

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
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# Th10

**Prepared July 2, 2018 (for July 12, 2018 Hearing)**

**To:** Coastal Commissioners and Interested Persons

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

**Subject: Central Coast District Director's Report for July 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 July 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 July 12, 2018 at the Hilton Santa Cruz/Scotts Valley in Scotts Valley.

With respect to the July 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 July 12, 2018 (see attached)**

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### **Waivers**

- 3-14-1829-W, San Luis Obispo Creek Breaching (Avila Beach)
- 3-18-0154-W, Santa Cruz Harbor Salmon Pens (Santa Cruz)
- 3-18-0156-W, Monterey Harbor Salmon Pens (Monterey)
- 3-18-0207-W, Caltrans' Jade Cove Culvert Replacement (Big Sur)
- 3-18-0297-W, Otter Rock Café and The Boatyard Improvements (Morro Bay)
- 3-18-0323-W, House of Ju Ju Restaurant Remodel (Morro Bay)
- 3-18-0499-W, Tatley Vacation Rental (Oceano)

### **CDP Amendments**

- A-3-SLO-03-040-A3, Baywood Village Inn Parking Redesign (Los Osos)

**CDP Extensions**

- A-3-SCO-09-001-E2, Frank SFD (Aptos)
- A-3-SCO-09-002-E2, Frank SFD (Aptos)
- A-3-SLO-15-0001-E1, Loperena SFD (Cayucus)

**Emergency CDPs**

- G-3-18-0013, Moss Landing Harbor District South Harbor Maintenance &A Docks Repairs (Moss Landing)
- G-3-18-0014, Monterey Harbor Piling Replacements (Monterey)

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** June 27, 2018  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Daniel Robinson, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-14-1829-W**  
Applicant: Port San Luis Harbor District

### Proposed Development

Regular follow-up coastal development permit (CDP) for two prior emergency breaching events by the Port San Luis Harbor District (pursuant to emergency CDP G-3-14-0025) at the mouth of San Luis Obispo Creek, in the community of 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 emergency breaching events occurred in August 2014 to alleviate flooding of a portion of downtown Avila Beach resulting from a malfunctioning drainage valve just east of the Avila Beach Drive Bridge, coupled with a closed sandbar that formed a higher-than-normal lagoon behind the sandbar. To alleviate the emergency, the Harbor District dug a small channel in the sand near the mouth of San Luis Obispo Creek to allow creek waters to flow into the ocean on two separate occasions. To offset potential fishery impacts from such breaches, the Harbor District proposes to contribute \$4,750 to Central Coast Salmon Enhancement (CCSE), a local nonprofit committed to helping the community strengthen, protect, and understand watersheds and fisheries. The funds will be used to support CCSE's ongoing citizen science program known as Crowd Hydrology, which develops and provides stream and estuary data for and to resource managers, researchers, and students. The funds will allow CCSE to add two additional monitoring sites within the San Luis Obispo Creek watershed, providing additional data to where there has been none, enhancing creek and watershed knowledge, and ultimately fisheries themselves, 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 July 12, 2018 in Scotts Valley. 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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**Date:** June 27, 2018  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Sarah Carvill, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-18-0154-W**  
Applicant: Monterey Bay Salmon and Trout Project

### Proposed Development

Placement of a 46-foot by 26-foot floating net pen (in the spring of 2019 and again in the spring of 2020) in the Santa Cruz Harbor for up to 48 hours to contain Chinook salmon smolts that will be transported to and released in the open waters of Monterey Bay. The pen consists of a floating dock encircled by a six-foot-high chain link fence; a net attached to the floating dock extends eight feet below the surface of the water. The pen will be moored to existing Harbor infrastructure (i.e., dock pilings) near the boat launch.

