

CALIFORNIA COASTAL COMMISSION

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Prepared April 3, 2018 (for April 11, 2018 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Central Coast District Director

Subject: Central Coast District Director's Report for April 11, 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 April 11, 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 April 11, 2018 at the Redondo Beach Public Library in Redondo Beach.

With respect to the April 11th 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 April 11, 2018 (see attached)

Waivers

- 3-18-0037-W, Pacific Grove trail improvements (Pacific Grove)
- 3-18-0070-W, Caltrans Highway 68 safety improvements (Del Monte Forest)

CDP Amendments

- None

CDP Extensions

- A-3-SCO-09-001, Frank SFD CDP extension (Aptos)
- A-3-SCO-09-002, Frank SFD CDP extension (Aptos)

Emergency CDPs

- None

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NOTICE OF PROPOSED PERMIT WAIVER

Date: March 28, 2018
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Brian O'Neill, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-18-0037-W
Applicant: City of Pacific Grove

Proposed Development

Construction of approximately 0.8 miles of decomposed granite trail, 375 feet of new boardwalk trail, installation of improved vertical accessways at five locations, reconfiguration of existing parking areas, and habitat restoration, all located seaward of Ocean View Boulevard in the vicinity of the Point Pinos Lighthouse Reservation area in the City of Pacific Grove, Monterey 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 trail project would provide a continuous public access trail along the bluffs around Point Pinos Lighthouse Reservation. The project would fill some of the last remaining gaps of the California Coastal Trail (CCT) within the City and relocate inland several segments of the existing CCT and some existing parking areas that are currently threatened by erosion. Several existing informal parking areas would be removed and the areas restored, while other informal parking areas will be expanded and improved with added signage, space delineation, and timber wheel stops. The project also includes improved timber-step vertical accessways and consolidation of existing informal access points. The City has identified the project as an appropriate short-term sea level rise adaption strategy that will move existing public access amenities inland of the 30-year retreat line.¹ The proposed CCT and parking locations have been carefully sited to avoid the most sensitive habitat areas and mitigation measures have been put in place to protect biological resources during construction, including pre-construction surveys for nesting birds, flagging and fencing of sensitive habitat areas, and buffers from sensitive species. The project also includes mitigation measures for the protection of cultural resources, including the use of an Ohlone/Costanoan-Esselen Nation certified monitor during all earth disturbing activities and exclusionary fencing around known archeological sites. The project also includes Best Management practices to protect water quality, including erosion and sediment controls, spill prevention measures, and good housekeeping practices. In sum, the proposed project will improve public access and will not adversely impact coastal resources, and thus is consistent with the Coastal Act.

Coastal Commission Review Procedure

¹ Although not part of the current project, the City has also identified a longer-term adaptation strategy that would convert Ocean View Boulevard from a public road into a two-way bike and public access pathway.

NOTICE OF PROPOSED PERMIT WAIVER

CDP Waiver 3-18-0037-W (Point Pinos Trail Project)

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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 April 11, 2018, in Redondo 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.

CALIFORNIA COASTAL COMMISSION

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**NOTICE OF PROPOSED PERMIT WAIVER**

Date: March 28, 2018
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Mike Watson, Coastal Program Analyst II
Subject: **Coastal Development Permit (CDP) Waiver 3-18-0070-W**
Applicant: California Department of Transportation (Caltrans)

Proposed Development

Vehicle and bicycle safety improvements on Highway 68 in Monterey County between Post Mile (PM) 2.1 and PM 4.1. Project improvements include widening of highway shoulders, installing rumble strips, refreshing existing striping, upgrading existing guardrails, constructing tapered shoulder edges with shoulder backing, and improving highway drainage facilities, all as more particularly described in the application on file at the Commission's Central Coast District Office.

Procedural Note

Because this project falls within both the Commission's retained permitting jurisdiction and the Monterey County Del Monte Forest Local Coastal Program's jurisdictional boundary, the Applicant, the County, and the Executive Director have agreed to consolidate the CDP application process pursuant to Coastal Act Section 30601.3(a)(2).

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and other application materials 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 development is needed to improve travel safety for bicycles and motor vehicles traveling along Highway 68, which has been the site of a number of collisions between bicycles and motor vehicles in recent years. The project design elements are intended to reduce the number and severity of collisions. All work will be completed within the existing highway right-of-way. The project includes erosion and sediment controls to protect water quality during construction. To ensure that biological resources are adequately monitored and protected, pre-construction surveys for nesting bird species will be prepared. The biological monitor will have the ability to halt construction activities within 150 feet of identified nests until the young birds have fledged. Exclusion zones will be established in areas where nests must be avoided. In addition, any trees (up to 10) that will be removed to implement the project will be replaced at a 2:1 ratio within the project's boundaries. New and replacement guardrail and posts will be

stained dark brown to minimize glare and to blend into the surroundings. Finally, construction of the improvements will require one-way traffic control with a maximum delay of 10 minutes; thus public access impacts due to the project will be minimal and temporary. For the reasons stated above, the proposed project is consistent with the Coastal Act.

