

CALIFORNIA COASTAL COMMISSION

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



W17

CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT

*For the
March Meeting of the California Coastal Commission*

MEMORANDUM

Date: March 10, 2015

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 March 2015 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>
3-15-0007-W Morro Bay Yacht Club	Repairs to three deck piles and eight dock piles located below and just bayward, respectively, of the Morro Bay Yacht Club.	501 EMBARCADERO, MORRO BAY, CA 93442 06079-066-137-001

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-3-15-0009 Monterey County Resources Management Agency	ECDP authorizes emergency repair of the third of three existing culvert tide gates that connect Mojo Cojo Slough and Moss Landing Harbor at Moss Landing Road in the unincorporated community of Moss Landing, Monterey County.	Moss Landing Rd., Moss Landing, CA

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



NOTICE OF PROPOSED PERMIT WAIVER

Date: February 26, 2015
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Daniel Robinson, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-15-0007-W
Applicant: Morro Bay Yacht Club

Proposed Development

Repairs to three deck piles and eight dock piles located below and just bayward, respectively, of the Morro Bay Yacht Club at 541 Embarcadero Road in the City of Morro Bay, San Luis Obispo County.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13253 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 three existing deck piles proposed to be repaired support the Morro Bay Yacht Club's outdoor deck. One of the piles requires immediate repair while the other two show some damage, with splitting and borer damage, based on a piling structural analysis performed by Associated Pacific Constructors, Inc. (APC). The proposed repair work for these piles involves temporarily removing the riprap that is located around the piles and then wrapping a structural casing (fiber reinforced polymer) around the damaged portion of the piles. After the jackets have been installed, the riprap will be returned to its original location. The eight existing dock piles will be repaired using a floating barge and repairs will consist of a 1/8-inch thick galvanized steel sleeve placed over each existing pile.

Best Management Practices (BMPs) will be employed throughout the project, including ensuring the collection of any debris, prevention of spills, and general good housekeeping of the site at all times, as outlined in the Applicant's construction documents and supplement to the project description. No eelgrass will be impacted by the proposed work. The dock, which is used by the general public, may be temporarily closed for public safety but will remain open to the greatest extent feasible and will be reopened as soon as construction is completed. Accordingly, the project will not have any significant adverse impacts on coastal resources, including public access to the shoreline.

NOTICE OF PROPOSED PERMIT WAIVER
CDP Waiver 3-15-0007-W (Morro Bay Yacht Club Pile Repairs)
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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 March 11, 2015 in Chula Vista. 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

EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-3-15-0009 (Moro Cojo Flap Gate and Culvert #3)

Issue Date: March 5, 2015

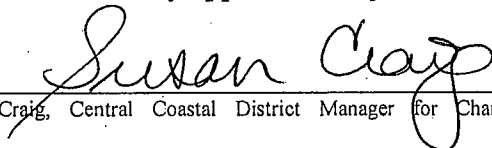
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This emergency coastal development permit (ECDP) authorizes emergency repair of the third of three existing culvert tide gates that connect Moro Cojo Slough and Moss Landing Harbor at Moss Landing Road in the unincorporated community of Moss Landing, Monterey County (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee, Carl Holm of the Monterey County Resource Management Agency, one of the culverts in the 3-culvert system that connects Moss Landing Harbor and Moro Cojo Slough is leaking saltwater into the Slough at a rate not intended by the original design of the culvert system. The cause of the leak was identified as a hole in the corrugated metal pipe (CMP), which has eroded over time, that connects the concrete culvert to the headwall. The emergency repairs include removal of the leaking flap gate on the Harbor side of the culvert and installation of a temporary blind flange in its place; placement of 100-200 burlap sandbags filled with clean sand under and around the northernmost two-thirds of the culvert pipe where supporting material has eroded; and placement of a CMP patch within the culvert that is intended to temporarily abate the leak. The proposed emergency repairs are necessary to halt unrestrained flow of seawater into Moro Cojo Slough and prevent potential loss of Moss Landing Road and underground utilities. The situation represents a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, and property. 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.


Susan Craig, Central Coastal District Manager for Charles Lester, Executive Director

Enclosures: (1) Emergency Coastal Development Permit Acceptance Form

cc (via email): Lisa Mangione, USACE
Joel Casagrande, NOAA Fisheries
Kim Sanders, Central Coast RWQCB
Douglass Cooper, U.S. Fish and Wildlife Service

Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the 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 March 20, 2015). 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 April 4, 2015) 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 May 4, 2015), the Permittee shall submit materials to amend the project description for CDP application 3-15-0106 to add the emergency work allowed by this ECDP to that application. The Permittee is encouraged to request authorization in that CDP application to provide for future maintenance of the culvert system. The emergency development shall be removed in its entirety within 150 days of the date of this permit (i.e., by August 2, 2015) 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., U.S. Army Corps of Engineers, Central Coastal Regional Water Quality Control Board, U.S. Fish & Wildlife Service, California Department of Fish & Wildlife, NOAA Fisheries, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
7. The emergency repairs shall be limited in scale and scope to the one culvert identified in the written descriptions from Mark Foxworthy of the Monterey County Water Resources Agency received in the Coastal Commission's Central Coast District Office on February 23, 24, and 25, 2015 via email.
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 public access and to the Moss Landing Harbor 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 intertidal area is prohibited.

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- 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 intertidal or beach area shall be delivered by rubber-tired construction vehicles. If transiting on any beach area, all such vehicles shall remain as high on the upper beach as possible and avoid contact with harbor waters and intertidal areas.
- e. All construction materials and equipment placed on any beach areas 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 any beach areas 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 minimized in their extent; and (2) storage of larger materials 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 any beach areas 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. 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.).
- h. All construction activities that result in discharge of materials, polluted runoff, or wastes to the adjacent marine environment are prohibited. Equipment washing, refueling, and/or servicing shall not take place on any beach area that may form at low tide. 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 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.
- j. Any 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.

Emergency CDP G-3-15-0009 (Moro Cojo Flap Gate and Culvert #3)

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- 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 any 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, 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 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 Permittee wishes to have the emergency development become a permanent

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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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**EMERGENCY CDP ACCEPTANCE FORM**

TO: CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

RE: **Emergency Coastal Development Permit G-3-15-0009**

INSTRUCTIONS: After reading the attached Emergency Coastal Development Permit (ECDP), please sign this form and return to the Central Coast District Office within 15 working days from the ECDP's date.

I hereby understand all of the conditions of the ECDP being issued to me and agree to abide by them.

I also understand that the emergency work is TEMPORARY and that a regular Coastal Development Permit (CDP) is necessary to make it a permanent installation. I agree to submit within 60 days of the date of this permit (i.e., by May 4, 2015), a complete application for a regular CDP to have the emergency development be considered permanent. The emergency development shall be removed in its entirety within 150 days of the date of this permit (i.e., August 2, 2015) unless before that time the California Coastal Commission has issued a regular CDP for the development authorized in this ECDP.

Signature of Permittee or
Authorized Representative

Name

Address

Date of Signing