

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
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# W14

**Prepared May 25, 2021 (for June 9, 2021 Hearing)**

**To:** Coastal Commissioners and Interested Persons

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

**Subject: Central Coast District Director's Report for June 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 June 9, 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 June 9th during the virtual online hearing.

With respect to the June 9th 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 June 9, 2021 (see attached)**

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**CDP Waivers**

- 3-20-0075-W, Aptos Creek Diversion (Santa Cruz County)
- 3-21-0256-W, Big Fish Grill Restaurant Improvements (City of Monterey)
- 3-21-0302-W, Monterey Plaza Hotel Bench (City of Monterey)
- 3-21-0335-W, Heritage Harbor Complex Lights (City of Monterey)

**CDP Amendments**

- 3-89-040-A5, Monterey Bay Aquarium Generator Shed (City of Pacific Grove)
- A-3-MCO-17-0038-A1, Bardis Driveway CDP Condition Amendment (Pebble Beach, Monterey County)

**CDP Extensions**

- A-3-MCO-04-012-E5, Wang SFD (Big Sur, Monterey County)

**Emergency CDPs**

- G-3-21-0022, Caltrans' Orient Express Curve Washout Repair (Big Sur, Monterey County)

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** May 25, 2021

**To:** All Interested Parties

**From:** Susan Craig, Central Coast District Manager  
Rainey Graeven, Coastal Planner

**Subject: Coastal Development Permit (CDP) Waiver 3-20-0075-W**  
Applicant: California Department of Parks and Recreation (State Parks)

### Proposed Development

Recognition of emergency development completed on the morning of December 3, 2019 pursuant to Emergency CDP (ECDP) G-3-19-0056, which consisted of the construction of a 20-foot-long by 5-foot-wide cut in a natural sand berm to provide a secondary (and a more direct) outlet for Aptos Creek waters to enter the ocean to prevent undermining of public restrooms and a public boardwalk. ECDP G-3-19-0056 also allowed for the temporary placement of driftwood/wooden debris (scavenged from the beach) at the bank of the natural creek channel located nearest to the public restrooms at Rio del Mar State Beach (which is a unit of Seacliff State Beach) in the unincorporated Aptos area of Santa Cruz County.

Storms of early December 2019 caused high creek flows, which resulted in Aptos Creek meandering in the direction of the public restrooms and boardwalk at Rio del Mar State Beach. Specifically, the emergency channel diversion and the temporary wooden material placement were needed because the portion of Aptos Creek that crosses Rio del Mar State Beach moved approximately 50 feet inland overnight on December 2, 2019, resulting in: 1) an 8-foot-deep vertical cut in the sand located within 12 feet of the Rio del Mar public restrooms; and 2) undermining of the boardwalk path that leads to the restrooms from the beach. At approximately 7:45am on December 3, 2019, State Parks maintenance staff excavated an alternate outlet for Aptos Creek using an excavator and a skid-steer loader to direct the creek's flow to the ocean and away from the restrooms and boardwalk. The emergency development was necessary to protect the restrooms and the portion of the boardwalk that was not yet undermined. All work was completed by 8:15am on December 3, 2019.

### 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 work done under ECDP G-3-19-0056 ensured that the public boardwalk, which was

already undermined, and the public restrooms, which were almost undermined, did not fall into the creek, which would have resulted in significant adverse impacts to water quality and to biological and marine resources (i.e., from foreign materials and sewage entering sensitive creek and marine ecosystems), and public recreational impacts (i.e., from long-term loss of the public restrooms in this location and likely temporary closure of the beach area around the failure). The wooden materials placed along the bank of the creek channel located closest to the restrooms were washed away in subsequent storms. The excavated creek channel (as well as the natural creek channel that led to the emergency excavation) was subsequently filled in with beach sand upon conclusion of the winter storms and in response to natural summer sand berm build up. And thus, no remnant of the emergency work remains.

In summary, the emergency work was temporary in nature and ensured the protection of critical coastal resources. Thus, this authorization of the work done under ECDP G-3-19-0056 is consistent with the Coastal Act.