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 April 11, 2018, in Redondo 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 Mike Watson in the Coastal Commission's Santa Cruz office.

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NOTICE OF PROPOSED PERMIT EXTENSIONS

Date: March 28, 2018
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Ryan Moroney, District Supervisor
Subject: **Proposed Extensions to Coastal Development Permits (CDPs) A-3-SCO-09-001 and -002**
Applicant: Neil Frank

Original CDP Approvals

CDPs A-3-SCO-09-001 and -002 were approved by the Coastal Commission on June 12, 2015, and provided for the construction of two two-story single-family residences and associated improvements. The projects are located on an undeveloped vacant blufftop above Hidden Beach where it slopes down toward a coastal arroyo adjacent to Hidden Beach County Park just downcoast from Bayview Drive in the unincorporated Aptos area of south Santa Cruz County.

Proposed CDP Extensions

As indicated above, the CDPs were approved by the Coastal Commission on June 12, 2015, and included a two-year term with an expiration date of June 12, 2017. The Applicant filed for extensions prior to the expiration date, but has only recently provided requested information to assess the “changed circumstances” standard for extension applications (as discussed in more detail below). The expiration dates of CDPs A-3-SCO-09-001 and -002 would be extended by one year to June 12, 2018, which the Applicant believes will provide sufficient time to complete the CDP’s “prior to issuance” conditions and to exercise the CDPs. The Commission’s reference numbers for these proposed extensions are **A-3-SCO-09-001-E1** and **A-3-SCO-09-002-E1**.

Analysis of Extension Requests

The Applicant has not yet completed the CDPs’ prior to issuance conditions, and thus the CDPs have not been issued and construction has not commenced. The extensions would extend the deadline to meet the prior to issuance conditions, at which time the CDPs may be issued, and to subsequently exercise the CDPs pursuant to their terms and conditions. Unless three or more Commissioners find that there are changed circumstances that would affect the consistency of the developments with the policies of the Coastal Act and/or the applicable Local Coastal Program (LCP), the extension requests will be approved.

In this case, the fundamental changed circumstance question involves the appropriate bluff setback associated with both projects, which was also the central issue when the applications were originally considered by the Commission on appeal and subsequently litigated. Ultimately, following a settlement agreement to resolve the litigation, the Commission approved CDPs that allowed for residential development on Lot 1 (A-3-SCO-09-001) and Lot 2 (A-3-SCO-09-002) subject to specific bluff setbacks and other terms and conditions, and placed the majority of a third lot into a conservation

NOTICE OF PROPOSED PERMIT EXTENSIONS

CDPs A-3-SCO-09-001 & -002 (Frank SFDs)

Proposed Extensions A-3-SCO-09-001-E1 & A-3-SCO-09-002-E1

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easement (also A-3-SCO-09-002).¹ Those approvals also included a condition to prohibit future shoreline structures to protect the residential development. Additional conditions require that in the event that the blufftop edge recedes to within 10 feet of residential development, the Applicant must submit a geotechnical investigation that addresses whether any of the portions of the residential development are threatened by coastal hazards, and any portion of the residential development that the geotechnical investigation finds is not safe to be occupied due to coastal hazards must be removed and the affected area restored.

During the winter of 2016/17, coastal bluff erosion was observed at the project sites and reported to Commission staff. Subsequently, in June of 2017, the Applicant filed the above-described requests for CDP extensions. Given the information on the bluff erosion that had been received by Commission staff, staff requested that the Applicant evaluate the erosion in relation to the question of changed circumstances. In response to that request, the Applicant provided an additional geological report² for the sites. That report concluded that the identified recent erosion “is exactly the type of predicted natural episodic retreat that we discussed extensively in our original report and subsequent correspondence written in response to comments by the County of Santa Cruz and the California Coastal Commission,” and that “it is our opinion that our original development envelope for all three lots is still valid today.” Staff has evaluated this report and agrees that the bluff erosion that occurred in the winter of 2016/17 was part of the expected pattern of erosion affecting the approved CDPs that was already evaluated and addressed as part of the Commission’s original consideration of the matter, and that it does not constitute a changed circumstance in this case. In other words, this type of episodic (and also more gradual) erosion is understood to affect the sites, the recent erosion episode was not to such a degree as to initiate any of the CDP’s specific triggers for action associated with such erosion, and the Commission’s terms and conditions continue to adequately address that issue.

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 developments’ consistency with the certified Santa Cruz County 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 Wednesday, April 11, 2018, in Redondo Beach. 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 Ryan Moroney in the Central Coast District office.

¹ A two-car parking area, underground utilities, landscaping, and drainage improvements are allowed on a portion of the third lot.

² The report is entitled “Addendum Geology Reconnaissance Letter for California Coastal Commission Extension,” prepared by Zinn Geology and dated February 5, 2018, and received in the Central Coast District Office on February 28, 2018.