

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863 FAX (831) 427-4877
www.coastal.ca.gov

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CENTRAL COAST DISTRICT (SANTA CRUZ) DEPUTY DIRECTOR'S REPORT

*For the
May Meeting of the California Coastal Commission*

MEMORANDUM

Date: May 13, 2011

TO: Commissioners and Interested Parties
FROM: Charles Lester, 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 13, 2011 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.

DE MINIMIS WAIVERS

1. 3-11-019-W City Of Santa Cruz (Santa Cruz, Santa Cruz County)
2. 3-11-025-W Santa Cruz City Parks & Recreation Department, Attn: Jon Bombaci, Wharf Supervisor (Santa Cruz, Santa Cruz County)
3. 3-11-030-W Held Family Trust; Estate Of Armand Violiz (Morro Bay, San Luis Obispo County)

EMERGENCY PERMITS

1. 3-11-032-G Caltrans, Attn: Mitch Dallas (Big Sur, Monterey County)

IMMATERIAL AMENDMENTS

1. 3-03-034-A2 Rudolph F. Monte Foundation, Attn: Kim Gallick (Aptos, Santa Cruz County)

EXTENSION - IMMATERIAL

1. 3-90-041-A7 Capitola Public Works Department (Capitola, Santa Cruz County)

TOTAL OF 6 ITEMS

DETAIL OF ATTACHED MATERIALS

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>
3-11-019-W City Of Santa Cruz	270 square foot expansion (at three locations along the buidling frontage - 30, 117, and 123 square feet, respectively) and interior remodel to the former Carniglia's Restaurant (now known as Splash!).	49A Municipal Wharf (in the lower level of the North Commons building on the Municipal Wharf), Santa Cruz (Santa Cruz County)
3-11-025-W Santa Cruz City Parks & Recreation Department, Attn: Jon Bombaci, Wharf Supervisor	Attach and deploy a water quality testing device below the municipal wharf to test for bacterial contamination off of Cowell and Main Beaches	21 Municipal Wharf, Santa Cruz (Santa Cruz County)
3-11-030-W Held Family Trust; Estate Of Armand Violiz	Demolition of two existing residences, two retail stores, a carport, fencing, a floating dock, patio deck, and related structures, and construction of a two-story mixed use development project that includes two commercial lease spaces, six hotel units, six parking spaces, two public restrooms, a new floating dock, and public access improvements to and along the bay frontage in almost exactly the same form (see below) and subject to the same terms and conditions of the Coastal Commission's approval of the project on November 12, 2008 pursuant to prior CDP authorization 3-07-048. The project now proposed incorporates and conforms to all of the terms and conditions of the Commission's action on CDP 3-07-048, as detailed in the adopted staff report dated October 30, 2008, with the only changes being: (1) that the lateral access way on the south end of the parcel will be extended with a 7'x10' deck that will align with the bay-ward edge of proposed lateral access on the neighboring parcel to the south (as shown on plans contained in the Central Coast District Office file, dated as received by the Coastal Commission on April 25, 2011) where the lateral access extension will be supported by two additional steel pilings that will be installed either by "jetting" or with a vibratory hammer; and (2) significant development (e.g., completion of demolition, utility installation, foundation work, erection of significant structures, etc.) shall be undertaken and completed by May 13, 2013. If it is not, then the project will no longer be authorized and will require a new and separate CDP application unless the Applicant applies to the Coastal Commission for an extension of this deadline prior to May 13, 2013	575 & 591 Embarcadero Road (lease sites 67-68/67W-68W), Morro Bay (San Luis Obispo County)

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>
3-11-032-G Caltrans, Attn: Mitch Dallas	Debris removal and landslide stabilization over a 350-linear foot distance at Highway 1 between post miles (PM) 7.7 and 7.8 on the Big Sur coast just south of Alder Creek, as well as debris stockpiling at the Grey Slip retaining wall (PM 6.8), and the Caltrans Willow Creek disposal site (PM 10.4) and the existing permitted landslide material disposal and rehandling site at Treebones (PM 11.0). The operation will also consist of material placement and spreading at the base of the bluff in the vicinity of the slide to allow for coastal processes to disburse the material in a manner that mimics natural sloughing.	Highway 1 Between Post Miles 7.7 And 7.8 (South of Alder Creek), Big Sur (Monterey County)

REPORT OF IMMATERIAL AMENDMENTS

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
3-03-034-A2 Rudolph F. Monte Foundation, Attn: Kim Gallick	Amend CDP 3-03-034 to reduce event duration and related parameters and to extend the coastal permit's expiration date to December 31, 2015 to allow for annual fall events through the year 2015. The relevant terms and conditions from CDP 3-03-034 (as previously amended and as modified to reflect event modifications) would remain in effect.	Seacliff State Beach, Aptos (Santa Cruz County)

REPORT OF EXTENSION - IMMATERIAL

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
3-90-041-A7 Capitola Public Works Department	Allow implementation of the Soquel Creek Lagoon and Enhancement Plan for an additional 5 years, ending on May 13, 2016.	Soquel Creek River mouth, Capitola (Santa Cruz County)

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**NOTICE OF PROPOSED PERMIT WAIVER**

Date: April 29, 2011
To: All Interested Parties
From: Dan Carl, Central Coast District Manager *DC*
Daniel Robinson, Coastal Planner *DR*
Subject: Coastal Development Permit (CDP) Waiver 3-11-019-W
Applicant: City of Santa Cruz Economic Development Agency

Proposed Development

270-square foot expansion (at three locations along the building frontage - 30, 117, and 123 square feet, respectively) and interior remodel to the former Carniglia's Restaurant (now known as Splash!) located in the lower level of the North Commons building on the Santa Cruz Municipal Wharf in the City of Santa Cruz.

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(s) 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 additions are fairly minor and will serve to update the frontage of the restaurant as seen from the primary wharf pathway providing access to its main visitor serving commercial series of buildings. These additions will serve to continue to provide an undulating nature and articulation to the building's frontage and will increase twofold public viewsheds through the building to the scenery beyond, both as envisioned by the LCP's Wharf Design Criteria. The modest expansion of private commercial interior space on the Wharf does not result in public use conflicts because the space in question is along the commercial walkway along the parking lot and in a configuration that allows adequate remaining space for continued maximum public access. The interior remodeling will update the restaurant's decor and the total square footage of the proposed expansion will not affect parking requirements. In summary, the proposed project will enhance an existing visitor serving commercial operation on the wharf in a manner that will not significantly impact existing or potential public use patterns, enhance the public viewshed through new articulation and design along the frontage, and can be found consistent with Chapter 3 of the Coastal Act.

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 Friday, May 13, 2011, in Santa Rosa. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.



NOTICE OF PROPOSED PERMIT WAIVER

CDP Waiver 3-11-019-W (Splash! Restaurant)

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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 29, 2011
To: All Interested Parties
From: Dan Carl, Central Coast District Manager *DC*
Daniel Robinson, Coastal Planner *DR*
Subject: Coastal Development Permit (CDP) Waiver 3-11-025-W
Applicant: City of Santa Cruz Parks and Recreation Department

Proposed Development

Attach and deploy a water quality testing device below the Santa Cruz Municipal Wharf to test for bacterial contamination off of Cowell and Main Beaches in the City of Santa Cruz.

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(s) regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The City of Santa Cruz Parks and Recreation Department, in collaboration with the Monterey Bay Aquarium Research Institute, proposes to deploy a small water quality device (approximately 34" high and 23" in diameter) below the main level of the Wharf to provide data for better understanding and addressing water quality concerns related to the very popular and highly used Main and Cowell Beaches in Santa Cruz. The device would be nearly invisible beneath the Wharf hidden amongst the pilings and cross-members, thereby ensuring no visual impacts to the public. Seawater will be tested via a small plastic pipe in the upper water column in a way that will not disturb the seafloor, and neither waste nor any other materials will be released into the marine environment. In sum, the proposed project has no potential for adverse effects on marine resources, and is consistent with the Coastal Act and the certified City of Santa Cruz Local Coastal Program.

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 Friday, May 13, 2011, in Santa Rosa. 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 29, 2011
To: All Interested Parties
From: Dan Carl, Central Coast District Manager *DC*
Madeline Cavalieri, Coastal Planner *MC*
Subject: Coastal Development Permit (CDP) Waiver 3-11-030-W
Applicants: Held Family Trust; Estate of Armand Viole

Proposed Development

Demolition of two existing residences, two retail stores, a carport, fencing, a floating dock, patio deck, and related structures, and construction of a two-story mixed use development project that includes two commercial lease spaces, six hotel units, six parking spaces, two public restrooms, a new floating dock, and public access improvements to and along the bay frontage, at 575 & 591 Embarcadero Road in the City of Morro Bay (lease sites 67-67W and 68-68W), in almost exactly the same form (see below) and subject to the same terms and conditions of the Coastal Commission's approval of the project on November 12, 2008 pursuant to prior CDP authorization 3-07-048. The project now proposed incorporates and conforms to all of the terms and conditions of the Commission's action on CDP 3-07-048, as detailed in the adopted staff report dated October 30, 2008, with the only changes being: (1) that the lateral access way on the south end of the parcel will be extended with a 7'x10' deck that will align with the bay-ward edge of proposed lateral access on the neighboring parcel to the south (as shown on plans contained in the Central Coast District Office file, dated as received by the Coastal Commission on April 25, 2011) where the lateral access extension will be supported by two additional steel pilings that will be installed either by "jetting" or with a vibratory hammer; and (2) significant development (e.g., completion of demolition, utility installation, foundation work, erection of significant structures, etc.) shall be undertaken and completed by May 13, 2013. If it is not, then the project will no longer be authorized and will require a new and separate CDP application unless the Applicant applies to the Coastal Commission for an extension of this deadline prior to May 13, 2013.

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(s) 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 almost exactly the same project that was previously conditioned and approved by the Commission under CDP 3-07-048, with the exception that it now includes additional public access connection to the downcoast site. As found by the Commission when it approved CDP 3-07-048, the project would provide significant public access benefits, expanding visitor-serving uses on the Morro Bay Embarcadero with the establishment of six overnight rooms and two visitor-serving commercial retail units, and providing new public access amenities, including vertical access through the project site,



NOTICE OF PROPOSED PERMIT WAIVER

CDP Waiver 3-11-030-W (Held Mixed Use Project)

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90 feet of lateral access along the bay front, a new public access viewing deck and a floating boat dock. The terms and conditions of the previous approval, which would remain in effect, ensure that public access is maximized and that visual resources, community character and water quality are protected, as required by the Coastal Act. In addition, the new addition to the project expands a section of the lateral access way to align with the lateral access segment to the south, ensuring the continuity of this important bay front access. As such, the project, as proposed incorporating the Commission's terms and conditions of its prior approval, would have no significant adverse impacts on coastal resources and should result in enhanced public access and visitor serving opportunities along the Embarcadero.

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 Friday, May 13, 2011, in Santa Rosa. 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 Madeline Cavalieri in the Central Coast District office.





California Coastal Commission

EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP 3-11-032-G (Caltrans Alder Creek Landslide Removal)

Issue Date: April 26, 2011

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This emergency coastal development permit (ECDP) authorizes emergency development consisting of debris removal and landslide stabilization over a 350-linear foot distance at Highway 1 between post miles (PM) 7.7 and 7.8 on the Big Sur coast just south of Alder Creek, as well as debris placement at the Grey Slip retaining wall (PM 6.8), and the Caltrans Willow Creek site (PM 10.4) and the existing permitted landslide material disposal and rehandling site at Treebones (PM 11.0). The operation will also consist of material placement and spreading at the base of the bluff in the vicinity of the slide (avoiding direct ocean disposal as much as possible) to allow for coastal processes to disburse the material in a manner that mimics natural sloughing (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (Caltrans), the Alder Creek landslide has buried and overtopped Highway 1, and resulted in the closure of the highway in both directions (thus representing a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, and property), and the proposed emergency development is necessary to re-open Highway 1 and prevent further damage to coastal resources. 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 60 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.

