

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



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Prepared November 5, 2021 (for November 17, 2021 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Central Coast District Director

Subject: Central Coast District Director's Report for November 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 November 17, 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 November 17th during the virtual online hearing.

With respect to the November 17th 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 November 17, 2021 (see attached)

CDP Waivers

- 3-20-0697-W, Monterey Marina parking lot improvements (Monterey)
- 3-21-0184-W, Glads Landing pilings (Morro Bay)
- 3-21-0745-W, Fisherman's Wharf awnings (Monterey)

CDP Extensions

- A-3-SLO-07-041-E12, Olander SFD (Los Osos)

Emergency Permits

- G-3-21-0051, State Parks' Aptos Creek diversion (Rio del Mar)
- G-3-21-0052, State Parks' Carmel River Lagoon sand management (Carmel River State Beach)

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NOTICE OF PROPOSED PERMIT WAIVER

Date: November 5, 2021

To: All Interested Parties

From: Susan Craig, Central Coast District Manager
Alexandra McCoy, Coastal Planner

Subject: Coastal Development Permit (CDP) Waiver 3-20-0697-W
Applicant: City of Monterey

Proposed Development

Reconstruction and reconfiguration of an existing parking lot, realignment of the recreational trail, installation of new lighting fixtures and bio-filtration infrastructure, and landscaping improvements at the City of Monterey Marina public parking lot (fronting Municipal Wharves I and II) near Del Monte Beach in the City of Monterey, Monterey County (APN 001-701-012-000).

Executive Director's Waiver Determination

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

The City's Marina public parking lot provides parking for Municipal Wharves I and II, the City's small boat docks, and the public boat ramps, as well as parking more broadly for public recreational access to the City's public recreational access trail and related public amenities in this busy shoreline area. The 4.3-acre project site include the Marina parking lot that currently provides 268 public parking spaces with two entrances and exits; one to Figueroa Street and one to the adjacent Waterfront Parking Lot. The project site also includes three restaurants¹, and the recreational access trail currently extends through the middle of it. That recreational trail alignment has proven to be less than ideal and the trail crosses vehicular traffic lanes within the lot multiple times, which has led to user conflict and accidents. The proposed parking lot reconfiguration is intended to help alleviate those trail/traffic lane issues and to improve the parking lot flow more generally, and it includes the removal and replacement of existing asphalt, reconfiguration of the parking lot layout, realignment of the recreational trail, and installation of new pay stations.

Although the proposed reconfiguration would provide ten fewer regular parking spaces than currently exist, the reconstructed parking area would provide a more efficient flow

¹ No changes are proposed for the restaurant buildings.

through the parking lot for vehicles, including vehicles with boat trailers. In addition, the relocation of the recreational trail is designed to help to improve safety issues by relocating the areas where the trail crosses vehicular lanes to provide for shorter crossing distances, and also by installing elevated crosswalks at those crossings that will act as speed bumps to slow vehicles (and that will also provide a level pedestrian/bicyclist path of travel from one side of each crossing to the other). Although it would be strongly preferred for the recreational trail to be reconfigured differently through the lot to better avoid such vehicular lane crossings altogether, the City indicates that such a redesign would be difficult due to the range of competing demands at the margins of the lot (including the restaurants, the boat launch, the Wharves' access, the boat docks' access, and the entrances and exits for the lot itself), and that such a level of redesign is outside the scope of this project. At the same time, the City has committed to monitoring usage patterns and evaluating potential future options, including as may be identified through the LCP development process currently underway in the City.

The project also includes installation of new lighting fixtures to increase safety for pedestrians and vehicles traveling through the lot, and installation of new bio-filtration boxes to better treat stormwater runoff to improve water quality where such runoff makes its way to the ocean. Thirty-three existing trees in the Marina parking lot² will be removed, but these trees do not provide habitat for any sensitive species or raptors. The City will perform nest surveys if the project commences during the bird breeding season (February 1 through August 31) and will avoid and buffer trees with nests until the young have fully fledged.³ All grading will be overseen by an archeological monitor to ensure proper protection of potential archeological resources. Finally, low-water-use and pollinator-friendly landscaping, including 25 *Metrosideros excelsa* trees (New Zealand Christmas Trees) to make up for the 33 trees removed, will be planted in medians and along the edges of the parking lot.

