

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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Prepared August 4, 2017 (for August 10, 2017 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Central Coast District Director

Subject: Central Coast District Director's Report for August 2017

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, and emergency CDPs for the Central Coast District Office are being reported to the Commission on August 10, 2017. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's Central Coast District Office in Santa Cruz. Staff is asking for the Commission's concurrence on the items in the Central Coast District Director's Report, and will report any objections received and any other relevant information on these items to the Commission when it considers the Report on August 10, 2017 at the King Gillette Ranch-Auditorium in Calabasas.

With respect to the August 10th hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the Report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on August 10, 2017 (see attached)

Waivers

- 3-17-0145-W, Avila Beach Drive Bridge Seismic Retrofit Project(San Luis Obispo County)
- 3-17-0358-W, Pier Repair at Rose's Landing Restaurant (Morro Bay)
- 3-17-0473-W, Patriot Sportfishing Storage Shed, Hartford Pier (Avila Beach)
- 3-17- 0486-W, Moss Landing Marine Laboratories Temporary Structure (Moss Landing)
- 3-17-0594-W, Arroyo Grande Creek Vegetation Management Project (Arroyo Grande)

CDP Extensions

- 3-08-013-E2, Ocean View Plaza (Monterey6)
- A-3-GRB-07-051-E3, Pacific Coast Hotel (Grover Beach)

Emergency CDPs

- G-3-17-0040, Caltrans Mud Creek Landslide Repair (Big Sur)

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NOTICE OF PROPOSED PERMIT WAIVER

Date: July 27, 2017
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Daniel Robinson, Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-17-0145-W**
Applicant: San Luis Obispo County Public Works Department

Proposed Development

Seismic retrofit of the existing 480-foot-long Avila Beach Drive Bridge, which traverses over San Luis Obispo Creek in unincorporated Avila Beach, San Luis Obispo County. The project includes replacement of key bridge components, e.g., cable restrainers, internal shear keys, pier wall jackets, etc., as well the addition of a new concrete approach slab at the southern abutment and a new polyester-concrete deck overlay. Two staging areas, temporary dewatering and diversion of San Luis Obispo Creek, removal of abandoned oil pipelines, and habitat restoration are also included in the project.

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 existing bridge, originally built in 1967 with a 75-year design life, has not had any structural work performed on it since 1983. Both San Luis Obispo County and the California Department of Transportation (Caltrans) have identified this bridge as a structure that is subject to collapse during an earthquake event. The existing bridge has seven piers and two abutments.

The proposed project will improve public safety by upgrading and strengthening this important public vehicular and bike/pedestrian bridge, which provides the only access between Port San Luis and downtown Avila Beach. Specifically, the project includes strengthening of the piers and the north and south abutments by replacing the existing cable restrainers and internal shear keys in order to more effectively transfer the seismic load. A concrete approach slab will be installed to reinforce the southern abutment, the existing asphalt-concrete deck will be removed and replaced with a new polyester-concrete deck surface, and any unsound concrete at the piers' wall jackets will be removed and replaced.

To accomplish some of this work, temporary diversion and dewatering of San Luis Obispo Creek will be undertaken, which will be authorized through a Streambed Alteration Agreement from the California Department of Fish and Wildlife. In addition, any impacts to the creek banks, or any minor removal of native coastal sagebrush scrub or coyote brush scrub vegetation necessary to accommodate the work at the two abutments, will be fully mitigated by onsite restoration through a combination of re-contouring of the banks to pre-construction conditions and placement of a native hydro-seed mix.

NOTICE OF PROPOSED PERMIT WAIVER
CDP Waiver 3-17-0145-W (Avila Beach Drive Bridge Seismic Retrofit)
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Public access impacts have been minimized as part of the project. During construction, two lanes of traffic will be provided during peak travel times and on weekends, and one lane of traffic will be maintained at all other times. Bicycle and pedestrian traffic will remain available across the bridge during construction. Required work on the underside of the bridge, piers, and abutments, will be accessed via the beach located east of the bridge, from San Juan Street. A designated work area on the beach will be delineated with orange construction fencing and any equipment necessary to be on the beach within the project limits will be short term and temporary. The public will still be able to easily access the portions of the beach outside the project limits (i.e. the portion of beach that is located on the south side of the bridge, which is the side of the bridge closest to the ocean) from the access areas located south of San Juan Street and parallel to Front Street.

