

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

W7

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

For the

October Meeting of the California Coastal Commission

MEMORANDUM

Date: October 10, 2012

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 October 10, 2012 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.

REGULAR WAIVERS

1. 3-12-032-W Karen Hutcheson (Carmel Area, Monterey County)

DE MINIMIS WAIVERS

1. 3-12-029-W Santa Cruz Port District, Attn: Marian Olin, Admin. Services Manager (Santa Cruz, Santa Cruz County)

EMERGENCY PERMITS

1. 3-12-036-G California American Water, Attn: Travis Peterson ()

IMMATERIAL AMENDMENTS

1. 3-10-061-A1 City of Santa Cruz; UCSC (Santa Cruz, Santa Cruz County)
2. 3-11-031-A1 Giovanni's Fish Market, Attn: Giovanni Degarimore (Morro Bay, San Luis Obispo County)

EXTENSION - IMMATERIAL

1. 3-07-047-E3 Highview L L C (Live Oak, Santa Cruz County)
2. A-3-SCO-06-006-E3 Graham & Pamela Willmott (Live Oak, Santa Cruz County)

TOTAL OF 7 ITEMS

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>
3-12-032-W Karen Hutcheson	Partial remodel of an existing 2,440 square foot single family residence, enclose existing 295 square foot covered breezeway, convert hobby room to master suite, and construct a new 516 square foot garage. Project also includes remodel and conversion of an existing 792 square foot workshop/accessory structure to a guesthouse and re-roofing the existing house and accessory structure with standing-seam metal roof.	172 Spindrift Way, Carmel Area (Monterey 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>
3-12-029-W Santa Cruz Port District, Attn: Marian Olin, Admin. Services Manager	The proposed project includes resurfacing the existing west jetty walkway (about 718 feet in linear length) at the Santa Cruz Harbor to restore it to an even, safe and ADA (Americans with Disabilities Act) accessible condition. The west jetty walkway is located adjacent to Twin Lakes/Seabright State Beach. Specifically, the west jetty walkway runs along the upcoast side of the Santa Cruz Harbor's entrance channel starting just past Aldo's Restaurant and terminates at the foundation of the Port District's old sand bypass system, which is located just inland of the Walton Lighthouse. The existing paving would be removed by hand (with the use of jackhammers) and by scraper equipment to facilitate installation of GraniteCrete (or equivalent material) to a depth of four inches over a six-inch compacted sub-grade aggregate base. Construction will be completed within about a two-week period. The Port District will regularly sweep the newly resurfaced walkway to maintain ADA access	Santa Cruz Harbor West Jetty (adjacent to Twin Lakes/Seabright State Beach), Santa Cruz (Santa Cruz 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>
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3-12-036-G California American Water, Attn: Travis Peterson	Repair to a failed water main, including activating the inland shutoff valve, retrieving and disposing of the end cap and concrete block pedestal, cutting and removing the daylighted section of water main pipe, importing sand to reestablish prior dune topography, and restoring the affected area with native dune vegetation at the north end of Seaside Beach.	Adjacent to the Seaside storm water outfall near the Monterey Beach Hotel
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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>
3-10-061-A1 The City Of Santa Cruz University Of California Santa Cruz	Amend CDP to extend the expiration date of the research project to September 1, 2013.	Municipal Wharf (on top of the Wharf Headquarters building), Santa Cruz (Santa Cruz County)
3-11-031-A1 Giovanni's Fish Market, Attn: Giovanni Degarimore	Amend the previously approved CDP to modify the least and deed restriction requirements in order to incorporate the permit conditions into the City's lease agreement.	1001 Front Street (along the Morro Bay Embarcadero (lease sites 102 and 102W)), Morro Bay (San Luis Obispo County)

REPORT OF EXTENSION - IMMATERIAL

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
3-07-047-E3 Highview L L C	Recognize an as-built emergency revetment repair as well as related armoring (including retrieving and restacking fugitive rock rip-rap, infilling between two existing sections of seawall, and planting new cascading vegetation).	2866 S. Palisades Avenue (seaward of 2866 S. Palisades Avenue), Live Oak (Santa Cruz County)
A-3-SCO-06-006-E3 Graham & Pamela Willmott	Demolish an existing one-story single family dwelling and construct a new two-story single family dwelling.	Black's Point @ 100 Geoffroy Drive, Live Oak (Santa Cruz County)