**Coastal Commission Review Procedure**

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Wednesday, June 9, 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 Rainey Graeven ([Rainey.Graeven@coastal.ca.gov](mailto:Rainey.Graeven@coastal.ca.gov)) in the Central Coast District office.**

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** May 25, 2021

**To:** All Interested Parties

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

**Subject: Coastal Development Permit (CDP) Waiver 3-21-0256-W**  
Applicant: Big Fish Grill

### Proposed Development

Partial remodel of the Big Fish Grill restaurant (Concession # 15) located at 101 Fisherman's Wharf 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 Big Fish Grill, formally known as Rappa's Restaurant, is largely unchanged since its original construction many decades ago, other than some minor improvements made in 1990 to increase the restaurant's capacity to 212 seats. The proposed partial remodel includes relocation and renovation of the interior bar, installation of a wheelchair lift, and replacement and relocation of the front entry doors and adjacent exterior windows. The proposed doors and windows blend in with the architectural style of the restaurant's exterior façade and with the other buildings on Fisherman's Wharf, and the project has incorporated the Commission's standard best management practices to protect the marine environment during construction. In sum, the proposed project will not adversely impact coastal resources and is consistent with the Coastal Act.

### Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Wednesday, June 9, 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](mailto:Alexandra.McCoy@coastal.ca.gov)) in the Central Coast District office.**

**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 15303 (as construction and installation of small new equipment), 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).

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** May 25, 2021

**To:** All Interested Parties

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

**Subject: Coastal Development Permit (CDP) Waiver 3-21-0302-W**  
Applicant: Monterey Plaza Hotel

### Proposed Development

Construction of public bench at the Monterey Plaza Hotel in the City of Monterey, Monterey County (APN 011-131-011).

### Executive Director's Waiver Determination

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

The proposed project includes retrofit of an existing concrete planter box, located in an open-air plaza directly adjacent to Cannery Row, to allow for construction of a public beach around the perimeter of the planter box. The proposed wood and composite decking, built-in bench will provide public seating that overlooks the plaza and ocean. The proposed architectural style and location of the bench is appropriate for the project site, and the project incorporates the Commission's standard best management practices to protect the marine environment during bench construction. Construction will take approximately four weeks and will be implemented to minimize impacts to public access of the plaza during that time. In sum, the proposed project will not significantly adversely impact coastal resources, and is expected to enhance public access to this significant visitor destination consistent with the Coastal Act.

### Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Wednesday, June 9, 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](mailto:Alexandra.McCoy@coastal.ca.gov)) in the Central Coast District office.**

**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 15303 (as construction and installation of small new equipment), 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).

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** May 25, 2021

**To:** All Interested Parties

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

**Subject: Coastal Development Permit (CDP) Waiver 3-21-0335-W**  
Applicant: Monterey Bay Aquarium Support Services

### **Proposed Development**

Replace existing pedestrian bridge lighting with three pole-mounted lights 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:

A pedestrian bridge located over Pacific street approximately 420 feet away from the shoreline connects a parking lot with the Monterey Heritage Harbor commercial complex. The existing lighting on the bridge consists of approximately 11 surface-mounted fluorescent fixtures. These light fixtures are inefficient at illuminating the walkway at night, which presents a safety hazard for pedestrians. The proposed project would authorize removal of the existing lighting and installation of three pole-mounted lights at three locations on the bridge's northern handrail. The design of the proposed pole-mounted lighting will match existing pole-mounted lighting located on either end of the bridge, as well as existing light poles in the Heritage Harbor commercial complex. The proposed lighting has been designed to direct light downward onto the bridge and to minimize light overflow beyond the bridge's walkway.

In sum, the proposed project will not adversely impact coastal resources and will provide for safer public access and is thus consistent with the Coastal Act.

### **Coastal Commission Review Procedure**

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on June 9, 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.**

**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 15303 (as construction and installation of small new equipment), 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).

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## NOTICE OF PROPOSED PERMIT AMENDMENT

**Date:** May 25, 2021

**To:** All Interested Parties

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

**Subject: Proposed Amendment to Coastal Development Permit (CDP) 3-89-040**  
Applicant: Monterey Bay Aquarium

### Original CDP Approval

CDP 3-89-040 and four previous amendments to that CDP provided for various projects at the Monterey Bay Aquarium, including the following: construction of a three-story educational building; remodeling of the aquarium building, construction of an educational classroom and shops, and installation of a desalination plant; construction of a new wing of the aquarium; and replacement and retrofit of underwater offshore intake pipeline support structures. The Monterey Bay Aquarium is located at 886 Cannery Row in the City of Monterey, in Monterey County.

### Proposed CDP Amendment

CDP 3-89-040 would be amended to allow expansion of an existing generator shed to accommodate a larger generator. The Commission's reference number for this proposed amendment is **3-89-040-A5**.

### 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 Monterey Bay Aquarium's current 1.5-megawatt (MW) diesel standby generator was installed 15 years ago. New exhibits and equipment have been added since then and a larger generator is necessary to avoid impacts to critical animal life support systems in the case of a power failure. The proposed project includes replacement of the existing generator with a 2.0-MW diesel standby generator, as well as expansion of the existing generator shed to make it approximately two feet wider and four feet taller to accommodate the larger generator. The expanded generator shed will be located in the same area of the Aquarium's employee parking lot as the existing shed and will have no impacts on public access. Although slightly taller than the existing generator shed, the proposed shed will have negligible impacts on public views due to the sloped topography of the parking lot.

The project incorporates the Commission's standard best management practices to protect the marine environment during shed construction. In sum, the proposed

### **3-89-040-A5 (Monterey Bay Aquarium Generator Shed Expansion)**

amendment will provide for reliable functioning of critical animal support systems that serve as visitor-serving amenities and educational opportunities for Monterey Bay Aquarium visitors. The project will not adversely impact coastal resources or public access to the shoreline, and thus it is consistent with the Coastal Act.

#### **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 Coastal Commission on Wednesday, June 9, 2021 at the virtual online meeting. 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 Alexandra McCoy in the Central Coast District office at [Alexandra.McCoy@coastal.ca.gov](mailto:Alexandra.McCoy@coastal.ca.gov).**

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## NOTICE OF PROPOSED PERMIT AMENDMENT

**Date:** May 25, 2021

**To:** All Interested Parties

**From:** Susan Craig, Central Coast District Manager

**Subject: Proposed Amendment to Coastal Development Permit (CDP) A-3-MCO-17-0038**

Applicants: Chris and Sara Bardis

### Original CDP Approval

CDP A-3-MCO-17-0038 was approved by the Coastal Commission on July 12, 2018 and provided for: 1) an expansion of the existing motor court area to accommodate a hammerhead-style turnaround for emergency access at the residence; 2) construction of a retaining wall along the existing cut slope adjacent to the existing driveway and the new turnaround area; 3) conversion of the entire existing driveway to pervious pavers; 4) restoration of an existing turnaround area (located on lower portion of the existing driveway) to native habitat, and 5) the placement of a 0.56-acre conservation and scenic easement over the northern one-third of the parcel, all at 1525 Riata Road in the Del Monte Forest area of Monterey County.

### Proposed CDP Amendment

CDP A-3-MCO-17-0038 would be amended to remove Special Condition 1(b), which required construction of a retaining wall along the existing cut slope adjacent to the existing driveway and the new turnaround area. The Commission's reference number for this proposed amendment is **A-3-MCO-17-0038-A1**.

### Executive Director's Immateriality Determination

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

A new geotechnical evaluation has determined that the cut slope (which has been in existence since grading of the driveway over 25 years ago) appears to be geologically stable, even without support from an engineered retaining wall, and that thus the likelihood of a large-scale block failure in this area is negligible. The Commission's staff geologist, Dr. Joseph Street, concurs with this assessment. As such, the retaining wall and Special Condition 1(b) are no longer necessary, and their elimination better respects the LCP's slope provisions. It is further noted that issues regarding the retaining wall were a primary basis for the appeal that brought this project to the Commission, and the former appellant (and the neighboring property owner) has

provided a letter stating that she is supportive of the proposed amendment. For these reasons, staff believes that the proposed amendment is consistent with the intent of the Commission's original CDP approval and with the certified Monterey County Local Coastal Program.

**Coastal Commission Review Procedure**

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on June 9, 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 Susan Craig in the Central Coast District office at [Susan.Craig@coastal.ca.gov](mailto:Susan.Craig@coastal.ca.gov).**

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## NOTICE OF PROPOSED PERMIT EXTENSION

**Date:** May 25, 2021

**To:** All Interested Parties

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

**Subject:** **Proposed Extension to Coastal Development Permit (CDP) A-3-MCO-04-012**

Applicant: Brandon Wang

### Original CDP Approval

CDP A-3-MCO-04-012 was approved by the Coastal Commission on June 7, 2017 and provided for the construction of a 2,315-square foot single-family residence at 36228 Highway 1, at Kasler Point, in the Big Sur Coast area of unincorporated Monterey County.