Construction is expected to take place outside of peak summer months, and alternative public parking will be available just inland of Del Monte Avenue at an existing City parking lot. Access to the public boat ramp will be temporarily closed for a duration not to exceed one week while the entrance to the boat ramp is reconstructed, and alternative boat ramp access will be available at the City's Breakwater parking lot on the opposite side of the Marina. The Waterfront parking lot directly adjacent to the Marina parking lot will remain open throughout construction to provide parking access for Wharves I and II. In addition, continuous recreational trail access will be maintained during all construction via a detour that will direct trail users to Figueroa Street and along Del Monte Avenue and then to reconnection with the existing trail outside of the project site.

The existing parking rates at the lot shall remain the same after the lot has been

² Existing trees include 6 Cypresses between 14 and 60 inches in diameter, 4 *Eucalyptus* between 10 and 24 inches in diameter, 11 *Lyonothamnus* between 6 and 17 inches in diameter, 6 Coastal Live Oaks between 6 and 13 inches in diameter, and 6 pine trees between 10 and 54 inches in diameter.

³ The buffers between construction activities and active bird nests will be 300 feet for all non-raptor bird species and 500 feet for raptor species.

reconstructed and are as follow: \$1.50/hour, \$10 daily maximum for a single space; \$2/hour, \$16 daily maximum for a double space (for vehicles with boats trailers or RVs). Any changes to these rates must be authorized by a CDP.

The project also includes a series of construction best management practices to protect coastal resources, including erosion and sediment controls, spill prevention measures, and good housekeeping practices. In sum, the proposed project is intended to ultimately improve public recreational access at this location, construction related impacts have been adequately addressed as much as possible with a project of this nature, and the project can be found consistent with 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 (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 15302 (as a reconstruction of an existing facility on the same site and with substantially the same purpose and capacity), and thus the City of Monterey 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 November 17, 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 (Alexandra.mccoy@coastal.ca.gov) in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: November 2, 2021
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Alexandra McCoy, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-21-0184-W
Applicant: Bill Martony

Proposed Development

Repair of four of the six wooden pier piles at the Glads Landing boat dock (lease site 34W) that is located seaward of 225 Main Street in the City of Morro Bay, San Luis Obispo 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 piling repair is needed to repair existing dock-and-recreational-fishing infrastructure in Morro Bay. Glads Landing is a small dock that is supported by six 10-inch-diameter wooden pilings. Four of the existing wooden pilings are heavily deteriorated and the dock is currently vacant and unused until repairs are completed. The proposed project involves repair of the four deteriorated pilings by placing steel tubes around the affected pier piles set to the appropriate depth using water jetting, and either injecting marine grout into the tubes or splicing steel collars to each affected pier pile to strengthen the piles. The proposed repairs will be completed from a barge and the duration of proposed repairs is 48 hours.

The proposed project includes mitigation measures to ensure that potential impacts are minimized. Specifically, silt curtains will be used during water jetting to minimize turbidity impacts to a small patch of eelgrass located about 13 feet from the project area, and a 50-foot exclusion zone for sea otters will be observed during all piling repairs. A post-construction eelgrass survey will be completed to evaluate whether any mitigation is required in accordance with the California Eelgrass Mitigation Policy (CEMP).¹ The proposed project also incorporates the Commission's standard Best Management Practices (BMPs) for overwater structures into the project description. 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 the necessary authorizations from the Army Corps of Engineers, and the Regional Water Quality Control Board waived the requirement for a 401 Water Quality Certification for the project.

¹ Generally, the CEMP requires a 1.2:1 ratio for in-kind mitigation.

In sum, the proposed piling repair project will protect and maintain recreational fishing facilities, and the project will not have any significant adverse impacts on coastal resources.

