

CALIFORNIA COASTAL COMMISSION

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

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

July 15, 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 July 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.

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.

Applicant	Project Description	Project Location
3-16-0414-W City of Monterey	Groundwater Remediation Project- Proposed five-year groundwater remediation project including direct injection of reagent into underground aquifer, installation of monitoring wells, quarterly performance monitoring, and restoration of turf and mulch in Widow on the Bay Waterfront Park.	951 Del Monte Ave, Monterey (Monterey County)(APN(s): 001801002, 001801005000, 001801006, 001801016)

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
3-16-0567-W San Luis Obispo County Public Works Department	Vegetation management within Arroyo Grande Creek flood control channel, including the surrounding levee, consisting of minor hand trimming of willow root sprouts to preserve channel capacity and encourage canopy growth to provide shade for the creek; minor thinning of woody vegetation, removal of invasive exotic plant species and vegetation along the levee tops for access and maintenance purposes, and trash and debris removal.	Located in Oceano and Arroyo Grande, San Luis Obispo 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
3-86-214-A2 Sharon & Phil Lebherz	Amend CDP 3-86-214 to allow for minor repairs of the seawall. These minor repairs include the cleaning and repair of five small areas on the seawall by removing organic and other loose material from the seawall in order to create a smooth, bondable surface; cleaning any exposed rebar, and then covering and smoothing the cleaned areas with shotcrete. The total shotcrete used for the above described repairs will not exceed one cubic yard. The proposed amendment also adds a Monitoring and Maintenance condition to the permit that requires regular monitoring and also allows the seawall to be maintained in its authorized as-built state for an additional ten-year period (i.e. until July 15, 2026), which may be extended upon written Executive Director approval. The existing State Lands Commission lease will expire around the same time (June 27, 2026) so that both agencies may consider further authorization concurrently.	110 Grove Lane, Capitola (Santa Cruz County) (APN(s): 036-161-10)

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-3-16-0056 Santa Cruz Port District	ECDP authorizes the closure of Aldo's Harbor Restaurant (Aldo's) and the adjacent public pier due to sinkhole caused by seawall failure.	616 Atlantic Ave, Santa Cruz (Santa Cruz County) (APN(s): 010-320-10)
G-3-16-0049 Monterey County Resources Management Agency	ECDP authorizes Monterey County, acting as contractor and agent for the California Department of Parks and Recreation, to excavate sand at Carmel River State Beach and use the sand to build up the existing low sand berm located adjacent to Carmel River lagoon. The purpose of enlarging the existing sand berm is to maintain an optimal water elevation and salinity levels for steelhead within the Carmel River lagoon fronting Carmel River State Beach.	Carmel River State Beach in Monterey County.
G-3-16-0050 Sharon Gill-Moore	ECDP authorizes the repair of a sinkhole behind an existing seawall on a residential parcel. Gaps between the toe of the existing seawall and the bedrock have allowed wave action to scour out soil. Over time the scour action created a horizontal tunnel under the seawall reaching deep enough to allow fill material to wash out onto the beach. As a result of the scour tunneling, a sinkhole has developed behind the seawall.	2181 Shoreline Dr., Shell Beach (San Luis Obispo County (APN(s): 010-521-022)

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NOTICE OF PROPOSED PERMIT WAIVER

Date: June 30, 2016
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Brian O'Neill, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-16-0414-W
Applicant: City of Monterey

Proposed Development

Proposed five-year groundwater remediation project including direct injection of reagent into underground aquifer, installation of monitoring wells, quarterly performance monitoring, and restoration of turf and mulch in Window on the Bay Waterfront Park at 951 Del Monte Avenue, Monterey, Monterey County (APNs 001-801-002; 001-801-005; 001-801-006; 001-801-016).

