

**CALIFORNIA COASTAL COMMISSION**

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

*For the*

## *December Meeting of the California Coastal Commission*

MEMORANDUM

Date: December 13, 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 December 13, 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. 3-12-048-W California Department Of Transportation (Caltrans), Attn: Cecilia Boudreau (, San Luis Obispo County)

**DE MINIMIS WAIVERS**

1. 3-12-033-W California State Parks/Santa Cruz District, Attn: Jeffrey Long (Santa Cruz, Santa Cruz County)

**EMERGENCY PERMITS**

1. 3-12-047-G Monterey Plaza Hotel Lp, Attn: Mr. John Narigi (Monterey, Monterey County)

**TOTAL OF 3 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>
<b>3-12-048-W</b> California Department Of Transportation (Caltrans), Attn: Cecilia Boudreau	Installation of ten water-table monitoring wells within and around the anticipated footprint of a proposed wetland restoration project. Four wells would be installed in existing wetlands and six would be installed in non-wetland areas, for the purpose of providing information on how water table depth varies between wet and dry months to inform future wetland restoration.	Highway 1 ( The project site is located just north of Arroyo de la Cruz Creek on the west side of Highway 1 near Piedras Blancas, in San Luis Obispo County), San Luis Obispo County

### **REPORT OF DE MINIMIS WAIVERS**

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

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<b>3-12-033-W</b> California State Parks/Santa Cruz District, Attn: Jeffrey Long	Installation of a wooden stairway system, including three landings, to provide public access from the top of the slope near the end of 14th Avenue to Twin Lakes State Beach	14th Ave., 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>
<b>3-12-047-G</b> Monterey Plaza Hotel Lp, Attn: Mr. John Narigi	Authorizes emergency development consisting of structural repairs to existing foundation including reinforcing and anchoring three concrete column footings into bedrock beneath the old cannery building.	270/284 Cannery Row, Monterey (Monterey County)

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** November 29, 2012  
**To:** All Interested Parties  
**From:** Madeline Cavalieri, Central Coast District Manager  
Daniel Robinson, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-12-048-W**  
Applicant: Caltrans

### Proposed Development

Installation of ten water-table monitoring wells within and around the anticipated footprint of a proposed wetland restoration project. Four wells would be installed in existing wetlands and six would be installed in non-wetland areas, for the purpose of providing information on how water table depth varies between wet and dry months to inform future wetland restoration. The project site is located just north of Arroyo de la Cruz Creek on the west side of Highway 1 near Piedras Blancas, in San Luis Obispo County

### Executive Director's Waiver Determination

Pursuant to Title 14, Section 13252 of the California Code of Regulations, and based on project plans and information submitted by the 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:

Each of the ten well locations will be accessed by foot and no motorized or other vehicles will be driven onto the project area. Each of the ten wells will be dug using a hand auger down to a maximum depth of approximately 66 inches. Temporary impacts of approximately 3 square feet in diameter around each of the ten monitoring wells may occur due to boring work and general foot traffic necessary to access and monitor the wells between mid-December 2012 and late August, 2013. However, all wells will be removed by August 31, 2013 and the area will be fully restored. As proposed, and through the use of appropriate construction BMPs, the project will not have any significant adverse impacts on coastal resources, nor 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, December 13, 2012, in San Francisco. If three Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** November 29, 2012  
**To:** All Interested Parties  
**From:** Madeline Cavalieri, Central Coast District Manager  
Susan Craig, Supervising Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-12-033-W**  
Applicant: California Department of Parks and Recreation

### Proposed Development

The proposed project includes installation of a wooden stairway system, including three landings, to provide public access from the top of the slope near the end of 14<sup>th</sup> Avenue to Twin Lakes State Beach.

### 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 stairway (treads and railings) will be made of redwood. The supporting posts (12 in number) and horizontal support stringers will be made of treated wood. No grading will be necessary to construct the stairway. A 10" wide x 18" deep post hole will be dug for each post. The existing slope is un-vegetated, thus no vegetation will be removed to install the stairway. Staging of materials will occur at the top of the slope 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 the beach.

