can be categorized as infill development. The proposed residence would be compatible with the size, scale, and aesthetics of the adjacent residential neighborhood. The proposed project includes water quality best management practices (BMPs) to reduce storm water runoff through the installation of bioswales and other percolation sites; a landscape plan, and a grading, drainage and erosion control plan. In addition, the project's biological habitat report determined that the proposed development would have no impacts to the adjacent drainage ditches located to the west of the property, and the Commission's staff ecologist finds that the proposed development's setback from the nearest drainage ditch is appropriate (including because of the project's proposed low-impact development measures and its drainage and erosion plan component). Accordingly, the project will not have any significant adverse impacts on coastal resources, including public access to the shoreline.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday May 15, 2014 in Inverness. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have any questions about the proposal or wish to register an objection, please contact Daniel Robinson in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: May 1, 2014
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager
Daniel Robinson, Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-13-1339-W**
Applicant: City of Morro Bay, Public Services Department

Proposed Development

Construction of: 1) an approximately 1,475 linear-foot separated 8-foot wide multi-use public access trail and 12-foot wide Class 1 bike path; 2) an approximately 275 linear-foot interpretive overlook area adjacent to Morro Creek; 3) an approximately 130-foot long, 13-foot wide pedestrian and bicycle bridge across Morro Creek (vehicular use limited to emergency vehicles only); 4) associated bike parking, interpretive signage, seating, and low-level shielded lighting; and 5) minor road and drainage improvements immediately north of the proposed bridge. The proposed project additionally includes minor grading for the trail alignment, replacement of existing dune habitat fence, and exotic plant removal and native dune scrub habitat restoration, all within the City of Morro Bay, San Luis Obispo County (APNs 066-331-028, 066-461-002, 066-461-004, 066-461-013, 066-461-005, 066-461-012).

Executive Director's Waiver Determination

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

The proposed trail and bridge leading to, and across, Morro Creek has long been considered by the City of Morro Bay as a critical missing link between the Embarcadero area and Morro Rock (south of Morro Creek), and the northern portion of Morro Bay (north of Morro Creek). In 2006, the Commission approved the Morro Bay Harborwalk project (CDP #3-05-071), which allowed a multi-use trail and bike path to be constructed along the shoreline of northern Morro Bay, terminating at the beach access parking lot near Morro Rock. The proposed multi-use public access trail will be identical in width and composition to the existing Harborwalk multi-use trail and will connect with the existing Harborwalk multi-use trail. Further, the proposed multi-use trail will connect with the proposed bridge and provide for a pedestrian and bicycle crossing of Morro Creek where none exists now. Thus, the proposed project will increase and enhance the scope of public access and recreational opportunities in this heavily-used visitor-serving area. Further, the proposed project will provide for a new segment of the California Coastal Trail system, thereby establishing multi-modal transportation linkages between the visitor-serving area north of Morro Creek and the heavily visited tourist and public areas along the Embarcadero and near Morro Rock.



NOTICE OF PROPOSED PERMIT WAIVER

CDP Waiver 3-13-1339-W (Morro Creek Multi-Use Trail and Bridge Project)

Page 2

The proposed bridge abutments will be located outside of the creek and thus there will be no significant impacts to the creek's riparian habitat. The bridge has been designed to minimize visual impacts in this highly scenic area through the use of low railings (4.5' above bridge deck grade) and all-weathering steel construction to ensure the bridge blends with the surrounding landscape. Proposed lighting along the multi-use trail and bridge will consist of low-level bollard or flush-mounted lighting shielded to prevent light from spilling into the adjacent and dune habitat or down into the creek below the bridge.

The proposed project additionally includes enhanced habitat values of the adjacent native dunes located seaward of Embarcadero Road via removal of exotic plant species and approximately 1.33 acres (almost 58,000 square feet) of central dune scrub habitat restoration. Proposed interpretive educational signage along the multi-use trail and interpretive overlook area will be minimal in size and earth toned to ensure that the visual aesthetic of the dune and beach environment is maintained.