### 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 purpose of the proposed development is to contain juvenile Chinook salmon (smolts) in coastal waters and protect them from predation until they can be transported and released offsite. Smolts will be provided by the California Department of Fish and Wildlife (CDFW) in partnership with the California Commercial Salmon Trollers Advisory Committee (Salmon Stamp Committee) in late May or early June of 2019 and again in 2020, subject to approval by the Santa Cruz Port District.<sup>1</sup> The pen will be moored in the Harbor for up to 48 hours, a timeframe that provides the Applicant with flexibility to schedule transportation of the smolts during optimal conditions. Research indicates that the primary imprinting period for juvenile salmon precedes the developmental stage at which the smolts would be delivered to the Harbor,<sup>2</sup> so it is expected that the smolts will imprint to the waters of the supplying hatchery, which are drawn from the Mokelumne River. The Mokelumne River feeds into the San Joaquin River and, ultimately, the San Francisco Bay, so those smolts that survive to adulthood will likely return there. The smolts will not be fed in the pens, as doing so would increase the likelihood of

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<sup>1</sup> The Santa Cruz Port District has approved the project for 2019, and Marian Olin, the Port District Director, has indicated that authorization for an identical project in 2020 would likely be granted. The Applicant will need to provide evidence to the Executive Director that the Port District has provided such authorization before placing the net pen in the Harbor in 2020.

<sup>2</sup> See, e.g., Andrew H. Dittman and Thomas P. Quinn, "Homing in Pacific salmon: mechanisms and ecological basis" (*Journal of Experimental Biology*, 1996) and Andrew H. Dittman et al., "Homing and Spawning Site Selection by Supplemented Hatchery- and Natural-Origin Yakima River Spring Chinook Salmon" (*Transactions of the American Fisheries Society*, 2010).

**NOTICE OF PROPOSED PERMIT WAIVER**  
CDP Waiver 3-18-0154-W (Santa Cruz Harbor Chinook Pen)  
Page 2

return to the Harbor, and the timing of the release is intended to coincide with upwelling, which will ensure that natural food sources are available to the smolts upon their release.

The net pen will be moored in an area that is utilized by commercial and recreational boaters and is highly developed to support a variety of coastal-dependent uses. No impacts to public access are expected beyond those that accrue from the launch of any vessel into the Harbor (i.e., short-term use of dock and launch facilities). 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 Thursday, July 12, 2018, in Scotts Valley. 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 Sarah Carvill in the Central Coast District office.**

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**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Sarah Carvill, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-18-0156-W**  
Applicant: Monterey Bay Salmon and Trout Project

### Proposed Development

Placement of a 46-foot by 26-foot floating net pen (in the spring of 2019 and again in the spring of 2020) in the Monterey Harbor for up to 48 hours to contain Chinook salmon smolts that will be transported to and released in the open waters of Monterey Bay. The pen consists of a floating dock encircled by a six-foot-high chain link fence; a net attached to the floating dock extends eight feet below the surface of the water. The pen will be moored to existing Harbor infrastructure (i.e., a floating dock) near the Coast Guard pier.

### 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 purpose of the proposed development is to contain juvenile Chinook salmon (smolts) in coastal waters and protect them from predation until they can be transported and released offsite. Smolts will be provided by the California Department of Fish and Wildlife (CDFW) in partnership with the California Commercial Salmon Trollers Advisory Committee (Salmon Stamp Committee) in late May or early June of 2019 and again in 2020. The pen will be moored in the Harbor for up to 48 hours, a timeframe that provides the Applicant with flexibility to schedule transportation of the smolts during optimal conditions. Research indicates that the primary imprinting period for juvenile salmon precedes the developmental stage at which the smolts would be delivered to the Harbor,<sup>1</sup> so it is expected that the smolts will imprint to the waters of the supplying hatchery, which are drawn from the Mokelumne River. The Mokelumne River feeds into the San Joaquin River and, ultimately, the San Francisco Bay, so those smolts that survive to adulthood will likely return there. The smolts will not be fed in the pens, as doing so would increase the likelihood of return to the Harbor, and the timing of the release is intended to coincide with upwelling, which will ensure that natural food sources are available to the smolts upon their release.

The net pen will be moored in an area that is utilized by commercial and recreational boaters and is

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<sup>1</sup> See, e.g., Andrew H. Dittman and Thomas P. Quinn, "Homing in Pacific salmon: mechanisms and ecological basis" (*Journal of Experimental Biology*, 1996) and Andrew H. Dittman et al., "Homing and Spawning Site Selection by Supplemented Hatchery- and Natural-Origin Yakima River Spring Chinook Salmon" (*Transactions of the American Fisheries Society*, 2010).

**NOTICE OF PROPOSED PERMIT WAIVER**  
CDP Waiver 3-18-0156-W (Monterey Harbor Chinook Pen)  
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highly developed to support a variety of coastal-dependent uses. No impacts to public access are expected beyond those that accrue from the launch of any vessel in the Harbor (i.e., short-term use of dock and launch facilities). Accordingly, the project will not have any significant adverse impacts on coastal resources, including public access to the shoreline.

**Coastal Commission Review Procedure**

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

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**Date:** June 27, 2018  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Mike Watson, Coastal Program Analyst II  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-18-0207-W**  
Applicant: California Department of Transportation (Caltrans)

### Proposed Development

Replacement of three existing damaged and/or eroded corrugated metal pipe culverts with high density polyethylene pipe culverts to convey storm water runoff and to prevent erosion and failure of Highway 1 at three locations near Jade Cove in the Big Sur area of Monterey County (Post Miles (PMs) 12.62, 12.91, and 13.14). The culvert systems typically include a headwall, drainpipe, and outlet. At all three locations, the existing culverts will be removed and the replacement culverts will be installed using cut-and-cover installation. In each case, the roadway trench will be backfilled with slurry cement and the roadway will be patched with hot mix asphalt. At PM 13.14, the existing headwall will be removed and replaced with a new headwall located approximately three feet farther from the roadway.

### 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 development is necessary to prevent failure of three culverts along Highway 1 that have been damaged over time, and to convey storm water runoff in a non-erosive manner to protect the highway roadbed. Proposed replacement techniques are designed to avoid coastal resource impacts, including with respect to public access, water quality, biological resources, and visual resources. Construction will require one-way traffic control with a maximum delay of fifteen minutes. An erosion control plan and water pollution control plan with appropriate best management practices has been prepared to control runoff during and after construction. The proposed development will restore temporarily disturbed native habitats and remove non-native invasive species from the Caltrans right-of-way. The project will also include measures to reduce the color contrast from project components, mitigating their impact on scenic views. For the reasons above, the proposed project is consistent with Chapter 3 of the Coastal Act and the certified Monterey County Big Sur Local Coastal Program.

### Coastal Commission Review Procedure

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**NOTICE OF PROPOSED PERMIT WAIVER**

CDP Waiver 3-18-0207-W (Jade Cove Culverts)

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**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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**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Sarah Carvill, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-18-0297-W**  
Applicants: Cliff Branch and Josef Steinmann

### Proposed Development

The proposed project includes improvements at two adjacent sites located along the Embarcadero in the City of Morro Bay, i.e. the Otter Rock Café (885 Embarcadero; Lease Sites 90 and 90W) and The Boatyard (845 Embarcadero; Lease Sites 89 and 89W):

**Otter Rock Café:** Improvements to the customer service area, restrooms, and entranceway, and enclosure of an existing outdoor dining area; repair of existing piers, beams, and concrete supports under the existing deck; shortening by 18 feet and relocating the existing floating dock 23 feet to the west, which includes the removal of two wooden piles and installation of one new steel pile.

**The Boatyard:** Repair of an existing bulkhead and widening of the existing Harborwalk to 10 feet on a segment that currently ranges from eight to 10 feet in width; replacement of an existing kiosk with a new kiosk to be used for kayak rentals; and lengthening and realignment of floating docks, including removal of seven wooden piles and installation of seven new steel piles.

### 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 Applicants 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 includes improvements to adjoining lease sites along the Morro Bay Embarcadero that currently support coastal-dependent, water-oriented visitor-serving commercial uses, including boat and kayak rentals, as well as waterfront dining, shops, and public coastal access along the Harborwalk, which is a pedestrian walkway fronting Morro Bay. Specifically, proposed work on the Otter Rock Café site includes necessary repairs to the piers and beams supporting both the interior dining areas of the café and the existing 10-foot-wide public Harborwalk, and relocation of an existing floating dock to improve berthing facilities. Proposed work on the Boatyard site includes repair of an existing, failing bulkhead that supports the Harborwalk and harbor uses, reconfiguration of existing floating docks, replacement of a kiosk that is currently used as a kayak rental office with a new kiosk that will be used for the existing kayak rental operation, and expansion of the Harborwalk in all areas where it does not currently meet the 10 foot standard width typically required by the Commission. Thus the proposed development will maintain or improve the Harborwalk by providing continuous, 10-foot-wide lateral public access along both lease sites. The other components of the proposed development either expand and improve coastal-dependent uses (i.e., berthing areas created by the floating docks) or