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NOTICE OF PROPOSED PERMIT WAIVER

Date: September 27, 2012
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager
Mike Watson, Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-12-032-W**
Applicants: Karen Hutcheson

Proposed Development

Partial remodel of an existing 2,440 square foot single family residence, enclose existing 295 square foot covered breezeway, convert hobby room to master suite, and construct a new 516 square foot garage. Project also includes remodel and conversion of an existing 792 square foot workshop/accessory structure to a guesthouse and re-roofing the existing house and accessory structure with standing-seam metal roof at 172 Spindrift Way (APN 241-301-015) at Yankee Point in the County of Monterey.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13250 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 residence would be compatible with the size, scale, and aesthetics of the residential neighborhood in which it is located and it includes drainage BMPs to reduce storm water runoff and remove contaminants prior to conveyance off-site. The proposed renovations were reviewed and approved by the Director of Planning and Building to ensure conformance with the requirements of the County's building standards. The project has no potential for adverse effects on coastal resources, including public access to the shoreline or shoreline hazards, and is 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 Wednesday, October 19, 2012 in Oceanside. 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 Mike Watson in the Central Coast District office.



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NOTICE OF PROPOSED PERMIT WAIVER

Date: September 27, 2012
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager
Susan Craig, Supervising Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-12-029-W**
Applicant: Santa Cruz Port District

Proposed Development

The proposed project includes resurfacing the existing west jetty walkway (about 718 feet in linear length) at the Santa Cruz Harbor to restore it to an even, safe and ADA (Americans with Disabilities Act) accessible condition. The west jetty walkway is located adjacent to Twin Lakes/Seabright State Beach. Specifically, the west jetty walkway runs along the upcoast side of the Santa Cruz Harbor's entrance channel starting just past Aldo's Restaurant and terminates at the foundation of the Port District's old sand bypass system, which is located just inland of the Walton Lighthouse. The existing paving would be removed by hand (with the use of jackhammers) and by scraper equipment to facilitate installation of GraniteCrete (or equivalent material) to a depth of four inches over a six-inch compacted sub-grade aggregate base. Construction will be completed within about a two-week period. The Port District will regularly sweep the newly resurfaced walkway to maintain ADA access.

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 paving material (GraniteCrete or equivalent product) is permeable and will have a natural sandy color, which will blend in with the surrounding beach environment. The Port District has included appropriate best management practices in its project description to protect the surrounding beach and harbor waters during construction, including providing erosion and sediment controls and fencing or other suitable barriers as needed during demolition and construction to prevent debris from entering harbor waters or the sandy beach.

The existing jetty walkway is in a deteriorated condition, i.e. it is uneven in places and has fallen apart extensively in other areas. The proposed project will benefit public access by improving the jetty walkway such that it is even and safe to traverse, thus making the walkway more available to the general public, including those with disabilities. Access to the beach will remain open during construction, except for portions of two days during sub-grade preparation and repaving. During these brief closure periods, signage will be posted directing the public to alternate beach access locations.

NOTICE OF PROPOSED PERMIT WAIVER
CDP Waiver 3-12-029-W (Santa Cruz Port District West Jetty Walkway)
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It is noted that complementary improvements to enhance the beach accessway entrance to the jetty walk (i.e., along the upcoast side of Aldo's Restaurant) have been contemplated by the Port District for some time. They are also required by the Commission's CDP for Aldo's Restaurant (CDP 3-85-016, as amended). The Port District is in the process of renewing the lease for Aldo's Restaurant (this renewal will be completed by November 1, 2012). Port District staff indicates that the new lease will require Aldo's Restaurant to come into compliance with all of its permits, including CDP 3-85-016, as amended. Port District staff has agreed to coordinate with Commission staff and the management of Aldo's Restaurant regarding the future improvements to ensure that the improvements will seamlessly integrate with the jetty walk and will be consistent with CDP 3-85-016, as amended. Thus, this project (and the new lease) will also help to resolve outstanding commitments related to the beach entrance, and will ensure that public access is enhanced as long envisioned for this area.

