

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
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CENTRAL COAST DISTRICT (SANTA CRUZ) DEPUTY DIRECTOR'S REPORT

For the

November Meeting of the California Coastal Commission

MEMORANDUM

November, 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 November, 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.

DE MINIMIS WAIVERS

1. 3-12-035-W Pacific Grove Parks & Recreation Department, Attn: Daniel Gho, Manager (Pacific Grove, Monterey County)
2. 3-12-039-W Santa Cruz Port District, Attn: Marian Olin (Santa Cruz, Santa Cruz County)
3. 3-12-040-W City Of Capitola (Capitola, Santa Cruz County)
4. 3-12-045-W Monterey Boat Works/Stanford University (Pacific Grove, Monterey County)

EMERGENCY PERMITS

1. 3-12-041-G Monterey County Public Works (Carmel, Monterey County)

IMMATERIAL AMENDMENTS

1. 3-08-025-A1 Harbor Hut, Attn: George Leage; Great American Fish Company, Attn: Jim Leage; Virg's, Attn: Darby Neil (Morro Bay, San Luis Obispo County)

EXTENSION - IMMATERIAL

1. A-3-PSB-06-001-E4 Beachwalk Resort, L.L.C., Attn: Anthony Wells (Pismo Beach, San Luis Obispo County)
2. A-3-SLO-07-041-E3 Brent Richissin (Los Osos, San Luis Obispo County)
3. 3-09-012-E2 Randal & Deborah White (Pacific Grove, Monterey County)

TOTAL OF 9 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> |
|---|---|--|
| 3-12-035-W Pacific Grove Parks & Recreation Department, Attn: Daniel Gho, Manager | Restoration and reconstruction of two 165 square foot accessory structures at the historic Point Pinos Lighthouse and lighthouse grounds including ADA, site, and utility improvements, landscaping, chain link fencing removal, asphalt removal, new entry gate, and native dune restoration of the surrounding grounds at the Point Pinos Lighthouse between Lighthouse Avenue and Del Monte Boulevard. | 80 Asilomar Avenue (Point Pinos Lighthouse), Pacific Grove (Monterey County) |
| 3-12-039-W Santa Cruz Port District, Attn: Marian Olin | The proposed project consists of repairing a void that has formed due to erosion taking place underneath an existing above-ground electrical vault that is located along an approximately 20-foot-long section of public pathway atop the west jetty at Santa Cruz Harbor. The above-ground electrical vault provides electricity to the Walton Lighthouse, which is located near the end of the west jetty and which houses U.S. Coast Guard aids to navigation (light and foghorn). The void will be lined with waterproof plastic and filled with concrete or cement-sand slurry, in three phases to allow for curing at the end of each phase. After the third phase of concrete/cement-sand slurry has cured for 24 hours, riprap will be placed on top of the cured fill material to restore this section of the jetty's geometry and confine the fill material along this 20-foot-section of the west jetty. | Santa Cruz Harbor Jetty Erosion Repair, Santa Cruz (Santa Cruz County) |
| 3-12-040-W City Of Capitola | The proposed project includes the replacement of a natural gas service line for the Capitola Wharf. The previously existing service line failed in February 2011 and was replaced with a temporary line. The proposed project will reconstruct the permanent natural gas service line, which will run from the base of the wharf to the existing restaurant located at the end of the wharf. The new gas line will consist of a 1" diameter medium-density polyethylene (MDPE) gas pipe encased in a 2" diameter stainless steel carrier pipe. The stainless steel carrier pipe will be affixed to the seaward side of the wharf floorboard, behind the existing wharf railing, via the use of bolted pipe strapping. | 1400 Wharf Road, Capitola (Santa Cruz County) |
| 3-12-045-W Monterey Boat Works/Stanford University | Replacement in-kind of three existing exterior wood stairways and railings at the Monterey Boat Work Building. | 120 Ocean View Blvd. (Hopkins Marine Station), Pacific Grove (Monterey 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> |
|---|--|---|
| 3-12-041-G Monterey County Public Works | ECDP authorizes Monterey County, acting as contractor and agent for the California Department of Parks and Recreation, to manage the sandbar at Carmel River State Beach during the 2012-2013 rainy season, including by cutting and managing a channel between the Lagoon and Carmel Bay to reduce the water level in the Lagoon so as to avoid/minimize flooding of existing residences and State Park facilities. | Carmel River State Beach (upstream of the Lagoon fronting Carmel River State Beach), Carmel (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> |
|---|---|--|
| 3-08-025-A1 Harbor Hut, Attn: George Leage Great American Fish Company Attn: Jim Leage | Amend CDP 3-08-025 to modify the lease and deed restriction requirements in order to incorporate the permit conditions into the City's lease agreement. | 1185 - 1215 Embarcadero Road (along the Morro Bay Embarcadero, lease sites 110-113, 122-128, 110W-113W, 115W, 122W-128W), Morro Bay (San Luis Obispo County) |

