

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
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Prepared November 2, 2022, for November 18, 2022 Hearing

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Central Coast District Director

Subject: Central Coast District Director's Report for November 2022

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, emergency CDPs, and LCP certification reviews for the Central Coast District Office are being reported to the Commission on November 18, 2022. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review from the Commission's Central Coast District Office in Santa Cruz. Staff is only reporting any emergency CDPs and LCP certification reviews, is asking for the Commission's concurrence on the other items in the Report and will report any objections received and any other relevant information on these items to the Commission when it considers the Report on November 18th during the hybrid virtual/in-person hearing.

With respect to the November 18th hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the Report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on November 18, 2022 (see attached)

Emergency CDPs

- G-3-22-0032, San Lorenzo Temporary Sheet Pile Wall (Santa Cruz)

CDP Waivers

- 3-22-0470-W, Morro Bay Fish Company Wharf Repair (Morro Bay)
- 3-22-0822-W, Santa Cruz Port District Deck Replacement (Santa Cruz)
- 3-22-0854-W, Mendonsa Vacation Rental (Oceano)
- 3-22-0898-W, Moss Landing Erosion Repair (Moss Landing)

CDP Amendments, CDP Extensions and LCP Certification Reviews

- None

CALIFORNIA COASTAL COMMISSION

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**EMERGENCY COASTAL DEVELOPMENT PERMIT**

Emergency CDP G-3-22-0032

(San Lorenzo River Lagoon Temporary Sheet Pile Wall)

Issue Date: October 7, 2022

Permittee: City of Santa Cruz**Emergency Location:** Eastern side of the San Lorenzo River Mouth at Main Beach in the City of Santa Cruz, Santa Cruz County.**Emergency Description:** Based on materials presented by the Permittee, heavy rainfall and coastal wave inundation on September 18-19, 2022 threatened to destabilize piles and rock anchors recently installed as part of the San Lorenzo River Culvert Project (Project) (CDP 3-15-0144, as amended through and including CDP amendment 3-15-0144-A5)¹ and jeopardize timely completion of the Project.**Emergency Development:** This Emergency CDP (ECDP) authorizes emergency development consisting of: 1) the excavation of an approximately 7-foot-deep trench into the sand from San Lorenzo Point to the eastern end of the existing sand berm that was constructed as part of the Project; 2) the temporary three-week placement of a sheet pile wall (six 10-foot by 20-foot steel trench plates overlapping one another by approximately 1-2 feet); and 3) the subsequent removal of the sheet pile wall and site restoration on approximately October 17, 2022, all to facilitate timely completion of the Project. The emergency development was initially authorized via verbal Executive Director authorization on September 26, 2022, and this ECDP follows up and memorializes that authorization.**Executive Director's Determination**

The Executive Director of the California Coastal Commission hereby finds that: (a) a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services exists (i.e., an "emergency" (see Title 14 California Code of Regulations Section 13009 and California Coastal Act (Public Resources Code) Section 30624); (b) the emergency requires action more quickly than allowed by the procedures for regular CDPs; (c) the emergency development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; (d) the emergency development carried out under this ECDP is considered temporary work done in an emergency situation to abate an

¹ CDP 3-15-0144, as amended, provides for the installation of a culvert bypass system to minimize the need for mechanical breaching (and minimize its related coastal resource impacts) to abate periodic flooding and public safety issues in the low-lying floodplain areas surrounding the lower reaches of the San Lorenzo River.

Enclosure: ECDP Acceptance Form

cc: (via email): David Revell and Sam Blakesley (Integral Consulting); Ryan Haley and Scott Ruble (City of Santa Cruz)

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emergency and is undertaken at Permittee risk; (e) a regular CDP must be obtained for the emergency development to become more than temporary emergency abatement and/or if the Permittee wishes to expand the scope of work beyond that authorized by this ECDP; (f) absent obtaining a regular CDP, the emergency development shall be removed and the affected area restored; and (g) Commission staff will review public comment on the proposed emergency development as time allows.

The emergency development is hereby approved, subject to the conditions listed below.



