

**CALIFORNIA COASTAL COMMISSION**

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



# W10

**Prepared January 31, 2020 (for February 12, 2020 Hearing)**

**To:** Coastal Commissioners and Interested Persons

**From:** Dan Carl, Central Coast District Director  
Susan Craig, Central Coast District Manager

**Subject: Central Coast District Director's Report for February 2020**

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 February 12, 2020. 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 February 12, 2020 in Long Beach.

With respect to the February 12th hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the Report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on February 12, 2020 (see attached)**

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**CDP Waivers**

- 3-19-1366-W, Lovers Point Parking Lot Repairs (Pacific Grove)
- 3-20-0004-W, Laguna Grande Park Improvements (Monterey)

**CDP Amendments**

- 3-86-031-A3, Burns Residential Improvements (Big Sur)

**CDP Extensions**

- A-3-SLO-00-040-E11, Schneider Single-Family Dwelling (Harmony Coast)

**Emergency CDPs**

- G-3-19-0056, Aptos Creek Sandbar Management (South Santa Cruz County)
- G-3-20-0001, Capitola Wharf Repairs (Capitola)
- G-3-20-0013, ODSVRA Dust Control Planting (Oceano Dunes)

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** January 29, 2020  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Alexandra McCoy, Coastal Planner  
**Subject:** Coastal Development Permit (CDP) Waiver 3-19-1366-W  
Applicant: City of Pacific Grove

### Proposed Development

Repair of city-owned infrastructure following a car accident, including reconstruction of two bluff top retaining walls, and follow-up authorization for emergency work done under Emergency Coastal Development Permit (ECDP) G-3-19-0050 that included replacement of a section of parking curb and fence. The project site is adjacent to the section of Monterey Bay Coastal Recreation Trail located immediately inland of the Lovers Point parking lot at the intersection of Forest Avenue and Ocean View Boulevard in the City of Pacific Grove, Monterey County.

### Executive Director's Waiver Determination

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

On October 18, 2019, a car accident damaged a parking curb, fencing, and two concrete retaining walls located adjacent to the Lovers Point parking lot. Emergency repairs completed in November 2019 under ECDP G-3-19-0050 included replacement of five feet of concrete curb and a ten-foot-long section of wood fence. This work was done under an ECDP because the damaged parking curb and fence presented a threat to public safety, temporarily reduced the number of public parking spaces, and allowed unobstructed flow of surface runoff to the bluff. In addition to follow-up authorization for the work done under ECDP G-3-19-0050, the proposed project includes repair of two retaining walls located on the seaward side of the coastal trail that were also damaged in the car accident. The first is a rock and mortar wall that parallels the recreational trail, of which 27 square feet will be replaced. The second is a concrete wall that parallels a beach access pathway that extends down from the Recreational Trail, of which 6 square feet will be replaced. Reconstruction of the walls will be completed with salvaged or like-materials and will not increase the footprint or bulk of the structures. Access along the Recreation Trail and to the beach will remain open during all phases of construction. The project includes Best Management practices to protect water quality during construction, including erosion and sediment controls, spill prevention measures, and good housekeeping practices. In sum, the proposed project will protect water quality and 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 February 12, 2020, in Long Beach. If four or more

## **NOTICE OF PROPOSED PERMIT WAIVER**

CDP Waiver 3-19-1366-W (Lovers Point Repairs)

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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:** January 29, 2019  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Alexandra McCoy, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-20-0004-W**  
Applicant: City of Monterey

### **Proposed Development**

Improvement of recreational facilities, including replacement of the synthetic turf at an existing volleyball court, paving of existing picnic area, and ADA access and other improvements at Laguna Grade Park in 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 proposed project will upgrade Laguna Grade Park's recreational facilities and provide ADA access to those facilities. The synthetic turf of the existing volleyball court will be replaced and an ADA-compliant concrete pathway will be constructed between the existing sidewalk and the volleyball court. The decomposed granite surface of the existing picnic area will be replaced with concrete (to reduce maintenance and provide improved ADA access to the picnic area), one picnic bench will be replaced with an ADA-compliant bench, and an existing water spigot will be retrofitted with an ADA-compliant grate. The project area is within the existing park area and no new features will be added, other than for ADA access. The project includes construction Best Management Practices in order to control runoff and protect water quality. The proposed project will improve public amenities and access at the park, 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 February 12, 2020, in Long Beach. If four 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 AMENDMENT