REPORT OF EXTENSION - IMMATERIAL

| <i>Applicant</i> | <i>Project Description</i> | <i>Project Location</i> |
|--|---|---|
| A-3-PSB-06-001-E4 Beachwalk Resort, L.L.C., Attn: Anthony Wells | Development of a three story, 67-room ocean front hotel with conference rooms, fitness center, underground parking, and public access courtyard | 147 Stimson (Downtown Planning Area), Pismo Beach (San Luis Obispo County) |
| A-3-SLO-07-041-E3 Brent Richissin | Construction of a single family residence. | Austin Court (in the unincorporated community of Los Osos), Los Osos (San Luis Obispo County) |
| 3-09-012-E2 Randal & Deborah White | Demolition of an existing single-story single-family residence and detached garage, and construction of a new two-story residence with attached garage and related development. | 1771 Sunset Drive (Asilomar Dunes), Pacific Grove (Monterey County) |

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NOTICE OF PROPOSED PERMIT WAIVER

Date: October 30, 2012
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager
Mike Watson, Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-12-035-W**
Applicants: City of Pacific Grove

Proposed Development

Restoration and reconstruction of two 165 square foot accessory structures at the historic Point Pinos Lighthouse and lighthouse grounds including ADA, site, and utility improvements, landscaping, chain link fencing removal, asphalt removal, new entry gate, and native dune restoration of the surrounding grounds at the Point Pinos Lighthouse between Lighthouse Avenue and Del Monte Boulevard (APN 007-011-006) in the City of Pacific Grove.

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 facility improvements and reconstruction is minor in scope and necessary to restore the lighthouse grounds to its pre-1935 period as well as make the site accessible to a broader segment of the public. Removal of the chain-link perimeter fencing and excess driveway asphalt will facilitate native landscaping improvements/restoration and enhance the visual aesthetic of the site. Exotic plant and weed eradication together with re-vegetation of native plant species endemic to the Asilomar Dunes will enhance dune habitat values around the perimeter of the lighthouse grounds. The proposed project further includes appropriate construction best management practices to protect water quality and public access during construction, which together with the new entry gate will result in enhanced public recreational opportunities overall at the Point Pinos Lighthouse. In sum, the proposed project will protect and restore a historic landmark and simultaneously enhance public recreational access opportunities and native habitats consistent with the requirements 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 Thursday, November 15, 2012, in Santa Monica. 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.



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NOTICE OF PROPOSED PERMIT WAIVER

Date: October 31, 2012
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager
Susan Craig, Supervising Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-12-039-W**
Applicant: Santa Cruz Port District

Proposed Development

The proposed project consists of repairing a void that has formed due to erosion taking place underneath an existing above-ground electrical vault that is located along an approximately 20-foot-long section of public pathway atop the west jetty at Santa Cruz Harbor. The above-ground electrical vault provides electricity to the Walton Lighthouse, which is located near the end of the west jetty and which houses U.S. Coast Guard aids to navigation (light and foghorn). The void will be lined with waterproof plastic and filled with concrete or cement-sand slurry, in three phases to allow for curing at the end of each phase. After the third phase of concrete/cement-sand slurry has cured for 24 hours, riprap will be placed on top of the cured fill material to restore this section of the jetty's geometry and confine the fill material along this 20-foot-section of the west jetty.

