

CALIFORNIA COASTAL COMMISSION

Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, California 95060-4508
(831) 427-4863 FAX (831) 427-4877



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CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT

*For the
December Meeting of the California Coastal Commission*

MEMORANDUM

Date: December 10, 2013

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 2013 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.

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>
3-13-0972-W City of Carmel Department of Public Services	Proposed project includes installation of dry-weather runoff diversion facilities adjacent to the Del Mar Parking lot and seaward of the intersection of Scenic Road and Eight Avenue.	Carmel-by-the Sea, Monterey County
3-13-1062-W California State Parks, Monterey District	Restoration and stabilization of back dunes at Moss Landing State Beach. Project includes re-contouring of approximately 8,034 square feet of dunes, planting with native e dune plants, defining beach access points with post and cable symbolic fencing, installing access and interpretive signs, and demarcating available parking.	Moss Landing, 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>
G-3-13-0224 CA Dept. of Parks & Recreation	Emergency sandbar management at Carmel River State Beach during the 2013-2014 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.	Scenic Road, Monterey County

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725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV

**NOTICE OF PROPOSED PERMIT WAIVER**

Date: November 27, 2013
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager
Mike Watson, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-13-0972-W
Applicants: City of Carmel-by-the-Sea

Proposed Development

The proposed project includes installation of dry-weather runoff diversion facilities adjacent to the Del Mar Parking lot and seaward of the intersection of Scenic Road and Eighth Avenue in the City of Carmel-by-the-Sea.

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 dry-weather diversion facilities will improve water quality along Carmel Beach and Carmel Bay, a designated Area of Special Biological Significance (ASBS), by eliminating direct discharges to the beach and bay during dry weather periods. Modifications to the City's existing storm water infrastructure will instead direct flows to subsurface infiltration trenches on the upper bluff. The diversion systems would be installed on the bluff approximately 40 feet above the mean high tide line. In the case of an extreme coastal erosion event, the diversion facilities would be temporarily removed, and the proposed project description explains that shoreline armoring would not be pursued at any point in the future to protect this new infrastructure. The area of the proposed work will be surveyed by a qualified biologist prior to commencing construction to ensure there are no impacts to sensitive plant or animal species. Additionally, the proposed project includes appropriate construction Best Management Practices to protect adjacent trees, water quality, and public access during 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 Wednesday, December 11, 2013, in San Francisco. 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: November 25, 2013

To: All Interested Parties

From: Madeline Cavalieri, Central Coast District Manager
Mike Watson, Coastal Planner

A handwritten signature in black ink, appearing to read "McA", with a long horizontal stroke extending to the right.

Subject: Coastal Development Permit (CDP) Waiver 3-13-1062-W
Applicants: California Department of State Parks

Proposed Development

Restoration and stabilization of back dunes at Moss Landing State Beach. Project includes re-contouring of approximately 8,034 square feet of dunes, planting with native dune plants, defining beach access points with post and cable symbolic fencing, installing access and interpretive signs, and demarcating available parking.

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:

Re-establishing dune topography and vegetation at the back beach and managing access through the dunes will stabilize wind driven sand and improve the visual aesthetics of the site. Exotic plant and weed eradication together with re-vegetation of native plant species endemic to the area will enhance dune habitat values at this site. Interpretive signs will inform the public of the sensitivity of the surrounding dune vegetation and of the location of beach access. All exhibits will be constructed of natural materials and/or natural colors to ensure the visual aesthetic of the dune environment is maintained. Biological monitors will be in place for the duration of the project to ensure construction activities do not disrupt any adjacent habitat areas. The proposed project further includes appropriate construction best management practices to protect dune habitat values, water quality, and public access during 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 Wednesday, December 11, 2013, in San Francisco. 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 3-13-0224-G (Carmel River Lagoon Sandbar Management)

Issue Date: November 18, 2013

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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 2013-2014 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
Rob Mullane, City of Carmel-by-the-Sea

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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 December 3, 2013). 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 2013-2014 rainy season (i.e., until April 15, 2014) 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. Therefore, within 60 days of the date of this permit (i.e., January 18, 2013), the Permittee shall submit materials to modify the existing CDP application (3-12-025) for ongoing management of the Carmel River lagoon to include authorization of the emergency development carried out under this ECDP as part of the proposed project description. The modification materials shall include monitoring reports as required by Condition 15. Additionally, the Permittee shall diligently pursue completion of the existing CDP application and within 270 days of the date of this permit (i.e., by August 18, 2014), shall submit a draft Initial Study/Environmental Assessment associated with the long-term comprehensive response to managing the Carmel River Lagoon. 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 24, 2013).
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.



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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 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



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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. 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,



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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 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.



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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 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.



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