For all of the above reasons, the proposed project is 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 Wednesday, October 10, 2012, in Oceanside. 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 Susan Craig in the Central Coast District office.



California Coastal Commission

EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP 3-12-036-G (Cal-Am Pipeline Repair, Seaside Beach)

Issue Date: September 17, 2012

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This emergency coastal development permit (ECDP) authorizes temporary emergency development consisting of repair to a failed water main, including activating the inland shutoff valve, retrieving and disposing of the end cap and concrete block pedestal, cutting and removing the daylighted section of water main pipe, importing sand to reestablish prior dune topography, and restoring the affected area with native dune vegetation at the north end of Seaside Beach (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (California American Water), the failed water main has created an eroded gully that extends approximately 35 linear feet along the back dunes near the sand ramp entrance to Seaside Beach at Monterey State Beach. Erosion resulting from the broken pipe section has scoured away the public access sand ramp creating a safety hazard at this location. There is also a risk that additional erosion could undermine the state park parking area and the City of Seaside storm water outfall infrastructure. The proposed emergency development is necessary to forestall erosion and resume public access at Seaside Beach (a unit of Monterey State Beach). 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.

A handwritten signature in cursive script, reading "Madeline Cavalieri".

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

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

cc: Steve Bachman, California Department of Parks and Recreation
Deirdre Whalen, Monterey Bay National Marine Sanctuary

Emergency CDP 3-12-036-G (Cal-Am Pipeline Repair, Seaside Beach)

Issue Date: September 17, 2012

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Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the ECDP Permittee and returned to the California Coastal Commission's Central Coast District Office within 15 days of the date of this permit (i.e., by October 2, 2012). 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 October 17, 2012) unless extended for good cause by the Executive Director.
4. The emergency development authorized by this ECDP is only temporary, 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 November 16, 2012), the Permittee shall submit a complete application for a regular CDP for the pipe removal and restoration activities authorized by this emergency permit. Any such 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. Otherwise, the temporary emergency development shall be removed in its entirety within 150 days of the date of this permit (i.e., by February 14, 2013) and all areas affected by it restored to their original pre-emergency development condition unless before that time the California Coastal Commission has issued a regular CDP for the development authorized by this ECDP. The deadlines in this condition may be extended for good cause by the Executive Director.
5. This ECDP is authorized based on the representations of California American Water that such temporary emergency development is required as a limited, interim, and temporary step that is a precursor to a regular CDP application designed to provide a comprehensive solution to restore the eroded dune area and to eliminate the potential for future erosion episodes in a manner that is most protective of native dune resources and public recreational opportunities at Seaside Beach (Monterey State Beach), including through application of the least environmentally damaging alternative without the need for significant structures on the public recreational beach. California American Water indicates that such CDP application is forthcoming (i.e., by November 2012), and this ECDP is issued based on that representation. This ECDP may be revoked by the Executive Director if information, understanding, and/or circumstances associated with the comprehensive long-term solution and related CDP application change.
6. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., California Department of Parks and Recreation, California Department of Fish and Game, California State Lands Commission, Monterey Bay National Marine Sanctuary, National Marine Fisheries Service, United States Fish and Wildlife Service, 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



California Coastal Commission

Emergency CDP 3-12-036-G (Cal-Am Pipeline Repair, Seaside Beach)

Issue Date: September 17, 2012

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materials submitted by the Permittee (dated received in the Coastal Commission's Central Coast District Office on September 14, 2012) as well as that conveyed to staff by phone on September 13, 2012.

