

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CALIFORNIA 95060-4508
(831) 427-4863 FAX (831) 427-4877

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CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT

For the

November 2016 Meeting of the California Coastal Commission

November 2, 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 November 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.

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.

Applicant	Project Description	Project Location
3-16-0894-W Santa Cruz Seaside Company	Deposit 9.5 cubic yards of beach quality sand on Main Beach in front of the Santa Cruz Beach Boardwalk.	400 Beach St., City of Santa Cruz, Santa Cruz County

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.

Applicant	Project Description	Project Location
3-13-012-A4 Caltrans	CDP 3-13-012 would be amended to modify the timing requirements in Special Condition 5 (regarding timing of the Memorandum of Agreement (MOA) (also known as the Interagency Agreement) between Caltrans and State Parks) from "Within 12 Months of the Commencement of Construction" to "Within 16 Months of the Commencement of Construction." In addition, this condition would be further amended to change the timing required for the transfer to State Parks of the required mitigation fee, from six months (after the date of Executive Director review and approval) to four months. The proposed amendment also modifies the timing requirements in Special Condition 9 (CCT Access Dedication) and Special Conditions 10 (Evidence of CDP Amendments) and 11 (Evidence of Amendments to Recorded Documents) from "Within 12 Months of the Commencement of Construction" to "Within 24 Months of the Commencement of Construction."	Highway 1, Piedras Blancas area of northern 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-3-16-0067 Santa Cruz Port District	This emergency coastal development permit (ECDP) authorizes emergency development consisting of the replacement of two piles (pile #13 on G1-dock and pile #13 on S-dock) in the Santa Cruz Harbor.	135 5Th Ave., Santa Cruz, Santa Cruz County

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NOTICE OF PROPOSED PERMIT WAIVER

Date: October 19, 2016
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Ryan Moroney, Supervising Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-16-0894-W**
Applicant: Santa Cruz Seaside Company

Proposed Development

Deposit 9.5 cubic yards of beach quality sand on Main Beach in front of the Santa Cruz Beach Boardwalk, in the City of Santa Cruz.

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 application proposes a minor beach nourishment project which will add 9.5 cubic yards of clean beach sand to the City of Santa Cruz's Main Beach. The project will be done in conjunction with CDP Waiver No. 3-16-0812-W (reported to the Commission last month), which authorized dewatering and sand berming/sand deposition activities associated with several redevelopment projects at the Boardwalk. All equipment operation on the beach will be done in conformance with the Commission-approved Beach Management Plan (CDP 3-11-027-A1), which establishes equipment maintenance protocols (e.g. washing, refueling, spill prevention, etc.) and public safety protocols (e.g. designated safety spotters when operating equipment, marking off work areas, established access points, etc.). Only one truck load will be needed to deposit the sand on the beach, which will limit the proposed project's impacts to public access.

Based on the above, the project will not adversely impact coastal resources, including public access, and thus is consistent with the Coastal Act.

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, November 2, 2016, in Half Moon Bay. 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: October 20, 2016
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Daniel Robinson, Coastal Planner
Subject: **Proposed Amendment to Coastal Development Permit (CDP) 3-13-012**
Applicant: Caltrans

Original CDP Approval

CDP 3-13-012 was approved by the Coastal Commission on July 11, 2014 and provided for the realignment of 2.8 miles of Highway One up to 475 feet inland (including removal of the existing Highway One in this area), development of an off-road California Coastal Trail (CCT) west of the Highway, and resource restoration and enhancement (along the alignment and at Arroyo de la Cruz) in the Piedras Blancas area of northern San Luis Obispo County.

Proposed CDP Amendment

CDP 3-13-012 would be amended to modify the timing requirements in Special Condition 5 (regarding timing of the Memorandum of Agreement (MOA) (also known as the Interagency Agreement) between Caltrans and State Parks) from “Within 12 Months of the Commencement of Construction” to “Within 16 Months of the Commencement of Construction.” In addition, this condition would be further amended to change the timing required for the transfer to State Parks of the required mitigation fee, from six months (after the date of Executive Director review and approval) to four months. The proposed amendment also modifies the timing requirements in Special Condition 9 (CCT Access Dedication) and Special Conditions 10 (Evidence of CDP Amendments) and 11 (Evidence of Amendments to Recorded Documents) from “Within 12 Months of the Commencement of Construction” to “Within 24 Months of the Commencement of Construction.” The Commission’s reference number for this proposed amendment is **3-13-012-A4**. See **Exhibit A** for the proposed changes to these conditions and **Exhibit 1** for the site plan related to Special Conditions 10 and 11.

