

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
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WEB: WWW.COASTAL.CA.GOV



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Prepared January 28, 2022 for February 11, 2022 Hearing

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Central Coast District Director

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

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, emergency CDPs, and local government LCP modification acceptances (i.e., required for LCP amendment certification) for the Central Coast District Office are being reported to the Commission on February 11th. 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 asking for the Commission's concurrence on the items in the Central Coast District Director's Report and will report any objections received and any other relevant information on these items to the Commission when it considers the Report on February 11th during the virtual online hearing.

With respect to the February 11th hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the Report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on February 11, 2022 (see attached)

CDP Waivers

- 3-21-0175-W, InterContinental Hotel Public Access Pier Improvements (Cannery Row)

CDP Extensions

- A-3-SLO-00-040-E13, Schneider SFD (Harmony Coast)

Emergency CDPs

- G-3-21-0019, Monterey Bay Aquarium Great Tide Pool Repairs (Cannery Row)
- G-3-21-0061, California State Parks' Aptos Creek Management (Rio del Mar)

CDP Amendments and LCP Modification Acceptances

- None

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NOTICE OF PROPOSED PERMIT WAIVER

Date: January 28, 2022
To: All Interested Parties
From: Kevin Kahn, Central Coast District Manager
Esme Wahl, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-21-0175-W
Applicant: Cannery Row Hotel Development Venture L.P.

Proposed Development

A series of repairs and improvements to the lateral public accessway fronting Monterey Bay and in the rear of the InterContinental Hotel at 750 Cannery Row in the City of Monterey. Specifically, the development includes the replacement of corroded steel joint hangers on the underside of the accessway, addition of wooden boards under the accessway to both strengthen its structural integrity and to dissipate wave splash/uprush, and replacement of the concrete covers over six pier pilings.

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 intent of the project is to strengthen the accessway's structural integrity by dissipating wave uprush and to replace corroded pier pilings. On occasion, wave run-up beneath the accessway causes the deck to lift and loosen. The addition of wooden boards underneath the deck is expected to deflect such uprush and avoid structural harm. Additionally, six pilings below the accessway have been degraded by chemical and physical weathering, and new concrete covers are required to ensure their structural integrity. Both the concrete covers and the new wooden boards are located above coastal waters, and thus no new fill/development is taking place below the water line. The accessway's width and length is not expanding, and thus no new coverage of coastal waters is proposed either. And finally, the Applicant has incorporated a series of best management practices in its project description to ensure the protection of coastal water quality, including restrictions on using preservative treated-wood, requirements that heavy equipment use vegetable-oil based hydraulic fluids, and dewatering requirements for concrete foundation work. With these appropriate water quality measures implemented, the proposal will not adversely affect the marine environment.

In summary, the proposed repairs and improvements are relatively minor and will ensure the continued public utility and enjoyment of this important accessway. The

project will further provide public coastal access along Monterey Bay, is a permissible use on and over coastal waters, 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 City of Monterey, acting as lead CEQA agency, determined that the proposed project was exempt from CEQA review pursuant to Section 15061/15378 because the proposed work does not count as a “project” and thus would not have any significant adverse environmental effects.

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, February 11, 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 Esme Wahl (Esme.Wahl@coastal.ca.gov) in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT EXTENSION

Date: January 24, 2022
To: All Interested Parties
From: Kevin Kahn, Central Coast District Manager
Esme Wahl, Coastal Planner
Subject: Proposed Extension to Coastal Development Permit (CDP) A-3-SLO-00-040
Applicants: Dennis Schneider

Original CDP Approval

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

Proposed CDP Extension

The expiration date of CDP A-3-SLO-00-040 has been extended 12 times in the past, and is proposed to be extended by one year again here. The new expiration date would be January 10, 2023. The Commission's reference number for this proposed extension is **A-3-SLO-00-040-E13**.

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 Friday, February 11, 2022 at the virtual online hearing. If three or more Commissioners object to the Executive Director's changed circumstances determination at that time, a full hearing on whether changed circumstances exist will be scheduled pursuant to the Commission's regulations.

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.