Lastly, the project also includes a series of best management practices (BMPs) that will be used to protect water quality during construction. These include typical measures such as placing soil erosion and sediment controls, prohibiting fueling of vehicles closer than 100 feet from the creek, retaining a spill plan and appropriate spill control and clean-up materials, having designated staging areas, and employing general good housekeeping techniques (i.e., confining all trash and debris in appropriate enclosed bins and removal of refuse material weekly).¹

In summary, the proposed project will improve and strengthen an existing bridge in need of seismic retrofit. The project has been designed to minimize construction impacts to the surrounding habitat (including the beach environment) and to protect water quality. Public access to the beach, as well as over the bridge, will be provided during all phases of construction. Therefore, the project will not have any significant adverse impacts on coastal resources.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday, August 10, 2017 at the King Gillette Ranch in Calabasas. If four or more 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.

¹ In addition, the Applicant has received a 404 Clean Water Act Nationwide Permit and a 401 Water Quality Certification from the Regional Water Quality Control Board (RWQCB), and the project includes a Habitat Mitigation and Monitoring Plan, to be approved by the RWQCB prior to construction.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: July 27, 2017
To: All Interested Parties
From: Dan Carl, Central Coast District Director
Susan Craig, Central Coast District Manager
Subject: Coastal Development Permit (CDP) Waiver 3-17-0358-W
Applicant: Doug Redican

Proposed Development

Repair of up to 10 existing wood piles and replacement of cross-bracing that supports Rose's Landing restaurant and the public coastal access deck located seaward of the restaurant, at 725 Embarcadero in Morro Bay, San Luis Obispo County.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13252 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:

A City of Morro Bay visual inspection of the piles supporting the deck and restaurant showed the need for immediate repairs for safety purposes. The project will include repair of up to 10 of the existing piles, with the exact number to be based on additional field inspection. To prepare the damaged piles for repair work, marine growth and any loose coating will be manually scraped, with localized containment of all material removed from the piles. The cleaned piles will then be repaired by wrapping them with an interlocking fiberglass jacket that will extend at least 24 inches below the damaged portion of each pile and to within 24 inches of the top of the pile. Once the jackets are placed, a multi-purpose marine epoxy grout will be pumped into the jacket and then a top seal will be placed to cover the grout. Dilapidated cross-bracing will be removed and new cross-bracing will be installed. All work will be done using the Commission's typical Best Management Practices for pier work to protect the marine environment, including ensuring debris collection, spill prevention, and general good housekeeping, as outlined in the Applicant's construction documents and supplement to the project description. Commission water quality staff has reviewed the project and agreed that the Applicant is using materials that will not have adverse impacts on coastal water quality. The work is expected to last up to two weeks and during this period the public will be directed to existing access along the Embarcadero. Public access at the site will be restored after the work is completed. No construction work will be done within any existing eelgrass beds and a qualified biological monitor shall be present at all times during construction to ensure no impacts to marine mammals. Accordingly, the project will not have any significant adverse impacts on coastal resources, including public access to the shoreline.

NOTICE OF PROPOSED PERMIT WAIVER

CDP Waiver 3-17-0358-W (Pier Repair at Rose's Landing Restaurant)

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Coastal Commission Review Procedure

This waiver is not valid until it has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on August 10, 2017 at King Gillette Ranch Auditorium in Calabasas. If three or more 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 Susan Craig in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: July 27, 2017
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Daniel Robinson, Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-17-0473-W**
Applicant: Patriot Sportfishing, Inc.

Proposed Development

After-the-fact recognition of an approximately eight-foot-tall by four-foot-deep fishing-rod storage shed at the Patriot Sportfishing building on Harford Pier, in unincorporated Avila Beach, 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 storage shed is part of an existing Harford Pier business and will help facilitate public use and enjoyment of San Luis Bay and the pier by providing storage for fishing rods that will be used by the public on the pier or on sport fishing trips in the bay. The shed is located directly adjacent to the existing Patriot Sportfishing building. Because of its relatively small size and location adjacent to the existing building, the shed does not adversely impact public views from the pier, but rather blends into the existing built environment of the pier. Furthermore, the shed is located outside of the pier's main pedestrian area and thus will not impact public access for those traversing the pier. In summary, the project will enhance a coastal-dependent visitor-serving recreational opportunity in this area, and it will not have any significant adverse impacts on coastal resources, including public access.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday, August 10, 2017 at the King Gillette Ranch in Calabasas. 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 WAIVER

Date: July 31, 2017
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Brian O'Neill, Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-17-0486-W**
Applicant: Moss Landing Marine Laboratories

Proposed Development

Installation of a temporary 560-square-foot tent and a temporary 160-square-foot office trailer for a period of two years adjacent to the existing Moss Landing Marine Laboratories Aquaculture Center buildings at 7722 Sandholt Road in Moss Landing, Monterey County (APN 133-232-006).

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 requested temporary structures will house ocean acidification research equipment and an office, which will both be used by San Jose State University researchers and students. The temporary structures would be located on an existing gravel lot and thus has no potential to disturb existing habitat. The temporary structures will be located in a fenced-in lot immediately adjacent to existing buildings and therefore will not impact any existing public views. Installation of the structures requires no ground disturbance or other construction methods that have the potential to impact water quality. The structures will be removed two years after installation. In sum, the proposed project will not adversely impact coastal resources and 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 August 10, 2017, in Calabasas. If four or more 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: July 27, 2017
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Daniel Robinson, Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-17-0594-W**
Applicant: San Luis Obispo County Flood Control and Water Conservation District

Proposed Development

Vegetation management within the 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 Thursday, August 10, 2017 at the King Gillette Ranch in Calabasas. If four or more 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 EXTENSION

Date: July 27, 2017
To: All Interested Parties
From: Dan Carl, Deputy Director
Susan Craig, Central Coast District Manager
Subject: **Proposed Extension to Coastal Development Permit (CDP) 3-08-013**
Applicants: AquaLegacy Development LLC and 2012 Canrow Owner LLC¹

Original CDP Approval

CDP 3-08-013 was approved by the Coastal Commission on August 7, 2008, and amended on December 10, 2008. The CDP as amended authorizes a mixed use commercial-retail/residential project consisting of: 87,362 sq. ft. of retail and retail support use, including 30,000 sq. ft. of restaurant use; 38 market-rate condominiums; 13 affordable housing units; 8,408 sq. ft. of coastal/community use; 377 parking spaces in garages; an onsite desalination system with seaward (roughly 1,200 feet offshore) intake/discharge components; rehabilitation of the historic Stohan's building as a history center with an adjacent history plaza; replication of an historic utility bridge over Cannery Row; and development of a community park. The project is located along the seaward and inland portions of Cannery Row between Hoffman Street to the north, Monterey Bay to the east, Drake Street to the south, and the Monterey Peninsula Recreation Trail to the west, in the City of Monterey in Monterey County.

Proposed CDP Extension

As indicated above, the CDP was approved by the Coastal Commission on August 7, 2008, and it included a two-year term with an expiration date of August 7, 2010. Typically, absent a CDP extension, CDP 3-08-013 would have expired on that 2010 expiration date. In this case, however, the approved project includes a subdivision for the housing components of the project. During the period of economic recession that roughly began in 2008, the California Legislature passed a series of laws that provided for certain automatic extensions for unexpired subdivision maps and related discretionary approvals (such as CDPs). Accounting for these automatic extensions, the expiration date for CDP 3-08-013 was automatically extended to August 7, 2016.² The Applicants applied for a CDP extension on August 5, 2016, prior to expiration of the CDP. That CDP extension was granted by the Commission on March 8, 2017, which extended the CDP expiration date to August 7, 2017. The Applicants have now applied for a second extension of the CDP. If approved, the expiration date of CDP 3-08-013 would be extended by one year to **August 7, 2018**. The Commission's reference number for this proposed extension is **3-08-013-E2**.

¹ The Applicants are in litigation regarding ownership of the property (with each Applicant claiming to own the property outright), but have agreed to be Co-Applicants for this CDP extension request.

² The Applicants did not need to apply for an extension to extend the expiration to that date because it was automatic under the Legislature's economic downturn relief. As such, the Applicants did not apply for an extension to the CDP during that time frame because they were not required to in order to receive the automatic extension.

NOTICE OF PROPOSED PERMIT EXTENSION

CDP 3-08-013 (Ocean View Plaza)
Proposed CDP Extension 3-08-013-E2
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Analysis of Extension Request

The Applicants have not yet pursued nor completed the required steps to allow for the CDP to be issued, and thus have not yet been issued the CDP, and thus have not yet commenced construction.³ The extension would extend the deadline to complete these required steps and commence construction under the CDP. Unless three or more Commissioners find that there are changed circumstances that would affect the consistency of the development with the policies of the Coastal Act and/or the applicable Local Coastal Program (LCP),⁴ the extension request will be approved.

In this case, the fundamental changed circumstance questions are focused on water supply. In 2008, when the project was originally approved by the Commission, the City of Monterey was using its full allotment of water from the Monterey Peninsula Water Management District, and additional domestic water from Cal-Am (the local water purveyor) was not available to serve the project's water needs due to restrictions on Cal-Am pumping from the Carmel River and the Seaside groundwater basin, which are the sources of Cal-Am water.⁵ For these reasons, the Applicant proposed and the Commission approved an onsite desalination facility, along with associated ocean water intake and discharge pipelines extending into the Pacific Ocean roughly 1,200 feet seaward of the shoreline off of Cannery Row. Due to Coastal Commission and Monterey County requirements that a desalination plant be publicly owned and operated, the City applied to and received approval from the Local Agency Formation Commission of Monterey County to form a Community Services District (CSD) to operate, manage, and ultimately own the desalination plant and related infrastructure (the Ocean View Plaza CSD).⁶ The intake and outfall pipelines and related ocean-based development for the desalination facility would be located in the waters of the Monterey Bay National Marine Sanctuary. These waters are also designated by the California Department of Fish and Wildlife (CDFW) as a State Marine Conservation Area (SMCA) (the Edward F. Ricketts SMCA), and a Marine Protected Area (MPA) under the California Marine Life Protection Act.

On May 6, 2015, the State Water Resources Control Board adopted an amendment to the Water Quality Control Plan for the Ocean Waters of California (also known as the Ocean Plan) to address effects associated with the construction and operation of seawater desalination facilities (Ocean Plan Amendment). The Ocean Plan Amendment generally supports the use of ocean water as a supplement to traditional water supplies provided marine life and water quality can be appropriately protected. The Amendment also provides uniform and consistent guidelines and requirements for the permitting of seawater desalination facilities statewide moving forward. In doing so, it provides direction for the Regional Water Quality Control Boards (RWQCBs) when permitting new or expanded facilities, and provides specific implementation and monitoring and reporting requirements. After receiving other

³ An Applicant removed salvaged historic beam materials from the site despite the CDP requirement that they be used as part of the historic component of the project. This matter was referred to the Commission's enforcement division and their removal is being tracked as a CDP violation (Violation File No. V-3-16-0042).

⁴ In this case, the City of Monterey lacks a certified LCP, and the Coastal Act is the standard of review for this extension request.

⁵ And this water situation continues today.

⁶ Despite the fact that construction of the project has not yet commenced, the Ocean View CSD continues to exist.

NOTICE OF PROPOSED PERMIT EXTENSION

CDP 3-08-013 (Ocean View Plaza)
Proposed CDP Extension 3-08-013-E2
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necessary state and federal approvals, the Ocean Plan Amendment has been fully in effect since April 2016.

The Ocean Plan Amendment requires new or expanded seawater desalination plants to use the best available, site, design, technology, and mitigation measures feasible to minimize intake and mortality of all forms of marine life. Based on the best available science, the Amendment identifies preferred technologies; however, alternative intake and disposal methods can be used if demonstrated to be as protective of marine life as the preferred technologies. Additionally, mitigation measures are required in order to address harmful impacts on marine life that occur even after a desalination facility uses the best available site, design, and technology feasible. Feasibility considerations regarding site, design, technology, and mitigation measures take into account economic, environmental, social, and technological factors and whether something is capable of being accomplished in a successful manner within a reasonable period of time. The Ocean Plan Amendment also includes very specific requirements for desalination that might affect an MPA, such as is the case here, including provisions that appear to suggest desalination facilities need to avoid MPA areas.

