

**CALIFORNIA COASTAL COMMISSION**

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



# W17

**Prepared April 29, 2020 (for May 13, 2020 Hearing)**

**To:** Coastal Commissioners and Interested Persons

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

**Subject: Central Coast District Director's Report for May 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 May 13, 2020. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review on the Commission's website (at [www.coastal.ca.gov](http://www.coastal.ca.gov)) or interested parties can request copies from staff (by emailing [centralcoast@coastal.ca.gov](mailto:centralcoast@coastal.ca.gov) or calling 831-427-4863). 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 May 13th.

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

**Items being reported on May 13, 2020 (see attached)**

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**CDP Waivers**

- 3-14-1715-W, Pismo Creek RV Resort bank stabilization & restoration (Pismo Beach)
- 3-19-1400-W, Moss Landing Harbor District pilings (Moss Landing)
- 3-20-0185-W, City of Morro Bay Coleman Park restroom (Morro Bay)
- 3-20-0227-W, Monterey Peninsula Engineering beach restoration (Sand City)

**CDP Amendments**

- A-3-SCO-09-001-A1, Frank SFD OTD changes (Aptos)
- A-3-SCO-09-002-A2, Frank SFD OTD changes (Aptos)

**CDP Extensions**

- None

**Emergency CDPs**

- G-3-20-0019, City of Capitola wharf repairs (Capitola)
- G-3-20-0020, Casitas del Mar riprap removal (Live Oak)
- G-3-20-0025, Grossman seacave fill (Pismo Beach)

**CDP Extensions**

- None

**Emergency CDPs**

- G-3-20-0019, City of Capitola wharf repairs (Capitola)
- G-3-20-0020, Casitas del Mar riprap removal (Live Oak)
- G-3-20-0025, Grossman seacave fill (Pismo Beach)

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** April 29, 2020  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Ryan Moroney, Central Coast District Supervisor  
**Subject: Coastal Development Permit (CDP) Waiver 3-14-1715-W**  
Applicant: Pismo Creek Recreational Vehicle (RV) Park Resort

### Proposed Development

The proposed project involves bank stabilization activities and habitat restoration on the eastern bank of Pismo Creek adjacent to the Pismo Creek RV Park Resort located at 95 Dolliver Street and between Highways 1 and 101 in the City of Pismo Beach, all as more specifically described in the project file.

### Executive Director's Waiver Determination

Pursuant to Public Resources Code Section 30624.7 and Title 14, Section 13238.1 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 involves stream bank stabilization activities and habitat restoration on the east bank of Pismo Creek between Highways 1 and 101, including the placement of rock toe protection and geogrid fabric layers to protect the Pismo Creek RV Resort (including its key power, communications and storm drainage utilities) from further erosion and loss of existing developed property. Numerous willow trees and their root systems present along the bank will be protected in place to minimize impacts to wildlife habitat and an extensive Habitat Mitigation and Monitoring Program (Program) will be implemented to ensure that impacts to the riparian system are minimized, and that all unavoidable impacts are fully mitigated. The Program includes restoring habitat within the entire project area, and also providing an offsite "compensation area" for all temporary and permanent impacts at a ratio of 1:1 to 5:1, respectively. The Program also includes a minimum 5-year monitoring and mitigation plan to achieve stated goals and ensure the ongoing success of the restoration and habitat improvements. In addition, all work will be conducted per the requirements of the following additional permits and authorizations: a Section 404 Permit from United States Army Corps of Engineers, a Section 401 Water Quality Certification from the Regional Water Quality Control Board, and a Section 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife. Appropriate best management practices have been incorporated into the project to protect water quality during construction, including an erosion control program during construction and revegetation of the site per the Habitat Mitigation and Monitoring Program. The proposed project will improve a much-used, visitor-serving public facility near a popular coastal recreation area, will not adversely impact coastal resources, and thus is consistent with

**NOTICE OF PROPOSED PERMIT WAIVER**  
CDP Waiver 3-14-1715-W (Pismo RV Bank Stabilization)  
Page 2

the Coastal Act.

The Applicant shall undertake development in conformance with the project description and accompanying materials, including with respect to all Executive Director approved plans and other materials, which shall also be enforceable components of this CDP Waiver. Minor project changes may be allowed by the Executive Director if such changes (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

**California Environmental Quality Act**

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. 14 C.C.R. § 15251(c). The CDP waiver findings above discuss the relevant coastal resource issues with the proposal, including how the project has been designed to avoid and/or lessen any potential for adverse impacts to said resources, and will in fact enhance the ecological productivity of the site. Given the finding that the project will not negatively impact coastal resources (and will in fact improve them due to the creek habitat restoration that will take place), there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of waiver would have on the environment within the meaning of CEQA. Thus, as proposed, the project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A). Further, the project qualifies as a Small Habitat Restoration Project within the meaning of CEQA Guidelines Section 15333, and is independently exempt from the requirements under CEQA on that basis as well.

**Coastal Commission Review Procedure**

This waiver is not valid until the waiver has been reported to the Coastal Commission and all other necessary permits and authorizations (including those identified above) are obtained. This waiver is proposed to be reported to the Commission on Wednesday, May 13, 2020 during the virtual hearing. 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 Ryan Moroney in the Central Coast District office.**

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** April 29, 2020  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Katie Butler, Coastal Planner  
**Subject: Coastal Development Permit (CDP) Waiver 3-19-1400-W**  
Applicant: Moss Landing Harbor District

### Proposed Development

Replacement of four boat dock piles, including: two deteriorated 14-inch-diameter timber abutment support piles to be replaced with two 12-inch-diameter fiberglass reinforced composite piles at the J dock; one damaged 18-inch-diameter concrete guide pile to be replaced in-kind with a new 18-inch-diameter precast concrete pile at the B dock; and one damaged timber guide pile to be replaced with a new 16-inch-diameter precast concrete pile at the Maintenance Dock, all located within the Moss Landing Harbor (South Harbor), 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 project involves replacement of four dock piles that support existing recreational and commercial fishing vessel docks in the Moss Landing Harbor. The compromised piles place these Harbor facilities at risk and require immediate action for safety purposes. The new piles would be driven in the same locations as the existing piles and would be the same or lesser diameter as the existing piles. The piles would be replaced with precast steel-reinforced pre-stressed concrete piles or fiberglass reinforced polymer composite (plastic) piles, consistent with Commission water quality staff's recommendations for utilization of inert materials for in-water structures. The Applicant has incorporated the Commission's standard Best Management Practices (BMPs) for overwater structures and pile driving into the project description and plans. These BMPs protect the marine environment by ensuring collection and containment of construction debris, spill prevention, and general good housekeeping of the site at all times. The Applicant has also received other necessary authorizations from the Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and the Regional Water Quality Control Board, all of whom imposed similar water quality and marine species protections, including a qualified biological monitor during construction. The work is expected to last up to 10 days and public access to the sites will be restored after the work is completed. In sum, the proposed pile replacements will protect and maintain public access and recreation, as well as commercial fishing and boating, and the project's potential for adverse impacts on coastal resources will not be significant.

