

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
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# W11

**Prepared September 4, 2019 (for September 11, 2019 Hearing)**

**To:** Coastal Commissioners and Interested Persons

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

**Subject: Central Coast District Director's Report for September 11, 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 September 11, 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 September 11th in Newport Beach.

With respect to the September 11th hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the Report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on September 11, 2019 (see attached)**

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**CDP Waivers**

- 3-19-0262-W, Boatyard Riprap and Floating Dock Replacement (Morro Bay)
- 3-19-0315-W, Reeside Storm Drain Outfall Repair Project (Monterey)
- 3-19-0554-W, Elkhorn Slough Reserve Habitat Restoration (Moss Landing)
- 3-19-0753-W, Thorsen SFD (Pacific Grove)
- 3-19-0891-W, Monterey County Water Resource Agency Culvert Repair (Pajaro River)
- 3-19-0934-W, Cannery Row Wayfinding Signs Program (Monterey)

**CDP Amendments**

- None

**CDP Extensions**

- None

**Emergency CDPs**

- G-3-19-0038, Santa Cruz Harbor Piling Repair (Santa Cruz)

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** August 28, 2019  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Alexandra McCoy, Coastal Planner  
**Subject:** Coastal Development Permit (CDP) Waiver 3-19-0262-W  
Applicant: Cliff Branch

### Proposed Development

Follow-up authorization for emergency repair work done under Emergency Coastal Development Permits (ECDPs) G-3-19-0015 and G-3-19-0022 at a site along the Embarcadero known as the Boatyard (845 Embarcadero; Lease Sites 89 and 89W) in the City of Morro Bay. These activities constitute a revision to the project authorized by CDP Waiver 3-18-0297-W, which allowed for repair of an existing, failed concrete bulkhead supporting the Embarcadero's lateral bayside promenade (the "Harborwalk") and boat gangways by installing sheet piles in front of the bulkhead to match its undulating alignment at the Boatyard site, among other things. CDP Waiver 3-18-0297-W, which also authorized development on an adjoining lease site, was no longer effective due to the change in project scope resulting from unexpected construction issues. The construction activities completed under the two ECDPs included removal of the failed concrete bulkhead, placement of 601 tons of riprap, widening of the existing Harborwalk to 10 feet, a water lease boundary line adjustment, replacement of an existing 1,372-square-foot floating-dock system (including removal of nine wooden piles) with a new 3,302-square-foot floating dock (including installation of eight new steel piles) to improve berthing facilities, and replacement of an existing kiosk with a new kiosk to be used for kayak rentals. In addition to authorizing the construction activities completed under ECDPs G-3-19-0015 and G-3-19-0022, this waiver also authorizes a water lease boundary line adjustment that effectively combines both lease sites into one water lease site (Lease Site 89W) for the Boatyard site.

### 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 Commission authorized CDP Waiver 3-18-0297-W on July 13, 2018, which allowed for construction at two lease sites, i.e. the Otter Rock Café (lease sites 90 and 90W) and the Boatyard shops and boat slips (lease sites 89 and 89W), including repairs to an existing bulkhead, relocation/realignment of floating docks and installation of new pilings, widening of the existing Harborwalk on the Boatyard site to 10 feet, interior improvements to the Otter Rock Café, and repair of the existing Harborwalk on the Otter Rock Café site. While implementing the project, unexpected concrete and large debris was discovered along the shore of the Boatyard site after removing a portion of the existing failing bulkhead. The Applicant's contractors and engineer determined that the debris prevented installation of sheet piles in front of the failing bulkhead as designed and authorized by CDP waiver 3-18-0297-W because the

## **NOTICE OF PROPOSED PERMIT WAIVER**

CDP Waiver 3-19-0262-W (Boatyard Riprap and Floating Dock Replacement)

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debris could not be removed without destabilizing an existing revetment that protects existing buildings at the site. The Applicant instead demolished the existing bulkhead and then proposed the installation of a rock riprap system in lieu of sheet pile, and also made associated modifications to the location of the floating docks, gangway, kiosk float, and Harborwalk (i.e., these project elements were moved further seaward to accommodate the riprap). Thus, the project was effectively changed from what was proposed and described in CDP Waiver 3-18-0297-W, and that waiver was no longer effective.

Because the existing bulkhead was not able to be repaired but instead needed to be demolished, the building foundations at the Otter Rock Café and Boatyard sites were in a precarious situation. On March 29, 2019, ECDP G-3-19-0015 authorized the installation of 415 tons of riprap, which was the minimum necessary to abate the emergency, stabilize the sites, and prevent erosion in the short term. The Commission authorized CDP Waiver 3-19-0225-W on April 10, 2019, which reauthorized development on the Otter Rock Café lease site, including repair of the existing Harborwalk and interior improvements to the buildings on that site. Further, in order to move forward with construction so that the Harborwalk and the Boatyard businesses could reopen for the summer season while Commission staff continued discussions with the Applicant regarding project components for the Boatyard site, G-3-19-0022 was authorized on May 29, 2019 and included 186 tons of additional riprap, replacement of the floating docks, and completion of the 10-foot-wide Harborwalk. Construction at the Boatyard site was completed in July 2019 and public access along this section of Harborwalk was reopened at that time.

The project authorized under this CDP waiver is to facilitate continued and improved public coastal access, including with a widened (from 8 feet to 10 feet) Harborwalk, public outdoor seating, and new floating docks to accommodate boating and kayaking along the Morro Bay estuary. The Applicant further proposes a Public Access Management Plan that specifies the public access parameters for this area, including with respect to signage. Standard public access signs have been placed at the upcoast and downcoast ends of the Harborwalk and at the vertical access that leads from the Embarcadero to the Harborwalk. Both the vertical access and the Harborwalk are open to public access 24 hours a day. A sign has been placed at the top of the gangway indicating that the floating dock is open to the public from one hour before sunrise to one hour after sunset. The outdoor seating area is accessible from the Harborwalk, with signage 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). These are parameters typically required by the Commission in this area. The other components of the development either expand and improve coastal-dependent uses (i.e., berthing areas created by the floating docks, with no “live-aboards” allowed for boats moored at the docks) or involve maintenance and repair of existing structures. In sum, the project represents an overall public access benefit to this heavily used urban waterfront area and is consistent with the Coastal Act’s public access and recreation policies.

The project did adversely impact some eelgrass habitat, including since past surveys indicate that eelgrass had been present in a portion of the project area, and that existing eelgrass habitat would be shaded by the revised project dock system. To mitigate such impact, the project includes eelgrass-friendly fiberglass grating along each landward side of the dock fingers to allow additional light penetration. In addition, the revised project also shifted the floating dock system further offshore and away from the toe of the riprap to deeper water, which opened up unshaded seabed habitat for eelgrass between the docks and the toe of the riprap. The Permittee has also donated \$5,000 to the Morro Bay

## **NOTICE OF PROPOSED PERMIT WAIVER**

CDP Waiver 3-19-0262-W (Boatyard Riprap and Floating Dock Replacement)

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National Estuary Program to be used to improve and restore eelgrass habitat in Morro Bay.

The Applicant implemented the Commission's standard best management practices (BMPs) for marine pile driving and construction of in-water and overwater structures. BMPs also included 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 are made of steel and are coated with marine grade epoxy/polyurethane coating, consistent with Commission recommendations. Accordingly, the project did not have any significant adverse impacts on coastal resources, and enhanced 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 Wednesday, September 11, 2019, in Newport Beach. If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** August 27, 2019  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Alexandra McCoy, Coastal Planner  
**Subject:** Coastal Development Permit (CDP) Waiver 3-19-0315-W  
Applicant: City of Monterey

### Proposed Development

Repair storm drain pipe bedding and concrete spillway using similar materials and configuration at a location near the Reeside Avenue and Cannery Row intersection in the City of Monterey, Monterey County.