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 proposed project includes direct injection of approximately 2,500 gallons of reagent into an underground aquifer at several locations in Window on the Bay Waterfront Park to address the presence of halogenated volatile organic compound plumes through the use of enhanced reductive de-chlorination. The remediation project is a requirement of the Regional Water Quality Control Board to address groundwater contamination from the former Vapor Cleaners that operated on the site until 2000. The site is now designated open space and is part of the City-owned Window on the Bay Waterfront Park. The project includes installation of two new water monitoring wells that will be placed underground. No above-ground structures are proposed. Temporary disturbance to turf and mulch from well installation will be minimal and all areas will be restored after installation of the wells. The project also includes quarterly water quality monitoring events over a five-year period and may include additional injection events if deemed necessary. The project includes a public access management plan to ensure continuous access on the adjacent recreational trail and through the park. Mitigation measures will be implemented to protect adjacent sensitive habitats and sensitive plant species including installation of protective fencing, biological monitors during construction, and implementation of a worker education program. The project also incorporates various construction Best Management Practices to control runoff, prevent spills, manage waste, and maintain good housekeeping measures. Therefore the project has no potential for adverse effects on coastal resources, including public access to the shoreline, and is consistent with Chapter 3 of the Coastal Act.

NOTICE OF PROPOSED PERMIT WAIVER
CDP Waiver 3-16-0414-W (Window on the Bay Groundwater Remediation)
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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 July 15, 2016 in San Diego. 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 Brian O'Neill in the Central Coast District office.



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NOTICE OF PROPOSED PERMIT WAIVER

Date: June 30, 2016

To: All Interested Parties

From: Susan Craig, Central Coast District Manager
Daniel Robinson, Coastal Planner

Subject: Coastal Development Permit (CDP) Waiver 3-16-0567-W
Applicant: San Luis Obispo County Flood Control and Water Conservation District

Proposed Development

Vegetation management within Arroyo Grande Creek flood control channel, including the surrounding levee, consisting of minor hand trimming of willow root sprouts to preserve channel capacity and encourage canopy growth to provide shade for the creek; minor thinning of woody vegetation, removal of invasive exotic plant species and vegetation along the levee tops for access and maintenance purposes, and trash and debris removal, located in Oceano and Arroyo Grande, San Luis Obispo 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 proposed project will continue efforts to enhance habitat within the creek and riparian corridor while providing for increased channel capacity for water flows and flood control purposes. The project has been designed to avoid adverse impacts to coastal resources by limiting the extent of trimming and vegetation thinning, and limiting such activities to crews using hand tools only. In addition, the project is designed to maintain shade for improved water quality and habitat within the managed channel. Large woody material within the creek channel will be cut or notched and left in the channel to provide habitat for fish and other animal species; only fallen and low overhanging willow branches will be cut and all root balls will be left intact. No heavy machinery will be used within the creek channel and no herbicides will be used. Crews will remove invasive exotic species, particularly castor bean, to improve riparian habitat. Biological monitors will be in place for the duration of the project to ensure project activities do not disrupt any habitat areas.

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 Friday, July 15, 2016 in San Diego. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: June 30, 2016
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Rainey Graeven, Coastal Planner
Subject: **Proposed Amendment to Coastal Development Permit (CDP) 3-86-214**
Applicants: Sharon and Phil Lebherz

Original CDP Approval

CDP 3-86-214 was approved by the Coastal Commission on October 10, 1986, and provided for the placement of a seawall, including the filling of a sea cave with 200 cubic yards of concrete, all at the base of the coastal bluff at 110 Grove Lane in Capitola, approximately 0.25 miles upcoast from New Brighton State Beach. The CDP was previously amended on September 9, 1991 (CDP 3-86-214-A1) to approve an after-the-fact erosion control system.¹

Proposed CDP Amendment

CDP 3-86-214 would be amended to allow for minor repairs of the seawall. These minor repairs include the cleaning and repair of five small areas on the seawall by removing organic and other loose material from the seawall in order to create a smooth, bondable surface; cleaning any exposed rebar, and then covering and smoothing the cleaned areas with shotcrete. The total shotcrete used for the above described repairs will not exceed one cubic yard. The proposed amendment also adds a Monitoring and Maintenance condition to the permit that requires regular monitoring and also allows the seawall to be maintained in its authorized as-built state for an additional ten-year period (i.e. until July 15, 2026), which may be extended upon written Executive Director approval. The existing State Lands Commission lease will expire around the same time (June 27, 2026) so that both agencies may consider further authorization concurrently. The Commission's reference number for this proposed amendment is **3-86-214-A2**. See Exhibit 1 for the Monitoring and Maintenance condition language².

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 proposed project involves minor repairs to the existing seawall that are necessary to ensure its continued stability, integrity, and safety, and will not expand the seawall's existing development

¹ The property has since been redeveloped. The erosion control system is no longer present because the erosion threat has been mitigated by removal of a cantilevered deck, etc.

