

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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Prepared September 4, 2018 (for September 13, 2018 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Central Coast District Director

Subject: Central Coast District Director's Report for September 13, 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 September 13, 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 September 13, 2018 at the Fort Bragg Town Hall in Fort Bragg.

With respect to the September 13th hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the Report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on September 13, 2018 (see attached)

Waivers

- 3-18-0685-W, Virg's Landing Kiosk (Morro Bay)
- 3-18-0741-W, Hill Short-Term Vacation Rental (Oceano)
- 3-18-0831-W, Pletz Deck Replacement (Pacific Grove)

CDP Amendments

- 3-13-012-A6, Caltrans Piedras Blancas Highway 1 Realignment Condition Timing Changes (North San Luis Obispo County)
- 3-07-022-A2, Monterey Tides Hotel Seawall Maintenance Provisions (Monterey)

CDP Extensions

None.

Emergency CDPs

- G-9-18-0018, Pacific Quest Vessel Salvage (Santa Cruz)

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NOTICE OF PROPOSED PERMIT WAIVER

Date: August 29, 2018
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Sarah Carvill, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-18-0685-W
Applicant: Giovanni Degarimore

Proposed Development

Placement of a blue and white kiosk at the edge of an existing parking lot next to the sidewalk at 1001 Front Street, Morro Bay, from April to November each year, to serve as an information and ticket sales booth for a sportfishing and whale watching business.

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 project is to allow Virg's Landing, a sportfishing and whale watching business, to sell tickets at the location where its boats are docked. Currently, Virg's Landing trips depart from the docks accessed via 1001 Front Street, which is also the site of two restaurants (The Coffee Pot and Giovanni's Fish Market and Galley) and a large off-street parking lot. The Applicant proposes to place a "TuffShed" kiosk (6' wide by 8' long by 7'6" tall) between the Embarcadero sidewalk and an existing fence enclosing the lot.¹ The kiosk would remain in that location from April to November annually, and would be removed via forklift and stored in an off-site location during the remaining months of the year. The kiosk would be light blue with white trim and decorated with fishing-related items (e.g., buoys, oars, and a porthole window), in keeping with the nautical theme of the area. The proposed kiosk would not substantially impact views because the kiosk itself is small, and the area is already developed with restaurants, a parking lot, and smaller structures associated with the working waterfront. Virg's Landing has also committed to provide general visitor information at the kiosk, and to post a fish ID chart showing local species. Conditions of local approval require that the kiosk be staffed on weekends from April to November and daily from June to September.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday, September 13, 2018, in Fort Bragg. If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

¹ The fence encloses the parking lot for the docks and two restaurants on the parcel. Due to the shape of the lot and the configuration of parking and structures on the site, there is a significant gap between the parking lot fence and the sidewalk, which is the area where the proposed kiosk would be placed.

NOTICE OF PROPOSED PERMIT WAIVER

CDP Waiver 3-18-0685-W (Virg's Landing Kiosk)

Page 2

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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NOTICE OF PROPOSED PERMIT WAIVER

Date: August 29, 2018
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Daniel Robinson, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-18-0741-W
Applicant: Mike Hill

Proposed Development

Use of an existing single-family residence as a short-term vacation rental, located at 608 Mendel Drive in the community of Oceano, San Luis Obispo County (APN 061-041-020).

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 rentals¹ 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, while still providing a Coastal Act and LCP priority visitor-serving use within residential areas. 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

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday, September 13, 2018 in Fort Bragg. If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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

¹ In 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 WAIVER

Date: August 29, 2018
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Brian O'Neill, Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-18-0831-W**
Applicant: Pletz Investment Company

Original CDP Approval

Proposed repairs to an existing second-story deck above an existing garage, including replacement of tiles, railings, weatherproofing, floor joists, and studs at a single-family dwelling located at 1721 Sunset Drive in the Asilomar Dunes area of the City of Pacific Grove, Monterey County (APN 007-061-040-000).

