

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



F14

Prepared January 27, 2021 (for February 12, 2021 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Central Coast District Director

Subject: Central Coast District Director's Report for February 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 February 12, 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 February 12th during the virtual online hearing.

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

Items being reported on February 12, 2021 (see attached)

CDP Waivers

- None

CDP Amendments

- 3-82-199-A9, Carmel Area Wastewater District timing changes (Carmel)

CDP Extensions

- A-3-SLO-00-040-E12, Schneider SFD extension (Harmony Coast)

Emergency CDPs

- G-3-21-0003, Avila Creek breaching (Avila Beach)

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: January 29, 2020

To: All Interested Parties

From: Susan Craig, Central Coast District Manager
Colin Bowser, Coastal Planner

Subject: Proposed Amendment to Coastal Development Permit (CDP) 3-82-199
Applicant: Carmel Area Wastewater District

Original CDP Approval

CDP 3-82-199 was approved by the Coastal Commission on January 20, 1981 to authorize a series of improvements and upgrades to bring the Carmel Area Wastewater District's (CAWD) wastewater treatment plant (originally constructed in 1939) into compliance with water quality standards at the time. More specifically, the CDP authorized infrastructure upgrades to address problems from inadequately sized treatment capacity, including expanded capacity and construction of recycled water facilities meant to provide treated wastewater for a variety of uses, including to irrigate nearby golf courses. The 1981 CDP approval also included a series of conditions addressing the plant's operations, including service area boundaries, treatment capacity, flood management/coastal hazards (i.e., prohibiting levees, dikes, and other shoreline protective devices to protect the plant from flooding), public coastal access (i.e., requiring CAWD to offer an easement or enter into an agreement to allow a public trail along the Carmel River to the shoreline), and habitat preservation (i.e., requiring CAWD to develop a plan to protect riparian habitat located outside of the Plant's boundaries).

The CDP has been amended eight times since its initial approval to authorize various other proposed changes, most recently in March of 2020. That approval authorized a series of after-the-fact changes to the plant's infrastructure and operations including installing a new digester and digester control buildings, a new sodium bisulfite/hypochlorite facility, a new storm water pump station and electrical service pad, and performing repairs and modifications to ten existing facilities and structures. The amendment also recognized after-the-fact removal of approximately 2,500 square feet of riparian vegetation and expansion of the District's wastewater service boundary. As part of the approval, and as mitigation for the removal of the riparian vegetation, the Commission imposed Special Condition 4, which required that CAWD place roughly 10 acres of riparian habitat outside of the plant's developed footprint in a conservation easement for habitat and public access purposes. This conservation area would provide habitat and public access to the site's natural area on the Carmel River's lower watershed and lagoon that surrounds the plant.

3-82-199-A9 (Carmel Area Wastewater District)

Proposed CDP Amendment

CDP 3-82-199 would be amended to change the wording of Special Condition 4(d) (Easement Recordation) to remove the words “Prior to Issuance of the Amended CDP” from the special condition. Special Condition 4(d) required CAWD to complete the easement and have it recorded before the CDP would be issued. CAWD has provided Commission staff with all necessary materials for the recordation, but a lack of staff resources to record the easement has resulted in a delay in doing so and thus a delay in issuing the CDP. The proposed amendment would allow the Commission to issue the CDP while still working with CAWD on the recordation process. The Commission’s reference number for this proposed immaterial amendment is **3-82-199-A9**.

Executive Director’s Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

The proposed amendment would allow the CDP to become effective and issued now as opposed to after recordation of the easement. The easement is still required. Commission staff has coordinated with CAWD staff on the required process of designating the specified natural areas to be conserved through the easement and now awaits the easement’s official recordation. Staff is confident that the remaining steps in officially recording the conservation easement can proceed and believes that finalizing the easement after the CDP is issued will have no effect on the amended CDP’s overall implementation.

Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director’s response to it will be reported to the Commission on February 12, 2021 at the Coastal Commission’s virtual online meeting. If three or more Commissioners object to the Executive Director’s determination of immateriality at that time, then the application will be processed as a material CDP amendment.

If you have any questions about the proposal or wish to register an objection, please contact Colin Bowser in the Central Coast District office at Colin.Bowser@coastal.ca.gov.

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NOTICE OF PROPOSED PERMIT EXTENSION

Date: January 29, 2021

To: All Interested Parties

From: Susan Craig, Central Coast District Manager
Brian O'Neill, Coastal Planner

Subject: Proposed Extension to Coastal Development Permit (CDP) A-3-SLO-00-040

Applicant: Dennis Schneider

Original CDP Approval

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

Proposed CDP Extension

As indicated above, the CDP was originally approved by the Coastal Commission on January 10, 2008 and included a two-year term with an expiration date of January 10, 2010. The Applicant previously filed for eleven extensions to extend this deadline (ultimately to January 10, 2020), which were granted by the Commission. Thus, under this proposed extension, the expiration date of CDP A-3-SLO-00-040 would be extended one additional year until January 10, 2022. The Commission's reference number for this proposed extension is **A-3-SLO-00-040-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 February 12, 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 Brian O'Neill in the Central Coast District office at Brian.O'Neill@coastal.ca.gov.

