

**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



# F19

**Prepared September 30, 2021 (for October 15, 2021 Hearing)**

**To:** Coastal Commissioners and Interested Persons

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

**Subject: Central Coast District Director's Report for October 2021**

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 October 15, 2021. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review from staff 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 October 15th during the virtual online hearing.

With respect to the October 15th 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 October 15, 2021 (see attached)**

---

**CDP Waivers**

- 3-21-0160-W, Monterey Bay Aquarium chilled water infrastructure (Monterey)
- 3-21-0261-W, Moss Landing Boatworks' boat ramp (Moss Landing)
- 3-21-0622-W, Monterey Bay Aquarium building improvements (Monterey)

**CDP Amendments**

- None

**Emergency CDPs**

- G-3-21-0035, Grossman seacave fill (Pismo Beach)
- G-3-21-0040, State Parks' vista point culvert repairs (San Simeon State Park)

**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



## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** October 1, 2021  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Alexandra McCoy, Coastal Planner  
**Subject: Coastal Development Permit (CDP) Waiver 3-21-0160-W**  
Applicant: Monterey Bay Aquarium

### Proposed Development

Installation of a five-unit chilled-water equipment assembly and sound barriers on an ocean-facing utility deck area for approximately eight years at the Monterey Bay Aquarium, 886 Cannery Row, 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 Monterey Bay Aquarium is one of the premier visitor destinations on all of California's central coast, and it provides a variety of permanent exhibits as well more temporary exhibits that are in place for a limited duration. The proposed project includes installation of water chilling equipment for a planned longer-term (i.e., 8 years) temporary exhibit called "Into The Deep," which is intended to display deep sea creatures from the Monterey Bay that require an extremely cold water temperature to survive. Specifically, the Applicant proposes to install an assembly of five air-cooled water chillers, associated plumbing, a buffer water tank, and sound dampening equipment on a lower-story ocean-facing utility deck area located between Hovden Way (i.e., the prime free public accessway that extends through the Aquarium to a free public overlook at water's edge) and the Clement Intercontinental Hotel, for approximately eight years. Of the five separate and connected units, typically only one or two chillers will be operating to maintain the water temperature at any given time, with the possibility of a maximum of three chillers operating simultaneously; the remaining chiller units would provide backup if any of the chiller units fail during the eight-year period. The chiller array would be placed on a liquid-containment structure that is plumbed into the Aquarium's existing plumbing system to ensure that any leaks or spills from the equipment do not release foreign or hazardous substances into the marine environment. The chillers and associated components would be removed after the eight-year duration.

## **CDP Waiver 3-21-0160-W (Monterey Bay Aquarium Chillers)**

The primary potential impact of the proposed chiller assembly is that it would produce a continuous sound for the 8-year duration of the deep-sea exhibit. The sound would be audible as a perceptible “hum” to Aquarium patrons and other visitors to the ocean-fronting overlooks, and will also be heard by offshore wildlife and ocean-based recreationalists adjacent to the Aquarium. To mitigate sound impacts, the Applicant proposes to install sound-attenuating structures, including solid sound-isolating barriers at both ends of the chiller assembly, and sound-absorptive material on the back wall behind the chiller assembly and on the underside of the deck above the chiller assembly. Further, the Applicant completed a sound analysis to evaluate the potential sound impacts of three chillers operating simultaneously on neighboring properties, offshore locations, and Aquarium outdoor use space. The Commission’s Ecologist, Dr. Lauren Garske-Garcia, reviewed the study and found that the estimated noise levels are not expected to impact the feeding or foraging of offshore wildlife, including otters, seals, and sea lions. The sound analysis also determined that sound levels on most aquarium decks used by patrons, as well as that heard on the adjacent Clement Intercontinental Hotel patio or lateral accessway, will be at or below 61 dB(A), which is just above that produced by a typical conversation. The only area where the analysis suggested that sound might raise issues is on the second-story deck directly above the chillers. To address this concern, the Applicant now plans to add additional sound mitigation measures if the sound produced by the chillers is disruptive to the guest experience at that the second-story deck (e.g., installing acoustical louvers from deck to deck along the entire chiller deck facing the water, installing silencers at chiller discharges and intake, etc.).