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13250 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed project includes repairs to an existing deck in the same configuration and with similar materials. The proposed project does not increase site coverage. The existing residence was originally approved by the Commission in 2006 (CDP 3-05-059) and included Special Conditions that required all areas outside of the development footprint to be restored with native dune plants and maintained for the life of the residence. The restored areas have been maintained in accordance with the original approval and native dune plants are found throughout the property. The project includes Best Management Practices to protect adjacent habitat areas, including protective fencing, monitoring, spill prevention controls, and good housekeeping measures. The project does not increase the size of the house and includes habitat protections and therefore has no potential for adverse effects on coastal resources and is consistent with Chapter 3 of the Coastal Act.

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 September 13, 2018 at Fort Bragg. 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 Brian O'Neill in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: August 29, 2018
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Daniel Robinson, Coastal Planner
Subject: **Proposed Amendment to Coastal Development Permit (CDP) 3-13-012**
Applicant: Caltrans

Original CDP Approval

CDP 3-13-012 was approved by the Coastal Commission on July 11, 2014 and provided for the realignment of 2.8 miles of Highway 1 up to 475 feet inland (including removal of the existing Highway 1 in this area), development of an off-road California Coastal Trail (CCT) west of the Highway, and resource restoration and enhancement (along the alignment and at Arroyo de la Cruz) in the Piedras Blancas area of northern San Luis Obispo County.

Proposed CDP Amendment

CDP 3-13-012 would be amended to (1) change the deadlines for Special Conditions 9, 10, and 11 to give Caltrans an additional two years to complete these requirements; (2) change the deadline for Special Condition 5(a) to allow State Parks an additional two years (i.e., until August 30, 2021) to complete the CCT in this area; and (3) replace the term “Memorandum of Agreement” (“MOA”) with “Cooperative Agreement” throughout Special Condition 5. The Commission’s reference number for this proposed amendment is **3-13-012-A6**. See **Exhibit A** for the proposed changes to these conditions.

Executive Director’s Immateriality Determination

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

The Piedras Blancas Highway 1 realignment project is an important adaptation project for the State of California in its attempts to adapt to sea level rise and mitigate coastal hazards. Special Conditions 9, 10, and 11 pertain to several formerly privately-owned properties that have been the subject of eminent domain and condemnation proceedings since before the project began construction. Due to ongoing lawsuits and related issues regarding these properties, it has been difficult for Caltrans to finalize all of the conditions that pertain to them. Because of this, the original CDP has been amended four times to allow additional time to fulfill these conditions (amendments A1, A2, A4, and A5). Although Caltrans recently finalized acquisition of three properties to which Special Conditions 9, 10, and 11 pertain, some litigation remains ongoing. Caltrans has not had time to complete the associated CDP requirements, and is requesting that the relevant deadlines be extended by two years due to the complexity of the issues (including related to litigation), combined with the influx of a large magnitude of projects as a result of Senate Bill 1 (i.e. the “Road Repair and Accountability Act of 2017”) and unexpected emergency projects, along with Caltrans staff attrition. The deadline adjustment will provide Caltrans the time

NOTICE OF PROPOSED PERMIT AMENDMENT
CDP 3-13-012-A6 (Piedras Blancas Highway 1 Realignment Timing Changes)
Page 2

necessary to complete the CDP requirements, and the delay should not result in any significant adverse coastal resource impacts in the interim.

With respect to the CCT, the proposed amendment would also modify the deadline for State Parks to complete construction of the CCT component of the project by providing an additional two years (i.e., through August 30, 2021). State Parks indicates that this extra time is necessary for them to complete permitting requirements for related CCT and other projects nearby, as well as to finalize the remaining funding needed for the required CCT improvements. State Parks indicates that some components of the CCT should be in place well before 2021, but that it will take them until 2021 to complete the trail as is required by the CDP.

The deadline extensions are appropriate in this case to address unforeseen project delays and issues, and all parties remain committed to bring the whole of the project to completion and fruition as soon as possible.