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EMERGENCY COASTAL DEVELOPMENT PERMIT

**Emergency CDP G-3-21-0003 (San Luis Obispo Creek Breaching, San
Luis Obispo County Public Works Department)**

Issue Date: January 21, 2021

This emergency coastal development permit (ECDP) authorizes emergency development consisting of excavating an approximately 200-foot-long two-foot deep trench approximately 2 feet deep across the Avila Beach Lagoon sandbar with a single excavator, and placement of excavated materials directly adjacent to the excavated area in order to encourage the sandbar to naturally breach over the next few days. Based on the materials presented by the Permittee (San Luis Obispo County Public Works Department), a high sandbar, high tides, and lack of significant rain events have resulted in unusually high water levels in the lagoon. As a result, the existing drainage system in Avila Beach is completely submerged in water and cannot function as designed, which has resulted in flooding on several streets. The County has determined that anticipated rain events will cause additional flooding that will threaten several residences and other structures unless immediate action is taken to reduce water levels in the lagoon. Thus, the proposed emergency repair is necessary to maintain essential public services and public safety and is the minimum work necessary to prevent further damage to marine infrastructure and private property. 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.


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

Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the Permittee and returned to the California Coastal Commission's Central Coast District Office within 15 days of the date of this permit (i.e., by February 5, 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 for one breaching event of the San Luis Obispo Creek lagoon sandbar only, unless extended to other necessary breaching events for good cause by the Executive Director for the duration of the winter season (i.e. until April 15, 2021).
4. The emergency development authorized by this ECDP is only temporary and is designed to abate the identified emergency. Within 120 days of the date of this permit (i.e. by May 21, 2021), the Permittee shall submit a complete application for a regular CDP to have the emergency development be considered permanent or for a different project designed to repair the site. (The CDP application may be found at: <http://www.coastal.ca.gov/cdp/cdp-forms.html>). The application shall include photos showing the emergency condition at the project site prior to breaching, the breaching construction activities, and the post-breaching conditions. In addition, the application shall include an assessment of the breaching's impacts on lagoon, riparian, and marine habitats, as well as on coastal water quality, and a detailed description of measures that have been implemented to avoid and mitigate such impacts. 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, Regional Water Quality Control Board, California Fish and Wildlife Department, 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 Emergency Permit Application Form dated received in the Coastal Commission's Central Coast District Office on January 21, 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 recreational access, habitat areas, San Luis Obispo Creek, and the

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Pacific Ocean) to the maximum extent feasible 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. 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.
- b. 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.
- c. 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.
- d. All construction areas shall be minimized and demarked 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.
- e. 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.).
- f. 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.
- g. 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.
- h. 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

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not properly contained and/or remediation to ensure compliance with this ECDP otherwise.

- i. Biological monitors shall remain onsite during construction to ensure no wildlife or fish are harmed or stranded due to construction activities.
 - 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. 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

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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 wish to expand the scope of work, a regular CDP must be obtained. A regular CDP is subject to all of the provisions of the California Coastal Act and may be conditioned or denied 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 or via email to Brian.O'Neill@coastal.ca.gov.

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EMERGENCY COASTAL DEVELOPMENT PERMIT ACCEPTANCE FORM

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

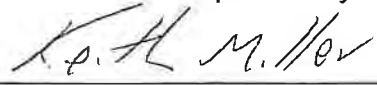
RE: **Emergency Coastal Development Permit (ECDP) No. G-3-21-0003**

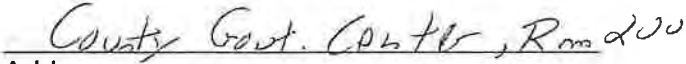
INSTRUCTIONS: After reading the attached ECDP, please sign this form and return it to the Central Coast District Office within 15 days from the permit's date.

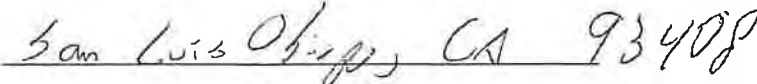
I hereby understand all of the conditions of the ECDP being issued to the San Luis Obispo County Department of Public Works and agree to abide by them.

I also understand that the emergency work is TEMPORARY and that a regular CDP is necessary. I agree to apply for a regular CDP within 120 days of the date of issuance of this ECDP (i.e., by May 21, 2021) unless this deadline is extended by the Executive Director.


Signature of San Luis Obispo County Public Works Department Representative


Name (Print)


Address



RECEIVED

JAN 22 2021

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA