

CALIFORNIA COASTAL COMMISSION

Central Coast District Office
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CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT

*For the
February Meeting of the California Coastal Commission*

MEMORANDUM

Date: February 12, 2014

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 February 2014 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 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>
3-14-0229-W Dutchman's Seafood House, Attn: Leon Van Beurden	Repairs to nine existing degraded wooden piles that are located below the Dutchman's Seafood House and Harbor Walk, 701 Embaradero Road, Morro Bay.	701 Embarcadero, Morro Bay, CA

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>
3-14-0215-W Port San Luis Harbor District	Replacement of an existing restroom destroyed by a vehicle accident at Olde Port Beach, Port San Luis Harbor. The proposed replacement restroom will incorporate current Americans with Disabilities Act (ADA) requirements.	Avila Beach, San Luis Obispo County

REPORT OF EXTENSION - IMMATERIAL

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
A-3-SLO-00-040-E5 Attn: Dennis C. Schneider	Request to extend previously approved CDP for the construction of a 10,000 square foot single-family home, a 2,500 square foot barn, and 1.25 miles of access road improvements. CDP will be extended one year to January 10, 2015.	West of Highway 1 on the marine terrace approximately one-half mile south of China Harbor and 1 mile north of Villa Creek Road along the Harmony Coast, San Luis Obispo 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-3-14-0003 California State Parks, Santa Cruz District	Authorizes the Santa Cruz County Department of Public Works (SCCDPW), acting as contractor and agent for the California Department of Parks and Recreation, to breach the sandbar at the mouth of the Pajaro River located between Sunset Palm State Beach and Zmudowski State Beach. The breaching will be done by excavating a cut in the closed sandbar approximately 600 feet long by 10 feet wide by 3 feet deep to open a trench channel between the lagoon and the ocean to create a flow outlet and reduce the water level in the lagoon so as to avoid/minimize flooding of West Beach Road where it crosses Watsonville Slough at the entrance of Palm Beach State Park.	Santa Cruz County

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NOTICE OF PROPOSED PERMIT WAIVER

Date: January 31, 2014
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager
Daniel Robinson, Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-14-0229-W**
Applicant: Leon Van Beurden, Dutchman's Seafood House

Proposed Development

Repairs to nine existing degraded wooden piles that are located below the Dutchman's Seafood House and Harbor Walk at 701 Embarcadero Road, Morro Bay, 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 regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The nine existing piles proposed to be repaired support the Harbor Walk and the existing Dutchman's Seafood House restaurant. These piles were discovered to be severely degraded upon chance inspection in December, 2013. A piling structural analysis was subsequently performed by Smith Structural Group (SSG), which found that nine of the fourteen pilings had section loss of between 20% and 95%, and were in need of immediate repair.

The proposed repair work involves temporarily removing the riprap that is located around the pilings and then wrapping a structural casing (fiberglass jacket) around the portion of the piles that extend from 2-feet above the mean high tide line to 2-feet below the top of the existing riprap. After the jackets have been installed, the riprap will be returned to its original location.

Public access along the Harbor Walk may be temporarily impacted to ensure public safety during construction, but will remain open to the greatest extent feasible and reopened as soon as construction is completed.

Best Management Practices (BMPs) will be employed throughout the project, including ensuring the collection of any debris, prevention of spills, and general good house-keeping of the site at all times, as outlined in the Applicant's construction documents and supplement to the project description.

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 it has been reported to the Coastal Commission. This waiver is proposed to

NOTICE OF PROPOSED PERMIT WAIVER

CDP Waiver 3-14-0229-W (Dutchman Seafood House Pile Repairs)

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be reported to the Commission on Thursday, February 13, 2014, in Pismo 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 Daniel Robinson in the Central Coast District office.



California Coastal Commission

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NOTICE OF PROPOSED PERMIT WAIVER

Date: January 30, 2014
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager
Daniel Robinson, Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-14-0215-W**
Applicant: Port San Luis Harbor District

Proposed Development

Replacement of an existing restroom destroyed by a vehicle accident at Old Port Beach, Port San Luis Harbor, Avila Beach, San Luis Obispo County. The proposed replacement restroom will incorporate current Americans with Disabilities Act (ADA) requirements.

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 existing restroom was struck by a vehicle in December, 2013 knocking the existing structure from its foundation. The proposed restroom will replace the existing damaged structure, and will conform to all applicable zoning requirements. In addition, it will be upgraded to meet current ADA requirements. The replacement restroom will be installed on the existing foundation footprint and will reuse the existing sanitary sewer and electrical connections while remaining a one-story structure, to minimize public view impacts. Public access near the restroom will not be affected during construction and the public will be able to use the facility immediately after construction has been completed. All construction and construction-related equipment will be accessed from the road directly inland of the existing structure, and will remain off the beach. 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 it has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday, February 13, 2014, in Pismo 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 Daniel Robinson in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT EXTENSION

Date: January 30, 2014
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-00-040-E5**
Applicant: Dennis Schneider

Original CDP Approval

CDP A-3-SLO-00-040 was approved by the Coastal Commission on January 10, 2008 and provided for the construction of a 10,000 square foot single-family home, a 2,500 square foot barn, and 1.25 miles of access road improvements on a 40.6 acre parcel zoned for agriculture west of Highway 1 on the marine terrace approximately one-half mile south of China Harbor and 1 mile north of Villa Creek Road along the Harmony Coast in San Luis Obispo County. CDP A-3-SLO-00-040 expiration has been extended four times for one year each, with the last extension (to January 10, 2014) occurring on February 6, 2013, in Redondo Beach.

Proposed CDP Extension

The expiration date of CDP A-3-SLO-00-040 would be extended by one year to January 10, 2015. The Commission's reference number for this proposed extension is A-3-SLO-00-040-E5.

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 San Luis Obispo County 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 February 13, 2014, in Pismo Beach. 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.





California Coastal Commission
EMERGENCY COASTAL DEVELOPMENT PERMIT
Emergency CDP G-3-14-0003
(Pajaro River Lagoon Sandbar Breaching)

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This emergency coastal development permit (ECDP) authorizes the Santa Cruz County Department of Public Works (SCCDPW), acting as contractor and agent for the California Department of Parks and Recreation, to breach the sandbar located at the mouth of the Pajaro River located between Sunset Palm State Beach and Zmudowski State Beach. The breaching will be done by excavating a cut in the closed sandbar approximately 600 feet long by 10 feet wide by 3 feet deep to open a trench channel between the lagoon and the ocean to create a flow outlet and reduce the water level in the lagoon so as to avoid/minimize flooding of West Beach Road where it crosses Watsonville Slough at the entrance of Palm Beach State Park (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (SCCDPW), the Pajaro River lagoon formed as a result of a sandbar building and closing the mouth of the river. As of January 27, 2014, the water level of the lagoon at the Watsonville Slough/Beach Road staff gage was at an elevation of approximately 4.5 feet mean sea level (flood elevation is 6 feet MSL). This level is expected to rise as a result of the predicted events for January 29, 2014, which include an extreme high tide event of 6.4 feet combined with a swell maximum wave height of 12 feet. These events could lead to high ocean waves overtopping the closed sandbar and washing into the lagoon and causing the lagoon level to rise and flooding of West Beach Road to occur, which is the only road access for residents and emergency vehicles into the Pajaro Dunes community. With continued conditions predicted to keep a significant sandbar in place, and thus the lagoon closed, the proposed emergency development is necessary to avoid flooding damage. 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

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

cc: Kirk Lingenfelter, Superintendent, Santa Cruz District, California Department of Parks and Recreation
Bruce Laclergue, Flood Control Program Manager, Santa Cruz County
Deirdre Whalen, Monterey Bay National Marine Sanctuary
Gregory Brown, U.S. Army Corps of Engineers
Jacob Martin, U.S. Fish and Wildlife Service
Bill Stevens, NOAA Fisheries
Melissa Farinha, California Department of Fish and Wildlife
Matt Johnston, Santa Cruz County Planning Department
Jane Smith, State Lands Commission
John Presleigh, Director, Santa Cruz County Department of Public Works
Carol Turley, Pajaro Dunes Association
Mary Bannister, Pajaro Valley Water Management Agency
Linda McIntyre, Moss Landing Harbor District

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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

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 February 13, 2014). 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 is for one breaching event of the Pajaro River lagoon sandbar only, unless extended to other necessary events for good cause by the Executive Director for the duration of the winter season (i.e. until April 15, 2014).
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., by March 29, 2014), the Permittee shall submit materials to modify the project description of the submitted CDP application for ongoing management of the Pajaro River lagoon to include authorization of the emergency development carried out under this ECDP. The modified project description and associated materials shall include the monitoring report required by Condition 13. The deadline 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 Wildlife, California State Lands Commission, 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



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District Office on January 27, 2014).

7. A qualified biologist shall be present during all emergency development activities, and shall monitor the lagoon and sandbar on a daily basis for as long as the emergency development activities authorized under this ECDP persist. The biological monitor shall ensure that all emergency development is limited to the least amount necessary to abate the emergency, and that it avoid impacts to adjacent marine and lagoon resources as much as possible, including through adaptive management measures to respond to changing conditions and/or understandings relative to flood risk and habitat impacts.

8. Prior to any mechanical breaching of the sandbar, the Permittee shall have ensured that all other possible flood protection measures (e.g., sand bags, rubber dams, etc.) have been applied to protect surrounding flood water threatened homes, infrastructure, and other development to the maximum extent feasible.

9. Following the sandbar breach and after the lagoon has lowered in depth, the lagoon shall be allowed to naturally close, and it shall not be mechanically or otherwise artificially maintained with an open outlet channel flowing over the beach, or be manipulated artificially in any manner, unless artificial breaching is required again, as understood by Condition 3.

10. All emergency development activities shall limit impacts to coastal resources (including public recreational access, the Pajaro River and the lagoon, Watsonville Slough 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. 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.

b. 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.

c. 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.

d. All construction areas shall be minimized and demarked 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.



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e. 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.).

f. 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.

g. 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.

h. 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.

i. 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.

11. 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.

12. The Permittee shall designate a coordinator to be contacted during all emergency development activities and for as long as the emergency development activities authorized under this ECDP persist should questions arise regarding these activities (in case of both regular inquiries and emergencies). The coordinator's contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of emergency development activities, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the coordinator should be contacted in the case of questions regarding the construction (in case of both regular 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



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ECDP persist, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

13. Once the emergency activity is completed, the Permittee shall submit a report by March 30, 2014 to the Executive Director for review and approval. The report 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 in future breaching events. The report 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 report 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.

14. 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.

15. 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.

16. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.

17. 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



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be temporary work done in an emergency situation to abate an emergency. If the SCCDPW 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 or call (831) 427-4863.



California Coastal Commission