 4/26/2011

Dan Carl, Central Coastal District Manager for Peter M. Douglas, Executive Director

Enclosures: (1) Emergency Coastal Development Permit Acceptance Form; (2) Regular Permit Application Form

cc: Sherry Tune, U.S. Forest Service
Deirdre Whalen, Monterey Bay National Marine Sanctuary
Laura Lawrence, Monterey County RMA - Planning Department

Emergency CDP 3-11-032-G (Caltrans Alder Creek Landslide Removal)

Issue Date: April 26, 2011

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Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the applicant and returned to the California Coastal Commission's Central Coast District Office within 15 days of the date of this permit (i.e., by May 11, 2011). 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 60 days of the date of this permit (i.e., by June 26, 2011) unless extended for good cause by the Executive Director.
4. The emergency development authorized by this ECDP is only temporary. Within 90 days of the date of this permit (i.e., by July 26, 2011), the Permittee shall submit a complete application for a regular CDP to have the emergency development be considered permanent and/or to allow it (or portions of it) to continue to be authorized on a temporary basis. The deadline in this condition may be extended for good cause by the Executive Director.
5. In exercising this ECDP, the Permittee agrees 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., Monterey Bay National Marine Sanctuary, California State Lands Commission, U.S. Forest Service, U.S. Army Corps of Engineers, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
7. All emergency development shall be limited in scale and scope to that specifically identified in the Caltrans Emergency Notification Form dated April 25, 2011 and dated received in the Coastal Commission's Central Coast District Office on April 25, 2011 as adjusted by this ECDP.
8. The off-hauling of landslide material from the Highway sides shall be maximized if safe, feasible and possible to avoid ocean coverage with landslide materials.
9. The Permittee shall identify any constraints (e.g., resource constraints, construction constraints, etc.) to spreading materials up and downcoast along the base of the bluff as a means to further avoid ocean coverage with landslide materials, and shall provide documentation of such constraints to the Executive Director as soon possible. If the Executive Director concludes that base of bluff materials spreading and placement (i.e., to allow for a more metered approach where coastal processes over time would be able to disburse the materials in a manner that mimics natural sloughing as much as possible) is feasible and appropriate, then such spreading and placement shall be undertaken consistent with the Executive Director's direction.
10. New access roads in the vicinity of the landslide shall be avoided if feasible, and shall only be allowed subject to Executive Director concurrence.



California Coastal Commission

Emergency CDP 3-11-032-G (Caltrans Alder Creek Landslide Removal)

Issue Date: April 26, 2011

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11. Placement of landslide materials at the three designated locations shall be prohibited in environmentally sensitive habitat areas, in the Pacific Ocean, and where they would significantly impact public access and views. All materials placed shall be appropriately stabilized with erosion control native seed mix appropriate to the Big Sur coast area.
12. All emergency construction activities shall limit impacts to coastal resources (including public recreational access, habitat areas, and the Pacific Ocean) 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 construction areas shall be minimized to protect public safety and coastal resources to the maximum extent feasible. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
 - b. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep equipment covered and out of the rain; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach; etc.).
 - c. All construction activities that result in discharge of non-natural materials, polluted runoff, or wastes to coastal watercourses or the Pacific Ocean are prohibited.
 - d. All accessways impacted by construction activities shall be restored to their pre-construction condition or better.
 - e. If the Permittee performs stabilization work on the exposed slopes and soil surfaces in and/or adjacent to the landslide area, they shall be stabilized with erosion control native seed mix, jute netting, straw mulch, or other applicable best management practices (for example, those identified in the California Storm Water Best Management Practice Handbooks (March, 1993)). The use of non-native invasive species (such as ice-plant) is prohibited.
 - f. All contractors shall ensure that work crews are carefully briefed on the importance of observing the construction precautions given the sensitive work environment. Construction contracts shall contain appropriate penalty provisions sufficient to offset the cost of retrieval/clean up of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.
 - g. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction and required restoration activities. If planning staff should identify additional reasonable restoration measures, such measures shall be implemented immediately.
13. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the



