

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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Prepared September 11, 2017 (for September 14, 2017 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Central Coast District Director

Subject: **Central Coast District Director's Report for September 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 September 14, 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 September 14, 2017 in Cambria.

With respect to the September 14th 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 September 14, 2017 (see attached)

Waivers

- 3-17-0605-W, City of Pacific Grove Lover's Point Roof Repair (Pacific Grove)
- 3-17-0609-W, Moss Landing Harbor District Wharf Platform Repair (Moss Landing)

Immaterial Amendments

- 3-10-061-A5, UCSC Renewable Energy Experiment (Santa Cruz)
- 3-13-012-A5, Caltrans Piedras Blancas Highway 1 Realignment Timing Adjustments (San Luis Obispo County)

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NOTICE OF PROPOSED PERMIT WAIVER

Date: August 30, 2017
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Brian O'Neill, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-17-0605-W
Applicant: City of Pacific Grove

Proposed Development

Replace existing wood support beams with steel beams and replace existing concrete roof of a storage structure at Lovers Point Beach at 624 Ocean View Boulevard, Pacific Grove, in Monterey 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:

The storage structure, known as the "Cave," provides storage for a commercial outfitter that rents kayaks, bicycles, and other recreational equipment to the public at Lovers Point Beach. The entrance to the Cave is at beach level, while the concrete roof of the structure is at bluff-top level and provides seating for an existing restaurant located next to the Pacific Grove Recreational Trail. The proposed project involves replacement of the wooden roof support beams with steel beams. In order to replace the beams, the concrete roof must be removed and will be replaced in kind. The proposed work will all be accomplished from the bluff-top in order to avoid construction equipment on the beach. Other Best Management Practices (BMPs) to protect water quality will be employed throughout the project, including erosion control measures, collection of any debris, prevention of spills, and general good housekeeping of the site at all times. The Pacific Grove Recreational Trail, which provides bluff-top lateral access along this stretch of coast, will remain open during construction, as will Lovers Point Beach. Accordingly, the project will not have any significant adverse impacts on coastal resources, including public access to the shoreline.

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 September 14, 2017 in Cambria. 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 Brian O'Neill in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: August 30, 2017
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Mike Watson, Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-17-0609-W**
Applicant: Moss Landing Harbor District

Proposed Development

Authorize development activities performed under Emergency CDP G-3-16-0037 involving the construction of a five-foot-high cast-in-place concrete retaining wall immediately adjacent to and abutting an existing Caltrans Highway 1 bridge abutment within the Moss Landing North Harbor area. Project included back-filling of a void with native soils and re-establishing wharf connectivity to the North Harbor parking area and an existing pedestrian access trail, at 7881 Sandholdt Road in Moss Landing Harbor in the unincorporated community of Moss Landing, Monterey 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: The project was necessary to repair significant erosion of the North Harbor shoreline due to El Niño storms that created a void immediately adjacent to the North Harbor's wharf access platform, which was preventing public access at the east end of the wharf. Appropriate Best Management Practices (BMPs) and mitigation measures were employed during the emergency work activities to protect coastal resources. Specifically, work was done at extreme low tides to avoid/minimize contact with the intertidal area and harbor waters. The project also included measures to protect the marine environment, such as the use of materials that are non-reactive and non-soluble when in contact with seawater, and no operation of heavy machinery below the mean high tide line. Other BMPs were employed during the project, including the collection of any debris, prevention of spills, and general good housekeeping of the site. Finally, the project maximized public access by forestalling future erosion and loss of material that could permanently impede access to the wharf and preclude future connectivity with the planned pedestrian bridge across Elkhorn Slough. Accordingly, the project did not have any significant adverse impacts on coastal resources, including public access to the shoreline.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday, September 14, 2017 in Cambria. 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 Mike Watson in the Central Coast District office.**

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: August 30, 2017
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Ryan Moroney, Supervising Coastal Planner
Subject: **Proposed Amendment to Coastal Development Permit (CDP) 3-10-061**
Applicants: City of Santa Cruz and University of California, Santa Cruz (UCSC)