### Proposed CDP Extension

As indicated above, the CDP was originally approved by the Coastal Commission on June 7, 2017 and included a two-year term with an expiration date of June 7, 2019. The Applicant previously filed for four extensions to extend this deadline (ultimately to June 7, 2021), which were granted by the Commission (A-3- MCO-04-012-E1, A-3- MCO-04-012-E2, A-3- MCO-04-012-E3, and A-3-MCO-04-012-E4). Thus, under this proposed extension, the expiration date of CDP A-3-MCO-04-012 would be extended one additional year until June 7, 2022. The Commission's reference number for this proposed extension is **A-3-MCO-04-012-E5**.<sup>1</sup>

### 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 Monterey 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 June 9, 2021, at the Commission's virtual hearing. If three or

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<sup>1</sup> CDP extensions -E1 and -E2 were granted in 2006 and 2007, respectively, while the original CDP approval was undergoing litigation. The CDP application was remanded to the Commission by the Court of Appeal, and subsequently approved in June 2017.

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 Mike Watson in the Central Coast District office at [Michael.Watson@coastal.ca.gov](mailto:Michael.Watson@coastal.ca.gov).**

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## REVISED EMERGENCY COASTAL DEVELOPMENT PERMIT

### **Emergency CDP G-3-21-0022 (Orient Express Curve Washout Repair)**

**Issue Date: May 25, 2021**

This revised ECDP replaces the ECDP issued on May 18, 2021 to reflect the project background more accurately, but otherwise keeps all other provisions intact. This emergency coastal development permit (ECDP) authorizes the California Department of Transportation (Caltrans) to perform emergency development consisting of realigning Highway 1 at postmile (PM) 27.5, in the Big Sur region of Monterey County. Proposed emergency work includes clearing debris from the roadway, removing approximately 45,000 cubic yards of material from the inland slope above and immediately south of the slide location, leveling and paving the inland shoulder to re-establish proper roadway width, and revegetating the inland slope. Material removed from the inland slope is designated for re-use as part of Caltrans' emergency response at Rat Creek Washout (PM 30.18), which is within the permitting jurisdiction of Monterey County. Caltrans has saved the existing native topsoil from the cut site and will re-spread the topsoil as part of restoring the site.

The Orient Express Curve, just north of Lucia between PM 27.3 and 27.7 is a landslide complex with a history of geologic instability. In 1971, Caltrans constructed a 252-foot-long and 34-foot-tall retaining wall along the seaward slope in order to stabilize the highway through this area. The heavy winter rain season of 2016-2017 resulted in reactivation and acceleration of movements in portions of the landslide complex both above and below the roadway, resulting in structural damage to the retaining wall and frequent cracking in the roadway above. In response to the renewed slide activity, Caltrans began surveys and planning to replace the damaged wall and re-stabilize the area, which is currently scheduled to begin in 2024.

Between January 27 and 29, 2021, heavy rains caused massive debris flows across the Dolan Fire burn scar, impacting Highway 1 over 20 miles in the Big Sur region, including at the Orient Express Curve and at Rat Creek. At the Orient Express Curve, debris flows impacted and plugged existing drainage infrastructure and overtopped the roadway, eroding the embankment along the outside shoulder. This washout, along with the complete roadway failure at Rat Creek, necessitated closure of Highway 1 from approximately PM 27 to PM 31.2. Caltrans has determined that the proposed

Enclosure: Emergency Coastal Development Permit Acceptance Form

Cc: (via email): Joseph Sidor (Monterey County RMA), Sarah Firestone (U.S. Army Corps of Engineers), Dan Breen (U.S. Army Corps of Engineers), Kim Sanders (Central Coast Regional Water Quality Control Board), Steven Hulbert (California Department of Fish & Wildlife)



emergency development is necessary to reopen to highway and to reduce the risk of impacts to the highway and the traveling public from additional slide activity. 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. 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.

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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 June 9, 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 90 days of the date of this permit (i.e., by August 23, 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 February 25, 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., Monterey County, U.S. Army Corps of Engineers, Regional Water Quality Control Board, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
7. All emergency development shall be limited in scale and scope to that specifically identified in the Caltrans Emergency Notification Form dated received in the Coastal Commission's Central Coast District Office on February 24, 2021, and in communications with Caltrans Associate Environmental Planner Allison Donatello on April 21, 2021 and April 27, 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.
  - Debris cleared from the site shall be placed in a manner that does not block public access (i.e., public parking and/or public access trails), or public views of the ocean as seen from Highway 1 and from any public trails in the vicinity of the placement sites.
  - 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.).
  - 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 not take place on any 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.

- All accessways impacted by construction activities shall be restored to their pre-construction condition or better within three days of 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.