California Coastal Commission

Emergency CDP 3-11-032-G (Caltrans Alder Creek Landslide Removal)

Issue Date: April 26, 2011

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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.

14. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and their contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
15. A designated biological monitor(s) shall observe and record biological conditions at the time of all disposal/deposition activities and immediately thereafter. The monitor shall observe and record plant and animal species presence at the disposal locations before and after material disposal, the movement of material as it is being deposited and immediately thereafter, changes in coverage on the bluff face and at the base of the bluff, changes in animal species behavior as a result of disposal activities, and shall identify what, if any, amounts of material enter ocean waters.
16. The complete application for a regular CDP (as required by Condition 4) shall include a report for the review and approval of the Executive Director that documents all project activities and associated biological effects. The report shall describe and identify the following:
 - a. Site plans, cross sections, and a narrative description of all emergency development activities undertaken pursuant to this emergency authorization, including, but not limited to: materials removal and materials disposal/deposition (including identification of all debris volumes at the three terrestrial disposal sites and seaward of the highway in the vicinity of the landslide); a description of equipment and construction mechanisms; and any highway, slope, and drainage repairs and/or stabilization. The site plans, cross sections, and narrative description must also provide a comparison of the previous condition to both the emergency condition and to the post-work condition, as much as possible.
 - b. For all landslide material disposal at the three terrestrial disposal sites and seaward of the highway in the vicinity of the landslide, the report must identify in aerial photo and site plan form the location of all materials placement, the area of coverage (in square footage or acreage), and the volume of material.
 - c. Identification of all debris movement (if any).
 - d. Description of all rainfall/weather activity and tidal activity during emergency development work.
 - e. Photo documentation of the disposal sites and downslope areas from set vantage points so as to allow comparison of photos taken at different times.



Emergency CDP 3-11-032-G (Caltrans Alder Creek Landslide Removal)

Issue Date: April 26, 2011

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- f. Description of the baseline biological conditions as best they were known at the time of the landslide; description of known or potential impacts to sensitive plant and animal species and/or protected habitats due to emergency development and the methods by which those impacts were determined; and, if any, identification of remedial actions to address such impacts where any such remedial actions shall be developed in coordination with the Executive Director and staff from Monterey County, Monterey Bay National Marine Sanctuary, and California Department of Fish and Game.
 - g. Description of all monitoring protocols and the results of all such monitoring.
17. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
18. 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.

As noted in Condition 4 above, the emergency development carried out under this ECDP is at the Permittee's risk and is considered to be temporary work done in an emergency situation to abate an emergency. If the Permittee wishes to have the emergency development be recognized, 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.



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**NOTICE OF PROPOSED PERMIT AMENDMENT**

Date: April 29, 2011
To: All Interested Parties
From: Dan Carl, Central Coast District Manager *DCM*
Susan Craig, Coastal Planner *S. Craig*
Subject: Proposed Amendment to Coastal Development Permit (CDP) 3-03-034
Applicant: Rudolph F. Monte Foundation

Original CDP Approval

CDP 3-03-034 was approved by the Coastal Commission on May 8, 2003 and allowed the Monte Foundation to close Seacliff State Beach in the unincorporated Aptos-Rio del Mar area of Santa Cruz County on an annual basis one weekend each fall between 2003 and 2007 to allow a fee-based fair and fireworks display to benefit Santa Cruz County schools. An amendment to CDP 3-03-034 (CDP 3-03-034-A1) was approved by the Commission on April 11, 2007 and: (1) extended the coastal permit's expiration date to December 31, 2010 in order to better match the expiration date of the Monterey Bay National Marine Sanctuary's (MBNMS's) project authorization; and (2) modified the terms and conditions of the coastal permit to incorporate the relevant terms and conditions of the MBNMS authorization.