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 Santa Cruz Harbor's west jetty extends almost 400 feet along the Harbor's entrance channel from Aldo's Restaurant to the open ocean. The proposed project will repair a gap that has formed due to erosion along a relatively small portion (about 20-foot linear feet) at the top of the jetty, directly adjacent to the public pathway that leads to Twin Lakes/Seabright State Beach and the Walton Lighthouse. The proposed project will ensure continued electrical service to the Walton Lighthouse and will protect the public pathway in this area from being undermined. The proposed project includes appropriate best management practices to protect water quality during construction, including the use of a waterproof plastic lining during each phase of concrete/cement-slurry fill installation, covering the fill with a plastic lining during each phase of the curing process, and the installation of additional erosion and sediment controls around the perimeter of the construction site to prevent construction-related runoff and/or sediment from entering harbor waters. The new riprap will be installed within the footprint and profile of the existing jetty riprap revetment. Construction activities will be completed within two weeks (10 working days). The construction staging area will be located in the Harbor's west side parking area, more than 50 feet from harbor waters. All construction materials and equipment will be removed from the construction area by sunset each day that work occurs. Beach access will be maintained at all times during the repair project. For all of the above reasons, the proposed project is consistent with Chapter 3

NOTICE OF PROPOSED PERMIT WAIVER
CDP Waiver 3-12-039-W (Santa Cruz Harbor Jetty Repair)
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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 Thursday, November 15, 2012, in Santa Monica. 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.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: October 31, 2012
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager
Susan Craig, Supervising Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-12-040-W**
Applicant: City of Capitola

Proposed Development

The proposed project includes the replacement of a natural gas service line for the Capitola Wharf. The previously existing service line failed in February 2011 and was replaced with a temporary line. The proposed project will reconstruct the permanent natural gas service line, which will run from the base of the wharf to the existing restaurant located at the end of the wharf. The new gas line will consist of a 1" diameter medium-density polyethylene (MDPE) gas pipe encased in a 2" diameter stainless steel carrier pipe. The stainless steel carrier pipe will be affixed to the seaward side of the wharf floorboard, behind the existing wharf railing, via the use of bolted pipe strapping.

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 gas line will replace a previously existing gas line along the wharf to provide gas to the existing restaurant located at the end of the Capitola Wharf. The gas line and carrier pipe will be located along the seaward side of the existing wharf floorboard, abutting the base of the wharf railing. Thus, the project will be minimally visible to those traversing the wharf because it will be located behind the wharf railing. Also, given the small diameter of the carrier pipe (2 inches), the project will have minimal impacts on views of the wharf as seen from the beach. The City has included appropriate best management practices in its project description to protect the surrounding ocean waters during gas line installation, including cutting all pipe offsite and tethering all hand equipment and tools to the wharf or other wharf structures to prevent equipment or tools from accidentally dropping into the water. All materials will be delivered and installed daily. No materials will be stored onsite. Access to the wharf will remain open during gas line installation, and a minimum six-foot-wide public accessway will be maintained around work areas. 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 Thursday, November 15, 2012, in Santa Monica. If four

NOTICE OF PROPOSED PERMIT WAIVER

CDP Waiver 3-12-040-W (Capitola Wharf Gas Line)

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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.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: November 1, 2012
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager
Mike Watson, Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-12-045-W**
Applicants: Stanford University

Proposed Development

Replacement in-kind of three existing exterior wood stairways and railings at the Monterey Boat Work Building, Hopkins Marine Station, 120 Ocean View Boulevard in the City of Pacific Grove.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13253 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 existing wooden stairways and railings are in very poor condition, and thus replacement is necessary to maintain access to the Monterey Boat Work Building and to abate a hazardous condition at the structure. The project includes replacement of three existing stairways and railing to match the original stairways in-kind and location. Staging of materials and waste receptacles will occur within the interior of the site and away from the shoreline. Best management practices are proposed to ensure that all waste materials and construction debris are appropriately contained and disposed of each day to ensure that the site remains clean and debris does not migrate onto nearby shoreline areas. In sum, the proposed project will retain the existing visual aesthetic of the Monterey Boat Work Building and will not otherwise have any adverse impact on coastal resources or 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, November 15, 2012, in Santa Monica. 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.