8. The Permittee shall submit for the Executive Director's review and approval, two sets of dune habitat restoration plans prepared by a qualified biologist with experience in dune restoration activities in and around the Seaside Beach dunes area that provide for dune and related habitat enhancement for all areas associated with the approved emergency repair envelope. The Plans shall identify all plant materials (size, species, and quantity) and all proposed maintenance. All plants used on site shall be native species from local stock appropriate to the Seaside Beach planning area. Non-native and invasive plant species shall be removed and shall not be allowed to persist on the site. The planting of non-native invasive species, such as those listed on the California Invasive Plant Council's Inventory of Invasive Plants, is prohibited. All plant materials shall be selected to be complimentary with the mix of native habitats in the project vicinity, prevent the spread of exotic invasive plant species, and avoid contamination of the local native plant community gene pool.
9. The Permittee shall employ a project biologist/environmental monitor approved by the Executive Director to ensure compliance with all permit conditions and mitigation requirements during construction. Evidence of compliance shall be submitted by the project monitor to the Executive Director while construction is proceeding, and upon completion of construction.
10. Implementation of Best Management Practices during Construction. The permittee shall identify the type and location of the measures that will be implemented during construction to avoid disruption of adjacent sensitive habitat areas, prevent erosion, sedimentation, and the discharge of pollutants during construction. Among these measures, the plans shall limit the extent of land disturbance to the minimum amount necessary to construct the project; designate areas for the staging of construction equipment and materials, including receptacles and temporary stockpiles of graded materials, which shall be covered on a daily basis; and provide for the installation of temporary construction (exclusionary) fencing to protect sensitive resources, silt fences, temporary detention basins, and/or other controls to intercept, filter, and remove sediments contained in the runoff from construction, staging, and storage/stockpile areas. The plans shall also incorporate good construction housekeeping measures, including the use of dry cleanup measures whenever possible; collecting and filtering cleanup water when dry cleanup methods are not feasible; cleaning and refueling construction equipment at designated off site maintenance areas; and the immediate clean-up of any leaks or spills.
11. All emergency construction activities shall limit impacts to coastal resources (including public recreational access along Seaside Beach, shoreline bluff, 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, shall allow through public access along Seaside Beach and the inland pedestrian pathway, and shall protect public safety to the maximum extent feasible. Construction (including but not limited to construction activities, and materials and/or



Emergency CDP 3-12-036-G (Cal-Am Pipeline Repair, Seaside Beach)

Issue Date: September 17, 2012

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equipment storage) is prohibited outside of the defined construction, staging, and storage areas.

- b. Construction work and equipment operations shall not be conducted seaward of the mean high water line.
- c. Grading of intertidal waters is prohibited.
- d. Any construction materials and equipment delivered to the beach area shall be delivered by rubber-tired construction vehicles. When transiting on the beach, all such vehicles shall remain as high on the upper beach as possible and avoid contact with ocean waters and intertidal areas.
- e. Any construction materials and equipment placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from the beach area by sunset each day that work occurs.
- f. Construction access from the Monterey State Beach parking lot shall be limited to bare sand areas. Vehicles shall remain out of all vegetated dunes.
- g. All construction areas shall be minimized and demarked by temporary fencing designed to allow through public access and protect public safety 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.
- h. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep equipment covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach; etc.).
- i. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach, sand dunes, or the adjacent marine environment are prohibited. Equipment washing, refueling, and/or servicing shall not take place in the dunes or on the beach. Any erosion and sediment controls used shall be in place prior to the commencement of construction as well as at the end of each work day.
- j. All accessways impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any sand dune or beach sand in the area that is impacted by construction shall be filtered as necessary to remove any construction debris.
- k. All contractors shall ensure that work crews are carefully briefed on the importance of observing the construction precautions given the sensitive work environment. Construction contracts shall contain appropriate penalty provisions sufficient to offset the cost of retrieval/clean up of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.
- l. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District



Emergency CDP 3-12-036-G (Cal-Am Pipeline Repair, Seaside Beach)

Issue Date: September 17, 2012

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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.

12. 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.
13. 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.
14. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit site plans and cross sections clearly identifying all development completed under this emergency authorization (comparing any previously permitted condition to both the emergency condition and to the post-work condition), and a narrative description of all emergency development activities undertaken pursuant to this emergency authorization.
15. 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.
16. The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and (2) required 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 ECDP. 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.
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.