Finally, Caltrans and State Parks actually entered into a “Cooperative Agreement” and not a “Memorandum of Agreement” (MOA), and thus the text in CDP Special Condition 5 would be amended to reflect the correct term. This is a non-substantive change that is being done for future implementation clarity.

In sum, the proposed amendment modifies certain timing requirements and condition terms, but it does not change the underlying permit requirements nor does it affect the project’s consistency with the Commission’s original CDP approval. The amended CDP remains consistent with the Coastal Act and the certified San Luis Obispo County Local Coastal Program.

Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director’s response to it will be reported to the Commission on Thursday September 13, 2018 in Fort Bragg. 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.

Exhibit A
Proposed Amendments to Special Conditions 5, 9, 10, and 11
(CDP Amendment 3-13-012-A6)

- 5. California Coastal Trail.** PRIOR TO CONSTRUCTION OF THE REALIGNED HIGHWAY APPROVED PURSUANT TO THIS CDP, the Permittee shall submit written documentation that demonstrates that the Permittee and State Parks have entered into a Memorandum of Agreement (MOA) Cooperative Agreement that is consistent with the requirements of this CDP and its terms and conditions. Prior to State Parks and the Permittee executing this MOA Cooperative Agreement, it shall be submitted for review and approval by the Executive Director. The roles and responsibilities of State Parks and Caltrans under the MOA Cooperative Agreement shall be clearly identified.

Within six months of the Executive Director's approval of the MOA Cooperative Agreement, the Permittee shall submit to the Executive Director evidence that a nonrefundable public access mitigation fee of \$1.4 million has been transferred to State Parks and deposited into a separate, interest-bearing account created solely to implement the MOA Cooperative Agreement described herein. The sole purpose of the funds shall be to construct a segment of the California Coastal Trail (CCT) and directly related public access improvements over the length of the project limits (as described in subsection (a) below). After Caltrans has transferred the \$1.4 million mitigation fee to State Parks, constructed the northern and southern trailhead parking areas and entered into the Executive Director-approved MOA Cooperative Agreement, their obligation toward all aspects of trail construction is finalized except to the extent that the MOA Cooperative Agreement identifies some continuing obligation. Caltrans will not be held responsible thereafter for any aspect of the development, construction, maintenance, environmental compliance (including NEPA/CEQA review, permitting, and mitigation) and any other components toward the completion of the CCT except to the extent that the MOA Cooperative Agreement identifies some continuing obligation. The MOA Cooperative Agreement between Caltrans and State Parks shall comply with the following minimum provisions, which are a requirement of this CDP:

- a. CCT Scope.** The MOA Cooperative Agreement shall cover all aspects of ensuring that a continuous CCT (an off-highway public trail) and associated public parking is built and opened as soon as possible, but in no case more than 2 4 years after the realigned Highway 1 is opened, (i.e. by August 30, 2021). The CCT shall extend from the public parking area nearest the point where the paved surface of the realigned highway segment departs from the existing paved highway surface, to the corresponding point at which it rejoins the existing highway. As identified on submitted plans, these limits are approximately demarcated as Station 303+75, north of Post Mile (PM) 64.0 and the gated entrance to Piedras Blancas Light Station, to Station 432+10 on the existing alignment, south of the existing Arroyo de la Cruz bridge.

- b. CCT Plans.** The MOA Cooperative Agreement shall provide for Final CCT Plans in compliance with the terms and conditions of this CDP to be submitted by State Parks to the Executive Director for review and approval within one year of the transfer of funds from Caltrans to State Parks for the construction of the trail. The Final CCT Plans shall be in substantial conformance with the draft CCT conceptual plans received in the Coastal Commission's Central Coast District Office on August 21, 2013, as modified to conform to this CDP and its terms and conditions.

