

CALIFORNIA COASTAL COMMISSION

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

*For the
September Meeting of the California Coastal Commission*

MEMORANDUM

Date: September 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 September 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 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>
3-12-020-W Santa Cruz Seaside Company	Follow-up to Emergency CDP (ECDP) 3-12-009-G which authorized development to redirect the flow of the San Lorenzo River away from the Santa Cruz Beach Boardwalk (Boardwalk) structure and out to the Pacific Ocean. Specifically approximately 1,500 cubic yards of beach sand was used to construct an approximately 400-foot-long berm to protect the Boardwalk structure and seawall, and another 3,000 cubic yards of beach sand was used to excavate a trench and construct a second, approximately 500-foot-long berm to redirect the river out to the ocean. CDP-3-12-020-W authorized this emergency development.	San Lorenzo Rivermouth @ Main Beach, City of Santa Cruz
3-15-1209-W California Department of Parks and Recreation (State Parks)	Periodic removal of 450 square feet of aquatic vegetation (tules) from the area adjacent to the weir gate at the south end of Schwan Lagoon as part of a ten-year maintenance program at Twin Lakes State Beach in Santa Cruz County.	Twin Lakes State Beach, Santa Cruz County

REPORT OF IMMATERIAL AMENDMENTS

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
3-10-061-A4 City of Santa Cruz & University of CA at Santa Cruz (UCSC)	Expiration date of CDP 3-10-061 would be further amended to extend the alternative energy study an additional two years, to September 1, 2017 (see Exhibit 1 for revisions to the single special condition that applies to the project).	Santa Cruz Municipal Wharf, Santa Cruz

CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT CONTINUED

A-3-SLO-01-122-A6

Cambria Pines Lodge,
Attn: Dirk Winter

Amend CDP-A-3-SLO-01-122 to resolve violations of unpermitted development as described in Coastal Commission Violation File No. V-3-13-0240 via: 1) removal of certain unpermitted development, followed by associated habitat restoration; and 2) after-the-fact retention of certain development and additional habitat enhancement. To resolve the violation(s), the Applicant has proposed to implement a Removal, Restoration, Retention and Enhancement Plan (RRRE), which would be recognized as part of this amendment approval and would, when fully implemented, resolve the violation. In general, unpermitted development will be removed and the area where the unpermitted development activity occurred will be restored to Monterey pine forest habitat, except for: 1) an approximately 470-foot-long by 5-foot-wide paved public access path from the corner of Burton Drive and Eton Road to the existing fire road; 2) an approximately 675-foot-long by 10-foot-wide paved public access path from the fire road to the interior of the Lodge, between Buildings 16 and 29; 3) four seating/fire pit areas adjacent to the above-mentioned public access paths; 4) an approximately 11,775-square-foot greenhouse and surrounding garden area; 5) an approximately 1,000-square-foot bandstand and amphitheater area west of the fire road; 6) safety railing on the east side of the fire road; 7) an ADA pedestrian access ramp near Building 16; 8) a fire access gate between along Burton Drive; and 9) a gate at the corner of Burton Drive and Eton Road. The total square footage of all areas that will be restored to Monterey pine forest habitat will be approximately 21,395 square feet. The Applicant also proposes to enhance and restore an additional 67,798 square feet of Monterey Pine Forest habitat, located on the northwestern portion of the Lodge property.

2905 Burton Dr., in the unincorporated coastal community of Cambria in San Luis Obispo County

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NOTICE OF PROPOSED PERMIT WAIVER

Date: August 26, 2014
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Ryan Moroney, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-12-020-W
Applicant: Santa Cruz Seaside Co.

Proposed Development

Emergency CDP (ECDP) 3-12-009-G authorized emergency development to redirect flow of the San Lorenzo River away from the Santa Cruz Beach Boardwalk (Boardwalk) structure and out to the Pacific Ocean. Specifically approximately 1,500 cubic yards of beach sand was used to construct an approximately 400-foot-long berm to protect the Boardwalk structure and seawall, and another 3,000 cubic yards of beach sand was used to excavate a trench and construct a second, approximately 500-foot-long berm to redirect the river out to the ocean. CDP 3-12-020-W authorizes this emergency development.

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 regarding the development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

Heavy rains during the week of March 12, 2012 increased the flow of the San Lorenzo River, causing the river to meander and flow directly against the Boardwalk's eastern basement seawall toward a section of the Boardwalk that is supported by wood pilings. Construction of the two berms and trench was necessary to protect the Boardwalk facilities from this dangerous condition and to prevent undermining and possible collapse of the Boardwalk's seawall and other Boardwalk structures. The work did not involve mechanically breaching the seasonal lagoon and the river mouth remained open and flowing at all times. During the emergency work, flow at the river mouth was observed from 7am to 7pm every day and no anadromous fish were identified. Additionally, after the river was redirected into the new channel, the old channel was inspected for seven days at low tide conditions and no anadromous fish were observed. During this time, natural processes immediately began to erode the berms and restore the beach to its natural state. In sum, the proposed project was necessary to protect existing private property and did not adversely impact coastal resources.

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 Thursday, September 10, 2015, in Arcata. 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 Ryan Moroney in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: August 26, 2015
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Ryan Moroney, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-15-1209-W
Applicant: California Department of Parks and Recreation (State Parks)

Proposed Development

Periodic removal of about 450 square feet of aquatic vegetation (tules) from the area adjacent to the weir gate at the south end of Schwan Lagoon, as part of a ten-year maintenance program at Twin Lakes State Beach in Santa Cruz 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 regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The weir gate acts as an overflow drain allowing excess runoff from Schwan Lagoon to drain under East Cliff Drive and out to the ocean. The proposed project will remove tule growth in and around the weir gate to prevent the weir from becoming clogged, which could result in flooding of East Cliff Drive. An excavator will be staged at the shoulder of East Cliff Drive where it will collect the tules and deposit them into a small dump truck. The excavated tule material will be hauled to a nearby state facility to be composted. Each maintenance event will be completed in one to two days.

In 2011, the Commission issued a permit waiver for an identical one-time maintenance event. As part of that review, the Commission's staff biologist determined that the removal of about 450 square feet of tules would not significantly impact the overall tule area at Schwan Lagoon, in part because the existing tule area around the perimeter of Schwan Lagoon consists of approximately seven acres (or about 300,000 square feet.) In fact, tule removal can result in an enhanced lagoon resource value because tule growth in shallow lagoons, such as Schwan Lagoon, can crowd out other plant species and eventually overwhelm the habitat, leading to a reduction in water depth and degradation of overall habitat quality. A State Parks biologist will be onsite during the tule removal process to oversee each maintenance event. Both State Parks and the County have determined that the project is exempt from the California Environmental Quality Act, and the California Department of Fish and Wildlife determined that no Streambed Alteration Agreement is required for the project. Moreover, the removal activities will not impact the public access trails that exist along Schwan Lagoon, nor will these activities impact traffic flow or pedestrian or bicycle access along East Cliff Drive (the bicycle lane will remain open during all maintenance events). Given the above, the proposed project will not have any adverse impacts on coastal resources or public access to the shoreline.

NOTICE OF PROPOSED PERMIT WAIVER
CDP Waiver 3-15-1209-W (Schwan Lagoon Weir Maintenance)
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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 Thursday, September 10, 2015 in Arcata. 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 Ryan Moroney in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: August 26, 2015
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Ryan Moroney, Coastal Planner
Subject: **Proposed Amendment to Coastal Development Permit (CDP) 3-10-061**
Applicants: City of Santa Cruz and University of California, Santa Cruz (UCSC)

Original CDP Approval

CDP 3-10-061 was approved by the Coastal Commission on March 11, 2011 and provided for the temporary installation of a solar panel, wind turbine, and associated skid-mounted sensors onto the roof of the Santa Cruz Municipal Wharf headquarters building until September 2012 as part of a UCSC research project designed to evaluate the efficacy of these alternative energy sources. CDP 3-10-061 was amended each of the following years to extend the expiration date for an additional year (CDP Amendments 3-10-061-A1, -A2, -A3). The last amendment (3-10-061-A3) also authorized the replacement of the originally approved vertical axis wind turbine with a newer vertical axis wind turbine, and removed the requirement for the “bird strike research plan” based on the fact that no bird injuries or mortality due to the wind turbine were observed during the previous three-and-a half years of monitoring.