California Coastal Commission

EMERGENCY COASTAL DEVELOPMENT PERMIT
Emergency CDP 3-12-041-G (Carmel River Lagoon Sandbar Management)

Issue Date: November 6, 2012

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This emergency coastal development permit (ECDP) authorizes Monterey County, acting as contractor and agent for the California Department of Parks and Recreation, to manage the sandbar at Carmel River State Beach during the 2012-2013 rainy season, including by cutting and managing a channel between the Lagoon and Carmel Bay to reduce the water level in the Lagoon so as to avoid/minimize flooding of existing residences and State Park facilities upstream of the Lagoon fronting Carmel River State Beach (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (Monterey County), the Carmel River Lagoon is currently below flood elevation, however there is a risk that any significant rainfall could lead to flooding of approximately 12 residential homes, loss of the State Beach parking lot, and undercutting of the State Beach restroom, all located upstream and along the bank of the Lagoon. Monterey County has estimated the flood elevation to be 10.07 feet. To avoid exceeding flood elevation, work to create a channel in the sand will commence within 48 hours of flood stage (i.e., coinciding with significant rains and large swells and/or potential water releases from Los Padres Reservoir). 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; (2) Regular Permit Application Form

cc: Steve Bachman, California Department of Parks and Recreation
Deirdre Whalen, Monterey Bay National Marine Sanctuary
Paula Gill, U.S. Army Corps of Engineers
Chad Mitcham, U.S. Fish and Wildlife Service
Jacqueline Meyer, National Marine Fisheries Service
Rob Tibstra, California Department of Fish and Game
Laura Lawrence, Monterey County Planning
Sean Conroy, City of Carmel-by-the-Sea

Emergency CDP 3-12-041-G (Carmel River Lagoon Sandbar Management)

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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 November 21, 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 extends through the 2012-2013 rainy season (i.e., until April 15, 2013) only, unless extended for good cause by the Executive Director.
4. The emergency development authorized by this ECDP is only temporary, and shall no longer be authorized if it is not followed-up by a regular CDP that provides a comprehensive response to flooding along Carmel Lagoon in a manner that is most protective of Carmel River/Lagoon resources and public recreational access, including through application of the least environmentally damaging alternatives for addressing flood risks and allowing the river/lagoon system to operate as naturally as possible without artificial manipulation. Within 270 days of the date of this permit (i.e., by August 3, 2013), the Permittee shall submit a complete application for such regular CDP. Otherwise, the temporary emergency development shall no longer be authorized and all areas affected by it restored to their original pre-emergency development condition. The deadlines in this condition may be extended for good cause by the Executive Director.
5. 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, United States Army Corps of Engineers, 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.
6. All emergency development shall be limited in scale and scope to that specifically identified in the materials submitted by the Permittee (dated received in the Coastal Commission's Central Coast District Office on October 17, 2012).
7. A qualified biologist (including with a minimum of three years experience with anadromous salmonids) shall be present during all emergency development activities, and shall monitor the Lagoon and sandbar on a daily basis for as long as the emergency development activities authorized under this ECDP persist. The biological monitor shall ensure that all emergency development is limited to the least amount necessary to abate the emergency, and that it avoid impacts to adjacent marine and lagoon resources as much as possible, including through adaptive management measures to respond to changing conditions and/or understandings relative to flood risk and habitat impacts.
8. Prior to any mechanical breaching of the sandbar, the Permittee shall have ensured that all other possible flood protection measures (e.g., sand bags, rubber dams, etc.) have been applied to protect surrounding flood water threatened homes, infrastructure, and other development to the maximum



California Coastal Commission

Emergency CDP 3-12-041-G (Carmel River Lagoon Sandbar Management)

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extent feasible.

9. For the initial construction of the channel, the channel shall begin at the 9-foot sandbar elevation and cut diagonally to the southwest for a distance of approximately 500 feet, and it shall be no more than 10 feet wide.
10. Following any sandbar breach and after high inflows from the river have receded, the Lagoon shall either be allowed to naturally close or remain with an open outlet channel flowing over the beach in the alignment described in condition number 9 above (i.e., a long meandering channel that mutes tidal influence and rapid draining of the Lagoon), whichever is more protective of resources, including as directed by the biological monitor.
11. If the initial sandbar breach leads to an open lagoon (open to tidal influence), the Permittee shall allow the tidal inlet/sandbar area to naturally fill, unless River flows have receded to below 200 cfs in which case the Permittee shall modify the tidal inlet/sandbar area to close the Lagoon outlet channel. The Lagoon level shall be maintained at a minimum 6-foot water surface elevation. Any manipulation of the tidal inlet/sandbar area that involves fill sand shall use in-situ Carmel River State Beach sand that is free of contaminants.
12. All emergency development activities shall limit impacts to coastal resources (including public recreational access, shoreline bluff, Carmel River and Lagoon, 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 public recreational access along Carmel River State Beach, and shall 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.
 - b. Construction work and equipment operations shall not be conducted seaward of the mean high water line unless tidal waters have receded from the authorized work areas.
 - c. Grading of intertidal areas 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. 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.