Dan Carl, Central Coast District Director, 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 ECDP (i.e., by October 22, 2022). This ECDP is not valid unless and until the acceptance form has been received in the Central Coast District Office.
2. All emergency development shall be limited in scale and scope to that specifically identified in the Emergency Permit Application Form dated received in the Commission's Central Coast District Office on September 26, 2022 and constructed on September 26, 2022 pursuant to Executive Director. Only that emergency development specifically described in this ECDP and for the specific location listed above is authorized. Any other development requires separate authorization from the Executive Director or the Commission, as applicable.
3. The emergency development authorized on a temporary basis by this ECDP must be completed within 30 days of ECDP issuance (i.e., by November 7, 2022).
4. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., City of Santa Cruz, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
5. By exercising this ECDP, Permittee acknowledges and agrees that: (a) the emergency development is temporary, is designed to temporarily abate the emergency, and shall be removed unless and until a regular CDP authorizing the work is approved, and provided the Permittee adheres to such regular CDP's terms and conditions; and (b) a regular CDP is subject to all of the provisions of the California Coastal Act (as codified in Sections 30000 to 30900 of the Public Resources Code) and any applicable Local Coastal Program (LCP) policies and may be conditioned accordingly to avoid and/or to offset coastal resource impacts consistent with the Coastal Act (and LCP as applicable) (including but not limited to requirements for public access provisions (such as offers to dedicate, easements, in-

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lieu fees, etc.), assumption/disclosure of risks (including deed restrictions), triggers for relocation/removal, offsetting mitigations, etc.). The Permittee acknowledges that review of the CDP application to determine consistency with the Coastal Act (and LCP as applicable) will be based on the conditions the property was legally in prior to initiation of the temporary emergency development that is the subject of this ECDP.

6. By exercising this ECDP, the Permittee acknowledges and agrees in relation to this ECDP and the emergency development that it authorizes: (a) to assume all risks (including all coastal hazard risks, that include but are not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, tidal scour, storms, tsunamis, coastal flooding, landslide, earth movement, and the interaction of all of these, many of which will worsen with future sea level rise); (b) to unconditionally waive any claim of damage and/or liability against the Commission and/or its officers, employees, agents, successors and/or assigns; (c) to indemnify and hold harmless the Commission and its officers, employees, agents, successors and/or assigns against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement, including as it relates to any damages to public and/or private properties and/or personal injury; (d) that any adverse effects to property or people caused by the emergency development shall be fully the responsibility of the Permittee.
7. The Permittee shall reimburse the Commission in full for all Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (a) charged by the Office of the Attorney General; and/or (b) required by a court) that the Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Commission, its officers, employees, agents, successors and/or assigns challenging the approval or issuance of this ECDP, the interpretation and/or enforcement of ECDP terms and conditions, or any other matter related to this ECDP. The Permittee shall reimburse the Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission, its officers, employees, agents, successors and/or assigns.
8. Within 120 days of ECDP issuance (i.e., by February 4, 2023), the Permittee shall either: (a) remove all of the materials placed or installed in connection with the emergency development, and restore all affected areas to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP); or (b) submit a complete application (i.e., satisfying the requirements of Title 14 California Code of Regulations Section 13056) for a regular CDP to authorize the emergency development (or for a different project designed to address the emergency development), including submitting all information and materials requested, and as directed, by the Executive Director if/when the Executive Director determines that such application is incomplete. If such regular follow-up CDP application is

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withdrawn by the Permittee, or is denied by the Commission, or if it remains incomplete for a period of 120 days after the Executive Director informs the Permittee that the application is incomplete, then all of the materials placed and/or installed in connection with the emergency development shall be removed, and all affected areas shall be restored to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP).

9. Failure to meet any of the applicable requirements of Condition 8 above shall constitute a knowing and intentional violation of the Coastal Act and may result in formal enforcement action by the Executive Director and/or the Commission. Such formal action may include: recordation of a Notice of Violation on the Permittee's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties of up to \$11,250 per day per violation; a civil lawsuit (that may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day); and/or other applicable penalties and relief pursuant to Coastal Act Chapter 9. In addition, failure to follow and meet all terms and conditions of this ECDP shall also constitute a knowing and intentional Coastal Act violation to which the same actions above may be applied.
10. All emergency development shall be limited to the least amount necessary to temporarily abate the emergency, and shall be undertaken in a time and manner that avoids any and all coastal resource impacts as much as possible, including avoiding impacts to public access. The Permittee shall keep the Executive Director informed regarding emergency development progress, including in terms of any issues encountered that may require adjustment.
11. 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 following construction requirements:
 - a. All construction activities shall take place during daylight hours (i.e., from one-hour before sunrise to one-hour after sunset). Lighting of the beach and/or intertidal area is prohibited.
 - b. Construction materials used shall be 'clean' (i.e., free of rust, paint, or any material with the potential to leech into the coastal environment).
 - c. Construction work and equipment operations shall be prohibited in open ocean waters and shall avoid beachgoers and beach recreational areas as much as possible.
 - d. Any grading of or in intertidal areas shall be prohibited.
 - e. All construction areas shall be minimized and demarked by temporary fencing designed to allow through public access and protect public safety to the maximum extent feasible, where such areas shall be limited in their spatial extent

