

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
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SANTA CRUZ, CA 95060
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Prepared August 25, 2021 (for September 9, 2021 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Central Coast District Director

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

With respect to the September 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 September 9, 2021 (see attached)

CDP Waivers

- 3-21-0243-W, Caltrans' Highway 1 Repaving (Pismo Beach/Grover Beach/Oceano)
- 3-21-0503-W, Monterey Harbor Breakwater Parking Improvements (Monterey)
- 3-21-0574-W, Kaye Staircase Remodel (Monterey)

CDP Extensions

- A-3-SLO-15-0001-E2, Loperena SFD (Cayucos)
- A-3-STC-16-0016-E2, 1307 West Cliff Holdings LLC SFD (Santa Cruz)
- 3-16-0345-E2, 1307 West Cliff Holdings LLC Armoring Reduction (Santa Cruz)

Emergency CDPs

- G-3-21-0027, Monterey Wharf Piling and Steel Channel Replacement (Monterey)
- G-3-21-0029, Pismo Creek Sewer Line Repairs (Pismo Beach)

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NOTICE OF PROPOSED PERMIT WAIVER

Date: August 24, 2021
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Sean Drake, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-21-0243-W
Applicant: California Department of Transportation (Caltrans)

Proposed Development

Preventative maintenance of Highway 1 in San Luis Obispo County between postmiles 10.0 and 16.8, which extend from the City of Pismo Beach, through the City of Grover Beach, and to the unincorporated community of Oceano. The proposed maintenance includes repaving the existing roadway with a 0.20-foot-thick layer of rubberized hot-mix asphalt. Existing areas of pavement failure will be restored with asphalt before being repaved. Shoulder widening will occur from postmiles 12.76 to 13.09 and from postmiles 13.31 to 13.46 to provide continuous eight-foot-wide shoulders, which will be striped for a Class II buffered bike path (a six-foot-wide bike path and a two-foot-wide buffer) from postmiles 12.7 to 15.2 along the northbound and southbound lanes of the highway. A 250-foot-long by 6-foot-tall retaining wall with a 42-inch-tall traffic barrier along the top will be constructed at roadway grade along the northbound shoulder from postmiles 12.79 to 12.83 to accommodate shoulder widening. A second at-grade 150-foot-long by 6-foot-tall retaining wall will be constructed along the southbound shoulder at the intersection of the U.S. 101 southbound off-ramp and Price Street (postmile 16.52) to fill a sidewalk gap. A pedestrian railing designed in partnership with the City of Pismo Beach will be placed along the top of the second retaining wall, which will also replace existing chain-link fencing at this location. Neither retaining wall will be visible from the highway.

The project also includes replacing existing guardrails along the entire stretch of the project site with slightly taller 29-inch-high guardrails to comply with current roadway safety standards. The overall profile of the guardrails will be the same. One 635-foot-long segment of new guardrail will be added along the northbound shoulder from postmiles 12.68 to 12.79 to protect vehicles from traveling over the steep roadside slope and entering the adjacent railroad corridor. Shoulder backing, which is a thin layer of granular material used to protect the outside edge of pavement by providing support that prevents edge cracking and pavement edge loss, will be placed along pavement edges where there currently is no curb or gutter to extend the service life of the pavement and to reduce roadway drop-off. Shoulder backing will not extend more than three feet from the roadway, and will involve minimal clearing of ruderal vegetation.

CDP Waiver 3-21-0243-W (San Luis Obispo County Hwy 1 Pavement Preservation)

Additional project elements include construction of 31 ADA-compliant curb ramps at existing crosswalks, installation of rumble strips along the highway centerline where appropriate to increase roadway safety, replacement of existing roadway signs with upgraded reflective sheeting, and replacement of electric loop detectors and installation of census loops beneath the roadway. All construction staging will be located within existing pullouts or at currently paved locations. Roadside parking will be temporarily restricted where repaving work is occurring. The project will have no permanent impacts on parking. The project will require one-way lane closures with traffic management and delays of no more than ten minutes. Construction will not occur during certain commute hours, weekend days, or holidays. The projected construction duration is 140 working days.

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 maintenance is necessary to maintain the public's safety and experience while traveling this stretch of Highway 1. The proposed construction techniques are designed to avoid coastal impacts, including with respect to public access, biological resources, water quality, and visual resources. Repaving the roadway, replacing and extending existing guardrails, upgrading existing roadway signs, and adding centerline rumble strips where appropriate will increase the safety of the traveling public. Constructing 31 curb ramps and a buffered bike path in both highway directions will enhance public access and mitigate any impacts caused by temporary construction staging in pullouts. Enhanced and expanded pedestrian and bicycle travel routes will help promote active transportation through the highway corridor and nearby communities, and can help improve air quality throughout the region. Biological impacts will be limited to minimal clearing of ruderal vegetation within three feet of the roadway for installation of shoulder backing, and minimal excavation and ruderal vegetation clearing for retaining wall construction. No trees will be removed.