Lastly, the project includes typical construction best management practices designed to protect the dune and creek environments during construction and prevent undue impacts to existing public access. Any minor disruptions to the recreational experience during construction of the trail and bridge will be minimized by maintaining public access along the along the dirt portion of Embarcadero Road and the overlook area/parking lot through a proposed traffic control plan prior to starting construction. Accordingly, for all of the above reasons, the project will have no potential for adverse effects on coastal resources, including public access to the shoreline.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday May 15, 2014, in Inverness. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have any questions about the proposal or wish to register an objection, please contact Daniel Robinson in the Central Coast District office.



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**NOTICE OF PROPOSED PERMIT WAIVER**

Date: May 1, 2014
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager
Daniel Robinson, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-14-0631-W
Applicant: City of Morro Bay, Harbor Department

Proposed Development

Construct a new 13' by 16' by 10'/9' high Oil Recycling/Recovery Center within the Harbor Maintenance Yard at 1196 Front Street in the City of Morro Bay, San Luis Obispo County.

Executive Director's Waiver Determination

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

The Morro Bay Harbor Department has been a California Certified Used Oil Collections Center since 1999. The building that had housed the oil recovery collection center in the past within the Harbor Maintenance Yard was demolished necessarily as part of authorized upgrades to the Morro Bay Sewer Lift Station #2. The proposed oil collection building will be built on an existing concrete containment basin within the industrial area in much the same location as the former building, to create a modern oil collection/recycling center for the public boating community. The proposed structure is a single story pre-fabricated metal building and is otherwise appropriate aesthetically for this industrial location east of Embarcadero Road. Accordingly, the project will not have any significant adverse impacts on coastal resources, including public access to the shoreline.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday May 15, 2014 in Inverness. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have any questions about the proposal or wish to register an objection, please contact Daniel Robinson in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: April 30, 2014
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager
Mike Watson, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-14-0648-W
Applicant: New Ocean Wave; Chris Martin

Proposed Development

Use of the 100-space Southern Pacific (SP) waterfront parking lot for setup and staging of ocean row boats to be used in the Great Pacific Wave rowing event, which is a row boat crossing of the Pacific Ocean from Monterey to Hawaii. The site would be secured at night with a chainlike fence to prevent damage to the boats and to ensure public safety. Site is located at Municipal Wharf II, City of Monterey, Monterey County

Executive Director's Waiver Determination

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

Municipal Wharf II provides access to the City's small craft harbor and recreational boats. The 101-space SP parking lot is located at the rear of the City's main waterfront parking lots near the intersection of Del Monte Avenue and Figueroa Street, and represents roughly ten percent of available parking in the area. The event is scheduled outside the peak summer holiday period and there are another roughly 979 publicly-available parking spaces in the adjacent waterfront parking lots. Row boats used in the trans-Pacific crossing will be delivered to and staged in the SP parking lot up to eight days in advance of the race. During this time, the staging area will be open to the public, allowing the public access to the boats and crews during daytime hours. Race sponsors will also be hosting guided tours of the area for a more organized and interactive experience of the boats, crew-members, and sport. Fencing used to secure the boats during the evening will be removed at the end of the event (May 24, 2014) and the parking lot will again be available for general public parking and shoreline access. The proposed project will enhance the recreational experience of the City's waterfront during the event and will not interrupt shoreline access along the recreation trail or otherwise have any significant adverse impacts on coastal resources.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday, May 15, 2014, in Inverness. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have any questions about the proposal or wish to register an objection, please contact Mike Watson in the Central Coast District office.