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as much as possible. 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.

- f. 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.).
 - g. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach or the adjacent marine environment shall be prohibited. Equipment washing, refueling, and/or servicing shall not take place on the beach. Any erosion and sediment controls used shall be in place prior to the commencement of construction as well as at the end of each workday.
 - h. All areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand that is impacted by construction shall be filtered as necessary to remove any construction debris.
12. 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.
13. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of emergency development removal and restoration activities. If planning staff should identify reasonable restoration measures, such measures shall be implemented immediately.
14. 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.
15. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit site plans and cross sections to the Executive Director clearly identifying all development completed under this emergency authorization (comparing the legal pre-emergency development condition to both the emergency condition and to the post-emergency development condition), and a narrative description of all emergency development activities undertaken pursuant to this ECDP. Photos showing the project site before the emergency (if available), during emergency development construction activities, and after the work authorized by this ECDP is complete shall be provided with the site plans and cross sections.

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16. 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 the construction coordinator's contact information (i.e., address, email, phone numbers, etc.) including, at a minimum, an email address and a telephone number (with voice mail capabilities) 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. The Permittee shall submit the record of complaints/inquiries and actions taken in response to the Executive Director on a weekly basis, and upon completion of construction activities.
17. Minor adjustments to the requirements above, including deadline adjustments, may be allowed by the Executive Director if the Executive Director determines that such adjustments: (a) are deemed reasonable and necessary to help to temporarily abate the identified emergency, including as emergency conditions may change; (b) are designed to avoid coastal resource impacts (and limit those that are unavoidable) as much as possible; and (c) in the case of deadline extension adjustments, are appropriate in light of circumstances, including that the Permittee has shown diligence in pursuing the emergency development and meeting all ECDP terms and conditions.
18. By exercising this ECDP, Permittee acknowledges and agrees that this ECDP shall not constitute evidence against and/or a waiver of any public rights which may exist on the property.
19. The Permittee shall disclose this ECDP, including all of its terms and conditions, to any prospective buyer of the affected property during the period of time that any development that is the subject of this ECDP remains on such property.
20. Failure to comply with the terms and conditions of this ECDP may result in enforcement action under the provisions of Coastal Act Chapter 9. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the property without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Coastal Act Chapter 9.

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; centralcoast@coastal.ca.gov; and/or (831) 427-4863.

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EMERGENCY COASTAL DEVELOPMENT PERMIT ACCEPTANCE FORM

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

RE: **Emergency Coastal Development Permit (ECDP) No. G-3-22-0032**

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

I hereby understand all of the conditions of the ECDP being issued to the City of Santa Cruz and agree to abide by them.

I also understand that the emergency work is TEMPORARY and that a regular CDP is necessary. I agree to apply for a regular CDP within 120 days of the date of issuance of this ECDP (i.e., by **February 4, 2023**) unless this deadline is extended by the Executive Director.



Signature of City of Santa Cruz Authorized Representative

Scott Ruble, Public Works, City of Santa Cruz

Name (Print)

809 Center St. #201

Address

Santa Cruz, CA 95060

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NOTICE OF PROPOSED PERMIT WAIVER

Date: November 2, 2022
To: All Interested Parties
From: Dan Carl, Central Coast District Director
Sarah MacGregor, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-22-0470-W
Applicant: Morro Bay Fish Company