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 Piedras Blancas Highway One realignment project is an important adaptation project for the State of California in its attempts to adapt to sea level rise and mitigate coastal hazards. To ensure the project is completed as soon as possible, the project was designed to begin construction on portions of the new highway alignment in October 2015.

The timing change to Special Condition 5 is needed to allow for Caltrans, State Parks, and Commission staff to finalize the MOA/Interagency Agreement relating to the development and operation of the CCT.

NOTICE OF PROPOSED PERMIT AMENDMENT
CDP 3-13-012-A4 (Piedras Blancas Highway Realignment Timing)

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Reducing the timing requirements of Special Condition 5 for the transfer of funds from Caltrans to State Parks will facilitate planning efforts that will ultimately result in construction of the CCT. Timing changes to Special Conditions 9, 10, and 11 are needed to allow conclusion of Caltrans' eminent domain proceedings and finalization of required changes to existing legal documents. In sum, the proposed amendment changes only the timing of certain requirements and helps facilitate the transfer of funds to enable the CCT; it does not change the underlying permit requirements nor does it affect the project's consistency with the Commission's original CDP approval. The amended CDP remains consistent with the Coastal Act and the certified San Luis Obispo County Local Coastal Program.

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 Wednesday November 2, 2016 in Half Moon Bay. 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.

NOTE:
FOR ACCURATE RIGHT OF WAY DATA, CONTACT
RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

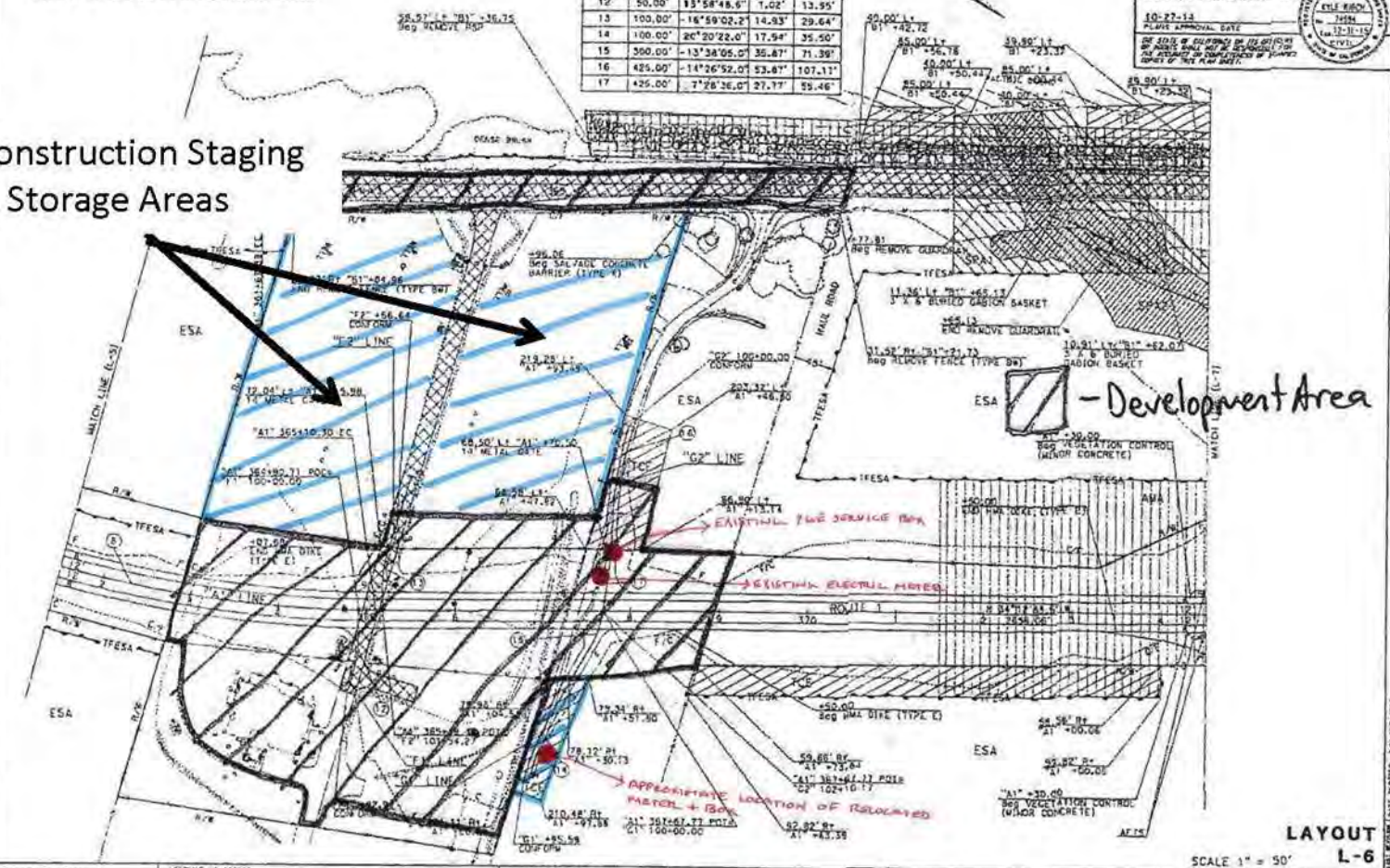
CURVE DATA				
No. (S)	R	Δ	T	L
8	1350.00'	-43°19'06.8"	535.21'	1019.10'
11	800.00'	-20°05'00.0"	141.78'	280.65'
12	50.00'	13°58'48.6"	1.02'	13.95'
13	100.00'	-16°59'02.2"	14.93'	29.64'
14	100.00'	26°20'22.0"	17.94'	35.50'
15	300.00'	-13°34'05.0"	35.47'	71.39'
16	425.00'	-14°26'52.0"	53.47'	107.11'
17	425.00'	7°28'36.0"	27.77'	59.46'