**Date:** January 29, 2020  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Mike Watson, Coastal Planner  
**Subject:** **Proposed Amendment to Coastal Development Permit (CDP) 3-86-031-A3**  
Applicants: Kevin and Elizabeth Burns

### Original CDP Approval

CDP P-81-113 was approved by the Coastal Commission on June 1, 1981 and provided for a split-level house, two detached art studios, a driveway, a septic system, and a water system on a parcel in Big Sur. On March 14, 1986, the Commission amended that CDP (and renumbered it as 3-86-031-A) to provide for the relocation and construction of a split-level single-family residence, a detached garage, two detached art studios (Studio A and Studio B<sup>1</sup>), a driveway with a hammerhead turnaround, a septic system, and a water system at 51500 Partington Ridge Road in the Big Sur planning area of unincorporated Monterey County.

### Proposed CDP Amendment

CDP 3-86-031 would be amended to allow for construction of a 50-square-foot bathroom and a 100-square-foot deck for Studio A. The amendment further provides for construction of Studio B in a different location on the property than originally approved, with the addition of a 100-square-foot deck. Lastly, the amendment includes abandonment of the 400-square-foot garage and driveway hammerhead turnaround that were approved under 3-86-031-A but never constructed. The Commission's reference number for this proposed amendment is **3-86-031-A3**.<sup>2</sup>

### 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 project, including the bathroom and deck addition to Studio A, constructing Studio B in a new location on the site and adding a deck, and abandoning the garage and driveway hammerhead turnaround will result in less development overall on the site. Also, the proposed relocation of Studio B and abandonment of the garage and driveway hammerhead turnaround will eliminate development previously approved on steep slopes. Construction best management practices included in the project description, such as an identified material storage and staging area, sediment fencing and containment, and daily construction area clean-up, will ensure that the job site will remain tidy and that coastal

<sup>1</sup> To date, Studio B has not been constructed.

<sup>2</sup> The Applicants previously submitted amendment application 3-86-031-A2, but then withdrew that application.

# NOTICE OF PROPOSED PERMIT AMENDMENT

CDP 3-86-031 (Burns SFD)  
Proposed Amendment 3-86-031-A3  
Page 2

resources will be protected during construction. Existing recorded deed restrictions that affect Studios A and B (i.e., non-habitation, no kitchen facilities, and a prohibition on individual / separate leasing of both art studios) are not affected. There are no sensitive habitats, streams, or other sensitive species that will be affected by the development, and the site is located outside of Big Sur's critical viewshed. The proposed amendment otherwise has no potential for adverse impacts, either individually or cumulatively, on coastal resources, including public access to the shoreline. In sum, the proposed amendment is consistent with the Commission's original CDP approval, as amended, with the Coastal Act, and with the certified Monterey 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 Wednesday February 12, 2020 in Long Beach. 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 Mike Watson in the Central Coast District office.**

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## NOTICE OF PROPOSED PERMIT EXTENSION

**Date:** January 29, 2020  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Brian O'Neill, Coastal Planner  
**Subject:** **Proposed Extension to Coastal Development Permit (CDP) A-3-SLO-00-040**  
Applicant: Dennis Schneider

### Original CDP Approval

CDP A-3-SLO-00-040 was approved by the Coastal Commission (on court remand) on January 10, 2008 and provided for the construction of a single-family residence with an attached garage, a detached indoor lounge/pool structure, water well, septic system, water tanks, underground utility connections, landscaping necessary to screen the development, fencing around the residential development area and water tanks, and a driveway/access road, all on a 40.6-acre parcel located west of Highway 1 approximately one-half mile south of China Harbor and one mile north of Villa Creek Road along the Harmony Coast in San Luis Obispo County.

### Proposed CDP Extension

The CDP A-3-SLO-00-040 expiration date has been extended ten times for one year each, with the last extension (to January 10, 2020) being reported to the Commission on February 6, 2019. The expiration date of CDP A-3-SLO-00-040 would be extended by one year to January 10, 2021. The Commission's reference number for this proposed extension is **A-3-SLO-00-040-E11**.

