

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
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**W14**

**Prepared November 30, 2018 (for December 12, 2018 Hearing)**

**To:** Coastal Commissioners and Interested Persons

**From:** Dan Carl, Central Coast District Director

**Subject: Central Coast District Director's Report for December 12, 2018**

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 December 12, 2018. 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 December 12, 2018 at the Newport Beach Civic Center in Newport Beach. With respect to the December 12th 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 December 12, 2018 (see attached)**

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**CDP Waivers**

- 3-18-0511-W, San Luis Obispo County 1st Street beach access stairway (Cayucos)
- 3-18-0721-W, City of Capitola Soquel Creek flume replacement (Capitola)

**CDP Amendments**

None

**CDP Extensions**

None

**Emergency CDPs**

- G-3-18-0021, Monterey County Carmel River lagoon sandbar management (Carmel)

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** November 28, 2018  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Brian O'Neill, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-18-0511-W**  
Applicant: County of San Luis Obispo Parks and Recreation Department

### Proposed Development

Replacement of an existing beach access staircase, improvements to an existing public pathway, and installation of public access amenities including two benches, bike racks, and access signage on Pacific Avenue near the terminus of 1st Street in Cayucos, 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 1st Street staircase is a popular beach accessway that has been closed for public safety concerns due to general wear and tear from the coastal environment. The staircase provides the only beach access between E Street and 6th Street. The damaged wooden staircase will be replaced in approximately the same configuration with a concrete staircase that will be able to better withstand the elements. The existing concrete pathway leading from Pacific Avenue to the staircase will also be replaced and slightly widened, with a viewing area with public benches and signs installed at the top of the staircase. The project includes Best Management Practices to protect water quality during construction. In sum, the proposed project will restore and improve upon a popular public accessway and through implementation of water quality and construction BMPs, the project will not have any significant adverse impacts on coastal resources, including public access to the shoreline, and thus is consistent with the Coastal Act.

### Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on December 12, 2018 in Newport Beach. 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:** November 28, 2018  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Rainey Graeven, Coastal Planner  
**Subject:** Coastal Development Permit (CDP) Waiver 3-18-0721-W  
Applicant: City of Capitola

### Proposed Development

Repairs to an existing flume to restore it to its original function/configuration including: 1) repairing eroded concrete along an approximately 40-foot-long section of the flume's western side and along an approximately 85-foot-long section of the flume's eastern side; 2) installing fiberglass liners along the interior of the flume; and 3) replacing the five cutoff walls (located approximately 10, 20, 110, 165, and 195 feet from the Soquel Creek lagoon's inlet into the flume) that run perpendicular to and beneath the flume. This work will either be done following a natural breach of the Soquel Creek lagoon or by using a contingency bypass (i.e., installing a temporary pipe, which would function in the same capacity as the flume and temporarily redirect flows from the lagoon and to the Pacific Ocean) in the event there is unusually low rainfall and the lagoon does not naturally breach. The proposed project is located on Capitola Beach, extending from the mouth of the Soquel Creek lagoon to the Monterey Bay in the City of Capitola, Santa Cruz 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 flume can be opened or closed by City public works staff, which allows the City to maintain appropriate water levels in the lagoon to protect federally-listed tidewater gobies and steelhead. The flume operates under the Soquel Creek Lagoon Management Plan,<sup>1</sup> which provides for the construction of a beach berm in May of each year to allow the aforementioned species to mature within the more sheltered and protected environment of the lagoon, and also provides for controlled breaching of the lagoon in October/November when flows through the flume reach 30 cubic feet per second. The proposed project would restore the flume to its original configuration/functioning by repairing portions that have gradually deteriorated/weathered overtime. Replacing portions of the flume's exterior concrete siding and the flume's entire interior lining will ensure that the flume continues to operate as intended (i.e., via allowing continuous fish passage and water flows to/from the ocean), thus protecting the aforementioned species. Replacing the cutoff walls will prevent "piping" along the flume (i.e. the creation of sub-surface voids in the sand adjacent to and below the flume that are prone to sudden collapse, creating a significant public safety hazard). Taken together, the purpose of the project is to

<sup>1</sup> See CDP # 3-90-041 and associated amendments.