² The Special Conditions have been updated to include the only remaining operative conditions (Prescriptive Rights and Monitoring and Maintenance); all other conditions from CDP 3-86-214 and 3-86-214-A1 have been fulfilled previously and are no longer applicable.

NOTICE OF PROPOSED PERMIT AMENDMENT

CDP 3-86-214 (Sharon and Phil Lebherz)

Proposed Amendment 3-86-214-A2

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footprint. The proposed project incorporates the Commission's typical best management practices (BMPs) for shoreline work to protect water quality during construction, including limiting construction activities to above the mean high tide line; prohibiting grading; allowing only rubber-tired construction vehicles on the beach and avoiding contact with ocean waters and intertidal areas; ensuring that all equipment is stored beyond the reach of tidal waters; prohibiting equipment washing on the beach; maintaining good housekeeping controls and procedures; and ensuring that all erosion and sediment controls are in place prior to the start of construction. In addition, the California Department of Parks and Recreation has indicated that it will grant access to the site through its property to perform the work; that access will be limited to springtime and fall to avoid the peak summer season. In addition, on June 28, 2016 the State Lands Commission authorized a "General Lease – Protective Structure Use" for the proposed repair, use, and maintenance of the existing private residential seawall that extends seaward of the Ordinary High Water Mark of the Pacific Ocean.

The proposed Monitoring and Maintenance condition will allow for future seawall and sea cave maintenance activities to take place subject to specific criteria, including reporting requirements and subject to BMPs to protect water quality during maintenance construction activities. In sum, the proposed amendment will allow the Applicants to maintain the seawall and sea cave fill for another ten years in a manner consistent with the Commission's original coastal development permit approval, as well as consistent with the Coastal Act and the certified Capitola City 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 Friday, July 15, 2016, in San Diego. 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 Rainey Graeven in the Central Coast District office.

I. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Prescriptive Rights.** Nothing in this approval shall be construed to constitute a waiver of any sort or a determination of any issue of prescriptive rights which may exist on the parcel.
2. **Monitoring and Maintenance.** This CDP authorizes future maintenance and repair of the authorized shoreline structure subject to the following:

- a. **Monitoring Requirement.** By July 15 of every fifth year for the life of the structure, the Permittees shall submit a monitoring report that has been prepared by a licensed geologist or civil or geotechnical engineer. Each monitoring report shall contain the following:
 - i. An evaluation of the condition and performance of the approved shoreline protection device, including an assessment of whether any weathering or damage has occurred that could adversely impact future performance of the device;
 - ii. All measurements taken in conformance with the approved monitoring plan;
 - iii. An analysis of erosion trends, annual retreat, or rate of retreat of the bluff based upon the measurements and in conformance with the approved monitoring plan;
 - iv. Recommendations for repair, maintenance, modifications or other work to the device.

If a monitoring report contains recommendations for repair, maintenance or other work, the Permittees shall contact the Central Coast Coastal Commission District Office to determine whether such work requires a coastal development permit

- b. **Maintenance.** The authorized shoreline structures (i.e. seawall and sea cave fill) may be maintained in their authorized as-built state, subject to the following:
 - i. **Routine Maintenance Required.** The Permittees shall remove any debris or material that becomes dislodged from the seawall or sea cave fill as soon as possible after such displacement occurs. The Permittees shall contact the Central Coast Coastal Commission District Office immediately to determine whether such activities require a coastal development permit.
 - ii. **Definition.** "Maintenance," as it is understood in this special condition, means development that would otherwise require a CDP whose purpose is to maintain the seawall and the sea cave fill in their approved state. Proposed activities that add to, enlarge, extend, heighten, or otherwise expand the authorized structures in any way shall not be considered maintenance and shall require an amendment to this permit or a new CDP depending on the nature and extent of the proposed activities.
 - iii. **Other Agency Approvals.** The Permittees acknowledge that these maintenance stipulations do not obviate the need to obtain permits from other agencies for any future maintenance and/or repair episodes.