Dist.	COUNTY	ROUTE	POST MILES	CHIEF ENGINEER
05	SLO	1	64.0/86.9	8 265

REGISTERED CIVIL ENGINEER No. 10271-14
10-27-13
PLATE APPROVAL DATE
OF THIS PLAN OR ANY PART THEREOF IS NOT VALID UNLESS IT IS ACCOMPANIED BY THE SIGNATURE OF THE ENGINEER OF THIS PLAN SHEET.

Construction Staging
& Storage Areas

- Development Area



STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
 CALIFORNIA HIGHWAYS
 DESIGN
 CONTRACT NO. 05000003760001
 SHEET NO. 10-27-13 L-6 (1 OF 1)

LAYOUT
L-6

Exhibit 1
3-13-012-A4
Page 1 of 1

**Proposed Amendments to Special Conditions 5, 9, 10, and 11
(CDP Amendment 3-13-012-A4)**

5. California Coastal Trail. WITHIN ~~12~~ 16 MONTHS OF THE COMMENCEMENT OF CONSTRUCTION OF THE REALIGNED HIGHWAY APPROVED PURSUANT TO THIS CDP, the Permittee shall submit written documentation that demonstrates that the Permittee and State Parks have entered into a Memorandum of Agreement (MOA) that is consistent with the requirements of this CDP and its terms and conditions. ...

... Within ~~six~~ four months of the Executive Director's approval of the MOA, the Permittee shall submit to the Executive Director evidence that a nonrefundable public access mitigation fee of \$1.4 million has been transferred to State Parks and deposited into a separate, interest-bearing account created solely to implement the MOA described herein... *(remainder of condition unchanged)*

9. CCT Access Dedication. WITHIN ~~12~~ 24 MONTHS OF THE COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit to the Executive Director for review and approval evidence that a dedication to State Parks of a fee interest or easement(s) for lateral public access has been executed and recorded against Sani Parcels 1 and 2 (APNs 011-231-013 and 011-231-014) and the Welsh Parcel (APN 011-231-017) that provide a direct public access route from the CCT connections to the north and south, along the alignment approved pursuant to Special Condition 5 (California Coastal Trail)... *(remainder of condition unchanged)*

10. Evidence of CDP Amendments.

a. **Sani Parcels 1, 2 and 3:** PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ON SANI PARCELS 1, 2 AND 3 OUTSIDE THE DEVELOPMENT AREA DEPICTED IN EXHIBIT 1, AND WITHIN ~~12~~ 24 MONTHS OF THE COMMENCEMENT OF CONSTRUCTION OF THE REALIGNED HIGHWAY APPROVED PURSUANT TO THIS CDP, the Permittee shall provide evidence that San Luis Obispo County has amended CDP COAL 90-137, as reconsidered and amended in D010029P and MUP D020333P to: allow for the highway to be constructed in the new alignment approved by this CDP; prohibit development on Sani Parcels 1 and 2 (APNs 011-231-013 and 011-231-014) other than demolition, restoration, well access, public access and recreation improvements, and CCT development approved by this CDP; reflect screening requirements of Special Condition 3; and retain all other development limitations included in existing deed restrictions/scenic easements/mitigation agreements as they currently pertain to the undeveloped areas outside of the existing development envelope, but modify the area to which they apply to be all areas on the properties outside of the new highway right-of-way. ... *(remainder of condition unchanged)*

b. **Welsh Parcel:** PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ON THE WELSH PARCEL OUTSIDE THE DEVELOPMENT AREA DEPICTED IN EXHIBIT 1, AND WITHIN ~~12~~ 24 MONTHS OF THE COMMENCEMENT OF CONSTRUCTION OF THE REALIGNED HIGHWAY APPROVED PURSUANT TO THIS CDP, the Permittee shall provide evidence that the Coastal Commission has

amended CDP A-3-SLO-00-119 to allow for the highway to be constructed in the new alignment approved by this CDP; to prohibit development on that portion of the parcel seaward of the realigned Highway other than restoration, well access, and CCT development approved by this CDP; reflect screening requirements of Special Condition 3; and retain all other development limitations included in the existing scenic easement as it currently pertains to the undeveloped areas outside of the existing development envelope and extend these limitations to the remainder of the portion of the property seaward of the new highway right-of-way. ... *(remainder of condition unchanged)*

11. Evidence of Amendments to Recorded Documents. PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ON SANI PARCELS 1, 2 AND 3 AND THE WELSH PARCEL OUTSIDE THE DEVELOPMENT AREA DEPICTED IN EXHIBIT 1, AND WITHIN ~~42~~ 24 MONTHS OF THE COMMENCEMENT OF CONSTRUCTION OF THE REALIGNED HIGHWAY APPROVED PURSUANT TO THIS CDP, the Permittee shall submit evidence that that the landowner(s) has executed and recorded deed restrictions against Sani Parcels 1 and 2 (APNs 011-231-013 and 011-231-014, or as may be renumbered), and the Welsh Parcel (APN 011-231-017, including any roadway that reverts to the property, and as may be renumbered), in a form and content acceptable to the Executive Director, prohibiting all development, as defined in Section 30106 of the Coastal Act, outside of the new Highway 1 alignment right-of-way, as shown on the Revised Final Plans. ... *(remainder of condition unchanged)*



California Coastal Commission

EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-3-16-0067 (G1 Dock and S-Dock Piling Replacement, Santa Cruz Port District, Santa Cruz)

Issue Date: October 24, 2016

Page 1 of 4

This emergency coastal development permit (ECDP) authorizes emergency development consisting of the replacement of two piles (pile #13 on G1-dock and pile #13 on S-dock) in the Santa Cruz Harbor in Santa Cruz County (all more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (Santa Cruz Port District), pile #13 at G1-dock broke at our near the mudline on May 2, 2016, and pile #13 on S-dock sheared off at or near the mudline on October 3, 2016, creating an immediate hazard to navigation. The broken piles have been largely removed, but the integrity of the docks is compromised, highlighting the need to replace the piles, especially given the onset of the winter storm season. The proposed emergency development is therefore necessary to ensure the continued operation of the docks and to prevent catastrophic failure. The submitted application materials include the Commission's typical best management practices to protect water quality during construction over coastal waters. 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 John Ainsworth, Acting Executive Director

Emergency CDP G-3-16-0067 (Santa Cruz Port District, Santa Cruz County)

Issue Date: October 24, 2016

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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 November 8, 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 November 23, 2016) unless extended for good cause by the Executive Director.
4. The emergency development authorized by this ECDP is only temporary and is designed to abate the identified emergency, 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 December 23, 2016), the Permittee shall submit a complete application for a regular CDP to have the emergency development be considered permanent or for a different project designed to repair the site. (The CDP application may be found at: <http://www.coastal.ca.gov/cdp/cdp-forms.html>). Alternatively, the Permittee may submit an application for a regular CDP in conjunction with the follow up CDP application for ECDP No. 3-11-045-G (Tsunami Repairs ECDP). In either case, the application shall include photos showing the project site before the emergency, during emergency project construction activities, and after the work authorized by this ECDP is complete. 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., City of Santa Cruz, U.S. Army Corps of Engineers, National Oceanic and Atmospheric Administration, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
7. All emergency development shall be limited in scale and scope to that specifically identified in the Emergency Permit Application Form dated received in the Coastal Commission's Central Coast District Office on October 12, 2016.
8. All emergency development is limited to the least amount necessary to abate the emergency.
9. All emergency construction activities shall limit impacts to coastal resources (including public recreational access 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;

Emergency CDP G-3-16-0067 (Santa Cruz Port District, Santa Cruz County)

Issue Date: October 24, 2016

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and (2) will not adversely impact coastal resources):

- a. All work shall take place during daylight hours. Lighting of the intertidal area is prohibited.
 - b. 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.
 - c. 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.).
 - d. 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 near the construction site. All accessways impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction.
 - e. 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/cleanup of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.
10. 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 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.
 12. 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.
 13. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
 14. 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.

Emergency CDP G-3-16-0067 (Santa Cruz Port District, Santa Cruz County)

Issue Date: October 24, 2016

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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. For the development to be authorized under the Coastal Act, 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.