Emergency CDP 3-12-036-G (Cal-Am Pipeline Repair, Seaside Beach)

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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 and/or the property owner wish to have the emergency development become permanent development, 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: September 26, 2012
To: All Interested Parties
From: Madeline Cavaliere, Central Coast District Manager
Susan Craig, Supervising Coastal Planner
Subject: **Proposed Amendment to Coastal Development Permit (CDP) 3-10-061**
Applicants: City of Santa Cruz and University of California, Santa Cruz (UCSC)

Original CDP Approval

CDP 3-10-061 was approved by the Coastal Commission on March 11, 2011 and provided for the temporary installation of a solar panel, a wind turbine, and associated skid-mounted sensors onto the roof of the Santa Cruz Municipal Wharf headquarters building until September 2012 as part of a UCSC research project designed to evaluate the efficacy of these alternative energy sources.

Proposed CDP Amendment

CDP 3-10-061 would be amended to extend the expiration date of the research project to September 1, 2013. The Commission's reference number for this proposed amendment is **3-10-061-A1**.

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 Commission conditioned its approval of CDP 3-10-061 to require a bird strike research plan to determine the effects of small-scale vertical axis wind turbines on birds (this is the first known research project to evaluate the effects of small-scale vertical axis wind turbines on birds). The bird strike research plan includes daily physical inspection of the Wharf Headquarters' rooftop, the wind turbine itself, and the surrounding area for any evidence of bird strike for the duration of the project. In addition to daily physical inspections, UCSC deployed a camera on the roof to collect images at least every 10 minutes continuously from dawn to dusk. Image processing algorithms have been used to determine any changes between an image and the subsequent image, i.e. if any new objects, such as an injured bird, is present in one image but not in the previous image, an alarm will be generated and a researcher will inspect the rooftop area for evidence of bird-turbine interaction.

Required monthly reports regarding the results of the bird strike research plan have been submitted since the wind turbine began operating in November 2011. These reports reveal that no bird injuries or mortality due to the wind turbine have been observed. The bird strike monitoring plan, including submission of monthly reports to the Executive Director, will continue until the project is completed in September 2013. The Executive Director will retain the ability to halt the wind turbine component of the project if he determines that the wind turbine is having a significant adverse impact to birds in the area.

NOTICE OF PROPOSED PERMIT AMENDMENT
CDP 3-10-061 (UCSC Renewable Energy Experiment)
Proposed Amendment 3-10-061-A1
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Allowing the research project to continue until September 2013 will provide important additional data for understanding the costs and benefits of solar and wind renewable energy technologies, including data regarding small-scale vertical axis wind turbines and bird strikes. In addition, the visual impacts from the project are minimal because the project components, including the wind turbine, are located on a rooftop and are seen in the context of existing Wharf development, which includes numerous buildings (including two-story buildings), light poles, and other existing rooftop development. For the above reasons, the proposed amendment will not have any adverse impacts on coastal resources, including public access to the shoreline.

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 October 10, 2012, in Oceanside. 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: September 26, 2012
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager *MC*
Stephanie Rexing, Supervising Coastal Planner *SR*
Subject: **Proposed Amendment to Coastal Development Permit (CDP) 3-11-031**
Applicant: Giovanni DeGarimore

Original CDP Approval

CDP 3-11-031 was approved by the Coastal Commission on April 12, 2012 to expand an existing boat dock; improve and expand an existing outdoor public seating patio with a retractable awning; reconfigure an existing parking lot; and relocate an existing sportfishing business to the project site.

Proposed CDP Amendment

CDP 3-11-031 would be amended to modify the lease and deed restriction requirements in order to incorporate the permit conditions into the City's lease agreement. The Commission's reference number for this proposed amendment is **3-11-031-A1**.