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 Morro Bay, acting as lead CEQA agency, determined that the proposed project was categorically exempt from CEQA review pursuant to Section 15301(d) (as a minor alteration to existing facility with no expansion of use), and thus the City of Morro Bay 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 Wednesday November 17, 2021 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 Alexandra McCoy (Alexandra.McCoy@coastal.ca.gov) in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: November 2, 2021
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Esme Wahl, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-21-0745-W
Applicant: Lance Koehler

Proposed Development

Addition of two retractable awnings above the entrance of a retail store and an ice cream shop at 43 Fisherman's Wharf in the City of Monterey, Monterey County.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13253 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed project will enhance the exterior of the existing visitor-serving shops located at 43 Fisherman's Wharf. The work is minor and there will be no increase in the footprint of the building to accommodate the new awnings. In addition, the project includes Best Management Practices for debris containment, spill prevention, and daily housecleaning to ensure the ocean's water quality is protected during awning installation. The work is projected to take only a few hours, and thus there will be no significant impact to public access. Accordingly, the project will not have any significant adverse impacts on coastal resources.

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 existing facility with no expansion of use), and thus the City 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 Wednesday November 17, 2021 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 Esme Wahl (Esme.Wahl@coastal.ca.gov) in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT EXTENSION

Date: November 2, 2021
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Esme Wahl, Coastal Planner
Subject: Proposed Extension to Coastal Development Permit (CDP) A-3-SLO-07-041
Applicant: Glenn Olander

Original CDP Approval

CDP A-3-SLO-07-041 was approved by the Coastal Commission on October 15, 2008 and provided for the construction of a single-family residence located at 2737 Austin Court, in the unincorporated coastal community of Los Osos, San Luis Obispo County.

Proposed CDP Extension

The expiration date of CDP A-3-SLO-07-041 has been extended by the Commission eleven times previously (to October 15, 2011, October 15, 2012, October 15, 2013, October 15, 2014, October 15, 2015, October 15, 2016, October 15, 2017, October 15, 2018, October 15, 2019, October 15, 2020, and October 15, 2021 respectively),¹ and would be extended in this case by one year to October 15, 2022. The Commission's reference number for this proposed extension is **A-3-SLO-07-041-E12**.

Executive Director's Changed Circumstances Determination

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

Coastal Commission Review Procedure

The Executive Director's determination and any written objections to it will be reported to the Commission on November 17, 2021, at the Commission's virtual hearing. If three or more Commissioners object to the Executive Director's changed circumstances determination at that time, a full hearing on whether changed circumstances exist will be scheduled pursuant to the Commission's regulations. **If you have any questions about the proposal or wish to register an objection, please contact Esme Wahl in the Central Coast District office at Esme.Wahl@coastal.ca.gov.**

¹ The CDP approval and the first eleven CDP extensions were granted to the previous property owner, Brent Richissin.

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EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-3-21-0051 (Aptos Creek Sand Management)

Issue Date: November 5, 2021

This emergency coastal development permit (ECDP) authorizes emergency development completed on October 22, 2021, which consisted of the Permittee (i.e., the California Department of Parks and Recreation (State Parks)) excavating a creek channel to allow Aptos Creek to flow directly across Rio del Mar State Beach and directly out to the ocean. The development also included construction of a sand berm to prevent creek waters from continuing to flow into a downcoast meander of the creek. Originally, verbal authorization was given by Coastal Commission staff on Thursday, October 21, 2021 for work that consisted of priming a breach of the creek by lowering a natural sand berm on the beach to allow a more natural breach of the altered berm during an expected high tide event, which would result in the creek flowing directly to the ocean rather than through the downcoast meander of the creek. The purpose of the project was to prevent the meandering creek from flooding or undermining public facilities, including a public parking lot and State Parks' restrooms.

Based on materials presented by the Permittee, following heavy rainfall in 2019 and in early 2021, Aptos Creek meandered downcoast parallel to the beach and threatened to flood the adjacent public parking lot and to undermine the foundation of the public restrooms. Ahead of forecasted heavy rains, on the afternoon of Friday, October 22, 2021, State Parks staff had planned to lower (by one to two feet) an approximately 9,000 square foot section of an existing sand berm to allow Aptos Creek to flow directly to the ocean through a semi-natural breach, which would prevent creek waters from flowing into the downcoast creek meander (which was in place but the meander mouth was not open and the meander had low flows) and thus reduce or eliminate the threat to the public facilities and the potential for subsequent debris to flow into the ocean if the facilities were damaged.