California Coastal Commission

EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-3-14-0012 (201 Main Street, Bayfront Marina, Morro Bay)

Issue Date: April 9, 2014

Page 1 of 3

This emergency coastal development permit (ECDP) authorizes emergency development consisting of replacement of eight stringers (4" by 12" by 16") located just below the wood decking of an existing boating pier at the Bayfront Marina, at 201 Main Street in the City of Morro Bay (all more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittees (Bruce and Sue Foster, lessees), eight stringers supporting the wood decking of the pier have deteriorated over time, and a recent storm event in mid-March further damaged the stringers. After that storm event, this section of the pier settled approximately 2" to 3". Due to the damaged stringers and the resultant settling of the pier, this section of the pier is in imminent danger of collapsing and falling into Morro Bay Harbor. The proposed emergency development is necessary to abate the collapse of the pier and to prevent release of wood, concrete, steel and debris from entering the Bay. The submitted application materials include the Commission's typical best management practices to protect water quality during construction over coastal waters. Therefore, the Executive Director of the California Coastal Commission hereby finds that:

- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.

The emergency development is hereby approved, subject to the conditions listed on the attached pages.

Madeline Cavalieri, Central Coastal District Manager for Charles Lester, Executive Director

Enclosures: (1) Emergency Coastal Development Permit Acceptance Form;

cc: Rob Livick, City of Morro Bay, Public Services Director/City Engineer

Emergency CDP G-3-14-0012 (201 Main Street, Bayfront Marina)

Issue Date: April 9, 2014

Page 2 of 3

Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the Permittees and returned to the California Coastal Commission's Central Coast District Office within 15 days of the date of this permit (i.e., by April 24, 2014). This ECDP is not valid unless and until the acceptance form has been received in the Central Coast District Office.
2. Only that emergency development specifically described in this ECDP is authorized. Any additional and/or different emergency and/or other development requires separate authorization from the Executive Director and/or the Coastal Commission.
3. The emergency development authorized by this ECDP must be completed within 30 days of the date of this permit (i.e., by May 9, 2014) unless extended for good cause by the Executive Director.
4. The emergency development authorized by this ECDP is only temporary and is designed to abate the identified emergency, and shall be removed if it is not authorized by a regular CDP. Within 60 days of the date of this permit (i.e. by June 8, 2014), the Permittees shall submit a complete application for a regular CDP to have the emergency development be considered permanent or for a different project designed to repair the site. The application shall include photos showing the project site before the emergency, during emergency project construction activities, and after the work authorized by this ECDP is complete. The deadlines in this condition may be extended for good cause by the Executive Director.
5. In exercising this ECDP, the Permittees agree to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., City of Morro Bay, U.S. Army Corps of Engineers, Morro Bay National Estuary Program, etc.). The Permittees shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
7. All emergency development shall be limited in scale and scope to that specifically identified in the Emergency Permit Application Form dated received in the Coastal Commission's Central Coast District Office on April 7, 2014.
8. All emergency development is limited to the least amount necessary to abate the emergency.
9. All emergency construction activities shall limit impacts to coastal resources (including public recreational access, habitat areas, and Morro Bay) to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements (which may be adjusted by the Executive Director if such adjustments: (1) are deemed necessary due to extenuating circumstances; and (2) will not adversely impact coastal resources):
 - a. All areas within which construction activities and/or staging are to take place shall be minimized



Emergency CDP G-3-14-0012 (201 Main Street, Bayfront Marina)

Issue Date: April 9, 2014

Page 3 of 3

to the maximum extent feasible in order to minimize construction encroachment on the shoreline and to have the least impact on public access and the marine environment. Construction activities, materials, and/or equipment storage are prohibited outside of the defined construction, staging, and storage areas.

- b. All accessways impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction.
 - c. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction. If planning staff should identify additional reasonable restoration measures, such measures shall be implemented immediately.
10. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
11. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
12. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the subject site without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Chapter 9 of the Coastal Act.

The emergency development carried out under this ECDP is at the Permittees' risk and is considered to be temporary work done in an emergency situation to abate an emergency. For the development to be authorized under the Coastal Act and/or if the property lessees wish to expand the scope of work, a regular CDP must be obtained. A regular CDP is subject to all of the provisions of the California Coastal Act and may be conditioned or denied accordingly.

If you have any questions about the provisions of this ECDP, please contact the Commission's Central Coast District Office at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.