In terms of other potential issues, the chilled assembly and associated components will only be directly visible by kayakers or boaters on the ocean (the chiller equipment is air cooled, meaning it requires ventilation to function and as such cannot be fully enclosed), but all proposed chiller components have been designed to blend with the Aquarium’s cannery-style and industrial architecture and should effectively blend into the overall Aquarium structure. The sound-attenuating components on either side of the chillers will feature gray corrugated siding and there will be a similar gray finish on the remaining equipment and plumbing, which should also well bend into the structure. When necessary to inspect or repair the drainpipe that extends from the liquid containment structure to the existing under-deck sewer drainpipe, a temporary platform will be installed above the low tide water line. Such work will only occur during low tides and no work will occur within coastal waters. In addition, the project incorporates best management practices typically applied by the Commission in similar work environments to protect the marine environment, including spill prevention and general good housekeeping.

In sum, the proposed project will improve the Monterey Bay Aquarium visitor experience by providing for a new exhibit featuring deep sea creatures and potential project impacts have been appropriately addressed. Thus, the project will not lead to significant adverse coastal resource impacts, and can be found consistent with the Coastal Act.

### **California Environmental Quality Act (CEQA)**

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved

## **CDP Waiver 3-21-0160-W (Monterey Bay Aquarium Chillers)**

if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment. The City of Monterey, acting as lead CEQA agency, determined that the proposed project was categorically exempt from CEQA review pursuant to Section 15301, Class 1 (as a minor alteration to existing facility with no expansion of use), and thus did not identify any significant adverse environmental effects from the proposed project.

The Commission's review, analysis, and decision-making process for CDPs and CDP amendments has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed CDP waiver is not expected to result in any significant environmental effects, including as those terms are understood in CEQA.

Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed CDP waiver would necessitate. Thus, the proposed CDP waiver will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

### **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 Friday, October 15, 2021 during the virtual Coastal Commission meeting. If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

**If you have any questions about the proposal or wish to register an objection, please contact Alexandra McCoy in the Central Coast District office at [Alexandra.McCoy@coastal.ca.gov](mailto:Alexandra.McCoy@coastal.ca.gov).**

**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



## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** October 1, 2021  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Esme Wahl, Coastal Planner  
**Subject: Coastal Development Permit (CDP) Waiver 3-21-0261-W**  
Applicant: John Gregg

### Proposed Development

Replace an existing concrete boat ramp (28 feet by 50 feet) with a new and expanded galvanized-dipped steel-grate boat ramp (28 feet by 115 feet); replace an existing wash-down slab with a new wash-down slab with a drain that will connect to an existing interceptor tank; replace existing concrete transition slab (located between the wash-down slab and the boat ramp) with a new concrete transition slab; install two new catch basins (each 2 feet wide by 2 feet long by 4 feet deep); relocate an existing dock and gangway six feet north to accommodate the larger boat ramp and install three new pre-cast concrete piles to support the relocated dock; and construct a new 8-foot by 8-foot equipment shed, all at the Moss Landing Boatworks property located adjacent to the Moss Landing Harbor at 7501 Sandholdt Road in the unincorporated community of Moss Landing, 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:

Moss Landing Boatworks provides for boat repair and related services at the Moss Landing Harbor, and currently uses the existing boat ramp at its Harbor-fronting site to bring in boats for maintenance and repairs and then to relaunch the serviced boats. The proposed expanded boat ramp will allow Moss Landing Boatworks to work on slightly larger boats compared to the existing boat ramp. Although more than double the length, the expanded boat ramp should not create any navigational hazards because the end point of the new boat ramp does not extend to the working channel area, and soundings have shown there will be minimal water elevation differences between the ramps. The proposed project incorporates appropriate best management practices to protect the marine environment during construction activities (including concrete washout facilities located 50 feet from storm drain inlets, material containment to prevent foreign materials from entering the harbor, and specific piling installation and concrete work procedures to be performed in accordance with California Department of Fish and Wildlife and