### Executive Director's Changed Circumstances Determination

Pursuant to Title 14, Section 13169 of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that there are no changed circumstances affecting the approved development's consistency with the certified San Luis Obispo County Local Coastal Program and/or Chapter 3 of the Coastal Act, as applicable.

### Coastal Commission Review Procedure

The Executive Director's determination and any written objections to it will be reported to the Commission on February 12, 2020 in Long Beach. If three or more Commissioners object to the Executive Director's changed circumstances determination at that time, then the extension shall be denied and the development shall be set for a full hearing of the Commission.

**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-3-19-0056 (Rio del Mar State Beach, Santa Cruz County)

Issue Date: December 5, 2019

Page 1 of 3

This emergency coastal development permit (ECDP) authorizes the emergency development completed on the morning of December 3, 2019, which consisted of the construction of a 20-foot-long by 5-foot-wide cut in a natural sand berm to provide a secondary (and more direct) outlet for Aptos Creek waters to enter the ocean, at Rio del Mar State Beach (which is a unit of Seacliff State Beach) in the unincorporated Aptos area of Santa Cruz County (all more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (the California Department of Parks and Recreation (State Parks)), the portion of Aptos Creek that crosses Rio del Mar State Beach moved 50 feet inland overnight on December 2, 2019, resulting in: 1) an 8-foot-deep vertical cut in the sand located within 12 feet of the Rio del Mar restroom; and 2) undermining of the boardwalk path that leads to the restrooms from the beach. At approximately 7:45am on December 3, 2019, State Parks maintenance staff proceeded to dig a secondary outlet for Aptos Creek to redirect the creek's flow in this area away from the restrooms and directly to the ocean. The proposed emergency development was necessary to protect the restrooms and the portion of the boardwalk that was not yet undermined. All work was completed by 8:15am on December 3, 2019. 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.

A handwritten signature in cursive script that reads "Susan Craig".

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

Enclosure: Emergency Coastal Development Permit Acceptance Form

cc: (via email): Kathy Molloy, Santa Cruz County  
Sophie De Beukelaer, Monterey Bay National Marine Sanctuary  
Nicholas Lavoie, State Lands Commission  
Greg Brown, U.S. Army Corps of Engineers  
Monica Oey, California Department of Fish and Wildlife  
Kim Sanders, Regional Water Quality Control Board  
Joel Cassagrande, National Marine Fisheries Service  
Chad Mitchum, United States Fish & Wildlife Service



# Emergency CDP G-3-19-0056 (Rio del Mar State Beach, Santa Cruz County)

Issue Date: December 5, 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 December 20, 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 is limited to the development that took place on December 3, 2019.
4. The emergency development authorized by this ECDP is only temporary and is designed to abate the identified emergency. Within 60 days of the date of this permit (i.e. by February 3, 2020), 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, Army Corps of Engineers, USFWS, CDFW, NMFS, MBNMS, SLC, RWQCB, 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 December 5, 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):
  - a. All work shall take place during daylight hours. Lighting of the beach or intertidal area is prohibited.

**Emergency CDP G-3-19-0056 (Rio del Mar State Beach, Santa Cruz County)**

**Issue Date: December 5, 2019**

**Page 3 of 3**

- 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. 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.).
  - e. 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.
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 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 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.



## California Coastal Commission

# EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-3-20-0001 (Capitola Wharf, City of Capitola)

Issue Date: January 7, 2020

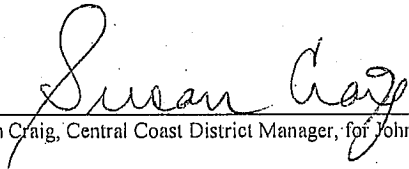
Page 1 of 4

This emergency coastal development permit (ECDP) authorizes emergency development consisting of temporary closure of the wharf, including the wharf businesses, and the installation of a beam beneath the boat hoist area on the eastern side of the Capitola Wharf in the City of Capitola (all more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (the City of Capitola), high surf on the morning of January 1, 2020 damaged two pilings, which are located beneath and support the boat hoist. As a result, the concrete platform that the boat hoist sits on, the boat hoist itself, and the wood decking immediately adjacent to the boat hoist and its platform were in danger of falling into the ocean. City of Capitola staff closed the wharf on the afternoon of January 1, 2020, completed an engineering evaluation on January 2, 2020, and began installation of a beam to support the hoist on January 3, 2020 upon receiving verbal authorization from Commission staff to perform the emergency work. Efforts to further stabilize the beam are ongoing and this work is expected to be completed this coming weekend (i.e., by January 11-12, 2020). The proposed emergency development was considered necessary to prevent the collapse of the above-identified wharf components and to prevent the release of wood, concrete, steel and debris from entering the Monterey Bay. The Commission's typical best management practices to protect water quality during construction over coastal waters are included as conditions. 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