Proposed CDP Amendment

CDP 3-03-034 would be amended to reduce event duration and related parameters and to extend the coastal permit's expiration date to December 31, 2015 to allow for annual fall events through the year 2015. The relevant terms and conditions from CDP 3-03-034 (as previously amended and as modified to reflect event modifications) would remain in effect. The Commission's reference number for this proposed amendment is 3-03-034-A2.

Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

The Coastal Commission has granted coastal permits to the Monte Foundation to hold an annual fair and fireworks show at Seacliff State Beach since 2000. Since that time, event parameters have been steadily modified to adapt to and address identified coastal resource concerns, including incorporation of explicit public access and wildlife protection requirements. The proposed coastal permit amendment incorporates the relevant MBNMS, U.S. Fish and Wildlife Service, and National Marine Fisheries Service coastal resource protection requirements, including explicit fireworks limitations designed to better avoid wildlife impacts. In sum, the amendment allows for an annual event for five years that continues to appropriately address and protect coastal resources at Seacliff State Beach, consistent with the Commission's original CDP approval, the Coastal Act, and the Santa Cruz County LCP.



NOTICE OF PROPOSED PERMIT AMENDMENT

CDP 3-03-034 (Rudolph F. Monte Foundation)

Proposed Amendment 3-03-034-A2

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Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on Friday, May 13, 2011 in Santa Rosa. If three Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

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



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**NOTICE OF PROPOSED PERMIT AMENDMENT**

Date: April 29, 2011

To: All Interested Parties

From: Dan Carl, Central Coast District Manager *DCM*
Daniel Robinson, Coastal Planner *DR*

Subject: Proposed Amendment to Coastal Development Permit (CDP) 3-90-041
Applicant: City of Capitola Public Works Department

Original CDP Approval

CDP 3-90-041 was approved by the Coastal Commission in 1990 and this permit, as well as six subsequent amendments, has provided for lagoon formation at the mouth of the Soquel Creek during the spring for recreational and ecological objectives, and breaching during the fall of every year, consistent with the Soquel Creek Lagoon and Enhancement Plan (SCLEP) (as last updated in 2004) in the City of Capitola in Santa Cruz County.

Proposed CDP Amendment

CDP 3-90-041 would be amended to allow its implementation for an additional 5 years, ending on May 13, 2016. The Commission's reference number for this proposed amendment is 3-90-041-A7.

Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

The proposed project continues implementation of the SCLEP consistent with the Commission's previous approvals, and it continues to be premised on protecting marine/creek resources while simultaneously enhancing beach access during the summer months at Capitola Beach, a heavily used visitor-serving beach destination. The creation, by berming the rivermouth, of a freshwater lagoon throughout the drier summer season provides habitat for juvenile steelhead, and the City can use its 240-foot flume (buried well below the beach's surface) to adjust water levels to maximize habitat productivity. At the same time, such lagoon management maximizes the recreational beach's surface area for beachgoers. In the fall, the berm is breached, as it normally would, to allow the creek to regain its flows into the ocean. In sum, the proposed amendment continues to protect and enhance both marine/creek resources and public recreational access opportunities consistent with the Commission's original coastal development permit approval, the Coastal Act, and the certified City of Capitola Local Coastal Program.

Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection



NOTICE OF PROPOSED PERMIT AMENDMENT
CDP 3-90-041 (City of Capitola Soquel Creek Lagoon Management)

Proposed Amendment 3-90-041-A7

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and the Executive Director's response to it will be reported to the Commission on May 13, 2011, in Santa Rosa. If three Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

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



California Coastal Commission