

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 April 30, 2021 (for May 14, 2021 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Central Coast District Director

Subject: Central Coast District Director's Report for May 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 May 14, 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 May 14th during the virtual online hearing.

With respect to the May 14th hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the Report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on May 14, 2021 (see attached)

CDP Waivers

- 3-21-0247-W, San Luis Obispo Creek Flood Control (Avila Beach)

CDP Amendments

- 3-15-0144-A4, San Lorenzo River Lagoon Management (Santa Cruz)

CDP Extensions

- 3-14-1613-E3, Fort Ord Dunes State Park Campground (Marina)
- 3-19-0011-E1, Harborwalk Plaza Improvements (Morro Bay)

Emergency CDPs

- None

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NOTICE OF PROPOSED PERMIT WAIVER

Date: April 30, 2021

To: All Interested Parties

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

Subject: Coastal Development Permit (CDP) Waiver 3-21-0247-W
Applicant: San Luis Obispo County Department of Public Works

Proposed Development

Authorization of emergency sandbar breaching event on January 2, 2021 pursuant to emergency CDP G-3-21-0003. The breaching event was located near the mouth of San Luis Obispo Creek in the community of Avila Beach, San Luis Obispo 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 breaching event authorized under emergency CDP G-3-21-0003 was necessary to alleviate flooding in the Avila Beach downtown area and to prevent and mitigate loss or damage to property and essential public services. The emergency activities involved implementing a "pre-breach" whereby the County excavated an approximately 200-foot-long, 15-foot-wide, and 2-foot-deep channel across a built-up sandbar between the lagoon and the ocean. This pre-breach approach closely mimics natural conditions, allowing subsequent rains to generate enough flow to force water into the excavated channel and slowly drain the lagoon. No equipment entered either the lagoon or the ocean below the mean high tide line during the breaching event.

Prior to initiating emergency work, County public works staff contacted representatives from the U.S. Army Corps of Engineers, NOAA Fisheries, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife (CDFW), the Regional Water Quality Control Board and other County departmental staff, seeking recommendations that would aid in avoiding and/or minimizing impacts to sensitive wildlife and fish species, marine habitats, and coastal water quality. The County implemented (prior to, during, and following the emergency breaching event) various mitigation measures as directed by the above agencies, while also utilizing best management practices, such as no cleaning or refueling of equipment within 100 feet of aquatic areas, during the breaching event.

No special status species were identified in the water when a connection was made

between the ocean and the lagoon, and no stranded wildlife or fish were observed in the project area during or after the breaching event. Post-breaching monitoring concluded that the lagoon, the excavated channel, and the former channel appeared to be functioning as they would during a typical winter season when the sandbar would be naturally breached by the creek during a major storm event. A natural breaching of the sandbar occurred a few days later due to storm surge, which filled in the manmade channel, leaving no trace of the manmade channel.

The breaching event took less than a day and most of the beach area remained open and unaffected during breaching activities. Accordingly, the project did not have any significant adverse impacts on coastal resources, including public access to the shoreline.

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 weekday Friday May 14, 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 AMENDMENT

Date: April 30, 2021
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Ryan Moroney, Central Coast District Supervisor
Subject: Proposed Amendment to Coastal Development Permit (CDP) 3-15-0144
Applicant: City of Santa Cruz

Original CDP Approval

CDP 3-15-0144 was approved by the Coastal Commission on July 8, 2015 and provided for a three-year pilot program that allowed two management activities to prevent flooding along the lower San Lorenzo River caused by seasonal lagoon formation at the river's mouth: 1) periodically breaching the lagoon in 2015 and 2016, and 2) seasonal temporary culvert installation and removal in 2016 and 2017 to avoid the need for subsequent breaching. The CDP was amended in 2018, 2019 and 2020 (CDP amendments 3-15-0144-A1, -A2, and -A3 respectively) to authorize the use of various sand management activities to shape sand berms that contain the lagoon and prevent flooding, subject to strict regulatory oversight. These authorizations were effective only for seasonal management activities in 2018, 2019 and 2020.

Proposed CDP Amendment

CDP 3-15-0144 would be amended to authorize the above-mentioned sand management activities (e.g. mechanical breaching, use of sand sills and berms, etc.) as appropriate and subject to strict regulatory oversight in 2021 pending installation of a permanent culvert system to manage lagoon water level that is planned to be constructed in 2021-2022 (and which will require separate Commission authorization). The Commission's reference number for this proposed amendment is **3-15-0144-A4**.