The Final CCT Plans shall clearly describe the manner by which public CCT access is to be provided and managed, with the objective of maximizing public access and recreational use and enjoyment of the CCT, including all associated and related elements and amenities (i.e., parking areas, picnic tables, benches, etc.) as described in this special condition. These Final CCT plans shall at a minimum include: ...

(subsections b(1) through b(8) unchanged)...

- c. Additional State Parks Responsibilities.** The MOA Cooperative Agreement shall describe the roles and responsibilities of State Parks as the administrator of the CCT funds. State Parks shall be responsible for complying with any additional permitting requirements from other agencies for the construction of the CCT.
- d. Reporting.** The MOA Cooperative Agreement shall provide for annual written reports to be submitted by State Parks to the Executive Director of the Coastal Commission on the progress made toward the completion of the overall CCT and parking access improvements until such time that all improvements have been completed and opened to the public as required by this CDP.
- e. Contingency.** The MOA Cooperative Agreement shall include provisions to address any failure by the Permittee and State Parks to implement the MOA Cooperative Agreement consistent with the requirements of this CDP, including but not limited to transfer of the funds to an alternate Executive Director-approved entity able to construct the CCT as described in the MOA Cooperative Agreement.
- f. Utilities Undergrounded.** The MOA Cooperative Agreement shall specify that all utility poles at the Piedras Blancas motel, café, and the South Ranger House shall be removed and utilities placed underground. No overhead utility lines shall remain seaward of the realigned Highway 1.
- g. Plan Coordination.** The MOA Cooperative Agreement shall ensure that the Final CCT plans are coordinated with Caltrans final habitat mitigation plans (see Special Condition 14).

- h. Interpretation.** Unless resolved by the Executive Director, any dispute concerning compliance with or interpretation of any provision of the MOA Cooperative Agreement shall be resolved by the Coastal Commission.

Minor adjustments to the MOA Cooperative Agreement and the Final CCT Plans that are in substantial conformance with the terms and conditions of this CDP may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources. All requirements above and all requirements of the approved MOA Cooperative Agreement and the approved Final CCT Plans shall be enforceable components of this CDP. The Permittee and State Parks shall undertake all development in accordance with this condition and the approved MOA Cooperative Agreement and approved Final CCT Plans.

9. CCT Access Dedication. WITHIN ~~36~~ 60 MONTHS OF THE COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit to the Executive Director for review and approval evidence that a dedication to State Parks of a fee interest or easement(s) for lateral public access has been executed and recorded against Sani Parcels 1 and 2 (APNs 011-231-013 and 011-231-014) and the Welsh Parcel (APN 011-231-017) that provide a direct public access route from the CCT connections to the north and south, along the alignment approved pursuant to Special Condition 5 (California Coastal Trail)...
(remainder of condition unchanged)

10. Evidence of CDP Amendments.

a. **Sani Parcels 1, 2 and 3:** PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ON SANI PARCELS 1, 2 AND 3 OUTSIDE THE DEVELOPMENT AREA DEPICTED IN EXHIBIT 1, AND WITHIN ~~36~~ 60 MONTHS OF THE COMMENCEMENT OF CONSTRUCTION OF THE REALIGNED HIGHWAY APPROVED PURSUANT TO THIS CDP, the Permittee shall provide evidence that San Luis Obispo County has amended CDP COAL 90-137, as reconsidered and amended in D010029P and MUP D020333P to: allow for the highway to be constructed in the new alignment approved by this CDP; prohibit development on Sani Parcels 1 and 2 (APNs 011-231-013 and 011-231-014) other than demolition, restoration, well access, public access and recreation improvements, and CCT development approved by this CDP; reflect screening requirements of Special Condition 3; and retain all other development limitations included in existing deed restrictions/scenic easements/mitigation agreements as they currently pertain to the undeveloped areas outside of the existing development envelope, but modify the area to which they apply to be all areas on the properties outside of the new highway right-of-way. ... *(remainder of condition unchanged)*

