

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

June Meeting of the California Coastal Commission

MEMORANDUM

Date: June 15, 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 June 15, 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. 3-12-023-W Douglas A. Borer & Judith H. Stiles (Pacific Grove, Monterey County)

DE MINIMIS WAIVERS

1. 3-12-022-W Monterey-Salinas Transit, Attn: Carl Wulf (Monterey, Monterey County)

EMERGENCY PERMITS

1. 3-12-019-G City Of Pismo Beach (Pismo Beach, San Luis Obispo County)

IMMATERIAL AMENDMENTS

1. 3-04-052-A2 Ali Mira (Carmel Highlands, Monterey County)

TOTAL OF 4 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>
3-12-023-W Douglas A. Borer & Judith H. Stiles	Proposed 312 square foot addition to an existing 1,811 square foot two-story single family residence and a new 561 square foot detached garage and related improvements	145 Asilomar Blvd, Pacific Grove (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>
3-12-022-W Monterey-Salinas Transit, Attn: Carl Wulf	Installation of a 4' x 11' bus stop shelter, 4' bench, metal hand railing, and trash receptacle. Approximately 35' of existing sidewalk will be removed and replaced with a 9.5' wide decorative concrete bus stop with ADA improvements (sufficient sidewalk width, curb cut, truncated dome rumble patch, etc.)	Foam Street & Reeside Avenue (SE corner of this intersection within public right-of-way), Monterey (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>
3-12-019-G City Of Pismo Beach	Construct a vertical concrete wall to protect a failing section of Ocean Boulevard.	Ocean Boulevard (Shell Beach area), Pismo Beach (San Luis Obispo 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>
3-04-052-A2 Ali Mira	Installation of an electronically controlled driveway gate at the entrance to the property on Yankee Point Drive. The inward swinging gate is made of steel and designed to match the look and height of the existing wrought iron fencing that is installed along the north property line. This amendment also includes native landscaping at the rear of the property to further enhance the restoration efforts done pursuant to CDP 3-04-052.	112A Yankee Point Drive, Carmel Highlands (Monterey County)

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NOTICE OF PROPOSED PERMIT WAIVER

Date: June 1, 2012
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager
Mike Watson, Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-12-023-W**
Applicants: Douglas Borer & Judith Stiles

Proposed Development

Proposed 312 square foot addition to an existing 1,811 square foot two-story single family residence and a new 561 square foot detached garage and related development at 145 Asilomar Avenue (APN 006-114-010; not in the Asilomar Dunes) in the City of Pacific Grove.

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 received discretionary approval by the City's Architectural Review Board to ensure conformance with the requirements of the City's Municipal Code and the certified Land Use Plan. The project has no potential for adverse effects on coastal resources, including public access to the shoreline, 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 Friday, June 15, 2012 in Huntington Beach. 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: June 1, 2012
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager
Mike Watson, Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-12-022-W**
Applicant: Monterey Salinas Transit (MST)

Proposed Development

Installation of a 4' x 11' bus stop shelter, 4' bench, metal hand railing, and trash receptacle. Approximately 35' of existing sidewalk will be removed and replaced with a 9.5' wide decorative concrete bus stop with ADA improvements (sufficient sidewalk width, curb cut, truncated dome rumble patch, etc.) at the southeast corner of Reeside and Foam in the City of Monterey, Monterey County.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the applicant(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 project is part of a Monterey Salinas Transit (MST) project to create a 6.75-mile rapid transit bus service through the cities of Monterey, Seaside and Sand City. The objectives are to encourage ridership, reduce travel times, improve reliability and efficiency, and enhance transit rider experience. The proposed project is located in the coastal zone, approximately one-block inland from the shoreline. The new bus stop is designed to fit into the existing developed character of the area and will provide ADA compatible service to San Carlos Beach and the southern end of Cannery Row. Additionally, the surrounding area will be restored back to its original condition with drought tolerant, non-invasive landscaping that will serve to integrate the bus stop into the area. The project includes construction BMPs designed to prevent soil, sediment, and debris from entering the marine environment during construction. Disruptions to public access during construction will be minimized by restricting access only in the immediate area of construction. Accordingly, the project will not have any significant adverse impacts on coastal resources, including public access to the shoreline.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Friday, June 15, 2012, in Huntington Beach. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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





California Coastal Commission

EMERGENCY COASTAL DEVELOPMENT PERMIT
Emergency CDP 3-12-019-G (Pismo Beach Ocean Blvd Seawall)

Issue Date: May 14, 2012

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This emergency coastal development permit (ECDP) authorizes emergency development of a 128-foot-long, approximately 36-foot-tall, structural tied-back shotcrete wall spanning both undermined sections of roadway and aging binwalls, as well as a replacement of the existing deteriorated storm drain with a new drain line. The project site is located on the seaward section of Ocean Boulevard between Capistrano Avenue and Wawona Avenue in the City of Pismo Beach (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee, i.e. the City of Pismo Beach, and a site visit to the area, it appears that erosion in the area has been ongoing for some time. In response, the City of Pismo Beach placed barricades behind the curb line to prevent the erosion from damaging the roadway. In December 2011, the steel binwall was breached and the backfill started to erode out from within the binwall. Temporary emergency measures were implemented to temporarily stabilize the binwall, but a continued threatened loss of the roadway (representing a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, and property) has been identified at the subject site, and the proposed emergency development is necessary to prevent the imminent loss of and/or damage to the existing roadway. 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.


