

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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W15

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

For the

September Meeting of the California Coastal Commission

MEMORANDUM

Date: September 12, 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 September 12, 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. 3-12-005-W Monterey City Parks Department (Monterey, Monterey County)
2. 3-12-031-W City Of Pacific Grove, Attn: Sarah Hardgrave (Pacific Grove, Monterey County)

EMERGENCY PERMITS

1. 3-12-034-G M.M.B.S., L.L.C., Attn: Robert Fowler (Morro Bay, San Luis Obispo County)

EXTENSION - IMMATERIAL

1. A-3-SLO-06-043-E1 SDS Family Trust (Harmony, San Luis Obispo County)

<i>TOTAL OF 4 ITEMS</i>

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>
3-12-005-W Monterey City Parks Department	Implement a beach management plan including beach grooming, trash removal, animal rescue and removal, and similar related maintenance activities on city and state owned beaches	City Beaches (between Whar 2 and La Playa and on Del Monte Beach between Ocean Harbor House west to the abandoned waste water plant), Monterey (Monterey County)
3-12-031-W City Of Pacific Grove, Attn: Sarah Hardgrave	Installation of urban runoff diversion facilities and replacement of an underground sewer pump station, including pump units, valves, power and electrical equipment.	Ocean View Blvd. (between Eardley Ave. & 1st St.), 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>
3-12-034-G M.M.B.S., L.L.C., Attn: Robert Fowler	Authorizes emergency development to repair damage to the floating docks and pilings at 1215 Embarcadero caused by an accidental fishing vessel collision on August 21, 2012.	1215 Embarcadero, Morro Bay (San Luis Obispo County)

REPORT OF EXTENSION - IMMATERIAL

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
A-3-SLO-06-043-E1 SDS Family Trust	Development of a barn on property.	4520 Cabrillo Highway (seaward side of Highway 1 along the Harmony Coast (between Cayucos and Cambria) about one mile south of the town of Harmony in unincorporated San Luis Obispo County), Harmony (San Luis Obispo County)

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NOTICE OF PROPOSED PERMIT WAIVER

Date: August 28, 2012
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager
Mike Watson, Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-12-005-W**
Applicant: City of Monterey

Proposed Development

Implement a beach management plan including beach grooming, trash removal, animal rescue and removal, and similar related maintenance activities on city and state owned beaches between Wharf 2 and La Playa and on Del Monte Beach between Ocean Harbor House west to the abandoned waste water plant 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 maintenance activities would occur over a 5-year period and are mainly seasonal in nature with most activity occurring twice weekly between the months of May and October. During the off-season, activities would be performed on an "as-needed" basis. Grooming activities would commence early in the morning and occur solely on weekdays to minimize impacts on public access and recreation. Trash and dead animals would be removed and properly disposed; kelp would be left on the beach at or below the high tide line to encourage dune formation and provide shelter and habitat for marine invertebrates. A grunion protection protocol including demarcating the high water line and establishing "no-grooming" zones would be implemented during maintenance periods that coincide with forecasted grunion runs. The beach area fronting the Navy property (i.e., east end of La Playa to the abandoned waste water treatment plant) would be left in-situ. In sum, the proposed maintenance activities will enhance public access and recreational opportunities along the City of Monterey beaches while protecting beach and shoreline resources consistent with the Coastal Act.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Wednesday, September 12, 2012, in Caspar. 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: August 28, 2012
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager
Mike Watson, Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-12-031-W**
Applicant: City of Pacific Grove

Proposed Development

The proposed project includes installation of urban runoff diversion facilities and replacement of an underground sewer pump station, including pump units, valves, power and electrical equipment. The project is located primarily in the Ocean View Boulevard paved roadway between Eardley Avenue and 1st Street. The main waste water infrastructure is located across from the American Tin Cannery building beneath the recreation trail and within the landscaped median between Ocean View Boulevard and the recreation trail in the City of Pacific Grove, Monterey County. The project involves constructing the new pump station and demolishing the existing facilities, as well as installing landscaping in the project area.

