

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT

*For the
January 2016 Meeting of the California Coastal Commission*

January 8, 2016

To: Commissioners and Interested Parties
From: Dan Carl, Central Coast District Deputy Director

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the Central Coast District Office for the January 2016 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.

EXTENSIONS - IMMATERIAL

Applicant	Project Description	Project Location
A-3-SLO-00-040-E7 Dennis C. Schneider	Extend CDP A-3-SLO-00-040 which allows for the construction of a single family residence with attached garage, a detached indoor lounge/pool structure, water well, septic system, water tanks, underground utility connections, landscaping necessary to screen the development, fencing around the residential development area and water tanks, and one driveway/access road, on a 40.6 acre agricultural blufftop lot.	West of Highway 1 approximately ½-mile south of China Harbor and one mile north of Villa Creek Road along the Harmony Coast in San Luis Obispo County.

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.

Applicant	Project Description	Project Location
G-3-15-0047 San Luis Obispo County Department of Public Works	Emergency CDP authorizes emergency development consisting of sandbar breaching at the mouth of the San Luis Obispo Creek due to an unexpected occurrence in the form of flooding of the Avila Beach community parking lot and adjacent streets requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services (14 Cal. Admin. Code Section 13009).	Avila Beach Drive, Avila Beach, San Luis Obispo County
G-3-15-0051 Monterey County Water Resources Agency	Emergency CDP authorizes emergency repair of the existing culvert tide gates that connect Moro Cojo Slough and Moss Landing Harbor at Moss Landing Road. Emergency repairs include: 1) removal of approximately 6 cubic yards of riprap; 2) placement of approximately 7 cubic yards of sandbags enclosed to approximately 50 square yards of geotextile fabric; 3) placement of approximately 4 cubic yards of gabion mat to secure the sandbags and geotextile fabric in place; and 4) installation of a temporary blind flange on the south side of culvert #3 to reduce flow. Proposed emergency repairs are necessary to halt saltwater contamination of existing potable wells and prevent potential loss of Moss Landing Road and underground utilities.	Moss Landing Road, Moss Landing, Monterey County

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NOTICE OF PROPOSED PERMIT EXTENSION

Date: December 29, 2015
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Daniel Robinson, Coastal Planner
Subject: **Proposed Extension to Coastal Development Permit (CDP) A-3-SLO-00-040**
Applicant: Dennis Schneider

Original CDP Approval

CDP A-3-SLO-00-040 was approved by the Coastal Commission (on court remand) on January 10, 2008 and provided for the construction of a single family residence with attached garage, a detached indoor lounge/pool structure, water well, septic system, water tanks, underground utility connections, landscaping necessary to screen the development, fencing around the residential development area and water tanks, and a driveway/access road, all on a 40.6-acre parcel located west of Highway 1 approximately one-half mile south of China Harbor and one mile north of Villa Creek Road along the Harmony Coast in San Luis Obispo County.

Proposed CDP Extension

The CDP A-3-SLO-00-040 expiration date has been extended six times for one year each, with the last extension (to January 10, 2016) being reported to the Commission on January 7, 2015 in Santa Monica. The expiration date of CDP A-3-SLO-00-040 would be extended by one year to January 10, 2017. The Commission's reference number for this proposed extension is **A-3-SLO-00-040-E7**.

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 January 13, 2016 in San Diego. 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-3-15-0047 (San Luis Obispo Creek Breaching, San Luis Obispo County Department of Public Works)

Issue Date: December 22, 2015

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This emergency coastal development permit (ECDP) authorizes emergency development consisting of sandbar breaching at the mouth of San Luis Obispo Creek in the community of Avila Beach, San Luis Obispo County (all as more specifically described in the Commission's ECDP file). From the information that has been presented, an unexpected occurrence in the form of flooding of the Avila Beach community parking lot and adjacent streets requires immediate actions to prevent or mitigate loss or damage to life, health, property or essential public services (14 Cal. Admin. Code Section 13009).

Based on the materials presented by the Permittee (San Luis Obispo County Department of Public Works), recent heavy rainfall, combined with a raised sandbar at the mouth of San Luis Obispo Creek, has resulted in high lagoon water levels, precluding the ability of the town's gravity fed storm drain system to drain stormwater, causing flooding to portions of downtown Avila Beach. The larger and higher than normal lagoon formed as a result of a raised sandbar building up and closing the mouth of the creek. The sandbar, along with rains from recent storms, has raised the lagoon levels above the elevation of a duckbill gate that ordinarily serves as the outlet for the town's gravity fed stormwater infrastructure. Therefore, stormwater cannot flow out to the creek, causing flooding of a large public parking lot and First Street, with two commercial businesses and a residence at imminent risk. Mechanically breaching the sand bar will enable lagoon levels to subside, and therefore to allow for normal stormwater outflow and flood abatement in the town. The proposed breaching consists of digging an approximately 300 feet long x 25 feet wide x 5-6 feet deep channel across the sandbar from south to north, with sand deposited above the high tide line. The work is proposed to take place during low tide and before the next forecasted rain, either the afternoon of 12/22/15 or 12/23/2015. 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.