### Executive Director's Waiver Determination

Pursuant to Title 14, Section 13252 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 Reeside lift station is located approximately 100 feet northeast of the Reeside Avenue and Cannery Row intersection, between the rocky shoreline and a paved pedestrian path associated with San Carlos Beach Park. A storm drain outfall is located approximately 10 feet east of the pathway on the southern side of the lift station. Stormwater is guided from the outfall towards the shoreline on a ten-foot-long concrete spillway supported by imported and native rock that is adjacent to the southern wall of the lift station. The spillway has cracked and detached from the lift station as well as from the storm drain pipe's outfall, causing undirected stormwater runoff to severely erode the storm drain pipe bedding and the rock underlying the spillway. The proposed outfall repair project involves replacing the eroded bedding beneath the existing outfall and the concrete spillway using four cubic yards of rock and two cubic yards of mortar in the original alignment and configuration. The spillway will be constructed with a mortared aggregate that will visually blend with the surrounding rocky shoreline. The proposed project also includes replacing a curb on the shore-side of the paved pathway above the existing outfall to better direct surface water to the repaired spillway, thereby preventing future erosion. The proposed work will be done at low tide to avoid contact with the intertidal area, and the project will involve marine protection measures, such as no operation of heavy machinery below the mean high tide line. Access to the area will require minor trimming of a landscaped tree. Other best management practices will be employed throughout the project, including the collection of any debris, prevention of spills, and general good housekeeping of the site at all times. While the project involves the closure of the walkways directly adjacent to the lift station, this closure will be temporary (i.e. less than five days) and other paths in the park, as well as the sandy beach area of San Carlos Beach, will remain open during construction. Nearby public restrooms and parking will not be impacted by the project. Accordingly, the

**NOTICE OF PROPOSED PERMIT WAIVER**  
CDP Waiver 3-19-0315-W (Reeside Storm Drain Outfall Repair)

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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 Wednesday, September 11, 2019 in Newport Beach. 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 Alexandra McCoy in the Central Coast District office.**

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** August 30, 2019  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Katie Butler, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-19-0554-W**  
Applicant: California Department of Fish and Wildlife

### Proposed Development

Proposed tidal marsh restoration project including placement of approximately 200,000 cubic yards of clean fill, excavation of tidal channels, grading of upland buffer area, and revegetation of restored areas, at the Minhoto-Hester and Seal Bend areas in the Elkhorn Slough National Estuarine Research Reserve located north of Dolan Road and east of Moon Glow Dairy in Moss Landing, Monterey County (APNs 133-181-002, 133-181-004, and 131-051-023).

### 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:

Approximately 50 percent of historic tidal marsh areas in Elkhorn Slough have been lost over the past 150 years. The proposed project is Phase II of the Elkhorn Slough Tidal Marsh Restoration Project,<sup>1</sup> which includes restoration of approximately 56 acres of intertidal saltmarsh habitat and which will also provide for a native grassland buffer between the restored marsh and adjacent agricultural fields. Restoration of the marsh is necessary due to land subsidence that has caused the drowning of marsh plants and the creation of mudflats. Land subsidence has been caused by past diking and draining of the marsh for agricultural uses and by the increased tidal inundation that resulted from construction of the Moss Landing Harbor. The tidal marsh area will be restored by using clean fill from adjacent land to raise the remnant marsh plain to an average height of 2.4 feet (or 1.9 feet after one year of soil consolidation) to allow emergent marsh wetland vegetation to reestablish. Existing tidal channels will either be maintained during construction or filled and re-excavated<sup>2</sup> if necessary to allow for construction equipment to cross the natural channels. Manmade borrow ditches<sup>2</sup> will either be permanently blocked or filled to increase flow through the natural tidal channels. The area surrounding the existing marsh, including the borrow ditches, will be graded to create an ecotone band that will be revegetated with native grasses and forbs. No permanent structures are proposed and all site disturbances will be temporary. The restoration activities will not impact any public trails. The project includes measures to protect water quality and reduce turbidity in the slough during restoration activities through the use of

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<sup>1</sup> Phase I was authorized by the Commission on August 10, 2016 under CDP waiver 3-16-0030-W.

<sup>2</sup> A borrow ditch is a channel dug for drainage purposes.