## **NOTICE OF PROPOSED PERMIT WAIVER**

CDP Waiver 3-18-0721-W (Capitola Flume Repair)

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facilitate the protection of sensitive species as identified in the Soquel Creek Management Plan, and to protect public safety. The proposed project includes best management practices to protect water quality during construction activities, to prevent nighttime lighting of the beach, and to minimize any temporary impacts to public access and recreation. As proposed, the project will not adversely affect coastal resources, including public access to the shoreline, and is consistent with Chapter 3 of the Coastal Act.

### **Coastal Commission Review Procedure**

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Wednesday, December 12, 2018, in Newport Beach. 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 Rainey Graeven in the Central Coast District office.**



California Coastal Commission

**EMERGENCY COASTAL DEVELOPMENT PERMIT**  
**Emergency CDP G-3-18-0021 (Carmel River Lagoon Sandbar Management)**

Issue Date: November 19, 2018

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This ECDP authorizes Monterey County, acting as contractor and agent for the California Department of Parks and Recreation, to manage the sandbar at Carmel River State Beach during the 2018-19 rainy season, including by cutting and managing a channel between the lagoon and Carmel Bay to reduce the water level in the lagoon so as to avoid/minimize flooding of existing residences and State Beach facilities upstream of the lagoon fronting Carmel River State Beach (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 below flood elevation; however there is a risk that any significant rainfall could lead to flooding of approximately 12 residential homes, loss of the State Beach parking lot, and undercutting of the State Beach restroom, all located upstream and along the bank of the lagoon. Monterey County has estimated the flood elevation to be 15.75 feet (NAVD88). To avoid exceeding flood elevation, mobilization and mechanical breaching of the sandbar will commence when one or more of the following conditions is met: 1) lagoon water level reaches a surface elevation of 13.27 feet (NAVD88); 2) the rise in lagoon water levels indicates there is less than six hours until the water elevation reaches 12.77 feet (NAVD88) or when Carmel River flows reach or exceed 200 cubic feet per second at the Los Padres Dam and at Esquiline Road Bridge stream gauges; 3) wave over-topping begins to rapidly increase water levels of the lagoon and increases the sandbar elevation.

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.

Enclosure: (1) Emergency Coastal Development Permit Acceptance Form

cc: (via email)

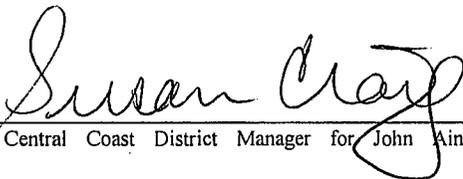
Brent Marshall, California Department of Parks and Recreation  
Sophie DeBeukelaer, Monterey Bay National Marine Sanctuary  
Katerina Galacatos, U.S. Army Corps of Engineers  
Martin Jacobs, U.S. Fish and Wildlife Service  
Amanda Morrison, National Marine Fisheries Service  
Linda Connolly, California Department of Fish and Wildlife  
Joe Sidor, Monterey County Planning Department  
Marc Wiener, City of Carmel-by-the-Sea

# Emergency CDP G-3-18-0021 (Carmel River Lagoon Sandbar Management)

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The emergency development is hereby approved, subject to the conditions listed on the attached pages.

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

## Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the Permittee and returned to the California Coastal Commission's Central Coast District Office within 15 days of the date of this permit (i.e., by December 4, 2018). 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 the 2018-19 rainy season (i.e., until April 15, 2019) only, unless extended for good cause by the Executive Director.
4. The emergency development authorized by this ECDP is only temporary, and shall no longer be authorized if it is not followed-up by a regular CDP that provides a comprehensive response to flooding along Carmel Lagoon in a manner that is most protective of Carmel River/Lagoon resources and public recreational access, including through application of the least environmentally damaging alternatives for addressing flood risks and shoreline erosion, and allowing the river/lagoon system to operate as naturally as possible without artificial manipulation. Within one year of the date of this permit (i.e., by November 19, 2019), the Permittee shall submit a complete application for such a regular CDP. (The CDP application may be found at: <http://www.coastal.ca.gov/cdp/cdp-forms.html>.) Otherwise, the temporary emergency development shall no longer be authorized and all areas affected by it shall be restored to their original pre-emergency development condition. 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. 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 September 12, 2018).