## NOTICE OF PROPOSED PERMIT WAIVER

CDP Waiver 3-18-0297-W (Boatyard Seawall Repair/Otter Rock Café Improvements)

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involve maintenance and repair of existing structures.

The Applicants have incorporated the Commission's standard best management practices (BMPs) for marine pile driving and construction and repair of overwater structures into the project description and plans. These BMPs protect coastal water quality by ensuring collection and containment of construction debris, prevention of spills, and general good housekeeping of the site at all times. Pilings installed as part of the proposed development will be steel and coated with marine grade epoxy/polyurethane coating, consistent with Commission recommendations.

Two past surveys indicate that eelgrass has been present in a portion of the project area, but only in small, transient patches (e.g., in the most recent survey, the only eelgrass patch that would be shaded by the proposed project consisted of one stem). Fiberglass grating will be used on docks in that vicinity to allow additional light penetration, and pre- and post-construction surveys will be conducted to detect eelgrass impacts. If impacts are detected, the Applicants will undertake mitigation as required under the California Eelgrass Mitigation Policy (CEMP).<sup>1</sup>

The floating docks and Harborwalk on both lease sites will be closed during construction; however existing public access at the site will be restored after the work is completed. Accordingly, the project will not have any significant adverse impacts on coastal resources, including public access to the shoreline.

### **Coastal Commission Review Procedure**

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<sup>1</sup> Generally, the CEMP requires a 1.2:1 ratio for in-kind mitigation.

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**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Sarah Carvill, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-18-0323-W**  
Applicant: Stan Van Beurden

### Proposed Development

Remodel of the interior of an existing restaurant (House of Ju Ju); relocation of an existing trash enclosure from the western (i.e., bay-fronting) side of the building to the northern side of the building and replacement with a screened public seating counter overlooking the bay; widening of the existing Harborwalk on the northern side of the building from five feet to ten feet in width; minor repairs to existing trusses; sealing of the existing bulkhead covering; repairs to and sleeving of five existing wooden piles; all at 945 Embarcadero (Lease Sites 96 and 96W) in the City of Morro Bay, 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 development includes remodel of the interior of a restaurant within the existing building's footprint. Other proposed improvements either enhance public access at the site or consist of repair and maintenance to various elements of the support system for the restaurant building. Specifically, the Applicant proposes to move a trash enclosure from the western side of the building (which is located along the Harborwalk) to the north side of the building, where it will be less visible to the general public. In its place, the Applicant proposes to construct a 140-square-foot public, wind-screened patio with a seating counter. The patio and counter will be accessible from the Harborwalk and the restaurant, with signage at each entrance to the patio that explicitly states that the area can be used by members of the public regardless of whether or not they have purchased food from the restaurant (to further ensure that this patio and counter are available to the public, no condiments or place settings will be placed on the counter). There will be no overhead screening or coverage of the patio. The Harborwalk surrounding the patio will be a minimum of ten feet wide. Additionally, the Applicant proposes to construct a new triangular Harborwalk segment on the northern end of the lease site, where the existing restaurant's deck connects to an adjacent City park at a right angle. This new Harborwalk deck will accommodate the relocated trash enclosure and will expand the width of the walkway in the City park from five feet to ten feet. With these improvements, the Harborwalk will be at least ten feet wide along the entire lease site.

Repair and maintenance components of the project include sleeving existing piles with steel or a jacket epoxy system; cleaning and sealing steel support trusses that underpin the northwestern end of the

## **NOTICE OF PROPOSED PERMIT WAIVER**

CDP Waiver 3-18-0323-W (House of Ju Ju Remodel)

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Harborwalk; and sealing of an existing non-load bearing bulkhead cover (constructed from concrete-filled sandbags and rebar) that is located below the trusses. The Applicant has incorporated the Commission's standard best management practices (BMPs) for repair of overwater structures into the project description and plans. These BMPs protect coastal water quality by ensuring collection and containment of construction debris, prevention of spills, and general good housekeeping of the site at all times.