b. **Welsh Parcel:** PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ON THE WELSH PARCEL OUTSIDE THE DEVELOPMENT AREA DEPICTED IN EXHIBIT 1, AND WITHIN ~~36~~ 60 MONTHS OF THE COMMENCEMENT OF CONSTRUCTION OF THE REALIGNED HIGHWAY APPROVED PURSUANT TO THIS CDP, the Permittee shall provide evidence that the Coastal Commission has amended CDP A-3-SLO-00-119 to allow for the highway to be constructed in the new alignment approved by this CDP; to prohibit development on that portion of the parcel

seaward of the realigned Highway other than restoration, well access, and CCT development approved by this CDP; reflect screening requirements of Special Condition 3; and retain all other development limitations included in the existing scenic easement as it currently pertains to the undeveloped areas outside of the existing development envelope and extend these limitations to the remainder of the portion of the property seaward of the new highway right-of-way. ... *(remainder of condition unchanged)*

11. Evidence of Amendments to Recorded Documents. PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ON SANI PARCELS 1, 2 AND 3 AND THE WELSH PARCEL OUTSIDE THE DEVELOPMENT AREA DEPICTED IN EXHIBIT 1, AND WITHIN ~~36~~ 60 MONTHS OF THE COMMENCEMENT OF CONSTRUCTION OF THE REALIGNED HIGHWAY APPROVED PURSUANT TO THIS CDP, the Permittee shall submit evidence that that the landowner(s) has executed and recorded deed restrictions against Sani Parcels 1 and 2 (APNs 011-231-013 and 011-231-014, or as may be renumbered), and the Welsh Parcel (APN 011-231-017, including any roadway that reverts to the property, and as may be renumbered), in a form and content acceptable to the Executive Director, prohibiting all development, as defined in Section 30106 of the Coastal Act, outside of the new Highway 1 alignment right-of-way, as shown on the Revised Final Plans. ... *(remainder of condition unchanged)*

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: August 30, 2018
To: All Interested Parties
From: Dan Carl, Central Coast District Director
Susan Craig, Central Coast District Manager
Subject: **Proposed Amendment to Coastal Development Permit (CDP) 3-07-022**
Applicant: SWVP Monterey LLC

Original CDP Approval

CDP 3-07-022 was approved by the Coastal Commission on November 16, 2007, and provided for the installation of an approximately 600-foot-long, driven, sheet-pile metal seawall immediately adjacent to the existing seawall that parallels the shoreline at the Monterey Beach Hotel;¹ removal of the existing end walls along the northeastern and southwestern boundaries of the Hotel and replacement of these end walls in the same locations with new driven sheet pile walls; landscaping and drainage improvements; and, lateral public access improvements across the hotel site.²

Proposed CDP Amendment

CDP 3-07-022 would be amended to add maintenance provisions for the seawall and requirements for the presence of a construction coordinator and construction documents at the site during any such maintenance activities. The Applicant also proposes to record a new deed restriction. The Commission's reference number for this proposed amendment is **3-07-022-A2**.

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 will allow the Applicant to maintain the approved seawall and all related components in a structurally sound manner and in their approved state for a period of five years (i.e., until September 13, 2023). Additional five-year maintenance terms can be allowed subject to Executive Director review and approval. The proposed amendment is consistent with the Commission's original coastal development permit approval because seawall maintenance is limited to that which maintains the seawall as approved in CDP 3-07-022 and CDP 3-07-022-A1.

Coastal Commission Review Procedure

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

¹ The hotel is now known as the Monterey Tides Hotel.

² The sheet pile wall was constructed about one-foot further seaward than was approved by the Commission in CDP 3-07-022, and CDP amendment 3-07-022-A1 (approved on March 10, 2011) authorized, after-the-fact, the actual location of the now existing sheet pile seawall.

NOTICE OF PROPOSED PERMIT AMENDMENT

CDP 3-07-022 (Monterey Tides Hotel Seawall Maintenance)

Proposed Amendment 3-07-022-A1

Page 2

office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on Thursday, September 13, 2018 in Fort Bragg. 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 Susan Craig in the Central Coast District office.