The funding for the proposed stairway comes from a mitigation fee required by the Commission as part of a previous project approval that included a sea cave fill just downcoast of the project site (CDP A-3-SCO-06-006). The proposed stairway will provide safer and easier access to Twin Lakes State Beach at this location and will also allow additional access to this beach for those who are not able to walk down the existing steep slope. 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, December 13, 2012, in San Francisco. 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 Susan Craig in the Central Coast District office.**



California Coastal Commission

# EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP 3-12-047-G (270/284 Cannery Row Building)

Issue Date: November 30, 2012

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This emergency coastal development permit (ECDP) authorizes emergency development consisting of structural repairs to an existing foundation including reinforcing and anchoring three concrete column footings into bedrock beneath the old cannery building located at 270/284 Cannery Row in the City of Monterey (all more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (Monterey Plaza Hotel LP), it appears that three original concrete column footings have eroded and are now dislodged from the ground due to ongoing wave action and rock abrasion. Specifically, high tides and wave action have combined with existing cobble rock to erode the base of the old cannery building concrete column footings which support the structure that extends out over the Monterey Bay. As a result, a significant portion of the structure is threatened to collapse and fall into the Monterey Bay. The proposed emergency development is necessary to abate the collapse of the foundation footings, slab, and remaining structural walls, and to prevent release of wood, concrete, steel and debris from entering the Bay. 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.

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

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

cc: Kimberly Cole, City of Monterey - Planning Department  
Frank Donangelo, The Cannery Row Company

### 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 December 15, 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 December 30, 2012) unless extended for good cause by the Executive Director.
4. The emergency development authorized by this ECDP is only temporary and is designed to abate the identified emergency, and shall be removed if it is not authorized by a regular CDP. Any regular CDP must be found consistent with the Coastal Act, and must address the City's certified LUP requirements. The Applicant has indicated to Coastal Commission staff that the future proposed use and development of the site is for a visitor-serving overnight project, such as a standard operation hotel, that will be designed to include public recreational access amenities, including at a minimum public recreational trail and ocean overlook areas along the water's edge and connecting to up and down coastal properties and public accessways. It is understood by Coastal Commission staff that the regular CDP application necessary to recognize the emergency development past a temporary authorization will account for such use and development, including as a means to help address Coastal Act requirements. This ECDP is issued based on this understanding. Within 2 years of the date of this permit (i.e. by December 30, 2014), the Permittee shall either: 1) submit a complete follow-up application for such a regular CDP, or 2) submit a removal and restoration plan for the temporary emergency development so authorized by this ECDP. The deadlines 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., City of Monterey, California State Lands Commission, Monterey Bay National Marine Sanctuary, 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 Emergency Permit Application Form dated received in the Coastal Commission's Central Coast District Office on November 17, 2012, except as revised in the following manner:



- a. All wood, concrete, steel, and other debris shall be removed entirely from the site and disposed of at a suitable off-site location outside the coastal zone.
  - b. Mitigation measures shall be implemented to ensure that all wood, concrete, steel, and other debris are appropriately contained and not allowed to be released into Monterey Bay waters.
8. A licensed civil engineer with experience in coastal structures and processes shall oversee all construction activities and shall ensure that all emergency development is limited to the least amount necessary to abate the emergency.
9. All emergency construction activities shall limit impacts to coastal resources (including public recreational access, habitat areas, and 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 work shall take place during daylight hours. Lighting of the beach or intertidal area is prohibited.
  - b. Identify the specific location of all construction areas, all staging areas, all storage areas, all construction access corridors (to the construction sites and staging areas), and all public pedestrian access corridors in site plan view. All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to minimize construction encroachment on the shoreline and to have the least impact on public access and the marine environment. Construction activities, materials, and/or equipment storage are prohibited outside of the defined construction, staging, and storage areas.
  - c. 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. Grading of intertidal areas is prohibited.
  - d. All concrete work shall require complete dewatering of the pour site, within a caisson or other barrier. The site shall remain dewatered until the concrete is sufficiently cured to prevent any significant increase in the pH of adjacent waters.
  - e. All construction materials and equipment shall be removed in their entirety from the beach area by sunset each day that work occurs.
  - f. In each case involving concrete pours, a separate washout area shall be provided for the concrete trucks and/or tools. The washout area shall be designed and located so that there will be no chance of concrete slurry or contaminated water to coastal waters, nor into storm drains or gutters that empty into such bodies of water.
  - 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 debris and wastes); dispose of all wastes properly,





## Emergency CDP 3-12-047-G (270/284 Cannery Row Building)

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place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from bay waters; etc.).

- h. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach or the marine environment are prohibited. Equipment washing, refueling, and/or servicing shall not take place at the construction site. Any debris 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 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.
  - j. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction. If planning staff should identify additional reasonable restoration measures, such measures shall be implemented immediately.
10. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
  11. 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.
  12. 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. Photos showing the project site before the emergency (if available), during emergency project construction activities, and after the work authorized by this ECDP is complete, shall be provided with the site plans and cross sections.
  13. This ECDP shall not constitute a waiver of any public rights which may exist on the property. The permittee shall not use this ECDP as evidence of a waiver of any public rights which may exist on the property.



Emergency CDP 3-12-047-G (270/284 Cannery Row Building)

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14. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
15. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the subject site without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Chapter 9 of the Coastal Act.

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

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