Eelgrass is present in an area adjacent to the existing Harborwalk on the west side of the lease site. The new Harborwalk segment will mostly cover rock riprap, and fiberglass grating will be used to maximize light penetration through the western and northern sides of the widened Harborwalk, which should benefit eelgrass. Pre- and post-construction surveys will be conducted to detect any impacts to eelgrass. If impacts are detected, the Applicants will undertake mitigation as required under the California Eelgrass Mitigation Policy (CEMP).<sup>1</sup>

This portion of the Harborwalk will be closed during construction; however, public access at the site (which the proposed project will greatly improve) will be restored after the work is completed. Accordingly, the project will not have any significant adverse impacts on coastal resources, including public access to the shoreline.

### **Coastal Commission Review Procedure**

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<sup>1</sup> Generally, the CEMP requires a 1.2:1 ratio for in-kind mitigation.

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**Date:** June 27, 2018  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Daniel Robinson, Coastal Planner  
**Subject:** Coastal Development Permit (CDP) Waiver 3-18-0499-W  
Applicant: Richard Tatley

### Proposed Development

Use of an existing single-family residence as a short-term vacation rental, located at 654 Honolulu Avenue in the community of Oceano, 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 vacation rental is located in an area of San Luis Obispo County where the Commission retains coastal permitting authority. For proposed vacation rentals in areas where the County retains CDP authority, the County typically applies the operational and enforcement standards for vacation rentals<sup>1</sup> found within Coastal Zone Land Use Ordinance (CZLUO) Section 23.08.165, including a maximum number of rental tenancies allowed per month, the maximum number of occupants allowed in the unit, parking and vehicle-trip requirements, noise limits, and designation of a 24-hour property manager or contact person. These standards are designed to minimize and avoid impacts to surrounding property owners, but still provide a Coastal Act and LCP priority visitor-serving use within residential areas that otherwise would not. In this case, the Applicant has incorporated the CZLUO Section 23.08.165 requirements into the project description for the proposed vacation rental. Based on the above project components, the use of this residence as a vacation rental will enhance visitor-serving amenities at this location and will not have any significant adverse impacts on coastal resources, including public access.

### Coastal Commission Review Procedure

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

<sup>1</sup> In May 2003, the Commission approved the vacation rental ordinance as part of the County's Implementation Plan in LCP amendment SLO-MAJ-1-01 Part A.

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## NOTICE OF PROPOSED PERMIT AMENDMENT

**Date:** June 27, 2018  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Daniel Robinson, Coastal Planner  
**Subject:** **Proposed Amendment to Coastal Development Permit (CDP) A-3-SLO-03-040-A3**  
Applicant: Alex Benson

### Original CDP Approval

CDP A-3-SLO-03-040-A3 was approved by the Coastal Commission on December 10, 2003 and provided for expansion of the existing Baywood Inn and construction of a new detached hotel building on the site. Amendment A1 reduced the overall number of approved units approved on the site and amendment A2 authorized removal of a cypress tree and improvements to the existing septic system.

### Proposed CDP Amendment

CDP A-3-SLO-03-040 would be amended to slightly redesign and expand an already approved (as part of the original CDP approval) but not-yet-constructed parking area by adding 10 electric vehicle charging stations (EVCS) to the approved eight-space lot. The Commission's reference number for this proposed amendment is **A-3-SLO-03-040-A3**.

### Executive Director's Immateriality Determination

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

The proposed amendment slightly redesigns and expands an already approved parking lot by adding 10 EVCS spaces to the parking lot, which would be available to members of the general public. Eight of these spaces would be constructed with permeable eco-pavers and the remaining two spaces would be paved with asphalt and ADA accessible. The amendment also includes associated minor changes to the landscaping in the parking lot. No other changes to the approved project (as previously amended) are proposed, the overall project contains the required amount of parking per the LCP, and the proposed amendment would not materially change the Commission's original approval of the project.