Per the Ocean Plan Amendment, the Ocean View Plaza desalination facility is defined as a “new” facility because the facility has not received all permits, including the CDP, and also because construction of the facility did not commence before January 28, 2016 (i.e., the date identified in the Ocean Plan Amendment). As such, the desalination component of the project is subject to the requirements of the Ocean Plan Amendment. AquaLegacy Development LLC has applied to the Regional Water Quality Control Board (RWQCB) for the necessary determination of conformity to the Ocean Plan Amendment. Special Condition 15 of the CDP approval requires evidence of other agencies’ approvals prior to commencement of construction of the project, and specifically identifies the RWQCB as one of these agencies. The Ocean Plan Amendment would be enforced through the RWQCB’s determination of whether the proposed project conforms to the Ocean Plan Amendment and through issuance of Waste Discharge Requirements for the project’s desalination facility. The application at the RWQCB is not filed yet, however, so it is unknown whether the RWQCB’s approval will require any alterations to the project. As such, there are currently no changed circumstances raised by implementation of the Ocean Plan. And in any case, the Applicants cannot meet the requirements of Special Condition 15 without approval of the RWQCB. If project changes are required by the RWQCB, such changes may require an amendment to this CDP.

Similarly, CDFW implements the MPA program separate from, but obviously related to, the Ocean Plan. Because there is some question about whether the project conforms to CDFW MPA provisions, and because CDFW did not review the entire desalination portion of the project back in 2008 (i.e. only the subsurface intake provisions, and not the open water intake and brine discharge components, were reviewed), staff contacted CDFW staff regarding this proposed CDP extension. CDFW staff indicated that they would need to look into it and would get back to Commission staff. After that initial contact, and despite repeated Commission staff attempts to further coordinate, CDFW staff has not responded to Commission staff’s inquiries. As with the RWQCB, CDFW approval is also required under Special Condition 15 of the CDP approval. Thus, as with the RWQCB, the Applicants cannot comply with Special Condition 15 without approval of the CDFW.

NOTICE OF PROPOSED PERMIT EXTENSION

CDP 3-08-013 (Ocean View Plaza)
Proposed CDP Extension 3-08-013-E2
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Executive Director's Determination

In conclusion, there are some outstanding questions related to water supply for the project at the current juncture, as discussed above. These questions are in the process of being resolved through the RWQCB and CDFW, including through the Ocean Plan Amendment conformity determination that AquaLegacy Development LLC has applied for.⁷ In any case, the Applicants cannot pursue the approved project unless and until it has been approved by the RWQCB and CDFW (among other CDP condition requirements). Staff believes that it is appropriate in this context to extend the CDP expiration date to August 7, 2018. If the Applicants have not received the necessary RWQCB and CDFW approvals (and have not met their other "Prior to Issuance" and Prior to Construction" condition requirements) and have not exercised the CDP by that time, they will need to apply for another CDP extension prior to that date if they still intend to pursue the project. The additional year until August 7, 2018 provides an opportunity for the Applicants to clear up some of the remaining questions regarding the project's water supply.⁸ If the Applicants apply for another extension before August 7, 2018, Commission staff will re-review the water supply context (and any other relevant issues) at that time. In short, and without prejudice to the RWQCB and CDFW processes between now and then, the Executive Director recommends extending the CDP's expiration date to **August 7, 2018**.

Coastal Commission Review Procedure

The Executive Director's determination and any written objections to it will be reported to the Commission on Thursday, August 10, 2017 at the King Gillette Ranch in Calabasas. If three or more Commissioners object to the Executive Director's changed circumstances determination at that time, a full hearing on whether changed circumstances exist will be scheduled pursuant to the Commission's regulations.

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

⁷ Coastal Act Section 30412 places certain restrictions on the Commission with respect to determinations by the State or Regional Water Boards in matters related to water quality or the administration of water rights, which may become applicable depending on the nature of the Board's determination of whether the proposed project is consistent with this Ocean Plan Amendment.