Proposed Development

Replace 34-foot long and approximately 6-10-foot deep section of existing deteriorated timber bulkhead with new ACZA-treated wood boards; encase four-foot long sections of four deteriorating 12-inch diameter wood piles with concrete and/or epoxy jacket system; replace the middle four feet of one of the four deteriorating piles with new timber post; replace in-kind the wood decking, concrete curb, and asphalt parking area impacted by construction at the existing fish processing wharf; and install signage indicating public access is permitted at all times when fishing operations are inactive at lease sites 129W, 130W, and 131W, adjacent to and over Morro Bay, at 1231 Embarcadero Road in the City of Morro Bay, San Luis Obispo County.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13252 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed project involves specialized repair and maintenance on an existing wharf structure that is currently used for fish unloading and processing on the Morro Bay waterfront. The proposed work will be completed at zero or minus tides to maximize piling exposure and prevent any construction materials from entering the water. The Applicant has incorporated the Commission's standard best management practices (BMPs) for use of treated wood and coatings, pile repair, and work over water into the project description and plans. These BMPs protect coastal water quality by ensuring use of appropriate materials in pile replacement and repair, collection and containment of construction debris and materials, prevention of spills, and general good housekeeping of the site at all times. The proposed construction area is not within suitable eelgrass habitat because the area underneath the wharf largely consists of rock rip rap that is shaded by the wharf structure and the immediate water area is subject to repeated boat activity related to fish unloading. The site will be restored to its previous condition once construction is completed. The addition of signage indicating public access is permitted to the water's edge at all times when fishing operations are inactive

will adequately address the required public access for the lease sites. Accordingly, the project will not have any significant adverse impacts on coastal resources and should actually improve public access to the shoreline.

The Applicant shall undertake development in conformance with the project description and accompanying materials, including with respect to all Executive Director approved plans and other materials, which shall also be enforceable components of this CDP Waiver. Minor project changes may be allowed by the Executive Director if such changes (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment. The City of Morro Bay, acting as lead CEQA agency, determined that the proposed project was exempt from CEQA review pursuant to Section 15301 Class 1(d), and thus the City did not identify any significant adverse environmental effects from the proposed project.

The Commission's review, analysis, and decision-making process for CDPs and CDP amendments has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed CDP waiver is not expected to result in any significant environmental effects, including as those terms are understood in CEQA.

Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed CDP waiver would necessitate. Thus, the proposed CDP waiver will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Friday, November 18, 2022 during the hybrid virtual and in-person hearing in Salinas. If three or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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

CALIFORNIA COASTAL COMMISSION

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NOTICE OF PROPOSED PERMIT WAIVER

Date: November 2, 2022
To: All Interested Parties
From: Kevin Kahn, Central Coast District Manager
Kiana Ford, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-22-0822-W
Applicant: Santa Cruz Port District

Proposed Development

Removal and in-kind replacement of a 4,300-square-foot second story outdoor public deck around/adjacent to O'Neill Sea Odyssey at 2222 East Cliff Drive immediately adjacent to Harbor Beach and part of the Santa Cruz Harbor all within the City of Santa Cruz, Santa Cruz 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 proposed project will replace an existing second-floor outdoor deck in the multi-tenant commercial business building, which will allow it to be reopened for use as a public viewing deck and by the O'Neill Sea Odyssey for youth marine science educational purposes. The deck has been closed for 15 months because it was structurally unsound. The new deck would allow for enhanced public access and visual access (e.g., views of beach activities, boats entering and exiting the harbor, Monterey Bay, etc.), in addition to restoring non-exclusive use by tenants (e.g., use for classroom activities by the O'Neill Sea Odyssey organization). The project will demolish and remove the existing deck, repair the frame structure, and install a new deck of the same size with a waterproof membrane. During construction, public access will be maintained to Harbor Beach, which sits adjacent to the project site. For construction staging, approximately 6-8 parking spaces in the Harbor parking lot along the northern side of the building will be temporarily utilized. Construction is expected to last 4 to 5 weeks and will be completed before the summer season when public use of the deck/Harbor is at its peak. Finally, the project includes appropriate best management practices (e.g., spill containment measures, staging guidelines) to ensure protection of the coastal environment.

In summary, the project proposes a relatively minor but much-needed improvement to reopen the deck in the commercial space of the Santa Cruz Harbor, and its renovation

should facilitate increased public use and enjoyment of the deck, which offers views of the Harbor, Lighthouse, the Santa Cruz Wharf, and Monterey Bay. As such, the project will enhance public coastal access and visual access and is consistent with the Coastal Act.

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 Port District, acting as lead CEQA agency, determined that the proposed project was categorically exempt from CEQA review pursuant to Section 15301(d) (Existing Facilities), and thus the Port District did not identify any significant adverse environmental effects from the proposed project.