A water pollution control plan with appropriate best management practices will be implemented to control runoff during and after construction. Caltrans coordinated with staff from San Luis Obispo County, the City of Pismo Beach, and the City of Grover Beach during project development, and all three local governments support a consolidated approval of the project. In sum, the proposed project will improve the safety and overall experience of traveling Highway 1 through this stretch of the San Luis Obispo County coast. The project will not otherwise adversely impact coastal resources or public access to the shoreline, and thus it 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 at the September 2021 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 Sean Drake (Sean.Drake@coastal.ca.gov) in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: August 25, 2021
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Esme Wahl, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-21-0503-W
Applicant: City of Monterey

Proposed Development

The proposed project involves pavement spot repairs, repair of a damaged storm drainpipe, and construction of an ADA-compliant parking stall in the breakwater parking lot at 30 and 32 Cannery Row in the City of Monterey, Monterey County.

Executive Director's Waiver Determination

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

The Monterey breakwater parking lot is located on the upcoast end of Cannery Row and provides parking opportunities for visitors to Cannery Row, as well as parking for scuba divers who access the ocean from adjacent San Carlos Beach and for boaters who use the breakwater's boat launch. The proposed maintenance components of the project will ensure that the parking lot remains usable to visitors; the new ADA-compliant parking space will add additional handicapped access to the parking lot, and; the repair of the damaged storm drainpipe will ensure that the storm drain system continues to function as intended. The proposed project incorporates best management practices (BMPs) to protect the marine environment during repair and construction activities, including drain/inlet protection and perimeter controls, avoiding land-disturbing activities during the wet weather season, and covering all construction materials. The breakwater parking lot and the boat launch will remain accessible to the public throughout construction and the City will post signs to this effect.

In summary, the breakwater parking lot repairs and improvements are necessary for continued safe use of the public parking lot, will enhance public access at the lot, will improve stormwater infrastructure, and the project 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 Thursday, September 9,

CDP 3-21-0503-W (Breakwater Parking Lot Improvements)

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

If you have any questions about the proposal or wish to register an objection, please contact Esme Wahl (Esme.Wahl@coastal.ca.gov) 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 Planning Office, acting as lead CEQA agency, determined that the proposed project was categorically exempt from CEQA review pursuant to Section 15301 (as a minor alteration to an existing facility with no expansion of use), and thus 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).

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NOTICE OF PROPOSED PERMIT WAIVER

Date: August 25, 2021
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Esme Wahl, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-21-0574-W
Applicants: Jonathan and Kathryn Kaye

Proposed Development

Repair and rebuild an exterior staircase attached to a single-family home at 11 Spray Avenue in the City of Monterey, Monterey County.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13250 of the California Code of Regulations, and based on project plans and information submitted by the Applicants regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The project site is in the Del Monte Dunes area of Monterey. The proposed project includes rebuilding an exterior staircase attached to a single-family home that was damaged by a waterproofing failure. The new staircase will include an extended side railing as well as a gate between the top of the staircase and the existing rooftop deck. The extended side railing will be shorter than the maximum height of the residence and will not negatively impact any public views of the ocean from the street or from other public vantage points in the Del Monte Dunes. The project is primarily repair and maintenance with some minor modifications to the existing staircase. No public access will be affected, and best management practices (including covering waste disposal containers with tarps at the end of each workday and establishing a perimeter around the construction site for sediment and erosion control) are included in the project plans. In summary, the project has no potential for adverse effects on coastal resources, including public access to the shoreline, and the project 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 Thursday, September 9, 2021, during the virtual Coastal Commission meeting. If three or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

CDP 3-21-0574-W (Kaye Staircase Improvements)

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.

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 Planning Office, acting as lead CEQA agency, determined that the proposed project was categorically exempt from CEQA review pursuant to Section 15301 (as a minor alteration to an existing facility with no expansion of use), and thus 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).

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**NOTICE OF PROPOSED PERMIT EXTENSION**

Date: August 25, 2021
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Forest Donovan, Central Coast Planner
Subject: Proposed Extension to Coastal Development Permit (CDP) A-3-SLO-15-0001
Applicant: Jack Loperena

Original CDP Approval

CDP A-3-SLO-15-0001 was approved by the Coastal Commission on August 10, 2016 and allows for the construction of an approximately 1,100-square-foot, three-story single-family residence with an elevated driveway platform connecting to Studio Drive, located seaward of Studio Drive at its northern end (approximately 250 feet southwest of the intersection of Studio Drive and Highway 1) and fronting Morro Strand State Beach, in the unincorporated community of Cayucos, San Luis Obispo County (APN 064-253-007).