⁸ And to resolve the underlying ownership dispute and the pending violation case.

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NOTICE OF PROPOSED PERMIT EXTENSION

Date: July 27, 2017
To: All Interested Parties
From: Dan Carl, Deputy Director
Susan Craig, Central Coast District Manager
Subject: **Proposed Extension to Coastal Development Permit (CDP) A-3-GRB-07-051**
Applicant: Vision to Life, LLC

Original CDP Approval

CDP A-3-GRB-07-051 was approved by the Coastal Commission on August 7, 2008. The CDP authorizes a mixed-use 20-unit condominium hotel/commercial development with a 37-space underground parking garage, landscaping and drainage improvements, and public access amenities. The project is located at 105 West Grand Avenue, at the corner of Highway One and West Grand Avenue adjacent to Meadow Creek, in the City Grover Beach, San Luis Obispo County (APN 060-201-009).

Proposed CDP Extension

As indicated above, the CDP was approved by the Coastal Commission on August 7, 2008, and it included a two-year term with an expiration date of August 7, 2010. Typically, absent a CDP extension, CDP A-3-GRB-07-051 would have expired on that 2010 expiration date. In this case, however, the approved project includes a subdivision for the condominium hotel unit components of the project. During the period of economic recession that roughly began in 2008, the California Legislature passed a series of laws that provided for certain automatic extensions for unexpired subdivision maps and related discretionary approvals (such as CDPs). The Commission has also separately authorized extensions for this project in the past. Thus, accounting for automatic extensions and past Commission extensions, the current expiration date for CDP A-3-GRB-07-051 is August 7, 2017. If this current extension request is approved, the expiration date of CDP A-3-GRB-07-051 would be extended by one year to **August 7, 2018**. The Commission's reference number for this proposed extension is **A-3-GRB-07-051-E3**.

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 City of Grover Beach 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 Thursday, August 10, 2017 at the King Gillette Ranch in Calabasas. If three or more Commissioners object to the Executive Director's changed circumstances determination at that time, a full hearing on whether changed circumstances exist will be scheduled pursuant to the Commission's regulations.

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



California Coastal Commission

EMERGENCY COASTAL DEVELOPMENT PERMIT

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This emergency coastal development permit (ECDP) authorizes emergency development consisting of debris removal and landslide stabilization over a 1,700-linear-foot distance of Highway 1 on the Big Sur coast just south of the town of Gorda (at post mile 8.8). The emergency work also consists of relocating the highway across the body of the slide on a new alignment and connecting to the original highway alignment to the north and south. Rock slope protection (RSP) will be placed near the toe of the slide at either end above the MHTL, and excavated slide material will be placed atop the RSP and back-filled up the slope to create a stable embankment beneath the highway travel lanes. Wire mesh drapery and/or a flexible rock-fall barrier will be installed on the slopes above the roadway. Native seed will be broadcast along the fill-slopes and elsewhere within the slide scarp to aid in stabilizing the slopes both above and below the realigned highway bench (all as more specifically described in the Commission's ECDP file). The project does not involve any direct ocean or off-site disposal of slide material.

The proposed emergency development is located in a historically active area of slope instability both above and below the Highway 1 roadway elevation. Gravity and erosion from winter rains caused a massive landslide on May 20, 2017 involving approximately 5 million cubic yards of rock and sediment, which led to the creation of roughly 15 acres of new land out into the Pacific Ocean. This material extends some 550 feet from the old coastline, resulting in 2,400 linear feet of new coastline around the debris toe. Based on the materials presented by the Permittee (Caltrans), the Mud Creek landslide has buried and overtopped roughly 1,700 linear feet of Highway 1 and resulted in the closure of the highway in both directions (thus representing a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, and property), and the proposed emergency development is necessary to re-open Highway 1 and prevent further damage to coastal resources. 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.

A handwritten signature in cursive script that reads "Susan Craig".