## **NOTICE OF PROPOSED PERMIT WAIVER**

CDP Waiver 3-19-0554-W (Elkhorn Slough Tidal Marsh Restoration Project – Phase II)

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temporary berms to isolate the areas from tidal flow so that the fill sites may be dewatered. Temporary straw wattles will be used to keep the clean fill in place. The project also includes extensive biological mitigation measures including seasonal restrictions to avoid seal pupping and bird nesting seasons, pre- and post-construction biological surveys, biological training for all workers and biological monitoring during all fill placement and excavation activities, buffer zones around all marine mammal haul-out areas, and “soft-start” construction techniques to limit site disturbance. The project also incorporates various construction Best Management Practices to prevent spills, manage equipment storage and material stockpiles, protect archeological resources, and maintain good housekeeping measures. The Applicant will provide annual monitoring reports on the project to the Executive Director for a minimum of 10 years. The project will improve the marsh’s adaptability to sea level rise; will reduce the tidal prism in Elkhorn Slough, thereby reducing the potential for ongoing scour and marsh loss, and will allow for increased carbon sequestration. The project has no potential for adverse effects on coastal resources, including public access to the shoreline, and is consistent with Chapter 3 of the Coastal Act.

### **Coastal Commission Review Procedure**

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Wednesday, September 11, 2019 in Newport Beach. If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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



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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** August 27, 2019  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Alexandra McCoy, Coastal Planner  
**Subject:** Coastal Development Permit (CDP) Waiver 3-19-0753-W  
Applicant: James Thorsen

### Proposed Development

Demolition of an existing 784-square-foot one-story single-family residence and construction of a 1,837-square-foot two-story single-family residence with decks, walkways, and storm water infiltration improvements at 107 20<sup>th</sup> Street in the City of Pacific Grove (APN 006-014-015).

### 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 residence would be compatible with the size, scale, and aesthetics of the residential neighborhood in which it is located. The proposed residence was reviewed and received discretionary approval by the City's Architectural Review Board to ensure conformance with the requirements of the City's Municipal Code and the certified Land Use Plan. The project includes Best Management Practices to protect water quality during construction as well as a Drainage Plan to reduce post-construction storm water runoff leaving the site and entering into Monterey Bay and the Marine Sanctuary. The Drainage Plan includes an infiltration trench that storm water will drain into to ensure removal of contaminants prior to conveyance off-site. The project will not adversely impact coastal resources, including public access to the shoreline, and is consistent with Chapter 3 of the Coastal Act.

### Coastal Commission Review Procedure

This waiver is not valid until it has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Wednesday, September 11, 2019 in Newport Beach. If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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

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**Date:** August 27, 2019  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Katie Butler, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-19-0891-W**  
Applicant: Monterey County Water Resources Agency

### Proposed Development

Replacement of two corroded metal segments (totaling 82 linear feet) of existing storm drain culvert pipes that convey storm runoff through the Pajaro River Levee to the Pajaro River, at two locations located near the corner of Thurwachter/McGowan Road and Pajaro River Levee Road (on the left bank of the river), in unincorporated Monterey County.

### Executive Director's Waiver Determination

Pursuant to Title 14, Section 13252 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 repair project is necessary to ensure continued functionality of two existing storm drains and does not enlarge or change the existing storm drain footprints or configurations. The project would employ best management practices to prevent erosion and sedimentation, including silt fences and/or sediment rolls on the downslope end of the work area to prevent any material from entering the Pajaro River during construction, as well as standard good housekeeping measures for construction equipment and materials. The two sites would be trenched and backfilled; soil would be stockpiled next to the two trenches and replaced and compacted over the new culvert segments. No vegetation removal would be required. The project has no potential for adverse effects on coastal resources, including public access to the shoreline, and is consistent with Chapter 3 of the Coastal Act.

### Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Wednesday, September 11 in Newport Beach. 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 Katie Butler in the Central Coast District office.**

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**Date:** August 27, 2019  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Alexandra McCoy, Coastal Planner  
**Subject:** Coastal Development Permit (CDP) Waiver 3-19-0934-W  
Applicant: City of Monterey

### Proposed Development

Installation of 88 wayfinding signs at various, strategically placed locations within the City of Monterey, Monterey County.

### Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The City of Monterey developed a Wayfinding Sign Program to replace existing street and pedestrian wayfinding signs to better direct and orient visitors to popular destinations. The program includes a total of 190 signs, 88 of which are located within the City of Monterey's Coastal Zone. The signs will be placed either on existing paved surfaces or on the shoulder area within City right-of-way. Of the 88 signs, 57 signs will require installation of new sign poles or posts to be placed in new locations, and 31 signs will be replaced in existing locations. The City incorporated input on sign design from County staff, City staff, and the general public, and chose a "Mountain to Sea" color palette of sandy brown, blue, and white. Sign and post/pole materials will be made of textured aluminum, brushed steel, concrete, and painted metal. In sum, the proposed project will improve both pedestrian and vehicular wayfinding within the City of Monterey, will not adversely impact coastal resources (including public views), 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 Wednesday, September 11, 2019, in Newport Beach. If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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



## California Coastal Commission

# EMERGENCY COASTAL DEVELOPMENT PERMIT

### Emergency CDP G-3-19-0038 (Marine Travel Ways Piling Repair, Santa Cruz Small Craft Harbor)

Issue Date: August 22, 2019

Page 1 of 5

This emergency coastal development permit (ECDP) authorizes emergency development consisting of the repair of three timber piles that provide support for a structural platform for the Santa Cruz Port District's 50-metric ton wheel boat lift ("Travelift") that is used to traverse and haul vessels to and from the water at the Santa Cruz Harbor Boatyard, also referred to as the Port District's "Marine Travel Ways." The repair would involve the jacketing of the three failing piles and the filling of those jackets with cementitious grout.

Based on the materials presented by the Permittee (Santa Cruz Harbor District), three timber piles that provide structural support for the Marine Travel Ways are in a severely deteriorated condition (less than 50% of their original material remaining). One of the three piles is approximately 90% hollowed and sits directly beneath the wheel path of the Travelift. In their current condition, the piles do not have capacity to support the operations of the facility. Moreover, the Port District believes that the work is necessary to prevent a catastrophic failure of the entire Boatyard Marine Travel Ways structure if it is not addressed immediately. Thus, the proposed emergency repair is necessary to maintain essential public services and public safety, and to prevent further damage to marine infrastructure and private property. 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

cc: (via email): Lee Butler, City of Santa Cruz Planning Director

**Emergency CDP G-3-19-0038 (Marine Travel Ways Piling Repair, Santa Cruz  
Small Craft Harbor)**

**Issue Date: August 22, 2019**

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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 September 6, 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. 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 21, 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 October 21, 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., City of Santa Cruz, U.S. Army Corps of Engineers, 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 Emergency Permit Application Form dated received in the Coastal Commission's Central Coast District Office on August 21, 2019.
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):

**Emergency CDP G-3-19-0038 (Marine Travel Ways Piling Repair, Santa Cruz  
Small Craft Harbor)**

**Issue Date: August 22, 2019**

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- a. Installation and application of epoxy, resin, or cementitious grout/fill shall be conducted when predicted weather and ocean conditions allow effective control and full containment and will remain dry until cured, in order to prevent any leaching of uncured treatment materials into coastal waters. It is preferable to perform the work in dry conditions (low tide), whenever feasible.
- b. All cleaning and preparation of surfaces shall use wet vacuum techniques, containment booms or heavy mesh containment netting so that any debris, chips, dust, dirt, and fine particles are collected and disposed of in a location where they will not enter coastal waters.
- c. Methods to contain any leaks or spills of treatment materials during application shall be planned in advance, and any necessary equipment or supplies shall be readily accessible onsite. Any leaks or spills of anti-corrosion coatings, epoxy fillers, and waterproofing sealants shall be immediately cleaned up.
- d. All pressure-injection and gravity-feed applications of epoxy, resin, or cementitious materials shall be closely monitored visually to ensure that these materials do not leak or spill into coastal waters during application.
- e. All anti-corrosion coatings, epoxy fillers, and waterproofing sealants shall be properly stored and contained so that these products will not leak or spill, or otherwise enter the coastal environment.
- f. All construction materials and equipment shall be stored beyond the reach of tidal waters.
- g. 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.
- h. 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.).
- i. 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.
- j. 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.
- k. All contractors shall ensure that work crews are carefully briefed on the importance of observing

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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.

1. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction and required restoration activities. If planning staff should identify additional reasonable restoration measures, such measures shall be implemented immediately.
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 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 considered to be temporary work done in an emergency situation to abate an emergency, and is undertaken at the Permittee's risk. For the development to be authorized under the Coastal Act and/or if the Permittee wish 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

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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.