On the morning of Friday, October 22, 2021, and ahead of the planned and authorized work, the downcoast meander of the creek naturally breached, and the meander flows were reactivated. State Parks' staff was concerned that the expected heavy rainfall and the subsequent increase in the meander's flow would threaten the public restrooms and the parking lot, and thus State Parks' staff modified the development activities to eliminate this threat. This work consisted of 1) slowing and eventually blocking recharge of the reactivated meander through construction of a berm to prevent creek waters from entering the meander, and 2) excavating a channel (roughly 110 feet long, 10 feet wide,

Enclosure: Emergency Coastal Development Permit Acceptance Form

and a maximum of 2 feet deep) to direct the flow of Aptos Creek directly to the ocean, thereby bypassing the meander. In total, the berm and channel construction resulted in movement of roughly 160 cubic yards of sand.

Qualified biologists were present during all emergency development activities and monitored the mouth of the creek and associated lagoon. These biological monitors ensured that the emergency development was limited to the least amount necessary to abate the emergency and that it avoided impacts to both marine and lagoon resources to the maximum extent possible. The biological monitors documented observations before, during, and after the development to inform impact evaluation and any mitigation for those impacts. The biological monitors conducted water quality testing during the emergency development, as well as identified, and via the use of sein netting, recovered 150 tidewater gobies, 50 sticklebacks, and a staghorn sculpin in the creek meander, all of which were relocated to more inland creek waters in advance of the dewatering of the meander via installation of the berm.

The described emergency development was the minimum necessary to address an imminent threat to the public restrooms and parking lot. 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

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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 November 20, 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 is only temporary and shall no longer be authorized if it is not followed-up by a regular CDP. Within 60 days of

the date of this permit (i.e., by January 4, 2022), the Permittee shall submit a complete application for such regular CDP. Otherwise, the temporary emergency development shall no longer be authorized, and all areas affected by it restored to their original pre-emergency development condition. The deadlines in this condition may be extended for good cause by the Executive Director.

4. 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.
5. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., Santa Cruz County, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, State Water Board, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
6. All emergency development shall be limited in scale and scope to that specifically identified in the application materials received in the Coastal Commission's Central Coast District Office on October 29, 2021.
7. All emergency development is limited to the least amount necessary to abate the emergency.
 - 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.

8. 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.
9. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
10. 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 3 and 4 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.

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EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-3-21-0052 (Carmel River Lagoon Sandbar Management)

Issue Date: November 8, 2021

Page 1 of 7

This ECDP authorizes Monterey County, acting as contractor and agent for the California Department of Parks and Recreation (State Parks), to manage the sandbar at Carmel River State Beach during the 2021-22 rainy season, including by cutting and managing a channel between the lagoon and Carmel Bay to reduce the water level in the lagoon so as to avoid/minimize flooding of existing residences and State Beach facilities upstream of the lagoon fronting Carmel River State Beach (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (Monterey County), the Carmel River Lagoon is currently below flood elevation; however, there is a risk that any significant rainfall could lead to flooding of approximately 12 residential homes, loss of the State Beach parking lot, and undercutting of the State Beach restroom, all located upstream and along the bank of the lagoon. Monterey County has estimated the flood elevation to be 15.74 feet (NAVD88). To avoid exceeding flood elevation, mobilization and mechanical breaching of the sandbar will commence when one or more of the following conditions is met: 1) lagoon water level reaches a surface elevation of 13.27 feet (NAVD88); 2) the rise in lagoon water levels indicates there is less than six hours until the water surface elevation reaches 12.77 feet (NAVD88) or when Carmel River flows reach or exceed 200 cubic feet per second at the Los Padres Dam and at Esquiline Road Bridge stream gauges; 3) wave over-topping begins to rapidly increase water levels of the lagoon and increases the sandbar elevation.