Proposed CDP Amendment

The expiration date of CDP 3-10-061 would be further amended to extend the alternative energy study an additional two years, to September 1, 2017 (see Exhibit 1 for revisions to the single special condition that applies to the project). The Commission’s reference number for this proposed amendment is **3-10-061-A4**.

Executive Director’s Immateriality Determination

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

The project will continue to allow researchers to gather data to evaluate alternative designs for future large-scale renewable energy on the Santa Cruz Wharf. Allowing the energy study research project to continue until September 2017 will provide important additional data for understanding the costs and benefits of solar and wind renewable energy technologies, including data regarding small-scale vertical axis wind turbines.

For the all of the above reasons, the proposed amendment will not have any adverse impacts on coastal resources, including public access to the shoreline.

NOTICE OF PROPOSED PERMIT AMENDMENT
CDP 3-10-061 (UCSC Renewable Energy Experiment)
Proposed Amendment 3-10-061-A4
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Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on Thursday, September 10, 2015, in Arcata. If three Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

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

CDP 3-10-061
Proposed Amendment
(Changes indicated in ~~striketrough~~/underline)

Revised Special Conditions

1. **Approved Duration.** All elements of the approved project shall be removed in their entirety and the project area returned to its pre-development condition or better ~~within one year of installation or~~ by September 1, 20157 ~~whichever occurs first.~~

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: August 26, 2015
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Daniel Robinson, Coastal Planner
Subject: **Proposed Amendment to Coastal Development Permit (CDP) A-3-SLO-01-122**
Applicant: Pacific Cambria Inc., Dirk Winter, President

Original CDP Approval

CDP A-3-SLO-01-122 was originally approved by the Coastal Commission on August 6, 2003 and authorized the expansion of the Cambria Pines Lodge, including 35 new guest rooms in nine buildings, a theatre, a retail shop, a tennis court, additional parking spaces, access improvements, related grading and comprehensive drainage improvements at 2905 Burton Drive in the unincorporated coastal community of Cambria in San Luis Obispo County.

Proposed CDP Amendment

CDP A-3-SLO-01-122 would be amended to resolve violations of unpermitted development as described in Coastal Commission Violation File No. V-3-13-0240 via: 1) removal of certain unpermitted development, followed by associated habitat restoration; and 2) after-the-fact retention of certain development and additional habitat enhancement. To resolve the violation(s), the Applicant has proposed to implement a Removal, Restoration, Retention and Enhancement Plan (RRRE), which would be recognized as part of this amendment approval and would, when fully implemented, resolve the violation.

In general, unpermitted development will be removed and the area where the unpermitted development activity occurred will be restored to Monterey pine forest habitat, except for: 1) an approximately 470-foot-long by 5-foot-wide paved public access path from the corner of Burton Drive and Eton Road to the existing fire road; 2) an approximately 675-foot-long by 10-foot-wide paved public access path from the fire road to the interior of the Lodge, between Buildings 16 and 29; 3) four seating/fire pit areas adjacent to the above-mentioned public access paths; 4) an approximately 11,775-square-foot greenhouse and surrounding garden area; 5) an approximately 1,000-square-foot bandstand and amphitheater area west of the fire road; 6) safety railing on the east side of the fire road; 7) an ADA pedestrian access ramp near Building 16; 8) a fire access gate between along Burton Drive; and 9) a gate at the corner of Burton Drive and Eton Road. The total square footage of all areas that will be restored to Monterey pine forest habitat will be approximately 21,395 square feet. The Applicant also proposes to enhance and restore an additional 67,798 square feet of Monterey Pine Forest habitat, located on the northwestern portion of the Lodge property. The Commission's reference number for this proposed amendment is **A-3-SLO-01-122-A6**. The proposed project plans, including the RRRE, are available for review at the Commission's Central Coast District office.