- iv. **Maintenance Notification.** At least 30 days prior to commencing any maintenance event, the Permittees shall notify, in writing, planning staff of the Coastal Commission's Central Coast District Office. The notification shall include: (1) a detailed description of the maintenance event proposed; (2) any plans, engineering and/or geology reports describing the event; (3) a construction plan that complies with all aspects of the approved construction plan; (4) any other required agency authorizations; and (5) any other supporting documentation describing the maintenance event. The maintenance event shall not commence until the Permittees have been informed by planning staff of the Coastal Commission's Central Coast District Office that the maintenance event complies with this CDP. If the Permittee has not been given a verbal response or sent a written response within 30 days of the notification being received in the Central Coast District Office, the maintenance event shall be authorized as if planning staff affirmatively indicated that the event complies with this CDP. The notification shall clearly indicate that the maintenance event is proposed pursuant to this CDP, and that the lack of a response to the notification within 30 days constitutes approval of it as specified in the permit. In the event of an emergency requiring immediate maintenance, the notification of such emergency episode shall be made as soon as possible, including by telephone, and shall (in addition to the foregoing information) clearly describe the nature of the emergency if possible.
- v. **Maintenance Coordination.** Maintenance events shall be coordinated to the degree feasible with other maintenance events proposed in the immediate vicinity with the goal being to limit coastal resource impacts, including the length of time that construction occurs in and around the beach and bluff area and beach access points. As such, the Permittees shall make reasonable efforts to coordinate the Permittees' maintenance events with other adjacent events, including adjusting maintenance event scheduling as directed by planning staff of the Coastal Commission's Central Coast District Office.
- vi. **Restoration.** The Permittees shall restore all blufftop, bluff, and beach areas and all access points impacted by construction activities to their pre-construction condition or better within three days of completion of construction. Any beach sand impacted shall be filtered as necessary to remove all construction debris from the beach. All maintenance events shall include additional best management practices to minimize impacts to water quality including: limiting construction activities to above the mean high tide line; prohibiting grading; allowing only rubber-tired construction vehicles on the beach and avoiding contact with ocean waters and intertidal areas; ensuring that all equipment is stored beyond the reach of tidal waters; prohibiting equipment washing on the beach; maintaining good housekeeping controls and procedures; and ensuring that all erosion and sediment controls are in place prior to the start of construction. The Permittees shall notify planning staff of the Coastal Commission's Central Coast District Office upon completion of restoration activities to allow for

a site visit to verify that all beach-area restoration activities are complete. If planning staff should identify additional measures necessary to restore blufftop, bluff, beach areas, or access points, such measures shall be implemented as quickly and reasonably as possible, and the failure to do so shall be considered a violation of this permit.

- vii. **Noncompliance Provision.** If the Permittees are not in compliance with the terms and conditions of any Coastal Commission CDPs or other coastal authorizations that apply to the subject property at the time that a maintenance event is proposed, then the maintenance event that might otherwise be allowed by the terms of this future maintenance condition shall not be allowed by this condition until the Executive Director has determined that the Permittees are in full compliance with all terms and conditions.
- viii. **Emergency.** In addition to the emergency provisions set forth in subsection (c) above, nothing in this condition shall affect the emergency authority provided by Coastal Act Section 30611, Coastal Act Section 30624, and Subchapter 4 of Chapter 5 of Title 14, Division 5.5, of the California Code of Regulations (Permits for Approval of Emergency Work).
- ix. **Duration of Covered Maintenance.** Future maintenance under this CDP is allowed subject to the above terms until July 15, 2026. Maintenance may be carried out beyond July 15, 2026 if the Permittees request an extension prior to July 15, 2026 and if the Executive Director extends the maintenance term in writing. The intent of this permit is to allow for maintenance to occur without obtaining an otherwise necessary coastal development permit amendment throughout the ten-year period of maintenance authorization unless there are changed circumstances that may affect the consistency of this maintenance authorization with the policies of Chapter 3 of the Coastal Act.

The Permittees shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.