The Commission's review, analysis, and decision-making process for CDPs and CDP amendments has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed CDP waiver is not expected to result in any significant environmental effects, including as those terms are understood in CEQA.

Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed CDP waiver would necessitate. Thus, the proposed CDP waiver will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Friday, November 18, 2022, 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 Kiana Ford (kiana.ford@coastal.ca.gov) in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: November 2, 2022
To: All Interested Parties
From: Dan Carl, Central Coast District Director
Esme Wahl, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-22-0854-W
Applicant: Frank Mendonsa

Proposed Development

Use of an existing single-family residence as a short-term rental, located at 682 Air Park Drive in the community of Oceano, San Luis Obispo County (APN 061-044-026).

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 vacation rental is located in an area of San Luis Obispo County where the Commission retains coastal permitting authority. For proposed vacation rentals in areas where the County retains CDP authority, the County typically applies the operational and enforcement standards for vacation rentals¹ found within Coastal Zone Land Use Ordinance (CZLUO) Section 23.08.165, including a maximum number of rental tenancies allowed per month, the maximum number of occupants allowed in the unit, parking and vehicle-trip requirements, noise limits, and designation of a 24-hour property manager or contact person. These standards are designed to minimize and avoid impacts to surrounding property owners, while still providing a Coastal Act and LCP priority visitor-serving use within residential areas. In this case, the Applicant has incorporated the CZLUO Section 23.08.165 requirements into the project description for the proposed vacation rental. Based on the above project components, the use of this residence as a vacation rental will enhance visitor-serving amenities at this location and will not have any significant adverse impacts on coastal resources, including public access.

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

¹ In May 2003, the Commission approved the vacation rental ordinance as part of the County's Implementation Plan in LCP amendment SLO-MAJ-1-01 Part A.

would substantially lessen any significant adverse effect that the development may have on the environment. San Luis Obispo County, acting as lead CEQA agency, determined that the proposed project was statutorily exempt from CEQA review pursuant to Section 15268 (as a ministerial project), and thus the County of San Luis Obispo did not identify any significant adverse environmental effects from the proposed project.

The Commission's review, analysis, and decision-making process for CDPs and CDP amendments has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed CDP waiver is not expected to result in any significant environmental effects, including as those terms are understood in CEQA.

Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed CDP waiver would necessitate. Thus, the proposed CDP waiver will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on, November 18, 2022,. 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 COASTAL COMMISSION

CENTRAL COAST DISTRICT
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NOTICE OF PROPOSED PERMIT WAIVER

Date: November 2, 2022
To: All Interested Parties
From: Kevin Kahn, Central Coast District Manager
Breylen Ammen, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-22-0898-W
Applicant: Monterey County Water Resources Agency

Proposed Development

Minor repairs at an existing retaining wall on Moss Landing Road adjacent to the culvert system between Moss Landing Harbor and Moro Cojo Slough consisting of the replacement of approximately four cubic yards of eroded soil with four cubic yards of granite gravel and capping the surface with previously excavated native soil.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13252 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed project will fill and repair a hole that has formed as a result of tidal scour behind the existing retaining wall that has exposed five linear feet of the existing subgrade seawater intake pipe located under Moss Landing Road. The project will stabilize and protect the road, underground pipe, and adjacent culvert system from further erosion. Construction best management practices will be employed for the duration of the repair work to protect Moss Landing Harbor and Moro Cojo Slough waters, including: staging of equipment on the road shoulder and conducting all work from the road shoulder; no placement of fill or other materials in the water; conducting all work activities at low tide to avoid contact with the water; and restoration of the site to a natural appearance upon completion. In sum, the project constitutes minor necessary repairs to existing infrastructure, and will not have any significant adverse impacts on coastal resources. Thus, the project is consistent with the Coastal Act.

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

County did not identify any significant adverse environmental effects from the proposed project.

The Commission's review, analysis, and decision-making process for CDPs and CDP amendments has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed CDP waiver is not expected to result in any significant environmental effects, including as those terms are understood in CEQA.

Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed CDP waiver would necessitate. Thus, the proposed CDP waiver will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Friday, November 18, 2022 during the hybrid hearing at the Monterey County Board of Supervisors Chambers in Salinas. If three or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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