Proposed CDP Extension

As indicated above, the CDP was originally approved by the Coastal Commission on August 10, 2016 and included a two-year term with an expiration date of August 10, 2018. The Applicant previously filed for three extensions to extend this deadline (ultimately to August 10, 2021), which were granted by the Commission (A-3-SLO-15-0001-E1, A-3-SLO-15-0001-E2, and A-3-SLO-15-0001-E3, respectively). Thus, under the proposed extension, the expiration date of CDP A-3-SLO-15-0001-E3 would be extended one additional year until August 10, 2022. The Commission's reference number for the proposed extension is **A-3-SLO-15-0001-E4**.

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 September 9, 2021, at the Commission's virtual hearing. If three or more Commissioners object to the Executive Director's changed circumstances

A-3-SLO-15-0001-E4 (Loperena SFD)

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 Forest Donovan in the Central Coast District office at Forest.Donovan@Coastal.ca.gov.

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NOTICE OF PROPOSED PERMIT EXTENSION

Date: August 25, 2021
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Ryan Moroney, Central Coast District Supervisor
**Subject: Proposed Extension to Coastal Development Permit (CDP)
A-3-STC-16-0016**
Applicant: 1307 West Cliff Holdings LLC

Original CDP Approval

CDP A-3-STC-16-0016 was approved by the Coastal Commission on July 18, 2018 and allows for the redevelopment of the existing blufftop house and a remodel of the existing blufftop guest cottage, both located on the seaward side of West Cliff Drive in the City of Santa Cruz (APN 003-284-05).

Proposed CDP Extension

As indicated above, the CDP was approved by the Coastal Commission on July 18, 2018 and included a two-year term with an expiration date of July 18, 2020. The initial CDP approval term was previously extended to July 18, 2021 (CDP Extension A-3-STC-16-0016-E1). The expiration date of CDP A-3-STC-16-0016 would be extended by one year to July 18, 2022. The Commission's reference number for this proposed extension is **A-3-STC-16-0016-E2**.

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 City Santa Cruz 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 September 9, 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 Ryan Moroney in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT EXTENSION

Date: August 25, 2021
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Ryan Moroney, Central Coast District Supervisor
Subject: Proposed Extension to Coastal Development Permit (CDP) 3-16-0345
Applicant: 1307 West Cliff Holdings LLC

Original CDP Approval

CDP 3-16-0345 was approved by the Coastal Commission on July 18, 2018 and allows for the reconfiguration and retention of some of the existing shoreline armoring (consisting of riprap and gabion baskets) within a reduced footprint on the beach and bluff, and removal of the remaining armoring that is not approved for retention, all located on the beach and bluff seaward of 1307 West Cliff Drive of the City Santa Cruz (APN 003-284-05).

Proposed CDP Extension

As indicated above, the CDP was approved by the Coastal Commission on July 18, 2018 and included a two-year term with an expiration date of July 18, 2020. The initial CDP approval term was previously extended to July 18, 2021 (CDP Extension 3-16-0345-E1). The expiration date of CDP 3-16-0345 would be extended by one year to July 18, 2022. The Commission's reference number for this proposed extension is **3-16-0345-E2**.

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 City of Santa Cruz 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 September 9, 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 Ryan Moroney in the Central Coast District office.**

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EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-3-21-0027 (Piling and Steel Channel Replacement)

Issue Date: July 28, 2021

This emergency coastal development permit (ECDP) authorizes emergency development consisting of replacement of one piling and associated steel channel (horizontal bracing) at Bent 18 of the Monterey Municipal Wharf 2. Specifically, the Permittee's (City of Monterey) emergency repairs consist of installation of a new timber or steel pipe pile connected to new steel channels underpinning the existing pile cap. Based on the materials presented by the Permittee, the City recently hired a local structural engineering firm to inspect pilings located beneath the parking area at the landside end of the Wharf 2, which were observed by City staff to have failed. The structural engineers determined that the structural integrity of this portion of the wharf is compromised and that the wharf deck in this location would likely fail if a vehicle were to drive over the area, meaning that immediate maintenance is required to protect the wharf's structure and to ensure public safety. 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. The project includes best management practices (BMPs) to protect water quality and biological resources during construction, which are included in the City's wharf repair and maintenance CDP that was approved by the Commission in 2020 (CDP 3-20-0127).¹ These BMPs include pre-construction nesting bird surveys, implementation of repairs only when tidal waters have receded from the area, and a series of BMPs to prevent construction materials or construction equipment fluids from entering coastal waters. 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.