California Coastal Commission

EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-3-16-0056 (Aldo's Restaurant and Public Pier, Santa Cruz Port District)

Issue Date: July 1, 2016

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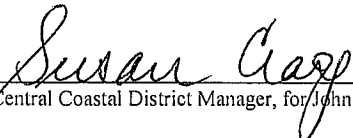
This emergency coastal development permit (ECDP) authorizes emergency development consisting of the closure of Aldo's Harbor Restaurant (Aldo's) and the adjacent public pier dock; all located in the Santa Cruz Harbor at 616 Atlantic Ave in the City of Santa Cruz (all more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (Santa Cruz Port District), a large sinkhole appeared below Aldo's due to weakened pilings and the degraded condition of the existing seawall located below the restaurant, which may have been damaged during the El Nino storms, resulting in the formation of a sinkhole. As a result, this section of the pier is in imminent danger of collapsing into the Santa Cruz Harbor, and the Permittee's coastal engineer has determined that it is not possible to repair the damaged pilings and existing seawall structures. The proposed emergency closure is necessary to protect public safety, abate the potential collapse of the pier, and to prevent wood, concrete, steel and debris from entering the Harbor and the Monterey Bay National Marine Sanctuary. This emergency permit only authorizes the closure of Aldo's and the adjacent public pier and dock, and includes the placement of chain link fencing around these structures. Any demolition and/or redevelopment of these structures will require a separate coastal development permit (CDP).

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 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

Enclosure: Emergency Coastal Development Permit Acceptance Form

cc: Juliana Rebagliati, Planning Director, City of Santa Cruz

Emergency CDP G-3-16-0056 (Aldo's Restaurant Closure)

Issue Date: July 1, 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 July 16, 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 only temporary and is designed to abate the identified emergency, and must be authorized by a regular CDP. Within 60 days of the date of this permit (i.e. by August 30, 2016), the Permittee shall submit a complete application for a regular CDP to have the closure authorized until redevelopment of the restaurant, public access pier, and dock takes place, pursuant to future approval of a CDP. The deadline in this condition may be extended for good cause by the Executive Director. (Please find the CDP application here: <http://www.coastal.ca.gov/cdp/cdp-forms.html>).
4. 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 closure.
5. 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 June 28, 2016.
6. The fencing shall not inhibit public access along the Western Jetty walkway, which provides access to Seabright State Beach.
7. Copies of this ECDP shall be maintained in a conspicuous location at the closure site at all times, and such copies shall be available for public review on request. All persons involved with the closure shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it.
8. 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.
9. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
10. 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 3 and 4 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 CDP G-3-16-0056 (Aldo's Restaurant Closure)

Issue Date: July 1, 2016

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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.



California Coastal Commission

EMERGENCY COASTAL DEVELOPMENT PERMIT
Emergency CDP G-3-16-0049 (Carmel River Lagoon Sandbar Management)

Issue Date: June 14, 2016

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This ECDP authorizes Monterey County, acting as contractor and agent for the California Department of Parks and Recreation, to excavate sand at Carmel River State Beach and use the sand to build up the existing low sand berm located adjacent to Carmel River lagoon. The purpose of enlarging the existing sand berm is to maintain an optimal water elevation and salinity levels for steelhead within the Carmel River lagoon fronting Carmel River State Beach in Monterey County (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (Monterey County), the Carmel River Lagoon is currently at 5.98 feet (NAV29) and the sand elevation in the vicinity of the flow channel is approximately 6.5 feet (NAV29), i.e. less than six inches above the water elevation. The existing low-beach berm configuration allows continual wave over-topping that is adversely affecting the optimal lagoon water elevation and salinity levels for steelhead. Monterey County proposes to excavate sand to build up the sand berm to a minimum of approximately 12.75 feet (NAV29) to prevent breaching of the lagoon at this time and to limit the amount of wave over-topping into the lagoon.

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

Enclosures: (1) Emergency Coastal Development Permit Acceptance Form

cc: Mat Fuze, California Department of Parks and Recreation
Sophie DeBeukelaer, Monterey Bay National Marine Sanctuary
Katerina Galacatos, U.S. Army Corps of Engineers
Martin Jacobs, U.S. Fish and Wildlife Service
Jacqueline Pearson-Meyer, National Marine Fisheries Service
Linda Connolly, California Department of Fish and Wildlife
Joe Sidor, Monterey County Planning Department
Rob Mullane, City of Carmel-by-the-Sea

Emergency CDP G-3-16-0049 (Carmel River Lagoon Sandbar Management)