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): Danielle Uharriet, City of Capitola, Environmental Projects Manager

## **Emergency CDP G-3-20-0001 (Capitola Wharf, City of Capitola)**

**Issue Date: January 7, 2020**

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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 January 22, 2020). 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 February 6, 2020) 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 March 7, 2020), 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 Capitola, U.S. Army Corps of Engineers, Monterey Bay National Marine Sanctuary, California Department of Fish & Wildlife, U.S. Fish and Wildlife Service, 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 January 3, 2020.
8. All emergency development is limited to the least amount necessary to abate the emergency.
9. All emergency construction activities shall limit impacts to coastal resources (including public recreational access and the Pacific Ocean) to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements (which may be adjusted by the Executive Director if such adjustments: (1) are deemed necessary due to extenuating circumstances; and (2) will not adversely impact coastal resources):
  - a. All work shall take place during daylight hours. Lighting of the ocean area in the vicinity of the

## **Emergency CDP G-3-20-0001 (Capitola Wharf, City of Capitola)**

**Issue Date: January 7, 2020**

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work site is prohibited.

- b. Grading of intertidal waters is prohibited.
  - c. 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.
  - d. 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.).
  - e. 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 wharf or 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.
  - f. All accessways impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction.
  - g. 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

**Emergency CDP G-3-20-0001 (Capitola Wharf, City of Capitola)**

**Issue Date: January 7, 2020**

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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 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.



**California Coastal Commission**  
**EMERGENCY COASTAL DEVELOPMENT PERMIT**  
**Emergency CDP G-3-20-0013 (ODSVRA Emergency Dust Control)**

**Issue Date: January 31, 2020**

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This emergency coastal development permit (ECDP) authorizes the planting of native dune vegetation within a 48-acre area within the Oceano Dunes State Vehicular Recreation Area (ODSVRA). More specifically, on November 27, 2019, the Executive Director issued ECDP G-3-19-0053, which authorized emergency temporary dust control measures comprised of the installation of perimeter fencing around 48 acres of dune area (and closure of this area to off-highway vehicle and camping use) and the installation of dust/wind monitoring equipment. These measures were required pursuant to a Stipulated Order of Abatement (SOA) between the California Department of Parks and Recreation (State Parks) and the San Luis Obispo County Air Pollution Control District (APCD) to reduce sand transport and dust emissions emanating at ODSVRA. The SOA also requires this area to be vegetated with native dune plants to further reduce dust emissions, and this ECDP application request seeks the authorization to do so (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (State Parks' Off-Highway Motor Vehicle Recreation Division), the temporary emergency dust control and monitoring measures are needed to: 1) reduce dust emissions that are impacting air quality and public health downwind at Nipomo Mesa; 2) gather information regarding the measure's effectiveness in doing so; and 3) ensure State Parks' compliance with the terms and requirements of the SOA. Specifically, State Parks is under an APCD order to reduce dust emissions that are emanating from ODSVRA and the two parties entered into the SOA, which dictates the necessary steps State Parks is to take to reduce dust emissions and ensure compliance with applicable State and Federal air quality requirements for particulate matter (PM10). On November 18, 2019, State Parks and APCD agreed to a revision in the SOA that, among other things, requires the immediate fencing off and closure of 48 acres of dune area currently available to off-highway vehicle activity and camping. The SOA also requires this area to be vegetated with native dune plants. All of these measures were deemed critical to reduce dust emissions by the Scientific Advisory Group, an entity formed pursuant to the SOA to review and comment on all technical air quality matters and proposals at the ODSVRA. Thus, State Parks is required to undertake this development in order to meet air quality standards consistent with the terms of the SOA. Failure to implement this development would result in continued adverse air quality and State Parks' noncompliance with the terms of the SOA. Therefore, the Executive Director of the California Coastal Commission hereby finds that:

Enclosure: Emergency Coastal Development Permit Acceptance Form

cc: (via email):

Lisa Mangat, California State Parks

Liz McGuirk, California State Parks

James Newland, California State Parks

Kevin Pearce, California State Parks

Gary Willey, San Luis Obispo County Air Pollution Control District

Trevor Keith, San Luis Obispo County Department of Planning and Building

Matt Janssen, San Luis Obispo County Department of Planning and Building

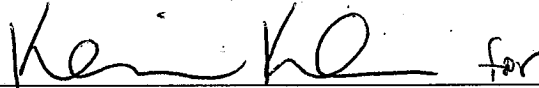
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- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary CDPs, and that the development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; 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

## 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 February 15, 2020). This ECDP is not valid unless and until the acceptance form has been received in the Central Coast District Office.
2. This ECDP authorizes the planting of native dune plants within the fenced boundaries of the 48-acre foredune area previously authorized for closure to off-highway vehicle and camping use under ECDP G-3-19-0053. This ECDP does not authorize any wind fencing or straw bales. Such dune plantings shall consist of native, non-invasive, and drought-tolerant species of local stock suitable to the dune environment of the Guadalupe-Nipomo dunes complex. All non-native plants on the site shall be removed and shall not be allowed to persist on the 48-acre site. All plant materials shall be selected to be complementary with the mix of native habitats in the project vicinity, prevent the spread of exotic invasive plant species, and avoid contamination of the local native plant community gene pool. The project site shall be maintained in a litter-free, weed-free, and healthy growing condition. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist on the site.
3. Any additional and/or different emergency and/or other development requires separate authorization from the Executive Director and/or the Coastal Commission. Minor changes to the parameters of this ECDP, including with respect to changes in deadlines, may be authorized by the Executive Director for good cause, provided such changes appropriately protect coastal resources.
4. The emergency development authorized by this ECDP must be completed within 30 days of the date of this permit (i.e., by March 1, 2020) unless extended for good cause by the Executive Director.
5. The emergency development authorized by this ECDP is only temporary and is designed to abate the



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identified emergency. Within 60 days of the date of this permit (i.e. by March 31, 2020), the Permittee shall submit a complete application for a regular CDP to have the emergency development be considered permanent or for a different project. (The CDP application may be found at: <http://www.coastal.ca.gov/cdp/cdp-forms.html>). The deadline in this condition may be extended for good cause by the Executive Director.

6. 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.
7. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., United States Fish and Wildlife Service, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
8. All emergency development is limited to the least amount necessary to abate the emergency.
9. All emergency development shall limit impacts to coastal resources (including to dune resource habitat values) 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 development shall be sited to have the least impact on dune habitats, and shall be sited to protect public health and safety to the maximum extent feasible.
  - b. Vehicles shall remain out of all re-vegetated dunes, unless absolutely required (as determined by the Executive Director) for initial planting. Any dune habitat damaged during installation shall be restored immediately as directed by the Executive Director.
  - c. All development activities associated with this ECDP shall maintain good 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, dunes, or the adjacent marine environment; etc.).
  - d. Discharge of materials, polluted runoff, or wastes to the beach, dunes, or the adjacent marine environment are prohibited. Equipment washing, refueling, and/or servicing shall not take place in the dunes or on the beach. Any erosion and sediment controls used shall be in place prior to the commencement of activities as well as at the end of each work day.
  - e. All areas impacted by emergency development installation and removal activities shall be restored to their pre-construction condition or better, as conditioned above. Any dune or beach sand in the area that is impacted such installation and removal activities shall be filtered as necessary to remove any debris.
  - f. All contractors shall ensure that work crews are carefully briefed on the importance of observing

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the construction precautions given the sensitivity of the work environment. Construction contracts shall contain appropriate penalty provisions sufficient to offset the cost of retrieval/clean-up of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.

- g. The Permittee shall notify the Executive Director (via planning staff of the Coastal Commission's Central Coast District Office) immediately upon completion of restoration activities. If the Executive Director 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 temporary emergency development locations at all times, and such copies shall be available for public review on request. All persons involved with the temporary emergency development 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. The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorney's fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and (2) required by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this ECDP. The Permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.
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.

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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 5 and 6 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 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.