Emergency CDP 3-12-041-G (Carmel River Lagoon Sandbar Management)

Issue Date: November 6, 2012

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- g. 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.).
 - h. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach or the adjacent marine environment are prohibited. Equipment washing, refueling, and/or servicing shall not take place 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.
 - i. All accessways impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand in the area that is impacted by construction shall be filtered as necessary to remove any construction debris.
 - j. All exposed slopes and soil surfaces in and/or adjacent to the construction area 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.
 - 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 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 emergency development area at all times for as long as emergency development activities authorized under this ECDP persist, and such copies shall be available for public review on request. All persons involved with the emergency development activities 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. The Permittee shall designate a coordinator to be contacted during all emergency development activities and for as long as the emergency development activities authorized under this ECDP persist should questions arise regarding these activities (in case of both regular inquiries and emergencies). The coordinator's 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 emergency development activities, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the coordinator should be contacted in the case of questions regarding the construction (in case of both regular



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inquiries and emergencies). The coordinator shall record the name, phone number, and nature of all complaints received regarding the time that emergency development activities authorized under this ECDP persist, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

15. The Permittee shall submit monthly reports by the 15th of each month that emergency development activities authorized under this ECDP persist to the Executive Director for review and approval. Each report shall identify all flood protection measures (e.g., sand bags, rubber dams, etc.) that have been applied to protect surrounding flood water threatened homes, infrastructure, and other development to the maximum extent feasible; shall document all emergency development activities (including through narrative as well as site plans and cross sections accompanied by photographs, maps, and /or graphics); and shall include a section prepared by the biological monitor providing his/her monitoring observations, including in terms of potential impacts to habitat resources (including identification of any fish mortality and/or harm or harassment (e.g., fish entrainment in the outlet channel during breaching)) and recommendations for project changes to avoid such impacts. The monthly reports shall clearly identify all areas affected by emergency development activities, and include the location and extent of grading, sand borrow, and fill areas; pre-existing and resulting alignments of the river; elevations showing finished slopes; and, estimated quantity of sand moved. The monthly reports shall also include color photographs (in hard copy and jpg format) that clearly depict all emergency development activities, that are accompanied by a site plan that notes the location of each photographic viewpoint and the date and time of each photograph, and that are accompanied by a description of what is shown in each photograph. At a minimum, the photographs shall be from enough upcoast, seaward, and downcoast viewpoints as to provide complete photographic coverage of the emergency development activities authorized under this ECDP at a scale that allows comparisons to be made with the naked eye between photographs taken at different times from the same vantage points.
16. 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.
17. 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.
18. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
19. The issuance of this ECDP does not constitute admission as to the legality of any development



California Coastal Commission

Emergency CDP 3-12-041-G (Carmel River Lagoon Sandbar Management)

Issue Date: November 6, 2012

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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 Monterey County wishes 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.



CALIFORNIA COASTAL COMMISSION

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: October 31, 2012
To: All Interested Parties
From: Madeline Cavaleri, Central Coast District Manager
Stephanie Rexing, Supervising Coastal Planner
Subject: **Proposed Amendment to Coastal Development Permit (CDP) 3-08-025**
Applicant: Harbor Hut, Attn: George Leage; Great American Fish Company, Attn: Jim Leage;
Virg's, Attn: Darby Neil

Original CDP Approval

CDP 3-08-025 was approved by the Coastal Commission on June 10, 2009 to renovate and redevelop three existing commercial business and related boating facilities spanning 22 lease sites including demolition of floating docks, the "Thai Boat" restaurant, "Virg's Tackle Shop", shed, and ancillary structures; and construction of a two-story commercial visitor-serving mixed use structure (Virg's), new commercial boating finger slips (Virg's and Harbor Hut), new marine fuel tanks, new restaurant/fish market expansion (GAFCO), side-tie deck and live bait receiver bins (Virg's), ancillary structures (e.g., pilings, framing, stairs, gangways, etc.), public access improvements, including 8' wide public floating dock, gangways, ADA compatible lift, rooftop deck, and outdoor seating area.