### 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, July 12, 2018, in Scotts Valley. 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.**

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877  
WEB: WWW.COASTAL.CA.GOV



## NOTICE OF PROPOSED PERMIT EXTENSION

**Date:** June 27, 2018  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Ryan Moroney, Supervising Coastal Planner  
**Subject:** **Proposed Extensions to Coastal Development Permits (CDPs) A-3-SCO-09-001 and -002**  
Applicant: Neil Frank

### Original CDP Approval

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 Extension

As indicated above, the CDPs were originally 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 previously filed for extensions extending this deadline to June 12, 2018, which were granted by the Commission (A-3-SCO-09-001-E1 and A-3-SCO-09-002-E1). Thus, under these proposed extensions, the expiration dates of CDPs A-3-SCO-09-001 and -002 would be extended one additional year until June 12, 2019. The Commission's reference numbers for these proposed extensions are **A-3-SCO-09-001-E2 and A-3-SCO-09-002-E2**.

### 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 July 12, 2018, in Scotts Valley. 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 proposals or wish to register an objection, please contact Ryan Moroney in the Central Coast District office.**



**CALIFORNIA COASTAL COMMISSION**

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## NOTICE OF PROPOSED PERMIT EXTENSION

**Date:** June 27, 2018  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Daniel Robinson, Coastal Planner  
**Subject:** **Proposed Extension to Coastal Development Permit (CDP) A-3-SLO-15-0001**  
Applicant: Jack Loperena

### Original CDP Approval

CDP A-3-SLO-15-0001 was approved by the California Coastal Commission on August 10, 2016 and allows for the construction of an approximately 1,100-square-foot, three-story single-family residence with an elevated driveway platform connecting to Studio Drive, located seaward of Studio Drive at its northern end (approximately 250 feet southwest of the intersection of Studio Drive and Highway 1) and fronting Morro Strand State Beach, in the unincorporated community of Cayucos, San Luis Obispo County (APN 064-253-007).

### Proposed CDP Extension

As indicated above, the CDP was originally approved by the Coastal Commission on August 10, 2016 and included a two-year term with an expiration date of August 10, 2018. Thus, under this proposed extension, the expiration date of CDP A-3-SLO-15-0001 would be extended one additional year until August 10, 2019. The Commission's reference number for this proposed extension is **A-3-SLO-15-0001-E1**.

### 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 San Luis Obispo 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 July 12, 2018, in Scotts Valley. 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 Daniel Robinson in the Central Coast District office.**



## California Coastal Commission

# EMERGENCY COASTAL DEVELOPMENT PERMIT

### Emergency CDP G-3-18-0013 (Moss Landing South Harbor Maintenance Dock and "A" Dock Piling Replacement)

Issue Date: July 2, 2018

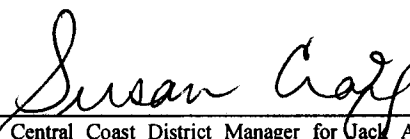
Page 1 of 4

This emergency coastal development permit (ECDP) authorizes installation of two replacement pilings at the Moss Landing South Harbor Maintenance Dock and one piling at the Harbor's "A" dock, at 7881 Sandholdt Road in Moss Landing Harbor in the unincorporated community of Moss Landing, Monterey County (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee's consultant, Sea Engineering, Inc., two maintenance dock pilings have failed, creating an impediment to critical harbor facilities. The failed pilings have been removed, but access to the maintenance dock remains precluded. Additionally, a vessel collided with a guide piling at the A dock. The guide piling is listing at a 45 degree angle, creating a hazard to navigation. The proposed emergency development is therefore necessary to reestablish operation of the maintenance dock and to prevent a collision / ensure safe navigation in and around the A dock. The submitted application materials include the Commission's typical best management practices to protect water quality during construction over coastal waters. Therefore, the Executive Director of the California Coastal Commission hereby finds that:

- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary CDPs, and that the development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.