## Emergency CDP G-3-18-0021 (Carmel River Lagoon Sandbar Management)

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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 flood risk and habitat impacts.
8. Prior to any mechanical breaching of the sandbar, the Permittee shall have ensured that all other possible flood protection measures (e.g., sand bags, rubber dams, etc.) have been applied to protect surrounding flood water threatened homes, infrastructure, and other development to the maximum extent feasible.
9. For the construction of the channel, the Permittee shall excavate a channel through the sandbar in a direction and manner as agreed upon in consultation with NOAA Fisheries, and in a manner that results in a more natural and less erosive breach. A sand plug will be left in place at the end of the excavation channel that is closest to the lagoon, with the intention that wave action or rising lagoon water levels will naturally breach the plug. Based on typical beach and sandbar conditions, the excavation channel would be constructed to the south and result in the excavation and side-casting of approximately 100 – 250 cubic yards of beach sand. The channel will be excavated to an approximate depth elevation of 10 feet (NGVD29) or 12.77 feet (NAVD88). The primary area of site disturbance (including the channel, side-cast area, and sand stockpile area) is estimated at approximately 0.60 acre and 300 linear feet. If existing shoreline conditions prevent establishing a diagonal channel in the manner described above, the Permittee may, in conjunction with the other responsible agencies identified in Condition #5 above, be authorized to modify the channel configuration (i.e., length, width, and location) to reduce flood risks in a manner that also protects sensitive resources and species to the greatest extent practicable..
10. Following any sandbar breach and after high inflows from the river have receded, the lagoon shall either be allowed to naturally close or remain with an open outlet channel flowing over the beach in the alignment described in Condition #9 above (i.e., a long meandering channel that mutes tidal influence and rapid draining of the lagoon), whichever is more protective of resources, including as directed by the biological monitor.
11. If excessive scour is observed, contaminant-free in-situ Carmel River beach sand will be pushed into the outlet channel to reduce further scour or to close the sandbar if deemed necessary in consultation with NOAA Fisheries. The minimum lagoon elevation shall be maintained at 8.77 feet (NAVD88). The excavated channel will be managed in consultation with NOAA Fisheries, which may include closure by backfilling the channel plug to maximize the volume of aquatic habitat in the dry season, up to a maximum lagoon level of 12.77 feet (NAVD88).
12. 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):

## **Emergency CDP G-3-18-0021 (Carmel River Lagoon Sandbar Management)**

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- 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, 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 exposed slopes and soil surfaces in and/or adjacent to the construction area shall be stabilized with erosion control native seed mix, jute netting, straw mulch, or other applicable best management practices (for example, those identified in the California Storm Water Best Management Practice Handbooks (March, 1993)). The use of non-native invasive species (such as ice-plant) is prohibited.
- k. 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

## **Emergency CDP G-3-18-0021 (Carmel River Lagoon Sandbar Management)**

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materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.

1. 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.
13. 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.
14. 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.
15. The Permittee shall submit monthly reports to the Executive Director for review by the 15th of each month that emergency development activities authorized under this ECDP persist. Each report shall identify all flood protection measures (e.g., sand bags, rubber dams, etc.) that have been applied to protect surrounding flood water threatened homes, infrastructure, and other development to the maximum extent feasible; 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 (including identification of any fish mortality and/or harm or harassment (e.g., fish entrainment in the outlet channel during breaching)) and recommendations for project changes to avoid such impacts. The monthly reports shall clearly identify all areas affected by emergency development activities, and include the location and extent of grading, sand borrow, and fill areas; pre-existing and resulting alignments of the river; 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

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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.

16. 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.
17. 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.
18. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
19. 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.
20. 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 #16 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.