Issue Date: June 14, 2016

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Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the ECDP Permittee and returned to the California Coastal Commission's Central Coast District Office within 15 days of the date of this permit (i.e., by June 29, 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 extends through June 17, 2016 only, unless extended for good cause by the Executive Director.
4. The emergency development authorized by this ECDP, which is carried out at the Permittee's risk, is only temporary, and shall no longer be authorized if it is not followed-up by a regular CDP. Therefore, by October 1, 2016 the Permittee shall submit materials to modify the project description for existing CDP application (3-12-025) for ongoing management of the Carmel River Lagoon to include authorization of the emergency development carried out under this ECDP. The modification materials shall include monitoring reports as required by Condition 12. Additionally, the Permittee shall diligently pursue completion of the existing CDP application and by October 1, 2016, shall submit an Initial Study/Environmental Assessment associated with the long-term comprehensive response to managing the Carmel River Lagoon. Otherwise, the temporary emergency development shall no longer be authorized and all areas affected by it restored to their original pre-emergency development condition. The deadlines in this condition may be extended for good cause by the Executive Director
5. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., California Department of Parks and Recreation, California Department of Fish and Wildlife, California State Lands Commission, Monterey Bay National Marine Sanctuary, United States Army Corps of Engineers, National Marine Fisheries Service, United States Fish and Wildlife Service, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
6. All emergency development shall be limited in scale and scope to that specifically identified in the materials submitted by the Permittee (dated received in the Coastal Commission's Central Coast District Office on June 8, 2016).
7. A qualified biologist (including with a minimum of three years experience with anadromous salmonids) shall be present during all emergency development activities, and shall monitor the lagoon and sandbar on a daily basis for as long as the emergency development activities authorized under this ECDP persist. The biological monitor shall ensure that all emergency development is limited to the least amount necessary to abate the emergency, and that it avoid impacts to adjacent marine and lagoon resources as much as possible, including through adaptive management measures to respond to changing conditions and/or understandings relative to habitat impacts.

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8. For the construction of the enhanced sand berm, Monterey County shall excavate/harvest sand from the northeast side of the existing low sand berm to an elevation of 10 feet NVGD88 in a northwest alignment of 300 degrees to create a pilot channel. This pilot channel will be an approximately 60-foot-wide swale and will blend with the contours to the north and south. The pilot channel will be over-excavated to accommodate fill from the beach overtopping from the ocean, over the duration of the project. The pilot channel would be a gentle swale approximately 10 feet wide at the base with gradual slopes and not an abrupt channel/notch in the barrier beach. Sand harvested from the back of the barrier beach will be gently sloped and not left as an abrupt notch. Only the sand necessary to build the enhanced berm will be excavated and the back of the barrier beach may be left at an elevation greater than 13' NVGD88. Excavated sands will be used to construct the berm. The berm would be slightly higher near stairs and taper off to an elevation of about 12.73' NVGD88 on its north end. This would ensure that the lagoon would overtop at the northern end of the berm and spill into the pilot channel.
9. All emergency development activities shall limit impacts to coastal resources (including public recreational access, shoreline bluff, Carmel River and the lagoon, and the Pacific Ocean) to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements (which may be adjusted by the Executive Director if such adjustments: (1) are deemed necessary due to extenuating circumstances; and (2) will not adversely impact coastal resources):
 - a. All construction areas shall be minimized, shall allow public recreational access along Carmel River State Beach, and shall 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.
 - 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 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.
 - e. 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.
 - 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 equipment covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly,

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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 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.
 - i. 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.
 - j. 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.
 - k. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction.
10. Copies of this ECDP shall be maintained in a conspicuous location at the emergency development area at all times for as long as emergency development activities authorized under this ECDP persist, and such copies shall be available for public review on request. All persons involved with the emergency development activities shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
11. The Permittee shall designate a coordinator to be contacted during all emergency development activities and for as long as the emergency development activities authorized under this ECDP persist should questions arise regarding these activities (in case of both regular inquiries and emergencies). The coordinator's contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of emergency development activities, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The coordinator shall record the name, phone number, and nature of all complaints received regarding the time that emergency development activities authorized under this ECDP persist, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
12. The Permittee shall submit monthly reports by the 15th of each month that emergency development activities authorized under this ECDP persist to the Executive Director for review and approval. Each report shall document all emergency development activities (including through narrative as well as site plans and cross sections accompanied by photographs, maps, and /or graphics); and shall include a section prepared by the biological monitor providing his/her monitoring observations, including in terms of potential impacts to habitat resources. The monthly reports shall clearly