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

  
Susan Craig, Central Coast District Manager for Jack Ainsworth, Acting Executive Director

Enclosure: Emergency Coastal Development Permit Acceptance Form

cc (via email): Linda McIntyre, Moss Landing Harbor District  
Brandon Swanson, Monterey County Planning and Building  
Karen Grimmer, National Marine Fisheries Service  
Kim Sanders, Regional Water Quality Control Board  
Katerina Galacatos, U.S. Army Corps of Engineers  
Linda Connolly, CA Department of Fish & Wildlife

**Emergency CDP G-3-18-0013 (Moss Landing South Harbor Maintenance Dock and  
“A” Dock Piling Replacement)**

**Issue Date: July 2, 2018**

**Page 2 of 4**

**Conditions of Approval**

1. The enclosed ECDP acceptance form must be signed by the Permittee and returned to the California Coastal Commission's Central Coast District Office within 15 days of the date of this permit (i.e., by July 17, 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 must be completed within 30 days of the date of this permit (i.e., by August 1, 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 60 days of the date of this permit (i.e. by September 1, 2018), 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 site plans and cross sections prepared by a licensed civil engineer with experience in coastal structures and processes clearly identifying all development completed under this emergency authorization (comparing any previously permitted condition to both the emergency condition and to the post-work condition), and a narrative description of all emergency development activities undertaken pursuant to this emergency authorization. Alternatively, the Permittee may submit an application for a regular CDP in conjunction with the follow-up CDP application required for ECDP No. G-3-17-0050 (South Harbor Maintenance Dock Armoring). In either case, 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 deadline 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, U.S. Fish & Wildlife Service, California Department of Fish & Wildlife, NOAA Fisheries, 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 the shoreline in the vicinity of the south harbor maintenance dock and “A” dock as identified in the application form dated received in the Coastal Commission's Central Coast District Office on June 25, 2018.
8. All emergency development is limited to the least amount necessary to abate the emergency.

**Emergency CDP G-3-18-0013 (Moss Landing South Harbor Maintenance Dock and  
"A" Dock Piling Replacement)**

**Issue Date: July 2, 2018**

**Page 3 of 4**

9. All emergency construction activities shall limit impacts to coastal resources (including public recreational access and to the Moss Landing Harbor) to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements (which may be adjusted by the Executive Director if such adjustments: (1) are deemed necessary due to extenuating circumstances; and (2) will not adversely impact coastal resources):
  - a. All work shall take place during daylight hours. Lighting of the intertidal area is prohibited.
  - b. All construction and staging 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.
  - c. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials 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.).
  - d. All construction activities that result in discharge of materials, polluted runoff, or wastes to the adjacent marine environment are prohibited. Equipment washing, refueling, and/or servicing shall not take place within 20 feet of the shoreline. 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.
  - e. All shoreline access points impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction.
  - f. All contractors shall ensure that work crews are carefully briefed on the importance of observing the construction precautions given the sensitive work environment. Construction contracts shall contain appropriate penalty provisions sufficient to offset the cost of retrieval/clean-up of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.
  - g. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction and the required shoreline-area restoration activities.
10. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
11. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and his/her contact information (i.e., address, email, phone numbers, etc.) including, at a minimum, a telephone

**Emergency CDP G-3-18-0013 (Moss Landing South Harbor Maintenance Dock and  
“A” Dock Piling Replacement)**

**Issue Date: July 2, 2018**

**Page 4 of 4**

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.

12. 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.
13. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
14. 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. If the Permittee wishes to have the emergency development become a permanent development, a regular CDP must be obtained. A regular CDP is subject to all of the provisions of the California Coastal Act and may be conditioned or denied accordingly.

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



**California Coastal Commission**

**EMERGENCY COASTAL DEVELOPMENT PERMIT**

**Emergency CDP G-3-18-0014 (Concession #19, Wharf #1, City of Monterey)**

**Issue Date: June 28, 2018**

**Page 1 of 4**

This emergency coastal development permit (ECDP) authorizes emergency development consisting of replacement of four 12-inch wooden piles with four 12-inch reinforced concrete piles located just below the wood decking directly adjacent to Concession #19 of the existing Wharf #1 in the City of Monterey (all more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (Pacific Gas and Electric), four wooden piles supporting an electrical transformer under the wharf decking have deteriorated over time due to insect damage. Recent ultrasound testing results show approximately 90 percent of the existing piles have rotted, which poses an imminent danger that could result in the piles collapsing and the transformer falling into Monterey Bay. The proposed emergency development is necessary to abate the collapse of the existing piles and to prevent the release of electrical equipment, wood, concrete, steel and associated debris from entering the Monterey Bay. The submitted application materials include the Commission's typical best management practices to protect water quality during construction over coastal waters. Therefore, the Executive Director of the California Coastal Commission hereby finds that:

- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary CDPs, and that the development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.