¹ CDP 3-20-0127 has been issued but the work proposed under this ECDP would be done during the summer, which is not allowed by CDP 3-20-0127, and the hydroacoustic testing required under CDP 3-20-0127 has not been completed yet. Thus, an ECDP is needed to authorize this work.

Enclosure: Emergency Coastal Development Permit Acceptance Form

Cc: (via email): Maximilian Rieser, City of Monterey Associate Civil Engineer

DocuSigned by:

Susan Craig

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 August 12, 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 October 26, 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 120 days of the date of this permit (i.e., by November 25, 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 project site 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., 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 Emergency Permit Application Form dated received in the Coastal Commission's Central Coast District Office on July 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 recreational access and the Pacific Ocean) to the maximum extent feasible including by, at a minimum, adhering to the construction requirements of CDP 3-20-0127.

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 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.

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EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-3-21-0029 (Pismo Creek Sewer Line Repair, Pismo Beach)

Issue Date: August 17, 2021

This emergency coastal development permit (ECDP) authorizes temporary emergency development consisting of repairs to a damaged 12-inch force main sanitary sewer line, a 16-inch gravity sanitary sewer line, and related facilities in the vicinity of 98 S. Dolliver Street near Pismo Creek in the City of Pismo Beach. According to the Permittee (the City of Pismo Beach), dewatering methods associated with a nearby bank stabilization and habitat restoration project (undertaken pursuant to CDP Waiver 3-14-1715-W) caused damage to the sanitary sewer lines and resulted in the discharge of untreated sewage in the area, including to a portion of Pismo Creek. This ECDP authorizes emergency repairs necessary to maintain essential public services and public safety, to protect coastal resources, and to abate the emergency situation, all subject to limiting such work as much as possible to that necessary to prevent further damage, and applying appropriate best management practices (BMPs) for protecting coastal resources as much as possible during such emergency activities. Therefore, the Executive Director of the California Coastal Commission hereby finds that:

- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary CDPs, and that the development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.

The emergency development is hereby approved, subject to the conditions listed on the attached pages.

DocuSigned by:
Susan Craig
B6A50166016B47A...

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

Enclosure: Emergency Coastal Development Permit Acceptance Form

cc: (via email): Central Coast Regional Water Quality Control Board, California Department of Fish and Wildlife, U.S. Army Corps of Engineers

G-3-21-0029 (Pismo Creek Sewer Line Repair)

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 September 1, 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 issue date of this ECDP (i.e., by November 15, 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 120 days of the date of this permit (i.e. by December 15, 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 project site 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., U.S. Army Corps of Engineers, California Department of Fish and Wildlife, Central Coast 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 e-mail from Community Development Director Matthew Downing to the Coastal Commission's Central Coast District Office at approximately 2:02 pm on August 11, 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, Pismo Creek, and the Pacific Ocean) to the maximum extent possible including by, at a minimum, adhering to the following construction requirements (which may be adjusted by the Executive Director if such adjustments: (1) are deemed necessary due to extenuating circumstances; and (2) will not adversely impact coastal resources):

G-3-21-0029 (Pismo Creek Sewer Line Repair)

- All construction areas shall be minimized and demarked by temporary fencing designed to protect public safety to the maximum extent feasible. Construction (including, but not limited to, construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
 - The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; 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 are prohibited. Equipment washing, refueling, and/or servicing shall not take place within 200 feet of Pismo Creek. 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 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.
 - All affected areas shall be restored to their pre-construction condition or better within 3 days of completion of emergency construction activities.
 - 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. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit plans to the Executive Director clearly identifying all development completed under this emergency authorization (comparing any previously permitted condition to both the emergency condition and to the post-work condition), and a narrative description of all emergency development activities undertaken pursuant to this emergency authorization and all resource impacts and issues associated with the emergency and/or the emergency work. Photos showing the project site before the emergency (if available), during emergency project construction activities, and after the work authorized by this ECDP is complete shall be provided with the plans.

G-3-21-0029 (Pismo Creek Sewer Line Repair)

12. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and his/her contact information (i.e., address, email, phone numbers, etc.) including, at a minimum, a telephone number and email address that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with 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.
13. This ECDP shall not constitute a waiver of any public rights which may exist on the property. The Permittee shall not use this ECDP as evidence of a waiver of any public rights which may exist on the property.
14. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
15. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the subject site without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Chapter 9 of the Coastal Act.

As noted 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 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.