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

Enclosure: (1) Emergency Coastal Development Permit Acceptance Form


cc: (via email)

Brent Marshall, California Department of Parks and Recreation
Sophie De Beukelaer, Monterey Bay National Marine Sanctuary
Katerina Galacatos, U.S. Army Corps of Engineers
Chad Mitcham, U.S. Fish and Wildlife Service
Amanda Morrison, National Marine Fisheries Service
Linda Connolly, California Department of Fish and Wildlife
Erik Lundquist, Monterey County Planning Department
Brandon Swanson, City of Carmel-by-the-Sea

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 and returned to the California Coastal Commission's Central Coast District Office within 15 days of the date of this permit (i.e., by November 23, 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 extends through the 2021-22 rainy season (i.e., until April 15, 2022) only, unless extended for good cause by the Executive Director.
4. The emergency development authorized by this ECDP is only temporary, and shall no longer be authorized if it is not followed-up by a regular CDP that provides a comprehensive response to flooding along Carmel Lagoon in a manner that is most protective of Carmel River/Lagoon resources and public recreational access, including through application of the least environmentally damaging alternatives for addressing flood risks and shoreline erosion, and allowing the river/lagoon system to operate as naturally as possible without artificial manipulation. Accordingly, on or after January 1, 2022 the Permittee shall submit technical reports and materials necessary to modify/update the existing Draft EIR (DEIR) for ongoing management of the Carmel River and Lagoon including as related to the Scenic Road Protection System. Additionally, by June 15, 2022, the Permittee shall submit a public review DEIR associated with the long-term comprehensive response to managing the Carmel River Lagoon, and within one year of the date of this permit (i.e., by November 5, 2022), the Permittee shall submit a complete application for a regular CDP. (The CDP application may be found at: <http://www.coastal.ca.gov/cdp/cdp-forms.html>). Otherwise, the temporary emergency development shall no longer be authorized, and all areas affected by it shall be restored to their original pre-emergency development condition. 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 deadlines in this condition may be extended for good cause by the Executive Director.

5. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., California Department of Parks and Recreation, California Department of Fish and Wildlife, California State Lands Commission, Monterey Bay National Marine Sanctuary, United States Army Corps of Engineers, National Marine Fisheries Service, United States Fish and Wildlife Service, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
6. All emergency development shall be limited in scale and scope to that specifically identified in the materials submitted by the Permittee (dated received in the Coastal Commission's Central Coast District Office on October 22, 2021).
7. A qualified biologist (including with a minimum of three years' experience with anadromous salmonids) shall be present during all emergency development activities and shall monitor the lagoon and sandbar on a daily basis for as long as the emergency development activities authorized under this ECDP persist. The biological monitor shall ensure that all emergency development is limited to the least amount necessary to abate the emergency, and that it avoid impacts to adjacent marine and lagoon resources as much as possible, including through adaptive management measures to respond to changing conditions and/or understandings relative to flood risk and habitat impacts.
8. Prior to any mechanical breaching of the sandbar, the Permittee shall have ensured that all other possible flood protection measures (e.g., sand bags, rubber dams, etc.) have been applied to protect surrounding flood water threatened homes, infrastructure, and other development to the maximum extent feasible.
9. For the construction of the channel, the Permittee shall excavate a channel through the sandbar in a direction and manner as agreed upon in consultation with NOAA Fisheries, and in a manner that results in a more natural and less erosive breach. A sand plug will be left in place at the end of the excavation channel that is closest to the lagoon, with the intention that wave action or rising lagoon water levels will naturally breach the plug. Based on typical beach and sandbar conditions, the excavation channel would be constructed to the south and result in the excavation and side-casting of approximately 100 – 250 cubic yards of beach sand. The channel will be excavated to an approximate depth elevation of 12.77 feet (NAVD88). The primary area of site disturbance (including the channel, side-cast area, and sand stockpile area) is estimated at approximately 0.60 acre and 300 linear feet. If existing shoreline conditions prevent establishing a diagonal channel in the manner described above, the Permittee may, in conjunction with the other responsible agencies identified in Condition #5 above, be authorized to modify the channel configuration (i.e., length, width, and location) to reduce flood risks in a manner that also protects sensitive resources and species to the greatest extent practicable.