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identify all areas affected by emergency development activities, and include the location and extent of grading, sand borrow, and fill areas; elevations showing finished slopes; and, estimated quantity of sand moved. The monthly reports shall also include color photographs (in hard copy and jpg format) that clearly depict all emergency development activities, that are accompanied by a site plan that notes the location of each photographic viewpoint and the date and time of each photograph, and that are accompanied by a description of what is shown in each photograph. At a minimum, the photographs shall be from enough upcoast, seaward, and downcoast viewpoints as to provide complete photographic coverage of the emergency development activities authorized under this ECDP at a scale that allows comparisons to be made with the naked eye between photographs taken at different times from the same vantage points.

13. 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.
14. The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and (2) required by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this ECDP. The Permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.
15. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
16. 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.
17. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the subject site without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Chapter 9 of the Coastal Act.

As noted in Condition 4 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 Monterey County wishes to have the emergency development become permanent development, a regular CDP must be obtained. A regular CDP is subject to all of the provisions of the California Coastal Act and may be conditioned or denied accordingly.

If you have any questions about the provisions of this ECDP, please contact the Commission's Central Coast District Office at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.



California Coastal Commission

EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-3-16-0050 (2181 Shoreline Drive, Pismo Beach)

Issue Date: June 17, 2016

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This emergency coastal development permit (ECDP) authorizes emergency development consisting of repair of a sinkhole behind an existing seawall on a residential parcel. Gaps between the toe of the existing seawall and the bedrock have allowed wave action to scour out soil. Over time the scour action created a horizontal tunnel under the seawall reaching deep enough to allow fill material to wash out onto the beach. As a result of the scour tunneling, a sinkhole has developed behind the seawall.

Based on the materials presented by the Permittees (Albert Moore and Sharon Gill-Moore), the work will consist of plugging the gap between the seawall and the bedrock where the tunnel was created and filling in the sinkhole void. The Permittees propose packing the area under the toe of the seawall foundation with rocks, and then plugging the gap with control density fill (CDF) – a self-setting mix of gravel, sand, water and one sack of cement per cubic yard of material. Once the initial gap has been plugged the sinkhole will then be filled with additional layers of CDF until the sinkhole void has been filled. The proposed emergency development is necessary to abate the enlargement of the sinkhole and to prevent collapse of the seawall. The submitted application materials include the Commission's typical best management practices (BMPs) to protect water quality during construction near coastal waters. All construction activities will take place on the portion of the property located inland of the seawall and no construction materials or equipment will be placed on the beach. 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

Enclosures: (1) Emergency Coastal Development Permit Acceptance Form

cc: Matt Everling, Planning Manager, Planning Department, Pismo Beach

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Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the Permittees and returned to the California Coastal Commission's Central Coast District Office by July 5, 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 July 17, 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 August 16, 2016), the Permittees 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 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 Permittees agree 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 Pismo Beach, U.S. Army Corps of Engineers, etc.). The Permittees 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 June 13, 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; and (2) will not adversely impact coastal resources):
 - a. All work shall take place during daylight hours. Lighting of the beach or intertidal area is prohibited.
 - b. Construction work and equipment operations shall not be conducted seaward of the existing seawall, except for necessary BMPs to prevent materials from entering the beach through the

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tunnel under the seawall.

- c. All construction areas shall be minimized and demarked by temporary fencing. 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.
 - d. 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, etc.).
 - e. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach or the adjacent marine environment are prohibited. Contractors shall ensure that no material will be discharged to the beach or the adjacent marine environment by use of appropriate BMPs. 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.
 - f. Any beach sand in the area that is impacted by construction shall be filtered as necessary to remove any construction debris.
 - g. 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.
 - h. 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.
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, email, phone numbers, etc.) including, at a minimum, a telephone number and email address 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 contact information (e.g., name, address,

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email, phone number, etc.) 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. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit the record (of complaints/inquiries and actions taken in response) to the Executive Director.

12. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit site plans and cross sections to the Executive Director 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. Photos showing the project site before the emergency (if available), during emergency project construction activities, and after the work authorized by this ECDP is complete shall be provided with the site plans and cross sections.
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 Permittees' 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 and/or if the property lessees wish to expand the scope of 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.