Susan Craig, Central Coastal District Manager, for John Ainsworth, Executive Director

Enclosure: Emergency Coastal Development Permit Acceptance Form

Copies via email: Joe Sidor (Monterey County RMA), Tim Short (U.S. Forest Service), Karen Grimmer (Monterey Bay National Marine Sanctuary), Janelle D. Leeson (U.S. Army Corps of Engineers), Kim Sanders (Central Coast Regional Water Quality Control Board)

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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 August 15, 2017). 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. The Permittee shall undertake development in conformance with the terms and conditions of this emergency CDP. Any proposed project changes shall require a separate ECDP or, if the Executive Director determines that a separate ECDP is not legally required for such project changes, such changes may be allowed by the Executive Director if such adjustments: 1) are deemed reasonable and necessary; and 2) do not adversely impact coastal resources.
3. The emergency development authorized by this ECDP must be completed within one year of the date of this permit (i.e., by July 31, 2018) 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 90 days of completion of the emergency work, 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>). 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., U.S. Army Corps of Engineers, Central Coast Regional Water Quality Control Board, NOAA-NMFS, 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 Caltrans Emergency Notification Form dated July 24, 2017 and dated received in the Coastal Commission's Central Coast District Office on July 25, 2017, as may be modified by this ECDP.
8. Placement of any landslide materials shall be prohibited in environmentally sensitive habitat areas, in the Pacific Ocean, and where they would significantly impact public access and views. All materials shall be appropriately stabilized with erosion control native seed mix appropriate to the Big Sur coast area.
9. Siting/placement of the proposed RSP shall not encroach within 100 meters of black abalone habitat observed north of the landslide's newly created north beach or within 80 meters of black abalone habitat observed south of the landslide's newly created south beach.

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10. 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 near the ocean and beach 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 mean high water line unless tidal waters have receded from the authorized work areas.
 - c. Grading of intertidal waters is prohibited.
 - d. Any construction vehicles operating on the beach area shall be 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. The only exceptions will 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 placed as close to the toe of the bluff as possible, and are minimized in their extent; (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 the beach 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. 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.).
 - g. 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.
 - h. 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.
 - i. All 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

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Management Practice Handbooks (March, 1993)). The use of non-native invasive species (such as ice-plant) is prohibited.

- 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/cleanup 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 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. 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, 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.
 13. A designated biological monitor(s) shall observe and record biological conditions during all construction operations, including at the time of rock slope protection installation, and all rock and landslide material deposition activities and immediately thereafter. The monitor shall observe and record plant and animal species presence at the deposition locations before and after the material is placed, the movement of material as it is being deposited and immediately thereafter, changes in coverage on the bluff face and at the base of the bluff, changes in animal species behavior as a result of disposal activities, and shall identify what, if any, amounts of landslide material enter ocean waters.
 14. The complete application for a regular CDP (as required by Condition 4) shall include a report for the review and approval of the Executive Director that documents all project activities and associated biological effects. The report shall at a minimum describe and identify the following:
 - a. Site plans, cross sections, and a narrative description of all emergency development activities

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undertaken pursuant to this emergency authorization, including, but not limited to: rock slope protection installation; material placement/deposition; description of equipment and construction mechanisms; rock-fall netting; and any highway, slope, and drainage repairs and/or stabilization. The site plans, cross sections, and narrative description must also provide a comparison of the previous condition to both the emergency condition and to the post-work condition, as much as possible.

- b. For all landslide material placement seaward of the highway in the vicinity of the landslide, the report must identify in aerial photo and site plan form the location of all materials placement, the area of coverage (in square footage or acreage), and the volume of material.
 - c. Description of all rainfall/weather activity and tidal activity during emergency development work.
 - d. Photo documentation of the material placement sites and downslope areas from set vantage points so as to allow comparison of photos taken at different times.
 - e. Description of the baseline biological conditions as best they were known at the time of the landslide; description of known or potential impacts to sensitive plant and animal species and/or protected habitats due to emergency development and the methods by which those impacts were determined; and, if any, identification of remedial actions to address such impacts where any such remedial actions shall be developed in coordination with the Executive Director and staff from Monterey County, Monterey Bay National Marine Sanctuary, and California Department of Fish and Wildlife.
 - f. Description of all monitoring protocols and the results of all such monitoring.
15. 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.
16. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
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 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 Mike Watson at the Commission's Central Coast District Office at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.