NOTICE OF PROPOSED PERMIT AMENDMENT

CDP A-3-SLO-01-022-A6 (Cambria Pines Lodge ATF/Removal/Restoration)

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Executive Director's Immateriality Determination

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

In 2003, the Commission approved CDP A-3-SLO-01-122, which primarily allowed for an expansion of guest units within the existing Lodge facilities in the northwestern portion of the site. In its findings, the Commission determined that this area of expansion was not Environmentally Sensitive Habitat Area (ESHA), but that a specific area between the existing fire road and Burton Drive was in fact ESHA. More recently beginning in 2013, Commission staff was alerted to reports of unpermitted development occurring on the property, including grading and installation of paved public access paths, construction of sheds, retaining walls and a small amphitheater, placement of concrete foundations, pads and/or footings, vegetation removal, channelization of a natural drainage, and construction of a gate at Burton Drive and Eton Drive.

In a collaborative effort, Commission staff and the Applicant have come to agreement on the resolution of V-3-13-0240 to address the unpermitted development (including substantial habitat restoration) while allowing retention of the paved public access path and certain associated development (e.g. seating areas, safety fencing, gates, signage, etc.) and other development outside of ESHA to be retained on site. Almost 90,000 square feet of restoration and enhancement (including revegetation of disturbed and non-disturbed areas with Monterey Pine and Coast Live Oak trees and a variety of native understory plants, and interpretive signage regarding Monterey pine forest habitat) will occur as part of the resolution of this violation. Unpermitted development not proposed to be retained will be removed entirely within three months of the effective date of this amendment approval, with revegetation and habitat restoration occurring within two months of completion of the removal of the unpermitted development, so that restoration efforts can take advantage of the rains associated with winter. Successful revegetation will be determined by stabilized soils and plant survival (generally in excess of a 75% survival rate). Habitat restoration monitoring and reporting will occur annually beginning six months after completion of the initial restoration and enhancement project, and continue for another five years, for a total of a minimum of six years of annual reporting. Additional monitoring and reporting, along with additional restoration activities, may be required by the Executive Director at the end of six years if the criteria of the RRRE have not been met.

The main development to be retained within the Commission's designated ESHA area consists of the paved public access paths and associated development (adjacent seating and fire pit area, safety fencing, ADA ramp, and gate). This path allows the public to traverse the southeast and eastern portions of the site within designated ESHA between the Burton Drive/Eton Road intersection and the existing dirt fire road, which extends to the north of the site. The unpermitted gate at the Burton Drive/Eton Road intersection (as well as the gate along the fire road in the north of the site) shall remain open to the public daily from one hour before sunrise to one hour after sunset, and signage on each gate will inform the public of these access hours. Finally, the approximately 11,000-square-foot farm-to-table greenhouse and garden area will be retained as part of this approval. The Applicant has provided evidence that these uses were in existence prior to the original 2003 CDP approval, and thus Commission staff is recommending allowance of their retention as part of the approval.

NOTICE OF PROPOSED PERMIT AMENDMENT

CDP A-3-SLO-01-022-A6 (Cambria Pines Lodge ATF/Removal/Restoration)

Page 2

In summary, the resolution of the violation(s) includes removal of unpermitted development, substantial restoration of ESHA and additional Monterey Pine Forest habitat enhancements, interpretive signage, and retention of development that provides for public access, safety, ADA accessibility, and continued farm-to-table operations, consistent with the Commission's original CDP for this site.

Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on Thursday September 10, 2015, in Arcata. If three Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

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