

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
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# F19

**Prepared July 26, 2019 (for August 9, 2019 Hearing)**

**To:** Coastal Commissioners and Interested Persons

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

**Subject: Central Coast District Director's Report for August 2019**

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 August 9, 2019. 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 August 9th in Eureka.

With respect to the August 9th 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 August 9, 2019 (see attached)**

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**CDP Waivers**

- 3-18-1215-W, Cayucos State Beach Boardwalk (Cayucos)

**CDP Amendments**

- A-3-SLO-09-0055/069-A4, Los Osos Water Reclamation Facility Solar Panels (Los Osos)

**CDP Extensions**

- None

**Emergency CDPs**

- G-3-19-0031, Caltrans Mill Creek Culvert Replacement (Big Sur)
- G-3-19-0032, Candau Seacave Fill (Pleasure Point)

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** July 26, 2019  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Brian O'Neill, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-18-1215-W**  
Applicant: San Luis Obispo County Public Works Department

### Proposed Development

Proposed replacement and extension of public access boardwalk, construction of two new public beach stairways, and construction of ADA-accessible beach ramp at Cayucos State Beach seaward of the Cayucos Veterans Hall at 10 Cayucos Drive in San Luis Obispo County (APNs 064-091-001, 064-404-001).

### 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 boardwalk and accessways are located within the Commission's retained jurisdiction and are part of a larger project that includes the complete replacement of the Cayucos Veteran's Hall. The County approved the portion of the project within its jurisdiction on October 5, 2018. The purpose of this portion of the project is to provide a public access boardwalk to connect the Cayucos State Beach parking lot to the Cayucos Pier. The project also includes the construction of two new beach stairways and an ADA-accessible beach ramp. The main boardwalk is proposed at an elevation above the 100-year flood plain and the proposed accessways are designed to withstand other potential future hazards. The Applicant has also acknowledged that no future shoreline armoring to protect the project will be allowed. The project includes Best Management Practices to protect water quality during construction including erosion and sediment controls, spill prevention measures, and good housekeeping practices. Construction will take place outside of peak summer months and will be designed to limit impacts to parking and access. In sum, the proposed project will not adversely impact coastal resources and thus is consistent with the Coastal Act.

### Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on August 9, 2019 in Eureka. If three or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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



## **NOTICE OF PROPOSED PERMIT AMENDMENT**

CDP A-3-SLO-09-0055/069 (Los Osos Wastewater Treatment Plant)

Proposed Amendment A-3-SLO-09-0055/069-A4

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Eureka. 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.**



## California Coastal Commission

# EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-3-19-0031 (Caltrans Mill Creek Culvert Repair)

Issue Date: July 2, 2019

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This emergency coastal development permit (ECDP) authorizes emergency development consisting of replacement in-kind of a failed 24-inch corrugated metal pipe (CMP) culvert and down drain located in Monterey County near Mill Creek on State Route 1 at postmile 18.3. The project includes saw-cutting the roadway along the existing culvert, removing the roadway pavement, replacing the culvert pipe in-kind, and backfilling and repaving the removed roadway. Construction will occur first in the southbound lane followed by the northbound lane, with one-way traffic control. The inlet to the new pipe will be grouted, and the down drain will be replaced. During part of the construction a temporary sandbag dam and visqueen dam will be used to prevent water from entering the inlet at the head wall. Any water that continues to flow into the inlet area during construction will be pumped into a ditch line to the north by a pumping system, which will be screened as needed. The estimated duration of the dewatering activities is three days. The estimated duration of the project is approximately two weeks.

The proposed emergency construction is necessary to maintain the public's safety while traveling State Route 1 through the Big Sur region of Monterey County. Erosion above the culvert has created a sinkhole located less than one foot from the edge of the roadway pavement on the southbound shoulder where the culvert meets the down drain. The down drain has also shifted away from the adjoining culvert. Replacement of the culvert and down drain is necessary in order to properly convey water to the base of the downslope, thereby preventing further erosion and failure of the roadway. The proposed emergency construction is necessary to continue to ensure public safety and to prevent further damage to coastal resources. 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 Ainsworth, Executive Director

Enclosure: Emergency Coastal Development Permit Acceptance Form

Copies via email: Joe Sidor (Monterey County RMA), Karen Grimmer (Monterey Bay National Marine Sanctuary), Tim Short (U.S. Forest Service), Daniel B. Breen (U.S. Army Corps of Engineers), Kim Sanders (Central Coast Regional Water Quality Control Board)

# Emergency CDP G-3-19-0031 (Caltrans Mill Creek Culvert Repair)

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## 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, 2019). 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. The Permittee shall undertake development in conformance with the terms and conditions of this emergency CDP. Any proposed project changes shall require a separate ECDP or, if the Executive Director determines that a separate ECDP is not legally required for such project changes, such changes may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.
3. The emergency development authorized by this ECDP must be completed within four months of the date of this permit (i.e., by November 2, 2019) 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 90 days of completion of the emergency work, 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 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. The application shall also include documentation that the project has been presented to and approved by the Monterey County Land Use Advisory Committee. 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 for 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, 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 California Department of Transportation (Caltrans) Emergency Notification Form dated June 13, 2019 and dated received in the Coastal Commission's Central Coast District Office on June 13,

## Emergency CDP G-3-19-0031 (Caltrans Mill Creek Culvert Repair)

Issue Date: July 2, 2019

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2019, and in communication with Caltrans Associate Environmental Planner Allison Donatello on June 13, 2019.

8. All emergency construction activities shall limit impacts to coastal resources 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.
  - b. All construction areas shall be minimized and demarked by temporary fencing designed to allow through public access and to 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 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, cover open trash receptacles during wet weather; etc.).
  - d. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach or the adjacent marine environment are prohibited. 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 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.
  - f. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction activities.
9. 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.
10. 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, telephone 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



## California Coastal Commission

# EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-3-19-0032 (Candau Seacave Fill, Santa Cruz County)

Issue Date: July 17, 2019

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This emergency coastal development permit (ECDP) authorizes emergency development consisting of the filling of a large cave that has formed in the bluff underneath the Permittee's property at 3006 Pleasure Point Drive in Santa Cruz County. The cave will be filled with approximately 40 cubic yards of concrete. The concrete will be pumped from the driveway and along the side yard of the residence to the cave in the bluff adjacent to the seacave fill and seawall constructed under ECDP G-3-16-0017<sup>1</sup> in 2016. The work will be timed to take place during low tides and periods with minimal ocean wave run-up conditions. The work is expected to take approximately 21 days.

Based on the materials presented by the Permittee, the 2018-2019 winter storms and wave run-up resulted in perforation of the existing riprap and gunite located seaward of the Permittee's property, which ultimately eroded the earthen materials of the bluff and led to the formation of a very large underground cave that is approximately 18.5 feet deep and 20 feet wide on the Permittee's property (APN 032-242-18). The Permittee's geotechnical consultants anticipate that the existing cave may double in depth and triple in width during the upcoming winter season if no action is taken, and recognize the possibility that the ceiling of the cave, which is directly below the Permittee's house, could collapse at any moment. The proposed emergency development is therefore necessary to prevent or mitigate loss or damage to private property that would result if the ceiling of the cave were to collapse. 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 coastal development permits (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 Coastal District Manager, for John Ainsworth, Executive Director

<sup>1</sup> The Permittee has submitted an application for the required follow-up CDP (CDP Application 3-18-0720), which remains unfiled.

Enclosure: Emergency Coastal Development Permit Acceptance Form

cc (via email): Nick Lavoie (SLC), Sophie De Beukelaer (MBNMS), (Jessica deGrassi (Santa Cruz County)



## Emergency CDP G-3-19-0032 (Candau Seacave Fill)

Issue Date: July 17, 2019

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### Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the Permittee (property owner) and returned to the California Coastal Commission's Central Coast District Office within 15 days of the date of this permit (i.e., by August 1, 2019). This ECDP is not valid unless and until the acceptance form has been received in the Central Coast District Office.
2. Only the 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 16, 2019) 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 15, 2019), 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., Santa Cruz County, State Lands Commission, Monterey Bay National Marine Sanctuary, 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 dated received in the Coastal Commission's Central Coast District Office on July 2, 2019.
8. A licensed civil engineer with experience in coastal structures and processes shall oversee all construction activities and shall ensure that 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):

## Emergency CDP G-3-19-0032 (Candau Seacave Fill)

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- a. All work shall take place during daylight hours. Lighting of the beach or intertidal area is prohibited.
- b. Construction work and equipment operations shall not be conducted seaward of the mean high water line unless tidal waters have receded from the authorized work areas.
- c. Grading of intertidal waters is prohibited.
- d. No construction materials and equipment shall be placed on the beach. The only exceptions will be for: (1) erosion and sediment controls (e.g., a silt fence at the base of the construction area) as necessary to contain rock and/or sediments in the construction area, where such controls are placed as close to the toe of the bluff as possible, and 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 on the beach overnight 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.
- e. 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.
- f. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; ensuring that the concrete pumped into the cave is contained and does not extend beyond the cave limits; 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.).
- g. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach or the adjacent marine environment are prohibited. Equipment washing, refueling, and/or servicing shall not take place on the beach. Any erosion and sediment controls used shall be in place prior to the commencement of construction as well as at the end of each work day.
- h. All accessways impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand in the area that is impacted by construction shall be filtered as necessary to remove any construction debris.
- i. 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.
- j. 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

## Emergency CDP G-3-19-0032 (Candau Seacave Fill)

Issue Date: July 17, 2019

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implemented immediately.

10. 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 (including work authorized under the prior ECDP G-3-16-0017), 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.
11. 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.
12. 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.
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 considered to be temporary work done in an emergency situation to abate an emergency, and is undertaken at the Permittee's risk. 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, a regular CDP must be

**Emergency CDP G-3-19-0032 (Candau Seacave Fill)**

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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.