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:

CDP 3-11-031 affects a visitor-serving commercial operation along the Morro Bay Embarcadero that includes upland property owned by the Permittee as well as leased tidelands extending into Morro Bay proper. CDP 3-11-031 requires that the conditions of the CDP be recorded against both the underlying lease sites and properties governed by the permit. The purpose of this requirement is to ensure that any future owners/lessees are aware of the CDP and its conditions. During the process of attempting to fulfill this requirement, the City of Morro Bay has indicated that no deed was ever recorded for the tidelands (originally granted in 1937), and that it would be difficult to record the conditions against the leased tidelands area in a way that would ensure that restrictions would be found during a future title search. As a means of resolving this issue, while still providing the constructive notice to future owners/lessees intended by CDP 3-11-031, staff worked with the Permittee and City staff on the modified deed and lease requirement that is the subject of this amendment. The modified requirement would require that the conditions be recorded against the upland private property and the lease itself in a form and content similar to the Commission's typical deed restriction practice. Thus, the proposed amendment will allow the CDP's notice requirements to be implemented in a slightly different manner that will achieve the same objectives.

NOTICE OF PROPOSED PERMIT AMENDMENT

CDP 3-11-031 (Giovanni's)

Proposed Amendment 3-11-031-A1

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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 October 10, 2012, in Oceanside. 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 Stephanie Rexing in the Central Coast District office.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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NOTICE OF PROPOSED PERMIT EXTENSION

Date: September 26, 2012
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager
Susan Craig, Supervising Coastal Planner
Subject: **Proposed Extension to Coastal Development Permit (CDP) 3-07-047**
Applicant: Highview LLC

Original CDP Approval

CDP 3-07-047 was approved by the Coastal Commission on August 7, 2008 and recognized an as-built emergency revetment repair as well as related armoring improvements (including retrieving and restacking fugitive rock rip-rap, infilling between two existing sections of seawall, and planting new cascading vegetation) seaward of 2866 South Palisades Avenue in the unincorporated Live Oak beach area in Santa Cruz County.

Proposed CDP Extension

The expiration date of CDP 3-07-047 has been extended by the Commission two times previously (to August 7, 2011 and August 7, 2012, respectively), and would be extended in this case by one year to August 7, 2013. The Commission's reference number for this proposed extension is **3-07-047-E3**.

Executive Director's Changed Circumstances Determination

Pursuant to Title 14, Section 13169 of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that there are no changed circumstances affecting the approved development's consistency with the certified Santa Cruz County Local Coastal Program and/or Chapter 3 of the Coastal Act, as applicable.

Coastal Commission Review Procedure

The Executive Director's determination and any written objections to it will be reported to the Commission on October 10, 2012 in Oceanside. If three Commissioners object to the Executive Director's changed circumstances determination at that time, then the extension shall be denied and the development shall be set for a full hearing of the Commission.

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 EXTENSION

Date: September 26, 2012
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager
Susan Craig, Supervising Coastal Planner
Subject: **Proposed Extension to Coastal Development Permit (CDP) A-3-SCO-06-006**
Applicant: Graham and Pamela Willmott

Original CDP Approval

CDP A-3-SCO-06-006 was approved by the Coastal Commission on October 15, 2008, and provided for the demolition of an existing one-story single-family residence and construction of a new two-story residence atop the bluff at Black's Point, at 100 Geoffroy Drive in the unincorporated Live Oak beach area of Santa Cruz County.

Proposed CDP Extension

The expiration date of CDP A-3-SCO-06-006 has been extended by the Commission two times previously (to October 15, 2010 and October 15, 2011, respectively), and would be extended in this case by one year to October 15, 2013. The Commission's reference number for this proposed extension is **A-3-SCO-06-006-E3**.

Executive Director's Changed Circumstances Determination

Pursuant to Title 14, Section 13169 of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that there are no changed circumstances affecting the approved development's consistency with the certified Santa Cruz County Local Coastal Program and/or Chapter 3 of the Coastal Act, as applicable.

Coastal Commission Review Procedure

The Executive Director's determination and any written objections to it will be reported to the Commission on October 10, 2012 in Oceanside. If three Commissioners object to the Executive Director's changed circumstances determination at that time, then the extension shall be denied and the development shall be set for a full hearing of the Commission.

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