Proposed CDP Amendment

CDP 3-08-025 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 **3-08-025-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 3-08-025 affects a commercial operation along the Morro Bay Embarcadero that includes leased tidelands extending into Morro Bay proper. CDP 3-08-025 requires that the conditions of the CDP be recorded against 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 3-08-025, staff worked with the Permittee and City staff on the modified lease requirement that is the subject of this amendment. The modified requirement would require that the conditions be recorded against the lease itself in a form and content similar to the Commission's typical deed restriction practice. Thus, the proposed amendment will allow

NOTICE OF PROPOSED PERMIT AMENDMENT

CDP 3-08-025 (Harbor Hut, GAFCO, Virg's)

Proposed Amendment 3-08-025-A1

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the CDP's notice requirements to be implemented in a slightly different manner that will achieve the same objectives.

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 November 15, 2012, in Santa Monica. 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.

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**NOTICE OF PROPOSED PERMIT EXTENSION**

Date: October 31, 2012
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager
Stephanie Rexing, Coastal Planner
Subject: **Proposed Extension to Coastal Development Permit (CDP) A-3-PSB-06-001**
Applicant: Beachwalk Resort, LLC

Original CDP Approval

CDP A-3-PSB-06-001 was approved by the Coastal Commission on July 11, 2007, and provided for the development of a three story, 67-room ocean front hotel with conference rooms, fitness center, underground parking, and public access courtyard at 147 Stimson Avenue in Pismo Beach, San Luis Obispo County.

Proposed CDP Extension

The expiration date of CDP A-3-PSB-06-001 would be extended by one year to July 11, 2013. The Commission's reference number for this proposed extension is A-3-PSB-06-001-E4.

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 no changed circumstances affecting the approved development's consistency with the certified City of Pismo Beach 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 Thursday, November 15, 2012 in Santa Cruz. 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 Stephanie Rexing in the Central Coast District office.

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**NOTICE OF PROPOSED PERMIT EXTENSION**

Date: October 31, 2012
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager
Daniel Robinson, Coastal Planner
Subject: **Proposed Extension to Coastal Development Permit (CDP) A-3-SLO-07-041-E3**
Applicant: Brent Richissin

Original CDP Approval

CDP A-3-SLO-07-041 was approved by the Coastal Commission on October 15, 2008, and provided for the construction of a single-family residence located at 2737 Austin Court, in the unincorporated coastal community of Los Osos, San Luis Obispo County. CDP A-3-SLO-07-041 expiration has been extended twice for one year each, with the last extension (to October 15, 2012) occurring on November 2, 2011 in Oceanside.

Proposed CDP Extension

The expiration date of CDP A-3-SLO-07-041 would be extended by one year to October 15, 2013. The Commission's reference number for this proposed extension is A-3-SLO-07-041-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 County of San Luis Obispo 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 Thursday, November 15th, 2012 in Santa Monica. 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 Daniel Robinson in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT EXTENSION

Date: October 30, 2012
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager
Mike Watson, Coastal Planner
Subject: **Proposed Extension to Coastal Development Permit (CDP) 3-09-012**
Applicants: Randal & Deborah White

Original CDP Approval

CDP 3-09-012 was approved by the Coastal Commission on November 4, 2009, and provided for the demolition of an existing single-story single-family residence and detached garage, and construction of a new two-story residence with attached garage and related development at 1771 Sunset Drive, in the Asilomar Dunes area of Pacific Grove, Monterey County. On December 8, 2011 the Commission extended the expiration date of CDP 3-09-012 by one year to November 4, 2012.

Proposed CDP Extension

The expiration date of CDP 3-09-012 would be extended by one year to November 4, 2013. The Commission's reference number for this proposed extension is 3-09-012-E2.

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 Chapter 3 of the Coastal Act.

Coastal Commission Review Procedure

The Executive Director's determination and any written objections to it will be reported to the Commission on Thursday, November 15, in Santa Monica. 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 Mike Watson in the Central Coast District office.