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

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

Enclosure: Emergency Coastal Development Permit Acceptance Form

cc: (via email): Paul Stokes, Representative of Pacific Gas and Electric

## **Emergency CDP G-3-18-0014 (Concession #19, Wharf #1, City of Monterey)**

**Issue Date: June 28, 2018**

**Page 2 of 4**

### **Conditions of Approval**

1. The enclosed ECDP acceptance form must be signed by the Permittee and returned to the California Coastal Commission's Central Coast District Office within 15 days of the date of this permit (i.e., by July 13, 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 must be completed within 30 days of the date of this permit (i.e., by July 28, 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 60 days of the date of this permit (i.e. by August 27, 2018), 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 deadline 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., City of Monterey,, U.S. Army Corps of Engineers, 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 Emergency Permit Application Form dated received in the Coastal Commission's Central Coast District Office on June 14, 2018.
8. All emergency development is limited to the least amount necessary to abate the emergency.
9. All emergency construction activities shall limit impacts to coastal resources (including public recreational access and the Pacific Ocean) to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements (which may be adjusted by the Executive Director if such adjustments: (1) are deemed necessary due to extenuating circumstances; and (2) will not adversely impact coastal resources):
  - a. All work shall take place during daylight hours. Lighting of the bay waters is prohibited.
  - b. Grading of intertidal waters is prohibited.

## **Emergency CDP G-3-18-0014 (Concession #19, Wharf #1, City of Monterey)**

**Issue Date: June 28, 2018**

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- c. All construction materials and equipment shall be removed from the work area in their entirety or stored beyond the reach of tidal waters at the conclusion of each work day. The only exceptions will be for: (1) sediment controls (e.g., booms surrounding the base of the construction area) as necessary to contain rock and/or sediments in the construction area, where such controls 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 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.
  - d. 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.
  - e. 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.).
  - f. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach or the marine environment are prohibited. Equipment washing, refueling, and/or servicing shall not take place on the beach or above coastal waters. 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.
  - g. All accessways impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction.
  - h. 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.
  - i. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction and required restoration activities. If planning staff should identify additional reasonable restoration measures, such measures shall be implemented immediately.
10. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this ECDP, and the public review



## **Emergency CDP G-3-18-0014 (Concession #19, Wharf #1, City of Monterey)**

**Issue Date: June 28, 2018**

**Page 4 of 4**

requirements applicable to it, prior to commencement of construction.

11. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and his/her contact information (i.e., address, email, phone numbers, etc.) including, at a minimum, a telephone number and email address that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (e.g., name, address, email, phone number, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit the record (of complaints/inquiries and actions taken in response) to the Executive Director.
12. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit site plans and cross sections to the Executive Director clearly identifying all development completed under this emergency authorization (comparing any previously permitted condition to both the emergency condition and to the post-work condition), and a narrative description of all emergency development activities undertaken pursuant to this emergency authorization. Photos showing the project site before the emergency (if available), during emergency project construction activities, and after the work authorized by this ECDP is complete shall be provided with the site plans and cross sections.
13. This ECDP shall not constitute a waiver of any public rights which may exist on the property. The Permittee shall not use this ECDP as evidence of a waiver of any public rights which may exist on the property.
14. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
15. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the subject site without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Chapter 9 of the Coastal Act.

As noted in Conditions 4 and 5 above, the emergency development carried out under this ECDP is at the 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 or if the Permittee wishes to expand the scope of work, a regular CDP must be obtained. A regular CDP is subject to all of the provisions of the California Coastal Act and may be conditioned or denied accordingly.

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