10. Following any sandbar breach and after high inflows from the river have receded, the lagoon shall either be allowed to naturally close or remain with an open outlet channel flowing over the beach in the alignment described in Condition #9 above (i.e., a long meandering channel that mutes tidal influence and rapid draining of the lagoon), whichever is more protective of resources, including as directed by the biological monitor.
11. If excessive scour is observed, contaminant-free in-situ Carmel River beach sand will be pushed into the outlet channel to reduce further scour or to close the sandbar if deemed necessary in consultation with NOAA Fisheries. The minimum lagoon elevation shall be maintained at 8.77 feet (NAVD88). The excavated channel will be managed in consultation with NOAA Fisheries, which may include closure by backfilling the channel plug to maximize the volume of aquatic habitat in the dry season, up to a maximum lagoon level of 12.77 feet (NAVD88).
12. All emergency development activities shall limit impacts to coastal resources (including public recreational access, shoreline bluff, Carmel River and the lagoon, 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 construction areas shall be minimized, shall allow public recreational access along Carmel River State Beach, and shall 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.
 - 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 areas is prohibited.
 - d. Any construction materials and equipment delivered to the beach area shall be delivered by 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 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.
 - 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 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.
 - j. All exposed slopes and soil surfaces in and/or adjacent to the construction area shall be stabilized with erosion control native seed mix, jute netting, straw mulch, or other applicable best management practices (for example, those identified in the California Storm Water Best Management Practice Handbooks (March, 1993)). The use of non-native invasive species (such as ice-plant) is prohibited.
 - 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/clean-up 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 restoration activities. If planning staff should identify additional reasonable restoration measures, such measures shall be implemented immediately.
13. Copies of this ECDP shall be maintained in a conspicuous location at the emergency development area at all times for as long as emergency development activities authorized under this ECDP persist, and such copies shall be available for public review on request. All persons involved with the emergency development activities shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
14. The Permittee shall designate a coordinator to be contacted during all emergency development activities and for as long as the emergency development activities authorized under this ECDP persist should questions arise regarding these activities (in case of both regular inquiries and emergencies). The coordinator's contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of

emergency development activities, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The coordinator shall record the name, phone number, and nature of all complaints received regarding the time that emergency development activities authorized under this ECDP persist, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

15. The Permittee shall submit monthly reports to the Executive Director for review by the 15th of each month that emergency development activities authorized under this ECDP persist. Each report shall identify all flood protection measures (e.g., sand bags, rubber dams, etc.) that have been applied to protect surrounding flood water threatened homes, infrastructure, and other development to the maximum extent feasible; shall document all emergency development activities (including through narrative as well as site plans and cross sections accompanied by photographs, maps, and /or graphics); and shall include a section prepared by the biological monitor providing his/her monitoring observations, including in terms of potential impacts to habitat resources (including identification of any fish mortality and/or harm or harassment (e.g., fish entrainment in the outlet channel during breaching)) and recommendations for project changes to avoid such impacts. The monthly reports shall clearly identify all areas affected by emergency development activities, and include the location and extent of grading, sand borrow, and fill areas; pre-existing and resulting alignments of the river; elevations showing finished slopes; and, estimated quantity of sand moved. The monthly reports shall also include color photographs (in hard copy and jpg format) that clearly depict all emergency development activities, that are accompanied by a site plan that notes the location of each photographic viewpoint and the date and time of each photograph, and that are accompanied by a description of what is shown in each photograph. At a minimum, the photographs shall be from enough upcoast, seaward, and downcoast viewpoints as to provide complete photographic coverage of the emergency development activities authorized under this ECDP at a scale that allows comparisons to be made with the naked eye between photographs taken at different times from the same vantage points.
16. 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.
17. The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and (2) required by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this ECDP. The Permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such

costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

18. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
19. 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.
20. 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 #16 above, the emergency development carried out under this ECDP is at the Permittee's risk and is considered to be temporary work done in an emergency situation to abate an emergency. If Monterey County wishes to have the emergency development become permanent development, 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.