California Coastal Commission

EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-9-18-0018 (Pacific Quest Vessel Salvage)

Issue Date: August 27, 2018

Page 1 of 3

On August 12, 2018, the 56-foot commercial fishing vessel, *Pacific Quest*, ran aground near Natural Bridges State Beach in Santa Cruz County, with a maximum potential capacity of 1,200 gallons of diesel fuel aboard. The vessel immediately began breaking apart on the rocks, causing an estimated 200 gallons of diesel fuel to be released into the ocean. The following morning, emergency responders were able to remove roughly 720 gallons of fuel that remained in the vessel. After the fuel was removed, attention turned to salvage of the vessel by removing the engines, generator, and larger hull pieces from the beach with the use of heavy equipment that was staged and stored on the bluff above the wreck site during all pollution removal, salvage, and debris cleanup operations. During the salvage, high tides and heavy surf continued to damage and break up the vessel. Debris from the wreck was extensive and expanded along the shoreline, intertidal zone, and into the nearshore kelp beds. Emergency offshore cleanup was also performed by boats and swimmers in order to retrieve floating debris from the kelp beds, while crews walked the sandy beach and rocky reef picking up smaller pieces of debris using hand tools.

This emergency coastal development permit (ECDP) authorizes emergency development consisting of removal of diesel fuel and other pollutants from the wrecked vessel; removal of the remaining large/heavy pieces of the vessel (engines, generator, remaining hull, etc.) from the sandy beach; and small debris removal (fiberglass, wood, Styrofoam, plastic pieces, small electronics, etc.) from the sandy beach, intertidal zone, and offshore kelp beds (all more specifically described in the Commission's ECDP file).

The proposed emergency development was necessary to abate the threat of a significant oil spill and to minimize the release of hazardous debris from entering the ocean. Therefore, the Executive Director of the California Coastal Commission hereby finds that:

- (a) An emergency existed that required 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 Ainsworth, Executive Director

Enclosure: Emergency Coastal Development Permit Acceptance Form

cc: (via email): Karen Grimmer, Monterey Bay National Marine Sanctuary
Pete Raimondi, UC Santa Cruz
Heather Hyde, K.D. Moore Associates, Inc.
Kelly Wolz, KALM Seas

Emergency CDP G-9-18-0018 (Pacific Quest Vessel Salvage)

Issue Date: August 27, 2018

Page 2 of 3

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 September 11, 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 September 26, 2018) unless extended for good cause by the Executive Director.
4. The emergency development authorized by this ECDP is designed to abate the identified emergency. Within 60 days of the date of this permit (i.e. by October 26, 2018), the Permittee shall submit a complete application for a regular CDP to have the emergency development be considered authorized. (The CDP application may be found at: <http://www.coastal.ca.gov/cdp/cdp-forms.html>). The application shall include a Final Report to the Executive Director clearly identifying and detailing all emergency response activities completed under this emergency authorization. Photos showing the project site, including the upper bluff heavy equipment staging area and accessways, before the emergency (if available), during emergency response/salvage activities, and after the work authorized by this ECDP is complete shall be provided. The regular CDP application shall include proposed restoration of the blufftop areas and any other areas damaged by the salvage activities, including with respect to any damage to native plantings and existing public access pathways and associated public access infrastructure. 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., Monterey Bay National Marine Sanctuary (Sanctuary), California Department of Parks and Recreation (State Parks), 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 following materials prepared during the emergency response: 1) *Plan for Vessel Salvage and Debris Removal*.
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. All best management practices described in the document entitled *Plan for Vessel Salvage and Debris Removal* (which was developed in coordination between Commission staff and Sanctuary staff and provided to the Permittee) shall be implemented.

Emergency CDP G-9-18-0018 (Pacific Quest Vessel Salvage)

Issue Date: August 27, 2018

Page 3 of 3

10. 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.
11. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
12. 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 and/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.