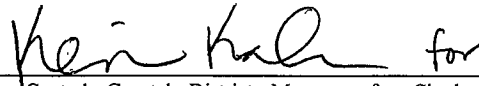
Enclosures: (1) Emergency Coastal Development Permit Acceptance Form; (2) Regular Permit Application Form

cc: Bill Robeson, County of San Luis Obispo Planning and Building

Emergency CDP G-3-15-0047 (San Luis Obispo Creek Breaching, Avila Beach)

Issue Date: December 22, 2015

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

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 January 6, 2016). 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 San Luis Obispo Creek lagoon sandbar only, unless extended to other necessary breaching events for good cause by the Executive Director for the duration of the winter season (i.e. April 15, 2016).
4. The emergency development authorized by this ECDP is only temporary and is designed to abate the identified emergency. Within 60 days of the date of this permit (i.e. by February 20, 2016), the Permittee shall submit a complete application for a regular CDP to authorize the emergency development carried out under this ECDP. The application shall include photos showing the emergency condition at the project site prior to breaching, the breaching construction activities, and the post-breaching conditions. In addition, the application shall include an assessment of the breaching's impacts on lagoon, riparian, and marine habitats, as well as on coastal water quality, and detailed description of measures that have been implemented to avoid and mitigate such impacts. 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., County of San Luis Obispo, U.S. Army Corps of Engineers, California Department of Fish and Wildlife, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
6. All emergency development is limited to the least amount necessary to abate the emergency.
7. All emergency construction activities shall limit impacts to coastal resources (including public recreational access, habitat areas, San Luis Obispo Creek, and the Pacific Ocean) to the maximum extent feasible 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.

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- 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.
 - 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.
8. 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.
9. The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and

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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.

10. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
11. 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 be temporary work done in an emergency situation to abate an emergency. To authorize the emergency work, 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.



California Coastal Commission

EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-3-15-0051 (Moro Cojo Flap Gate and Culverts)

Issue Date: January 4, 2016

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This emergency coastal development permit (ECDP) authorizes emergency repair of the 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 (more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (Mark Foxworthy of the Monterey County Resource Management Agency), the 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 holes in the corrugated metal pipe (CMP) that connects the concrete culvert to the headwall. The emergency repairs include: 1) removal of approximately 6 cubic yards of riprap; 2) placement of approximately 7 cubic yards of sandbags enclosed in approximately 50 square yards of geotextile fabric; 3) placement of approximately 4 cubic yards of gabion mat to secure the sandbags and geotextile fabric in place, and; 4) installation of a temporary blind flange on the slough side of culvert #3 to reduce flow. The proposed emergency repairs are necessary to halt saltwater contamination of existing potable wells 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): Janelle Leeson, USACE
Brian Meux, NMFS
Kim Sanders, Central Coast RWQCB
Jacob Martin, U.S. Fish and Wildlife Service

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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 January 19, 2016). 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 February 3, 2016) 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 March 4, 2016), 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 a permanent solution to the leak and for future maintenance of the culvert system. The emergency development shall be removed in its entirety within 180 days of the date of this permit (i.e., by July 4, 2016) 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 activities 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 December 28, 2015 and via e-mail on December 23, 2015 and December 30, 2015.
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

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resources):

- a. All work shall take place during daylight hours. Lighting of the intertidal area is prohibited.
- 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. All materials used in construction shall be stored and contained so as not to enter coastal waters.
- e. All construction materials and equipment placed adjacent to coastal waters during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed 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 refueling or maintenance shall be done with secondary spill containment measures in place or at least 50 feet from coastal waters drainage courses, and storm drain inlets (unless these inlets are blocked to protect against fuel spills).
- i. 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.
- j. Excavated materials shall be contained and protected until they are moved offsite. Excavated materials moved off site shall be taken to a pre-approved receiving site.

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- k. 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.
 - l. 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.
 - m. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction and any required restoration activities. If planning staff should identify additional reasonable measures necessary to restore the area, 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 ensure all of these conditions are met on a day-to-day basis. The construction coordinator shall be available to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and their contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
12. 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.

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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 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.