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 development protects and improves coastal water quality by redirecting dry weather flows to the sanitary sewer system and by replacing an aging/failing sewer pump station with a similarly sized and more reliable, energy efficient, pump station, thus reducing the risk for spill or overflow affecting the Pacific Ocean. The project is located within the roadway prism and an existing landscaped area between the Pacific Grove Recreation Trail and the street. The City has proposed good housekeeping and storm water BMPs to contain construction debris and prevent sediment and runoff from migrating off-site. A qualified archaeologist will be consulted during construction to ensure that archaeological resources are adequately protected. Public access along the Pacific Grove recreation trail will be re-routed around the construction disturbance area with the detour demarcated with paint lines and arrows indicating the direction of travel. Finally, a landscape plan has been prepared to facilitate restoration of the site with native, drought-tolerant plant species after construction and demolition are completed, and to ensure that the project area is adequately screened from Ocean View Boulevard and the recreation trail. Accordingly, the proposed project is consistent with Chapter 3 of the Coastal Act.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Wednesday, September 12, 2012, in Caspar. If four



California Coastal Commission

NOTICE OF PROPOSED PERMIT WAIVER
CDP Waiver 3-12-031-W (PG Urban Runoff Diversion Phase III)
Page 2

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 3-12-034-G (1215 Embarcadero Floating Docks)

Issue Date: August 29, 2012

Page 1 of 4

This emergency coastal development permit (ECDP) authorizes emergency development to repair damage to the floating docks and pilings at 1215 Embarcadero caused by an accidental fishing vessel collision on August 21, 2012. The damaged floating docks are located adjacent to 1215 Embarcadero, and all of the damage done was to the northernmost set of docks. The emergency development includes removing two damaged floating docks and six pilings; two of which broke off at undetermined heights and four of which are merely damaged but still present (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee, the floating docks suffered damage due to an August 21, 2012 accidental collision by a 100 ton fishing boat (representing a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, and property), and the damaged facilities pose a continuing threat to themselves and to adjoining facilities. 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 Cavaleri, Central Coastal District Manager for Charles Lester, Executive Director

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

cc: Kathleen Wold, City of Morro Bay Planning Department

Emergency CDP 3-12-034-G (1215 Embarcadero Floating Docks)

Issue Date: August 29, 2012

Page 2 of 4

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 September 13, 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 September 28, 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 October 28, 2012), the Permittee shall submit a complete application for a regular CDP to have the emergency development be considered permanent or for a different project designed to repair the site. The application shall include 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. 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 Morro Bay, U.S. Army Corps of Engineers, California State Lands Commission, 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 August 29, 2012.
8. All emergency development shall be 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 slip area is prohibited.



California Coastal Commission

Emergency CDP 3-12-034-G (1215 Embarcadero Floating Docks)

Issue Date: August 29, 2012

Page 3 of 4

- b. 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.
- c. 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.).
- d. All construction activities that result in discharge of materials, polluted runoff, or wastes to the marine environment are prohibited. Equipment washing, refueling, and/or servicing shall not take place on the beach or over water. 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.
- e. All accessways impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction.
- f. All contractors shall ensure that work crews are carefully briefed on the importance of observing the construction precautions given the sensitive work environment. Construction contracts shall contain appropriate penalty provisions sufficient to offset the cost of retrieval/clean up of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.
- g. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction and required restoration activities. If planning staff should identify additional reasonable restoration measures, such measures shall be implemented immediately.
- h. Particular care shall be exercised to prevent foreign materials (e.g. construction scraps, wood preservatives, other chemicals, etc.) from entering harbor or other state waters. A containment boom shall be placed around all active portions of a construction site where wood scraps or other floatable debris could enter the water. For any work on or beneath fixed decks, heavy-duty mesh containment netting shall be maintained below all work areas where construction discards or other materials could fall into the water. The containment boom and net shall be cleared daily or as often as necessary to prevent accumulation of debris. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or cleaning up improperly contained foreign materials.
- i. Piling removal shall be performed in accordance with Department of Fish & Game recommendations. Generally, the pilings shall be removed according to the method that results in the least disturbance of bottom sediments. Disturbed sediments shall be contained with a flexible skirt surrounding the pile(s). If piling removal is done by barge, the barges shall remove the pilings in a way that assures minimizing harm to any eelgrass beds that may be present by



California Coastal Commission

Emergency CDP 3-12-034-G (1215 Embarcadero Floating Docks)

Issue Date: August 29, 2012

Page 4 of 4

performing installation when tides are high enough to prevent the barges resting on the sediments underneath.

- j. Construction debris shall be properly disposed of at an inland location outside of the coastal zone (i.e., landfill or equivalent).
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. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
13. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the subject site without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Chapter 9 of the Coastal Act.

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



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NOTICE OF PROPOSED PERMIT EXTENSION

Date: August 27, 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-06-043-E1**
Applicant: SDS Family Trust

Original CDP Approval

CDP A-3-SLO-06-043 was approved by the Coastal Commission on August 11, 2010, and provided for the development of a barn on a property located at 4510 Cabrillo Highway in Harmony, San Luis Obispo County.

Proposed CDP Extension

The expiration date of CDP A-3-SLO-06-043 would be extended by one year to August 11, 2013. The Commission's reference number for this proposed extension is A-3-SLO-06-043-E1.

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 Wednesday, September 12, 2012 in Casper. 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.