Original CDP Approval

CDP 3-10-061 was approved by the Coastal Commission on March 11, 2011 and provided for the temporary installation of a solar panel, wind turbine, and associated skid-mounted sensors onto the roof of the Santa Cruz Municipal Wharf headquarters building until September 2012 as part of a UCSC research project designed to evaluate the efficacy of these alternative energy sources. CDP 3-10-061 has been amended several times to extend the permit expiration date (CDP Amendments 3-10-061-A1, -A2, -A3, -A4). The third amendment (3-10-061-A3) also authorized the replacement of the originally approved vertical axis wind turbine with a newer vertical axis wind turbine, and removed the requirement for the “bird strike research plan” based on the fact that no bird injuries or mortality due to the wind turbine were observed during the previous three-and-a half years of monitoring.

Proposed CDP Amendment

The expiration date of CDP 3-10-061 would be further amended to extend the alternative energy study an additional two years to September 1, 2019. The Commission’s reference number for this proposed amendment is **3-10-061-A5**.

Executive Director’s Immateriality Determination

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

The project will continue to allow researchers to gather data to evaluate alternative designs for future large-scale renewable energy on the Santa Cruz Wharf. Allowing the energy study research project to continue until September 2019 will provide important additional data for understanding the costs and benefits of solar and wind renewable energy technologies, including data regarding small-scale vertical axis wind turbines.

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

Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received in the Central Coast District

NOTICE OF PROPOSED PERMIT AMENDMENT

CDP 3-10-061 (UCSC Renewable Energy Experiment)

Proposed Amendment 3-10-061-A5

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office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on Thursday, September 14, 2017, at the Cambria Pines Lodge in Cambria. If three Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

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

CDP 3-10-061

Proposed Amendment

(Changes indicated in ~~strike~~through/underline)

Revised Special Conditions:

1. **Approved Duration.** All elements of the approved project shall be removed in their entirety and the project area returned to its pre-development condition or better by September 1, 20179.

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: August 30, 2017
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Daniel Robinson, Coastal Planner
Subject: **Proposed Amendment to Coastal Development Permit (CDP) 3-13-012**
Applicant: Caltrans

Original CDP Approval

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

Proposed CDP Amendment

CDP 3-13-012 would be amended to modify the timing requirements in Special Condition 9 (CCT Access Dedication) and Special Conditions 10 (Evidence of CDP Amendments) and 11 (Evidence of Amendments to Recorded Documents) from “Within 24 Months of the Commencement of Construction” to “Within 36 Months of the Commencement of Construction.” The Commission’s reference number for this proposed amendment is **3-13-012-A5**. See **Exhibit A** for the proposed changes to these conditions.

Executive Director’s Immateriality Determination

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

The Piedras Blancas Highway One realignment project is an important adaptation project for the State of California in its attempts to adapt to sea level rise and mitigate coastal hazards. CDP conditions 9, 10, and 11 pertain to three formerly privately-owned properties that have been the subject of eminent domain and condemnation since before the project began construction. Due to ongoing lawsuits regarding these properties, it has been difficult to finalize all of the conditions that pertain to these properties. Therefore the original CDP has been amended three times to allow additional time to fulfill these conditions (amendments A1, A2, and A4).

The outcome of the eminent domain and subsequent property condemnation has resulted in the full take by the State of all three of the properties to which CDP conditions 9, 10, and 11 pertain. Now that the State owns all three properties, progress towards fulfilling these conditions will no longer be impaired. However, Caltrans will not be able to fulfill Conditions 9, 10, and 11 by the CDP’s current time limits, i.e. “Within 24 Months of the Commencement of Construction.” Fortunately, it appears that this will be

NOTICE OF PROPOSED PERMIT AMENDMENT

CDP 3-13-012-A5 (Piedras Blancas Highway Realignment – Timing of Conditions 9, 10 & 11)

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the final amendment necessary to modify the timing requirements of Conditions 9, 10, and 11. In sum, the proposed amendment changes only the timing of certain requirements to finalize project condition compliance; it does not change the underlying permit requirements nor does it affect the project's consistency with the Commission's original CDP approval. The amended CDP remains consistent with the Coastal Act and the certified San Luis Obispo County Local Coastal Program.

Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on Thursday September, 14, 2017 in Cambria. If three or more Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

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

**Proposed Amendments to Special Conditions 9, 10, and 11
(CDP Amendment 3-13-012-A5)**

9. CCT Access Dedication. WITHIN ~~24~~ 36 MONTHS OF THE COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit to the Executive Director for review and approval evidence that a dedication to State Parks of a fee interest or easement(s) for lateral public access has been executed and recorded against Sani Parcels 1 and 2 (APNs 011-231-013 and 011-231-014) and the Welsh Parcel (APN 011-231-017) that provide a direct public access route from the CCT connections to the north and south, along the alignment approved pursuant to Special Condition 5 (California Coastal Trail)...
(remainder of condition unchanged)

10. Evidence of CDP Amendments.

a. **Sani Parcels 1, 2 and 3:** PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ON SANI PARCELS 1, 2 AND 3 OUTSIDE THE DEVELOPMENT AREA DEPICTED IN EXHIBIT 1, AND WITHIN ~~24~~ 36 MONTHS OF THE COMMENCEMENT OF CONSTRUCTION OF THE REALIGNED HIGHWAY APPROVED PURSUANT TO THIS CDP, the Permittee shall provide evidence that San Luis Obispo County has amended CDP COAL 90-137, as reconsidered and amended in D010029P and MUP D020333P to: allow for the highway to be constructed in the new alignment approved by this CDP; prohibit development on Sani Parcels 1 and 2 (APNs 011-231-013 and 011-231-014) other than demolition, restoration, well access, public access and recreation improvements, and CCT development approved by this CDP; reflect screening requirements of Special Condition 3; and retain all other development limitations included in existing deed restrictions/scenic easements/mitigation agreements as they currently pertain to the undeveloped areas outside of the existing development envelope, but modify the area to which they apply to be all areas on the properties outside of the new highway right-of-way. ... *(remainder of condition unchanged)*

b. **Welsh Parcel:** PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ON THE WELSH PARCEL OUTSIDE THE DEVELOPMENT AREA DEPICTED IN EXHIBIT 1, AND WITHIN ~~24~~ 36 MONTHS OF THE COMMENCEMENT OF CONSTRUCTION OF THE REALIGNED HIGHWAY APPROVED PURSUANT TO THIS CDP, the Permittee shall provide evidence that the Coastal Commission has amended CDP A-3-SLO-00-119 to allow for the highway to be constructed in the new alignment approved by this CDP; to prohibit development on that portion of the parcel seaward of the realigned Highway other than restoration, well access, and CCT development approved by this CDP; reflect screening requirements of Special Condition 3; and retain all other development limitations included in the existing scenic easement as it currently pertains to the undeveloped areas outside of the existing development envelope and extend these limitations to the remainder of the portion of the property seaward of the new highway right-of-way. ... *(remainder of condition unchanged)*

11. Evidence of Amendments to Recorded Documents. PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ON SANI PARCELS 1, 2 AND 3 AND THE WELSH PARCEL OUTSIDE THE DEVELOPMENT AREA DEPICTED IN

EXHIBIT 1, AND WITHIN ~~24~~ 36 MONTHS OF THE COMMENCEMENT OF CONSTRUCTION OF THE REALIGNED HIGHWAY APPROVED PURSUANT TO THIS CDP, the Permittee shall submit evidence that that the landowner(s) has executed and recorded deed restrictions against Sani Parcels 1 and 2 (APNs 011-231-013 and 011-231-014, or as may be renumbered), and the Welsh Parcel (APN 011-231-017, including any roadway that reverts to the property, and as may be renumbered), in a form and content acceptable to the Executive Director, prohibiting all development, as defined in Section 30106 of the Coastal Act, outside of the new Highway 1 alignment right-of-way, as shown on the Revised Final Plans. ... *(remainder of condition unchanged)*