FOR: Madeline Cavaleri, Central Coastal District Manager for, Charles Lester Executive Director

Emergency CDP 3-12-019-G (Pismo Beach Ocean Blvd Seawall)

Issue Date: May 14, 2012

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Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the City of Pismo Beach where the emergency development authorized by this ECDP is located and returned to the California Coastal Commission's Central Coast District Office within 15 days of the date of this permit (i.e., by May 29, 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 June 13, 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 July 13, 2012), the Permittee shall submit a complete application for a regular CDP to have the emergency development be considered permanent. The Permittee is encouraged to submit an application that also requests regular CDP authorization to provide for future maintenance of any authorized shoreline protection. The emergency development shall be removed in its entirety within 180 days of the date of this permit (i.e., by November 10, 2012) 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. 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., California State Lands Commission, U.S. Army Corps of Engineers, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
7. The emergency development shall be limited in scale and scope to the 128-foot-long seawall and related development identified in the TerraCosta letter report to Dwayne Chisam, City of Pismo Beach, dated April 9, 2012 and dated received in the Coastal Commission's Central Coast District Office on April 11, 2012. In addition, all drainage and related elements shall be camouflaged as much as possible (e.g., randomly spaced, hidden with overhanging or otherwise protruding sculpted concrete, etc.) so as to be hidden from view and/or inconspicuous as seen from on top of the bluffs and from the beach.
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 beach recreational access and to Shell



Emergency CDP 3-12-019-G (Pismo Beach Ocean Blvd Seawall)

Issue Date: May 14, 2012

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Beach 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 area is prohibited.
- 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. All 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. The only exceptions shall be for: (1) erosion and sediment controls (e.g., a silt fence at the base of the construction area) as necessary to contain rock and/or sediments in the construction area, where such controls are placed as close to the toe of the bluff area as possible, and are minimized in their extent; and (2) storage of larger materials (i.e., soil nails, large forms, etc.) beyond the reach of tidal waters for which moving the materials each day would be extremely difficult. Any larger materials intended to be left on the beach area overnight must be approved in advance by the Executive Director, and shall be subject to a contingency plan for moving said materials in the event of tidal/wave surge reaching them.
- 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.
- g. No work shall occur on the beach during the summer peak months (Saturday of the Memorial Day weekend through Labor Day inclusive).
- 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 materials 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 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.



Emergency CDP 3-12-019-G (Pismo Beach Ocean Blvd Seawall)

Issue Date: May 14, 2012

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- j. All beach areas and all shoreline access points 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 all construction debris.
 - k. 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.
 - l. All contractors shall insure 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.
 - m. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction and required beach-area restoration activities. If planning staff should identify additional reasonable measures necessary to restore the beach and beach access points, 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 his/her 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 the construction authorized by this ECDP (i.e., by June 13, 2012), the Permittee shall submit site plans and cross sections prepared by a licensed civil engineer with experience in coastal structures and processes 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.
13. This ECDP shall not constitute a waiver of any public rights which may exist on the property. The



Emergency CDP 3-12-019-G (Pismo Beach Ocean Blvd Seawall)

Issue Date: May 14, 2012

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Permittee shall not use this ECDP as evidence of a waiver of any public rights which may exist on the property.

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.

As noted in Conditions 4 and 5 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 property owner wishes to have the emergency development become a 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: June 1, 2012
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager
Mike Watson, Coastal Planner
Subject: **Proposed Amendment to Coastal Development Permit (CDP) 3-04-052**
Applicant: Ali Mira

Original CDP Approval

CDP 3-04-052 was approved by the Coastal Commission on May 11, 2005 and provided for the construction of a 2,232 square foot, single-story residence with a 440 square foot garage and related development, including native landscaping at the rear of the property adjacent to Malpasos Creek Beach, at 112A Yankee Point Drive, Carmel, Monterey County.

Proposed CDP Amendment

CDP 3-04-052 would be amended to include installation of an electronically controlled driveway gate at the entrance to the property on Yankee Point Drive. The inward swinging gate is made of steel and designed to match the look and height of the existing wrought iron fencing that is installed along the north property line. The proposed amendment also includes native landscaping at the rear of the property to further enhance the restoration efforts done pursuant to CDP 3-04-052. The Commission's reference number for this proposed amendment is 3-04-052-A2.

Executive Director's Immateriality Determination

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

The proposed driveway gate will provide the residents an additional measure of security that they contend is needed. The see-through design does not obstruct public views and is consistent with the character of the site. A vertical public access path runs along the northern property line down to Malpasos Creek Beach. The new gate will not impede public access to the vertical access path or to the beach. The proposed native landscaping will help to achieve restoration goals (i.e., species composition and density) at the rear of the site as required by CDP 3-04-052. The proposed amendment will not have any adverse impacts on coastal resources or 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 Friday, June 15, 2012, in Huntington Beach. If three Commissioners object to the Executive Director's determination of



NOTICE OF PROPOSED PERMIT AMENDMENT

CDP 3-04-052 (Mira Driveway Gate)

Proposed Amendment 3-04-052-A2

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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 Mike Watson in the Central Coast District office.