**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 May 13, 2020 during the virtual online hearing. 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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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** April 29, 2020  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Colin Bowser, Coastal Planner  
**Subject:** Coastal Development Permit (CDP) Waiver 3-20-0185-W  
Applicant: City of Morro Bay

### Proposed Development

Demolish a small, outdated public restroom and recycle the building materials to help construct a new ADA-compliant public restroom with new pathways linking the restroom to a public parking lot and to a pedestrian/bike path, in Coleman Park near the intersection of Coleman Drive and the Embarcadero in the City of Morro Bay.

### 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 existing 374-square-foot public restroom, which serves the popular visitor area and walking/cycling path near Morro Rock State Park, is made from unreinforced masonry blocks. After a recent inspection, the restroom was found to be in such poor structural condition that building inspectors condemned the facility as no longer safe to use. The City plans to raze the old restroom and use whatever materials that can be recycled in the construction of a new 433-square-foot ADA-compliant public restroom with an attached 266-square-foot maintenance and custodial storage space. The City would also designate two car parking spaces in the adjoining parking lot as handicapped spaces, construct an ADA-compliant pathway from the parking lot to the restroom, and construct a pathway from the new restroom to the pedestrian/bike path. Appropriate best management practices have been incorporated into the project to protect water quality during construction. The proposed project will improve a much-used, visitor-serving public facility near a popular coastal recreation area, 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 Wednesday, May 13, 2020 during the virtual hearing. 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 Colin Bowser in the Central Coast District office.**



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**Date:** April 29, 2020  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Mike Watson, Coastal Planner  
**Subject:** Coastal Development Permit (CDP) Waiver 3-20-0227-W  
Applicant: Monterey Peninsula Engineering

### Proposed Development

Removal of derelict exposed concrete and asphalt debris from the surface of the beach and the face of the bluff slope fronting the Monterey Peninsula Engineering construction yard. Additionally, portions of the undermined concrete and asphalt debris along the western edge of the property will also be removed to prevent future rock fall onto the beach or bluff slope, all at the foot of Tioga Avenue in the City of Sand City, 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 concrete and asphalt debris removal will restore the sandy beach and bluff area at the western edge of the property and provide greater opportunities for access and recreation. Debris removal will occur during daylight hours and periods of low tide/low wave action to maximize the amount of debris removal and minimize the chances of ocean water coming into contact with construction equipment and vehicles. Beach access to the work zone will occur from Bay Avenue to the south. The work zone and beach access route will be clearly delineated prior to commencing activities in order to prevent user conflicts with beachgoers. All work will be confined to the delineated work zone. Lateral public beach access will be re-routed during construction across the inland portion of the property. The Applicant has identified an appropriate staging location for construction vehicles and an appropriate stockpiling location for removed debris, both located in the construction yard above the beach and bluff slope. All retrieved concrete and asphalt debris will be transported off-site, either to the contractor's recycling facility for reuse or to the local landfill. Best management practices are proposed to ensure that all debris is appropriately contained, that all vehicles and equipment are removed from the beach daily, and that said vehicles are inspected for leaks regularly and repaired in a timely manner as needed. Upon completion of debris removal, the Applicant will provide to the Executive Director, for review and confirmation, photographic evidence that the proposed work has been completed and that all existing exposed concrete and asphalt debris has been removed from the surface of the beach and the face of the bluff area.

### Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is

## **NOTICE OF PROPOSED PERMIT WAIVER**

CDP Waiver 3-20-0227-W (MPE Beach Clean Up)

Page 2

proposed to be reported to the Commission on Wednesday, May 13, 2020 via the virtual hearing. 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 Mike Watson in the Central Coast District office.**

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## NOTICE OF PROPOSED PERMIT AMENDMENT

**Date:** April 29, 2020  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Ryan Moroney, Central Coast District Supervisor  
**Subject:** **Proposed Amendment to Coastal Development Permit (CDP) A-3-SCO-09-001**  
Applicant: Neil Frank

### Original CDP Approval

CDP A-3-SCO-09-001 was approved by the Coastal Commission on June 12, 2015, and provided for the construction of a two-story single-family residence and associated improvements on an undeveloped vacant blufftop lot ("Lot 1") above Hidden Beach where it slopes down toward a coastal arroyo adjacent to Hidden Beach County Park, just downcoast from Bayview Drive in the unincorporated Aptos area of south Santa Cruz County. That original approval has been extended three times, most recently in June of 2019.

### Proposed CDP Amendment

CDP A-3-SCO-09-001 would be amended to replace Special Condition 9 from requiring the Applicant to provide evidence that the adjacent "Lot 3" was placed into an open space and conservation easement, to instead requiring that the Applicant show evidence of recordation of an Offer to Dedicate (OTD) such conservation easement, as shown on **Attachment 1** in ~~strikethrough/underline~~. The Commission's reference number for this proposed amendment is **A-3-SCO-09-001-A1**.

### 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 Applicant has spent several years trying to find an entity to directly accept a conservation easement for Lot 3 but has not been able to do so. Therefore, the Applicant is seeking to change Special Condition 9 to instead require the recordation of an OTD such conservation easement. The key difference is that the Applicant can record the OTD without the necessity of finding an entity to hold it. This would allow the Applicant to move forward with development of the two adjacent parcels, while still achieving appropriate open space conservation for Lot 3. Thus, the proposed amendment will ensure that Lot 3 remains undeveloped consistent with the Commission's original CDP approval, as well as consistent with the Coastal Act and the certified Santa Cruz 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, May 13, 2020, during the virtual hearing. 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 Ryan Moroney in the Central Coast District office.**

## **Existing Condition**

**9. Conservation Easement.** ~~PRIOR TO ISSUANCE OF THE CDP, the record owner of Lot 3 shall submit proof to the Executive Director that such owner has voluntarily recorded a conservation easement over Lot 3. The easement shall have been accepted by a public entity or non-profit conservation organization and shall require Lot 3 to be maintained in substantially its natural state, subject only to the development authorized by this CDP. Recordation of a conservation easement is not a condition of this CDP. However, recordation of a conservation easement will help to carry out the intent of this CDP.~~

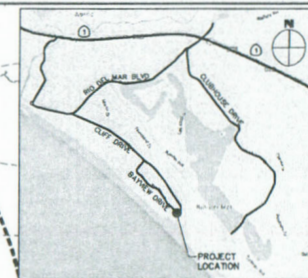
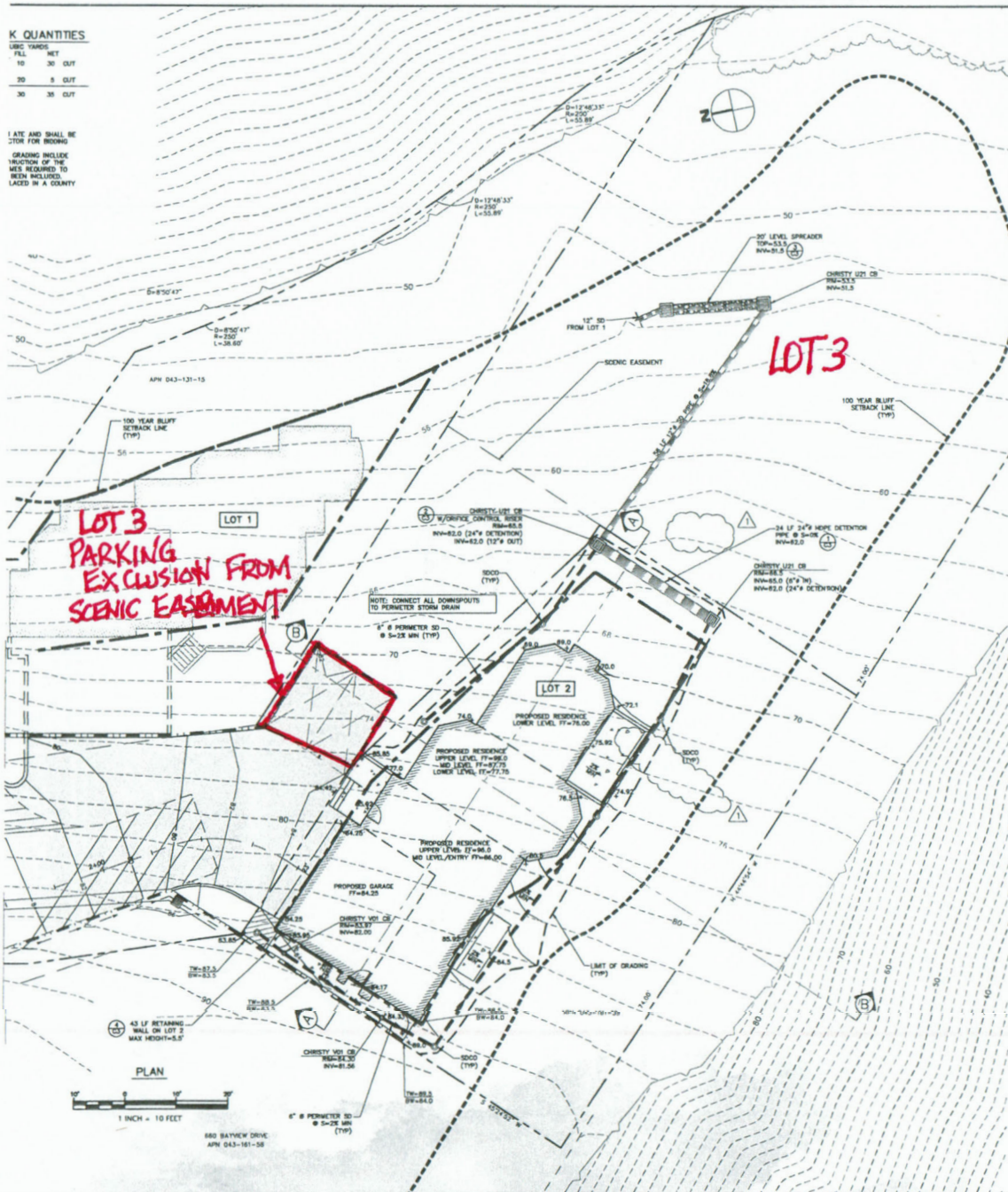
## **Proposed Amended Condition**

**9. Offer to Dedicate.** PRIOR TO ISSUANCE OF THE CDP, and in order to implement the Permittee's proposal to voluntarily offer an easement, the Permittee shall execute and record a document in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private entity, approved by the Executive Director, an open space conservation easement (Easement OTD) for the purpose of protecting and preserving in perpetuity the open space, natural area, and public view values of Lot 3 as shown on the Project Plans dated May 8, 2019 and stamped "Approved" on May 20, 2019 (see Easement Area generally depicted in **Exhibit 1**), which shall be maintained substantially in its natural state subject only to development thereon authorized by the terms and conditions of this CDP, and subject to all of the following:

- a. Easement Area Development Restrictions.** Development, as defined in Coastal Act Section 30106, shall be prohibited within the Easement Area except for limited landscaping and drainage, non-native and/or invasive vegetation removal, diseased or dead vegetation removal, natural area conservation, and all activities and uses typically associated with same, provided consistent with the terms and conditions of this CDP.
- b. Easement Area.** The recorded Easement OTD document shall include a legal description and corresponding graphic depiction of the legal parcel subject to this CDP, and a metes and bounds legal description and a corresponding graphic depiction, drawn to scale, of the Easement Area prepared by a licensed surveyor based on an on-site inspection of the Easement Area.
- d. Easement OTD Additional Requirements.** The Easement OTD shall be recorded free of prior liens and any other encumbrances that the Executive Director determines may affect the interest being conveyed; shall run with the land in favor of the People of the State of California, binding all successors and assigns of the Permittee and/or landowner in perpetuity; shall be irrevocable; and shall indicate that the restrictions on the use of the Easement Area shall be in effect upon recording of the Easement OTD and remain as covenants, conditions and restrictions running with the land in perpetuity, notwithstanding any revocation of the Easement OTD.

| K QUANTITIES |        |
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| USC YARDS    | MET    |
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| 10           | 30 OUT |
| 20           | 5 OUT  |
| 30           | 35 OUT |

DATE AND SHALL BE  
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WEEK REQUIRED TO  
BEEN INCLUDED  
LACED IN A COUNTY



VICINITY MAP

#### EARTHWORK AND GRADING

1. WORK SHALL CONSIST OF ALL CLEARING, GRUBBING, STRIPPING, PREPARATION OF LAND TO BE FILLED, EXCAVATION, SPREADING, COMPACTION AND CONTROL OF FILL, AND ALL SUBSIDIARY WORK NECESSARY TO COMPLETE THE GRADING TO CONFORM TO THE LINES, GRADES, AND SLOPES AS SHOWN ON THE APPROVED PLANS.
2. ALL GRADING OPERATIONS SHALL CONFORM TO SECTION 18 OF THE CALIFORNIA STANDARD SPECIFICATIONS AND SHALL ALSO BE MADE IN CONFORMANCE WITH THE REQUIREMENTS OF THE COUNTY OF SANTA CRUZ. THE MOST STRINGENT SCHEDULE SHALL PREVAIL.
3. REFERENCE IS MADE TO THE GEOTECHNICAL INVESTIGATION BY PACIFIC CREST ENGINEERING, INC., ENTITLED "GEOTECHNICAL INVESTIGATION FOR LOTS 1, 2 AND 3, FRANK BAYVIEW DRIVE AND BAYVIEW DRIVE, SANTA CRUZ, CALIFORNIA," DATED AUGUST 2008. THE CONTRACTOR SHALL MAKE A THOROUGH REVIEW OF THIS REPORT AND SHALL FOLLOW ALL RECOMMENDATIONS THEREIN. THE CONTRACTOR SHALL CONTACT PACIFIC CREST ENGINEERING, INC. FOR ANY CLARIFICATIONS NECESSARY PRIOR TO PROCEEDING WITH THE WORK.
4. THE CONTRACTOR SHALL GRADE TO THE LINE AND ELEVATIONS SHOWN ON THE PLAN AND SHALL SECURE THE SERVICES OF A LICENSED LAND SURVEYOR OR REGISTERED CIVIL ENGINEER TO PROVIDE STAKES FOR LINE AND GRADE.
5. THE GEOTECHNICAL ENGINEER SHOULD BE NOTIFIED AT LEAST FOUR (4) DAYS PRIOR TO ANY SITE CLEARING AND GRADING OPERATIONS.
6. STORMED AREAS SHOULD BE CLEARED TO A DEPTH OF ABOUT 8" WATER-CONDITIONED TO BRING THE SOILS WATER CONTENT TO ABOUT 30% ABOVE THE OPTIMUM, AND COMPACTED TO A DENSITY EQUIVALENT TO AT LEAST 90% OF THE MAXIMUM DRY DENSITY OF THE SOIL, ACCORDING TO THE MOST LATEST EDITIONS, SUBSIDIARIES AND APPROPRIATE BASE BOOK FOR PAVEMENTS SHOULD BE COMPACTED TO A MINIMUM OF 90%.
7. ENGINEERED FILL SHOULD BE PLACED IN THIN LIFTS NOT EXCEEDING 8" IN LOOSE THICKNESS, MOISTURE CONDITIONED, AND COMPACTED TO AT LEAST 90% RELATIVE COMPACTION.
8. MATERIAL USED FOR ENGINEERED FILL SHALL MEET THE REQUIREMENTS OF THE AFORESAIDED REPORTS BY PACIFIC CREST ENGINEERING, INC.
9. IMPORTED FILL MATERIAL USED AS ENGINEERED FILL FOR THE PROJECT SHALL MEET THE REQUIREMENTS OF THE AFORESAIDED GEOTECHNICAL INVESTIGATION.
10. ALL FILL MATERIAL SHALL BE APPROVED BY THE PROJECT GEOTECHNICAL ENGINEER PRIOR TO JOBSITE DELIVERY AND PLACEMENT. NO LAYDOWN OPERATIONS SHALL BE PERFORMED WITHOUT THE DIRECT OBSERVATION AND APPROVAL OF THE GEOTECHNICAL ENGINEER.
11. BARE GROUND WITHIN 10' OF FOUNDATIONS SHALL BE SLOPED ABOUT 3:1 MINIMUM OR 2:1 MINIMUM FOR PAVED SURFACES.

#### STORM DRAIN SYSTEM MAINTENANCE

THE HOME OWNER IS RESPONSIBLE FOR MAINTAINING THE STORM DRAINAGE SYSTEM AND ALL COMPONENTS. EVERY YEAR PRIOR TO THE WET WEATHER SEASON (OCTOBER 15TH) ALL THE CATCH BASINS AND STORM DRAIN CLEANSITS SHALL BE INSPECTED AND CLEANED OF ANY DEBRIS, SILT, TRASH AND SEDIMENT.

#### STORM DRAINAGE NOTES

1. CATCHMENTS SHALL BE REINFORCED CONCRETE PIPE (RCP), POLYETHYLENE GLASS REINFORCED (PGR), OR HIGH DENSITY POLYETHYLENE (HDPE) WITH 12" OR EQUAL AND SHALL HAVE A SMOOTH INTERIOR CONFORMING TO SECTION 6 - STORM DRAINAGE FACILITIES OF COUNTY OF SANTA CRUZ DESIGN CRITERIA.
2. INLETS SHALL BE CHESIST CONCRETE PRODUCTS OR APPROVED EQUAL WITH SMOOTH CONCRETE BOTTOM.
3. CONNECT DOWNPOINETS TO PERMANENT STORM DRAIN.

#### TOPOGRAPHIC SURVEY

THE TOPOGRAPHIC SURVEY AND BOUNDARY INFORMATION PROVIDED HEREON WAS COMPLETED BY SART P. LAND AND ASSOC., INC. ENGINEERING INC. MAKES NO GUARANTEE AS TO THE ACCURACY OF BOTH. THE CONTRACTOR SHALL VERIFY THE BOUNDARY LOCATION AND TOPOGRAPHIC INFORMATION PRIOR TO COMMENCING WORK.

#### BASIS OF MEASUREMENTS

THE BASES OF MEASUREMENT FOR THIS SURVEY IS CALIFORNIA COORDINATE SYSTEM 1983 (CORS-1983) GRID BEARING AS ESTABLISHED FROM GPS OBSERVATIONS AT HIGH CONTROL, NEARBY DATA (DOUGLAS AND OAK (NORTHVILLE WEST) AND LOCAL CONTROL FOR THIS SURVEY. THE GRID BEARING BETWEEN OAK AND 4443 IS NORTH 67°37'42" WEST.

#### BASIS OF ELEVATION

ELEVATIONS FOR THIS SURVEY ARE BASED ON SANTA CRUZ COUNTY BENCHMARK DATA. A CONCRETE MONUMENT STAMPED "W-38" AT THE END OF CLIFF DRIVE EAST OF THE COASTAL ACCESS GATE TO HIDDEN BEACH, ELEVATION=82.00'. THE TEMPORARY BENCHMARK FOR THIS SURVEY IS A P.N. NAIL AND SHANK SET IN THE AC ROAD. T.B.M. ELEVATION IS DETERMINED USING COUNTY BENCHMARK DATA. T.B.M. ELEVATION=104.40'.

BUILDING PERMIT SUBMITTAL

|                                                                                                                              |                      |
|------------------------------------------------------------------------------------------------------------------------------|----------------------|
| COASTAL COMMISSION COMMENTS, OCTOBER 2018                                                                                    |                      |
|                                                                                                                              |                      |
| <b>RI Engineering, Inc.</b><br>303 Potrero St., Suite 42-202, Santa Cruz, CA 95060<br>831-425-3901 www.riengineering.com     |                      |
| SINGLE FAMILY RESIDENCE LOT 2<br>SART P. LAND AND ASSOC., INC.<br>1000 BAYVIEW DRIVE<br>SAN JOSE, CA 95128<br>APN 043-161-02 |                      |
| GRADING & DRAINAGE PLAN                                                                                                      |                      |
| project no.<br>100-1121-13                                                                                                   | date<br>OCTOBER 2018 |
| scale<br>AS SHOWN                                                                                                            | sheet no.<br>C-1     |

**CALIFORNIA COASTAL COMMISSION**

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## NOTICE OF PROPOSED PERMIT AMENDMENT

**Date:** April 29, 2020  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Ryan Moroney, Central Coast District Supervisor  
**Subject:** **Proposed Amendment to Coastal Development Permit (CDP) A-3-SCO-09-002**  
Applicant: Neil Frank

### Original CDP Approval

CDP A-3-SCO-09-002 was approved by the Coastal Commission on June 12, 2015, and provided for the construction of a two-story single-family residence and associated improvements on an undeveloped vacant blufftop lot ("Lot 2") above Hidden Beach where it slopes down toward a coastal arroyo adjacent to Hidden Beach County Park, just downcoast from Bayview Drive in the unincorporated Aptos area of south Santa Cruz County. That original approval has been extended three times, most recently in June of 2019.

### Proposed CDP Amendment

CDP A-3-SCO-09-002 would be amended to replace Special Condition 9 from requiring the Applicant to provide evidence that the adjacent "Lot 3" was placed into an open space and conservation easement, to instead requiring that the Applicant show evidence of recordation of an Offer to Dedicate (OTD) such conservation easement, as shown on **Attachment 1** in ~~strikethrough/underline~~. The Commission's reference number for this proposed amendment is **A-3-SCO-09-002-A1**.

### 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 Applicant has spent several years trying to find an entity to directly accept a conservation easement for Lot 3 but has not been able to do so. Therefore, the Applicant is seeking to change Special Condition 9 to instead require the recordation of an OTD such conservation easement. The key difference is that the Applicant can record the OTD without the necessity of finding an entity to hold it. This would allow the Applicant to move forward with development of the two adjacent parcels, while still achieving appropriate open space conservation for Lot 3. Thus, the proposed amendment will ensure that Lot 3 remains undeveloped consistent with the Commission's original CDP approval, as well as consistent with the Coastal Act and the certified Santa Cruz 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, May 13, 2020, during the virtual hearing. 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 Ryan Moroney in the Central Coast District office.**



## **Existing Condition**

**9. Conservation Easement.** ~~PRIOR TO ISSUANCE OF THE CDP, the record owner of Lot 3 shall submit proof to the Executive Director that such owner has voluntarily recorded a conservation easement over Lot 3. The easement shall have been accepted by a public entity or non-profit conservation organization and shall require Lot 3 to be maintained in substantially its natural state, subject only to the development authorized by this CDP. Recordation of a conservation easement is not a condition of this CDP. However, recordation of a conservation easement will help to carry out the intent of this CDP.~~

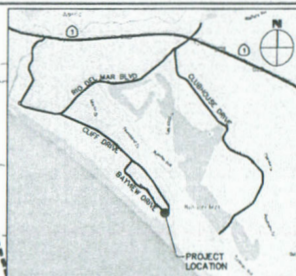
## **Proposed Amended Condition**

**9. Offer to Dedicate.** PRIOR TO ISSUANCE OF THE CDP, and in order to implement the Permittee's proposal to voluntarily offer an easement, the Permittee shall execute and record a document in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private entity, approved by the Executive Director, an open space conservation easement (Easement OTD) for the purpose of protecting and preserving in perpetuity the open space, natural area, and public view values of Lot 3 as shown on the Project Plans dated May 8, 2019 and stamped "Approved" on May 20, 2019 (see Easement Area generally depicted in **Exhibit 1**), which shall be maintained substantially in its natural state subject only to development thereon authorized by the terms and conditions of this CDP, and subject to all of the following:

- a. Easement Area Development Restrictions.** Development, as defined in Coastal Act Section 30106, shall be prohibited within the Easement Area except for limited landscaping and drainage, non-native and/or invasive vegetation removal, diseased or dead vegetation removal, natural area conservation, and all activities and uses typically associated with same, provided consistent with the terms and conditions of this CDP.
- b. Easement Area.** The recorded Easement OTD document shall include a legal description and corresponding graphic depiction of the legal parcel subject to this CDP, and a metes and bounds legal description and a corresponding graphic depiction, drawn to scale, of the Easement Area prepared by a licensed surveyor based on an on-site inspection of the Easement Area.
- d. Easement OTD Additional Requirements.** The Easement OTD shall be recorded free of prior liens and any other encumbrances that the Executive Director determines may affect the interest being conveyed; shall run with the land in favor of the People of the State of California, binding all successors and assigns of the Permittee and/or landowner in perpetuity; shall be irrevocable; and shall indicate that the restrictions on the use of the Easement Area shall be in effect upon recording of the Easement OTD and remain as covenants, conditions and restrictions running with the land in perpetuity, notwithstanding any revocation of the Easement OTD.

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1. WORK SHALL CONSIST OF ALL CLEARING, GRUBBING, STRIPPING, PREPARATION OF LAND TO BE FILLED, EXCAVATION, SPREADING, COMPACTION AND CONTROL OF FILL, AND ALL SUBSIDIARY WORK NECESSARY TO COMPLETE THE GRADING TO CONFORM TO THE LINES, GRADES, AND SLOPES, AS SHOWN ON THE APPROVED PLANS.

2. ALL GRADING OPERATIONS SHALL CONFORM TO SECTION 19 OF THE CALTRANS STANDARD SPECIFICATIONS, AND SHALL ALSO BE DONE IN CONFORMANCE WITH THE REQUIREMENTS OF THE COUNTY OF SANTA CRUZ. THE MOST STRINGENT GUIDELINE SHALL PREVAIL.

1. THE CONTRACTOR SHALL COMPLY WITH ALL CLEARING, GRUBBING, STUMPING, PREPARATION OF LAND TO BE FILLED, EXCAVATIONS, BREASTINGS, DREDGING, AND CONTINGENT WORKS OF THE PROJECT AND THE PRELIMINARY WORK NECESSARY TO COMPLETE THE GRADING TO CONFORM TO THE LINES, GRADES, AND ELEVATIONS OF THE PROJECT.
2. ALL GRADING OPERATIONS SHALL CONFORM TO SECTION 81 OF THE CALIFORNIA STANDARD SPECIFICATIONS, AND SHALL ALSO BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE CALIFORNIA STATE HIGHWAY DEPARTMENT, THE MOST STRINGENT SPECULATIVE SHALL PREVAIL.
3. THE CONTRACTOR IS MADE AWARE THAT THE ENGINEER OF PACIFIC DESIGN ENGINEERING, INC. ENTITLED "GEOTECHNICAL ENGINEER," HAS BEEN APPOINTED BY THE STATE OF CALIFORNIA, DATED AUGUST 2004. THE CONTRACTOR SHALL MAKE A RECOGNITION THEREIN, BY SIGNING THE CONTRACTOR SITES CONTRACT RECOGNIZATIONS THEREIN, THAT THE CONTRACTOR SHALL COMPLY WITH THE REQUIREMENTS OF THE CALIFORNIA CLASSIFICATIONS NECTSARY TO ACCORDING WITH THE WORK.
4. THE CONTRACTOR SHALL GRUB OR CUT THE LINE AND ELEVATIONS OF THE EXISTING SURFACE TO THE PROPOSED GRADING AND THE ADJACENT LOWEST LAND SURVEYOR OR REGISTERED CIVIL ENGINEER TO PROVIDE THE GRADING DATA.
5. THE GEOTECHNICAL ENGINEER SHOULD BE NOTIFIED AT LEAST FOUR (4) DAYS PRIOR TO ANY SITE CLEARING AND GRADING OPERATIONS.
6. STRIPPED AREAS SHOULD BE SCARPED TO A DEPTH OF ABOUT 18" TO 24" WATER-CONDITIONED TO BRING THE SOIL WATER CONTENT TO BE WITHIN 2% OF THE LIQUID LIMIT AND PLASTICITY INDEX TO BE EQUIVALENT TO AT LEAST 60% OF THE MAXIMUM DRY DENSITY OF THE SOIL. THE CONTRACTOR SHALL PROVIDE ADEQUATE BASE ROCK FOR PAVEMENTS SHOULD BE COMPLETED IN ANY AREAS OF THE PROJECT.
7. ENGINEERED FILL SHOULD BE PLACED IN 18" THIN LAYS NOT EXCEEDING 8" IN LOOSE THICKNESS, MOISTURE CONDITIONS, AND COMPACTION TO AT LEAST 95% OF THE MAXIMUM DRY DENSITY.
8. MATERIAL USED FOR ENGINEERED FILL SHALL MEET THE REQUIREMENTS OF THE AFOREMENTIONED REPORTS BY PACIFIC DESIGN ENGINEERING, INC.
9. IMPROVED FILL MATERIAL USED AS ENGINEERED FILL FOR THE PROJECT SHALL MEET THE REQUIREMENTS OF THE AFOREMENTIONED REPORTS BY PACIFIC DESIGN ENGINEERING, INC.
10. ALL FILL MATERIAL SHALL BE APPROVED BY THE PROJECT GEOTECHNICAL ENGINEER PRIOR TO ANY FILL DELIVERY AND PLACEMENT. NO FILL MATERIAL SHALL BE PLACED WITHOUT THE PRESENT OR DIRECT OBSERVATION AND APPROVAL OF THE GEOTECHNICAL ENGINEER.
11. BASE GRADE WITHIN 5' OF FOUNDATIONS SHALL BE SLOPED AWAY FROM THE FOUNDATIONS.

THE HOME OWNER IS RESPONSIBLE FOR MAINTAINING THE STORM DRAINAGE SYSTEM AND ALL COMPONENTS. EVERY YEAR, PRIOR TO THE WET WEATHER SEASON (OCTOBER 15TH) ALL THE CATCH-BASINS AND STORM DRAIN CLEANOUTS SHALL BE INSPECTED AND CLEANED OF ANY DEBRIS, SILT, TRASH AND SEDIMENT.

1. CULVERTS SHALL BE REINFORCED CONCRETE PIPE (RCP), POLYVINYL CHLORIDE (PVC SDR35), OR HIGH DENSITY POLYETHYLENE (HDPE ADS N12 OR EQUAL) AND SHALL HAVE A SMOOTH INTERIOR CONFORMING TO SECTION E - STORM DRAINAGE FACILITIES OF COUNTY OF SANTA CRUZ DESIGN CRITERIA.

1. CULVERTS SHALL BE REINFORCED CONCRETE PIPE (RCP), POLYVINYL CHLORIDE (PVC SDR35), OR HIGH DENSITY POLYETHYLENE (HDPE ADS M12 OR EQUAL) AND SHALL HAVE A SMOOTH INTERIOR CONFORMING TO SECTION E - STORM DRAINAGE FACILITIES OF COUNTY OF SANTA CRUZ DESIGN CRITERIA.
2. INLETS SHALL BE CURBSTONE CONCRETE PRODUCTS OR APPROVED EQUAL WITH SMOOTH CONCRETE BOTTOM.
3. CONNECT DOWNSPOUTS TO PERIMETER STORM DRAIN.

THE TOPOGRAPHIC SURVEY AND BOUNDARY INFORMATION PROVIDED HEREON WAS COMPLETED BY GARY FLAND AND ASSOC., IN ENGINEERING INC. MAKES NO GUARANTEE AS TO THE ACCURACY OF BOTH. THE CONTRACTOR SHALL VERIFY THE BOUNDARY LOCATION AND TOPOGRAPHIC INFORMATION PRIOR TO COMMENCING WORK.

THE BASIS OF BEARINGS FOR THIS SURVEY IS CALIFORNIA COORDINATE SYSTEM 1983 (CCS83-1991.35) GRID BEARINGS AS ESTABLISHED FROM GPS OBSERVATIONS AT HPON CONTROL MONUMENTS DAAJ (SOQUEL) AND DAAK (WATSONVILLE WEST) AND LOCAL CONTROL FOR THIS SURVEY.