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 City of Santa Cruz to continue undertaking management activities to control the water level of the San Lorenzo River's lagoon to prevent localized flooding to public and private properties and infrastructure. Over the last several years, the City has used several configurations to breach the river mouth's sand berm and other temporary management actions to construct sand berms to prevent flooding, using various approaches based on changing river conditions. This amendment authorizes a suite of tools that the City of Santa Cruz can use in 2021 that takes into account river and lagoon conditions, while also balancing the complex and competing needs of the San Lorenzo River

NOTICE OF PROPOSED PERMIT AMENDMENT

CDP 3-15-0144 (San Lorenzo River Lagoon Management)

Proposed Amendment 3-15-0144-A4

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Lagoon, including with respect to endangered species, human health and safety, water quality, historic cultural resource preservation, and neighborhood flooding. These tools have been used successfully under the base CDP (and the three previous amendments) over the last several years and have proven to better protect coastal resources than breaching the river mouth sand berm alone. Under the proposed amendment, the City is required to notify all the involved natural resource agencies (i.e. the Army Corps of Engineers, National Marine Fisheries Service, U.S. Fish and Wildlife Service, the Regional Water Quality Control Board, and the California Department of Fish and Wildlife) to discuss the preferred management activity and to obtain written authorization to proceed with that activity. In addition, all such activities require the use of construction best management practices, and extensive biological and water quality monitoring requirements. In sum, the proposed amendment protects coastal resources, is consistent with the Commission's original CDP approval, and is also consistent with the Coastal Act and the certified City of Santa Cruz Local Coastal Program.

Note: The City continues to work on the design and implementation of a permanent lagoon culvert project. The City had hoped to implement this permanent culvert this summer but was delayed due to design changes and funding limitations. That project will eliminate the need for breaching and/or constructing sand berms to prevent flooding. Commission Staff advocated for a permanent culvert solution throughout the original CDP application review process, and believes that the permanent culvert solution would, on the whole, better protect coastal resources in the long run than a temporary culvert or continued breaching and sand berm management activities. The City will submit a separate application for a CDP amendment to authorize installation of the permanent culvert once the design of the culvert is finalized.

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 Friday, May 14, 2021 during the virtual hearing. If three or more Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

If you have any questions about the proposal or wish to register an objection, please contact Ryan Moroney in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT EXTENSION

Date: April 30, 2021

To: All Interested Parties

From: Susan Craig, Central Coast District Manager
Mike Watson, Coastal Planner

Subject: Proposed Extension to Coastal Development Permit (CDP) 3-14-1613
Applicant: California Department of Parks and Recreation

Original CDP Approval

CDP 3-14-1613 was approved by the Coastal Commission on July 12, 2017 and allows for the construction and operation a new campground facility, including 45 full hook-up recreational vehicle sites, 43 tent sites, 10 hike-/bike-in sites, two campground host sites, four restroom buildings, a multi-use building, a campfire center, an entrance station, three operations-and-security modular structures, overflow parking, a storage yard, a maintenance station, a beach access trail, a military storage bunker interpretative walk, relocation of a portion of the Monterey Bay Sanctuary Scenic Trail, on- and off-site utilities, site grading, native dune restoration, and related development on the former Fort Ord property west of Highway One between the cities of Marina and Sand City/Seaside, in Monterey County.

Proposed CDP Extension

The expiration date of CDP 3-14-1613 has been extended by the Commission two times previously (to July 12, 2020 and July 12, 2021, respectively), and would be extended by one year to July 12, 2022. The Commission's reference number for this proposed extension is **3-14-1613-E3**.

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 Chapter 3 of the Coastal Act.

Coastal Commission Review Procedure

The Executive Director's determination and any written objections to it will be reported to the Commission on Friday, May 14, 2021 at the virtual online 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.

CDP Extension 3-14-1613-E3 (FODSP Campground)

If you have any questions about the proposal or wish to register an objection, please contact Mike Watson (Michael.Watson@coastal.ca.gov) in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT EXTENSION

Date: April 30, 2021
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Colin Bowser, Coastal Planner
Subject: Proposed Extension to Coastal Development Permit (CDP) 3-19-0011
Applicant: T.L.C. Family Enterprises, Inc.

Original CDP Approval

CDP 3-19-0011 was approved by the Coastal Commission on May 8, 2019 and provided for the demolition of an existing mostly-vacant two-story 6,687-square-foot building and the construction of: (1) a new 7,994-square-foot, two-story building with restaurant and retail uses on the ground floor; (2) an eight-unit standard operating hotel on the second floor; (3) a series of public coastal access improvements, including a ten-foot wide segment of the Harborwalk and a five-foot wide vertical accessway; (4) a public outdoor seating area; 5) public restrooms; 6) a children's play area, and; 7) the relocation of a floating dock and pilings and related improvements. The project is located on the Embarcadero waterfront at 833 Embarcadero in the City of Morro Bay in San Luis Obispo County.

Proposed CDP Extension

The CDP was originally approved by the Coastal Commission on May 8, 2019 and included a two-year term with an expiration date of May 8, 2021. Under this proposed extension, the expiration date of CDP 3-19-0011 would be extended one year until May 8, 2022. The Commission's reference number for this proposed extension is **3-19-0011-E1**.

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 Chapter 3 of the Coastal Act.

Coastal Commission Review Procedure

The Executive Director's determination and any written objections to it will be reported to the Commission on Friday May 14, 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 Susan Craig in the Central Coast District office at Susan.Craig@coastal.ca.gov.