Coastal Commission Water Quality staff recommendations). The concrete pilings to support the relocated dock will be precast offsite and cured for more than 30 days before being installed. The new catch basins will improve water quality by reducing the amount of sediment and debris that makes its way into the storm drain system and the Harbor. In terms of access, the project will not prejudice any future harbor-edge accessways (e.g., as might be proposed as part of the Moss Landing Community Plan LCP update process).

In summary, the proposed project will facilitate the continued work of the boatyard, will improve stormwater infrastructure, and will include appropriate construction measures to protect the marine environment. For all these reasons, the project can be found consistent with the Coastal Act.

### **California Environmental Quality Act (CEQA)**

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment. The Monterey County Planning office, acting as lead CEQA agency, determined that the proposed project was categorically exempt from CEQA review pursuant to Section 15301 (d) and (e) (as a minor alteration to existing facility with no expansion of use), and thus Monterey County did not identify any significant adverse environmental effects from the proposed project.

The Commission's review, analysis, and decision-making process for CDPs and CDP amendments has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed CDP waiver is not expected to result in any significant environmental effects, including as those terms are understood in CEQA.

Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed CDP waiver would necessitate. Thus, the proposed CDP waiver will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

### **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 Friday, October 15, 2021, during the virtual Coastal Commission meeting. 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 Esme Wahl ([Esme.Wahl@coastal.ca.gov](mailto:Esme.Wahl@coastal.ca.gov)) in the Central Coast**

**District office.**

**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



## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** October 1, 2021

**To:** All Interested Parties

**From:** Susan Craig, Central Coast District Manager  
Esme Wahl, Coastal Planner

**Subject: Coastal Development Permit (CDP) Waiver 3-21-0622-W**  
Applicant: Monterey Bay Aquarium Foundation

### Proposed Development

The Monterey Bay Aquarium Foundation proposes to modify its 3-story mixed-use building (just upcoast of its recently completed education building) on the inland side of Cannery Row opposite the El Torito Restaurant site. The Foundation considers this project to be the first phase of a larger building renovation expected at the site, and it includes remodeling the first floor entrance along Cannery Row (including adding a wheelchair lift, pavers, railings, and entry and glass panel doors); remodeling the rear entrance along the City's recreational trail (including new doors, awnings, lighting, and pavers); and remodeling the second floor office layout, all at 585 Cannery Row 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 project proposes to improve the appearance and utility of a fairly non-descript building that is located at a prime corner location between Cannery Row and the Monterey Bay Coastal Recreation Trail in the middle of one of the most significant and popular visitor destinations on California's central coast. The Applicant plans to use the first floor as a retail space for the Monterey Bay Aquarium and the second and third floors as office spaces for Aquarium employees, which are the same types of uses that have previously operated on each floor. The recreation trail would remain open throughout construction and no public access would be affected, and the project incorporates best management practices to protect water quality and prevent construction materials from entering storm drains (including use of perimeter controls such as gravel bags and silt fences). The project should help to improve public views, and, particularly, when coupled with potential future improvements, help to better integrate the subject building into the Cannery Row and recreation trail aesthetic. In summary, the project should improve coastal resource values, and is consistent with the Coastal Act.



### **California Environmental Quality Act (CEQA)**

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment. The City of Monterey, acting as lead CEQA agency, determined that the proposed project was categorically exempt from CEQA review pursuant to Section 15301 (as a minor alteration to an existing facility with no expansion of use), and thus did not identify any significant adverse environmental effects from the proposed project.

The Commission's review, analysis, and decision-making process for CDPs and CDP amendments has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed CDP waiver is not expected to result in any significant environmental effects, including as those terms are understood in CEQA.

Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed CDP waiver would necessitate. Thus, the proposed CDP waiver will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

### **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 Friday, October 15, 2021, during the virtual Coastal Commission meeting. 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 Esme Wahl ([Esme.Wahl@coastal.ca.gov](mailto:Esme.Wahl@coastal.ca.gov)) in the Central Coast District office.**

**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



# EMERGENCY COASTAL DEVELOPMENT PERMIT

## Emergency CDP G-3-21-0035 (Grossman Cutoff Wall)

**Issue Date: September 3, 2021**

This emergency coastal development permit (ECDP) authorizes temporary emergency development consisting of construction of a new 84-foot-long, 5-to-9-foot-high, 18-to-24-inches-wide, 7,500-pounds-per-square inch (psi) shotcrete cutoff wall, reinforced with stainless steel frame and doweling. The cutoff wall will be set in a 4-foot-deep keyway in bedrock with 4-foot-long return walls at the wall's upcoast and downcoast ends, and the wall will be contoured, textured, and colored to match the local Pismo Formation. The work will be done at the base of the bluff seaward of 121 Indio Drive in Pismo Beach (APN 010-205-002) and is expected to take up to 30 calendar days to complete.

On April 10, 2020, Commission staff issued ECDP G-3-20-0025 to the Permittee, which provided for the filling of an approximately 70-foot-long, up to 27-foot-deep, and up to three-foot-high sea cave that was compromising the bluff, the existing approved armoring at the site, and the residence on the property. The sea cave fill authorized by ECDP G-3-20-0025 was completed but was subsequently undercut and outflanked by wave erosion and a new sea cave formed along the downcoast portion of the site. On May 25, 2021, Commission staff issued another ECDP (G-3-21-0023), which allowed for the repair and replacement of the former sea cave fill that had eroded away, as well as the extension of the infill in the downcoast area of the site to fill the newly formed sea cave and support the fractured bluff, for a total of about 10 cubic yards of shotcrete. In just one month after the May 2021 ECDP-authorized work was completed, the site experienced unforeseen further accelerated destabilization of the bluff with cracking of the overhanging Pismo Formation and shotcrete infill caused by direct, flanking, undercutting, and overcutting marine erosion. Of particular concern is a new quasi-vertical fracture in the Pismo Foundation and overlying terrace deposits that, with ongoing wave uprush that contains mobilized rocks and cobbles, could lead to near-term failure and toppling of the bedrock and unconsolidated terrace materials. The Commission's senior coastal engineer and geologist have consulted with the Permittee on various possible alternatives to forestall the emergency while a long-term solution for this site is evaluated, but ultimately agreed with the Permittee's geotechnical engineers that a cutoff wall keyed into the bedrock is the appropriate solution to immediately address public safety issues at the site, including with respect to both the blufftop residence and beachgoers below the bluff.


Enclosure: Emergency Coastal Development Permit Acceptance Form

Cc: (via email): Megan Martin, Planning Manager, City of Pismo Beach

Thus, this ECDP authorizes the proposed cutoff wall, which is necessary to protect public safety and to reduce the likelihood of potential loss or damage to the residence. 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
- (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.

DocuSigned by:  
  
B6A50166016B47A...

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 within 15 days of the date of this ECDP (i.e., by September 18, 2021). This ECDP is not valid unless and until the signed 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 60 days of the date of this permit (i.e., by November 2, 2021) 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 and the bluff restored if it is not authorized by a regular CDP, which may be denied or approved with conditions that may result in a different project to the one authorized under this ECDP. Within 90 days of the date of this permit (i.e. by December 2, 2021), the Permittee shall submit a complete application for a regular CDP to authorize the emergency development or for a modified project intended to be retained beyond this temporary authorization, or for removal of the emergency development and restoration of the affected bluff area. 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 development, during emergency

development construction activities, and after the temporary emergency development 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.) for the emergency development. 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 ECDP Application dated received in the Coastal Commission's Central Coast District Office on August 25, 2021.
8. A licensed civil engineer with experience in coastal structures and processes shall oversee all emergency development construction activities and shall ensure that all emergency development is limited to the least amount necessary to abate the emergency.
9. All emergency development construction activities shall limit impacts to coastal resources (including public recreational access and the Pacific Ocean) to the maximum extent possible 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; (3) temporary placement of shoring of the fractured and overhanging bluff at the downcoast sea cave. 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.).
  - 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 workday.
  - 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 temporarily 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 development previously authorized under CDP A-3-PSB-02-016), to both the emergency condition and to the post-work condition), and a narrative description of all temporary emergency development activities undertaken pursuant to this emergency authorization. Photos showing the project site before the emergency (if available), during emergency development construction activities, and after the temporary development 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 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. The Permittee shall submit the record (of complaints/inquiries and actions taken in response) to the Executive Director on at least a weekly basis.
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 above in Conditions 4 and 5, 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.

**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



# EMERGENCY COASTAL DEVELOPMENT PERMIT

## **Emergency CDP G-3-21-0040 (Elephant Seal Vista Point Culverts Repairs)**

**Issue Date: September 29, 2021**

This emergency coastal development permit (ECDP) authorizes the California Department of Transportation (Caltrans) to perform emergency development consisting of the repair of the portion of two culverts that are located within the Commission's retained permitting jurisdiction along Highway 1 at postmiles (PMs) 62.3 and 62.5 in northern San Luis Obispo (SLO) County near Piedras Blancas.

In June 2021, Caltrans crews observed an emerging sinkhole along Highway 1 at PM 62.5 that was causing the roadway embankment to slip out and the roadway asphalt to crack and become uneven. Further investigation found that the culverts passing under Highway 1 at two nearby locations, i.e., PMs 62.3 and 62.5, had significant rust. Large holes in the bottoms of the culverts (due to the rust) were allowing water to escape, causing erosion that resulted in the creation of voids and sinkholes below the roadway prism and which extended into the bluffs seaward of the highway. Caltrans determined that erosion from future rain events would lead to loss of Highway 1 and the adjacent bluffs at these locations, which include a portion of Hearst San Simeon State Park and the popular Elephant Seal Vista Point public parking lot, viewing area, and blufftop trail. California Department of Parks and Recreation staff placed barricades to close the vulnerable sections of the blufftop trail to public access until the proposed emergency work is completed.

The project area is bifurcated by two coastal permitting jurisdictions. The majority of the project is located within SLO County's LCP jurisdiction, which extends inland from the toe of the bluff. On August 31, 2021, the County issued a CDP exemption to Caltrans for the culvert repair at PM 62.3 on the basis that the project involves installation or replacement of a necessary utility connection under SLO County Code Section 23.03.040(d)(8)(iii). This exemption authorized installation of a 48-inch cured-in-place pipe liner within the existing 48-inch culvert. On September 10, 2021, the County issued a CDP exemption for the culvert repair at PM 62.5 on the same basis. That repair includes installation of a 72-inch high-density polyethylene pipe liner within the existing 84-inch culvert, and grouting to fill the annular space between the existing pipe and the liner. Additionally, approximately 20 feet of the outfall section of the 84-inch culvert will be removed and replaced due to significant deformation and failure at the joint. At both

Enclosure: Emergency Coastal Development Permit Acceptance Form

Copy (via email): Schani Siong (SLO County Dept. of Planning and Building), Dan Breen (U.S. Army Corps of Engineers), Leilani Takano (U.S. Department of Fish and Wildlife)

locations, Caltrans will use slurry to fill the voids that have been eroded away in the areas surrounding the culverts. Additional work authorized by those exemptions includes restoration of eroded sections of the roadway prism and the public blufftop trail at the Elephant Seal Vista Point. An approved archaeologist and a Native American monitor will be on site as required for the duration of construction, and an archaeological resource monitoring plan has been prepared. The northern half of the Elephant Seal Vista Point parking lot will be required for staging. Beach and trail access will remain open during construction, excluding damaged and restricted areas. All of these project components were authorized under the exemptions issued by SLO County and are not covered under this ECDP.

This ECDP authorizes the portion of the emergency development within the Coastal Commission's retained jurisdiction, which extends from the toe of the bluff seaward to the shoreline. Proposed emergency work within this area includes installation of animal exclusion fencing, the portion of the repairs where the culverts outfall at the toe of the bluffs, and restacking of existing rock slope protection at the base and around each outfall. No new rock slope protection is anticipated be added to the sites.

The project has the potential to impact southern sea otter (*Enhydra lutris nereis*), which is listed as threatened under the federal Endangered Species Act, as well as the northern elephant seal, which is protected under the federal Marine Mammal Protection Act (MMPA). Caltrans has completed an informal emergency consultation with the U.S. Fish and Wildlife Service and will implement that agency's recommended measures to avoid impacts to these species and other wildlife. A qualified biologist will monitor construction activities to determine if southern sea otters or northern elephant seals are being disturbed. An exclusion zone of 50 feet will be implemented at all times when construction work is occurring within 100 feet of tidal waters in order to prevent injury to southern sea otters or northern elephant seals from machinery. The biologist will have the authority to stop project activities if southern sea otters or northern elephant seals enter the exclusion zone or display a significant reaction to construction activity. Exclusion fencing will be used to keep elephant seals out of the construction area, for the safety of seals and construction workers. All proposed emergency work is authorized under Section 101(A)(4) of the MMPA. All work will occur above the mean high tide line. Fuel storage and all equipment fueling and maintenance will occur at least 100 feet from tidal areas, and all construction work will incorporate appropriate best management practices to protect water quality.

The proposed emergency development is necessary to maintain the public's safety while traveling Highway 1 through northern San Luis Obispo County and to reopen the popular public blufftop trail at the Elephant Seal Vista Point. Thus, the proposed emergency work is necessary to maintain essential public services and public safety, and is the minimum work necessary to prevent further damage to the highway corridor and associated public access amenities. 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 90 days as 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.

DocuSigned by:  
*Susan Craig*  
B6A50166016B47A...

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 October 14, 2021). 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 60 days of the date of this permit (i.e., by November 28, 2021) 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 nine months of the date of this permit (i.e., by June 29, 2022), 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 sites. (The CDP application may be found at: <http://www.coastal.ca.gov/cdp/cdp-forms.html>). The application shall include photos showing the project sites 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., San Luis Obispo County, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, 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 Caltrans Emergency Notification Form dated received in the Coastal Commission's Central Coast District Office on September 20, 2021.
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 parking, recreational access, and public views) 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):
  - All construction areas shall be minimized and demarked by temporary fencing designed to allow through public access and to protect public safety to the maximum extent feasible. Construction (including, but not limited to, construction activities and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
  - The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; 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.).
  - All construction activities that result in discharge of materials, polluted runoff, or wastes to beaches or the adjacent marine environment are prohibited. Equipment washing, refueling, and/or servicing shall take place at least 100 feet from tidal areas. 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.
  - All accessways impacted by construction activities shall be restored to their pre-construction condition or better upon completion of construction.
  - 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.
  - The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction activities.

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

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

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

SEP 30 2021

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

RE: **Emergency Coastal Development Permit (ECDP) No. G-3-21-0040**

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.e., by October 14, 2021).

I hereby understand all of the conditions of the ECDP being issued to the California Department of Transportation (Caltrans) 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 nine months of the date of issuance of this ECDP (i.e., by **June 29, 2022**) unless this deadline is extended by the Executive Director.

A handwritten signature in black ink, appearing to read 'Randy LaVack'.

\_\_\_\_\_  
Signature of Caltrans Representative

Randy LaVack  
\_\_\_\_\_  
Name (Print)

50 Higuera St  
\_\_\_\_\_  
Address

San Luis Obispo, CA 93401  
\_\_\_\_\_