ELEVATIONS FOR THIS SURVEY ARE BASED ON SANTA CRUZ COUNTY  
BENCHMARK 35A, A CONCRETE MONUMENT STAMPED W-38 AT THE END  
OF CLIFF DRIVE EAST OF THE COASTAL ACCESS GATE TO HODDER BEACH.  
ELEVATION=62.50'  
THE TEMPORARY BENCHMARK FOR THIS SURVEY IS A PK NAIL AND SHINER  
SET IN THE AC. ROAD. F.B.M. ELEVATION IS DETERMINED USING COUNTY  
BENCHMARK 35A  
T.B.M. ELEVATION=104.40'

BUILDING PERMIT SUBMITTAL

COASTAL COMMISSION COMMENTS, OCTOBER 2018



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RJ Engineering, Inc.

3303 Potrero St., Suite 42-202, Santa Cruz, CA 95060

GRADING & DRAINAGE PLAN

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**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060-4508  
VOICE (831) 427-4863  
FAX (831) 427-4877



## **EMERGENCY COASTAL DEVELOPMENT PERMIT**

### **Emergency CDP G-3-20-0019 (Capitola Wharf, City of Capitola)**

**Issue Date: April 13, 2020**

**Page 1 of 4**

This emergency coastal development permit (ECDP) authorizes emergency development consisting of the replacement of four pilings in the following locations: two pilings located beneath the boat hoist, a piling along the western side of the wharf beneath the wharf restaurant, and a mid-span piling located approximately 600 feet from shore. The new pilings will be made of fiberglass and will be installed using a crane and a pile drop hammer.

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 subsequently closed the wharf and installed a beam to support the hoist (authorized via ECDP G-3-20-0001) to abate the emergency situation. The beam installation only temporarily abated the threat to the hoist, platform, and decking, and thus the two pilings beneath the hoist need to be replaced to ensure structural stability. In addition, during the dive inspection on January 21, 2020, it was discovered that two additional pilings were broken, one along the western side of the wharf beneath the restaurant, and a mid-span piling located approximately 600 feet from shore. Both of these pilings are considered essential to ensure the structural integrity of the wharf including to prevent emergency collapse of the wharf's decking, which supports both pedestrian and limited vehicular access. It is anticipated that the work will take between two and four weeks to complete, during which time the wharf will be closed to the public.

In summary, the proposed emergency development is 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 in coastal waters are included as conditions and the Permittee has elected to use fiberglass piles in lieu of wooden piles to further protect water quality. Therefore, the Executive Director of the California Coastal Commission hereby finds that:

Enclosure: Emergency Coastal Development Permit Acceptance Form

cc (via email): Danielle Uharriet (City of Capitola, Environmental Projects Coordinator)  
Sophie De Beukelaer (MBNMS, Permit Coordinator)

## Emergency CDP G-3-20-0019 (Capitola Wharf Repair)

Issue Date: April 13, 2020

- (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 April 28, 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 May 13, 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 June 12, 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,



**Emergency CDP G-3-20-0019 (Capitola Wharf Repair)**  
**Issue Date: April 13, 2020**

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 March 10, 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 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 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 workday.
  - 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

## **Emergency CDP G-3-20-0019 (Capitola Wharf Repair)**

**Issue Date: April 13, 2020**

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 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**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060-4508  
VOICE (831) 427-4863  
FAX (831) 427-4877



## **EMERGENCY COASTAL DEVELOPMENT PERMIT**

**Emergency CDP G-3-20-0020 (Casitas Del Mar Townhouses, Inc.)**

**Issue Date: March 12, 2020**

**Page 1 of 6**

Cavities are forming in an unpermitted<sup>1</sup> grouted riprap revetment that is located on the bluff and the beach fronting the Casitas del Mar townhomes property at 22680 East Cliff Drive in the unincorporated Live Oak area of Santa Cruz County. These cavities have created an attractive nuisance because they appear as "caves" of sorts in the back-beach area with an overhang of grouted riprap, and they present a public safety hazard as they are liable to collapse without warning. This emergency coastal development permit (ECDP) authorizes temporary emergency development consisting of: (1) breaking off the overhanging portions of the grouted riprap and using larger portions (i.e., greater than one-foot wide) of that material to fill/block the cavities via use of heavy equipment located either on the blufftop area inland of the revetment (preferred, and required if feasible) or on the beach; (2) hiring a person or persons to monitor the cavity areas and to prevent the public from entering the cavities 24 hours per day until they have been blocked and the public nuisance/public safety hazard has been abated; and (3) restoration of all public accessways and/or beach areas impacted by construction activities, including removal of all broken off materials that are not used for blocking off the cavities. The temporary emergency development would take place on the beach and bluff area seaward of the Casitas Del Mar townhomes property, located at 22680 East Cliff Drive in the unincorporated Live Oak area of Santa Cruz County.

Based on the materials presented by the Permittee, a public safety hazard exists. Specifically, the two aforementioned cavities, one on either side of a natural headland/point extending out onto the beach, may collapse at any time. According to the Permittee, people have been observed entering the cavities, and thus Commission staff recognizes that there is an imminent threat to life and health that must be addressed immediately. The Permittee's initial ECDP application, which was submitted on January 22, 2020, requested to fill the two cavities with approximately 23 cubic yards of concrete. The Permittee revised the ECDP application request on February 6, 2020 to instead propose concrete "walls" at the mouth of each cavity. However, Commission staff had concerns about the addition of more armoring to the unpermitted riprap structure (for which enforcement has already required removal (and *not* more armoring)

<sup>1</sup> Commission Violation Case Number V-3-16-0022.

Enclosure: Emergency Coastal Development Permit Acceptance Form

cc (via email): Mark Massara, John Kasunich, Jessica Degrassi

## Emergency CDP G-3-20-0020 (Casitas del Mar Townhouses, Inc.)

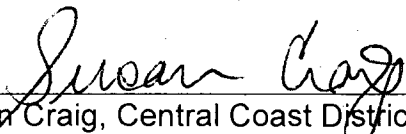
Issue Date: March 12, 2020

to resolve the violation). Commission staff determined (including with review and input from the Commission's Senior Coastal Engineer, Dr. Lesley Ewing, and the Commission's Geologist, Dr. Joseph Street) that there were less intensive and less permanent options with fewer potential coastal resource impacts that could be authorized to temporarily abate the emergency (as required by the Coastal Act and the Commission's regulations). For these reasons, Commission staff instead authorized via telephone (call from Pat Veasart, the Commission's Northern California Enforcement Supervisor, to the Permittee's Coastal Engineer, John Kasunich) on February 7, 2020 the temporary emergency development authorized by ECDP G-3-20-0012 as described above.

All of the above was authorized under ECDP G-3-20-0012, which was issued on February 11, 2020, but which then expired on February 26, 2020 because the Permittee did not return a signed ECDP Acceptance Form within the required timeframe identified in that ECDP. This new ECDP, i.e. G-3-20-0020, authorizes the same emergency development that was authorized under ECDP G-3-20-0012. 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

### 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 8 days of the date of this permit (i.e., by 5:00pm on March 20, 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 22 days of the date of this ECDP (i.e., by April 3, 2020) unless extended for good cause by the Executive Director.
4. The emergency development authorized by this ECDP is only temporary and is



## **Emergency CDP G-3-20-0020 (Casitas del Mar Townhouses, Inc.)**

**Issue Date: March 12, 2020**

designed to abate the identified emergency and must be authorized by a regular CDP. Within 36 days of the date of this ECDP (i.e., by April 17, 2020), the Permittee shall submit a written letter agreeing to a consolidated CDP process and shall submit the outstanding application materials necessary to file consolidated CDP application 3-18-0979 as complete. 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.

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, Monterey Bay National Marine Sanctuary, State Lands Commission, 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 telephone call between Pat Veasart (Coastal Commission Northern California Enforcement Supervisor) and John Kasunich (Principal Geotechnical Engineer at Haro, Kasunich & Associates, Inc.) on February 6, 2020, and as described above.
8. All emergency development is limited to the minimum 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.
  - 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. Any construction vehicles operating on the beach area shall be rubber-tired construction vehicles. When transiting on the beach, all such vehicles shall remain as high on the upper beach as possible and avoid contact with ocean waters and intertidal areas.
  - e. Any construction materials and equipment placed on the beach during daylight

## **Emergency CDP G-3-20-0020 (Casitas del Mar Townhouses, Inc.)**

**Issue Date: March 12, 2020**

construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from the beach area by sunset each day that work occurs. 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.

- f. 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.
- g. 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.).
- h. 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.
- i. All materials removed from the grouted riprap revetment that are not used for blocking off the cavities shall be removed from the area and properly disposed of.
- 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 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.
- l. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction and required

## **Emergency CDP G-3-20-0020 (Casitas del Mar Townhouses, Inc.)**

**Issue Date: March 12, 2020**

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 without significantly adversely impacting public views, 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 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

**Emergency CDP G-3-20-0020 (Casitas del Mar Townhouses, Inc.)**

**Issue Date: March 12, 2020**

Commission's Central Coast District Office at 725 Front Street, Suite 300, Santa Cruz,  
CA 95060, (831) 427-4863.

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FAX (831) 427-4877



## **EMERGENCY COASTAL DEVELOPMENT PERMIT**

**Emergency CDP G-3-20-0025 (Grossman Seacave Fill, Pismo Beach)**

**Issue Date: April 10, 2020**

**Page 1 of 5**

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 121 Indio Drive in Pismo Beach (APN 010-205-002). The cave will be filled with approximately 70-100 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 underneath and landward of the seawall constructed under CDP A-3-PSB-02-016 in 2005. 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 7 calendar days.

Based on the materials presented by the Permittee (Gary Grossman), wave action associated with storms during the 2018-19 and 2019-20 winter seasons created an approximately 70-foot-long, up to 27-foot-deep, and up to 3-foot-high seacave that compromises the bluff, the existing approved armoring, and the residence on the property. The Permittee's geotechnical engineers determined that failure of the bluff could occur suddenly at any time if no action is taken to support the overlying Pismo Formation bedrock and terrace deposits. The Coastal Commission's staff engineer and the Coastal Commission's staff geologist reviewed the Permittee's geotechnical report, consulted with the Permittee's geotechnical consultants, and concurred with their findings. 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. The project is conditioned to require appropriate best management practices (BMPs) for protecting water quality during construction. 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

Enclosure: Emergency Coastal Development Permit Acceptance Form

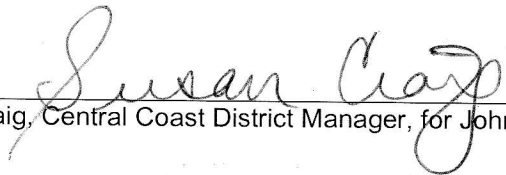
cc (via email): Jeff Winklepleck, City of Pismo Beach Community Development Director; Nick Lavoie, State Lands Commission

## Emergency CDP G-3-20-0025 (Grossman Seacave Fill)

Issue Date: April 10, 2020

- (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 (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 April 25, 2020). 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 90 days of the date of this permit (i.e., by July 9, 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, which may be denied or approved with conditions that may result in a modified project to the one authorized under this ECDP. Within 120 days of the date of this permit (i.e. by August 8, 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 Pismo Beach, State Lands Commission, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.

## **Emergency CDP G-3-20-0025 (Grossman Seacave Fill)**

**Issue Date: April 10, 2020**

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 April 7, 2020.
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):
  - 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; ensure 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.).



## **Emergency CDP G-3-20-0025 (Grossman Seacave Fill)**

**Issue Date: April 10, 2020**

- 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 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 CDP A-3-PSB-02-016 and all associated maintenance and repair allowed and undertaken pursuant to that CDP), 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 an indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of



## **Emergency CDP G-3-20-0025 (Grossman Seacave Fill)**

**Issue Date: April 10, 2020**

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. For the development to be authorized under the Coastal Act, 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.

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**EMERGENCY COASTAL DEVELOPMENT PERMIT  
ACCEPTANCE FORM****RECEIVED**

APR 24 2020

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

TO: CALIFORNIA COASTAL COMMISSION  
CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060

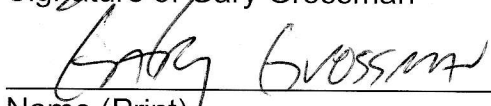
RE: **Emergency Coastal Development Permit (ECDP) No. G-3-20-0025**

INSTRUCTIONS: After reading the attached ECDP, please sign this form and return it to the Central Coast District Office within 15 days from the permit's date.

I hereby understand all of the conditions of the ECDP being issued to Gary Grossman and agree to abide by them.

I also understand that the emergency work is TEMPORARY and that a regular CDP is necessary. I agree to apply for a regular CDP within 120 days of the date of issuance of this ECDP (i.e., by **August 8, 2020**) unless this deadline is extended by the Executive Director.

  
Signature of Gary Grossman

  
Name (Print)

  
Address

Shell Beach CA 93449

April 14, 2020