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EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-3-21-0019 (Monterey Bay Aquarium Great Tide Pool Repairs)

Issue Date: April 21, 2021

This emergency coastal development permit (ECDP) authorizes emergency development consisting of repair of existing manmade concrete rockwork in the Monterey Bay Aquarium's Great Tide Pool. Based on the materials presented by the Permittee (Monterey Bay Aquarium), this manmade concrete rockwork has notable surface finish degradation and chipping, which has the potential to be released into the marine environment. The proposed emergency repairs will consist of utilizing in-water repair crews during significant low tide periods to prepare and reconstruct the existing manmade concrete rockwork. The proposed emergency repair is necessary to prevent the incidental release of foreign materials into the marine environment. The project is conditioned to require appropriate best management practices (BMPs) for protecting water quality during construction. Therefore, the Executive Director of the California Coastal Commission hereby finds that:

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

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

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): Kim Cole (cole@monterey.org)
Sophie De Beukelaer (sophie.debeukelaer@noaa.gov)

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 May 6, 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 July 20, 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 August 19, 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., City of Monterey, U.S. Army Corps of Engineers, Regional Water Quality Control Board, Monterey Bay National Marine Sanctuary, 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 April 5, 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 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):

A. Responsibilities for Use of Coatings, Construction and Repair of Bulkheads

and Over-water Structures. The applicant shall comply with the following best management practices for the use of corrosion coatings, and repair of bulkheads and over-water structures:

- Coatings and sealants shall be composed of products that are inert after they have cured and dried. Fusion Bonded Epoxy, HDPE, and polyurea products are recommended. No coal tar-based sealants shall be used unless they are themselves coated or wrapped with an inert product to isolate them from the marine environment.
- Installation and application of epoxy, resin, or cementitious grout/fill shall be conducted when predicted weather and ocean conditions allow effective control and full containment and will remain dry until cured, in order to prevent any leaching of uncured treatment materials into coastal waters. It is preferable to perform the work in dry conditions (low tide) or off-site in a controlled-environment manufacturing facility, wherever feasible.
- All cleaning and preparation of surfaces shall use wet vacuum techniques, containment booms or heavy mesh containment netting so that any debris, chips, dust, dirt, and fine particles are collected and disposed of in a location where they will not enter coastal waters.
- Preparation of corroded concrete by chipping, v-notching, or demolition shall be conducted while using a wet vacuum or similar technique so that any debris, dust, and fine particles are collected and disposed of in a location where they will not enter coastal waters. Dip nets shall be on-site and used to retrieve debris if it accidentally falls into the water.
- Methods to contain any leaks or spills of treatment materials during application shall be planned in advance, and any necessary equipment or supplies shall be readily accessible onsite. Any leaks or spills of anti-corrosion coatings, epoxy fillers, and waterproofing sealants shall be immediately cleaned up.
- All pressure-injection and gravity-feed applications of epoxy, resin, or cementitious materials shall be closely monitored visually to ensure that these materials do not leak or spill into coastal waters during application.
- Coatings and waterproofing sealants used in the field shall be carefully applied by brush or roller to limit application to the immediate surfaces intended for protection, and to prevent drips or spills into coastal waters.
- All anti-corrosion coatings, epoxy fillers, and waterproofing sealants shall be properly stored and contained so that these products will not leak or spill, or otherwise enter the coastal environment.

B. General Construction BMPs. All construction materials and equipment shall be stored beyond the reach of tidal waters:

- 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.
 - 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 the beach or the adjacent marine environment are prohibited. Equipment washing, refueling, and/or servicing shall not take place on the wharf or 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.
 - 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 and required restoration activities. If planning staff should identify additional reasonable restoration measures, such measures shall be implemented immediately
10. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
11. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and his/her contact information (i.e., address, email, phone numbers, etc.) including, at a minimum, a telephone number and email address that will be made available 24 hours a day for the duration of

construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (e.g., name, address, email, phone number, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit the record (of complaints/inquiries and actions taken in response) to the Executive Director.

12. This ECDP shall not constitute a waiver of any public rights which may exist on the property. The Permittee shall not use this ECDP as evidence of a waiver of any public rights which may exist on the property.
13. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
14. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the subject site without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Chapter 9 of the Coastal Act.

As noted in Conditions 4 and 5 above, the emergency development carried out under 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-3-21-0061 (Aptos Creek Sand Management)

Issue Date: January 25, 2022

This emergency coastal development permit (ECDP) authorizes emergency development completed on December 13, 2021 (which was given verbal ECDP authorization by Commission staff), which consisted of the Permittee (i.e., the California Department of Parks and Recreation (State Parks)) excavating a creek channel to allow Aptos Creek to flow directly across Rio del Mar State Beach and directly out to the ocean, as well as placement of driftwood in front of a State Parks' restroom facility to help avoid potential flooding impacts.

Based on materials presented by the Permittee, Aptos Creek expanded across the beach due to heavy rainfall and threatened to undermine the foundation of the public restroom facility. To address this threat, the Permittee excavated the channel (which was 50 feet long, 3 feet wide, and 2 feet deep) and stacked beach driftwood in front of the restroom. A biological monitor was present during all such emergency development, and observed no species or biological impacts as a result of such activities. State Parks also employed appropriate water quality best management practices to ensure protection of the sensitive beach and creek environment.

In sum, the described emergency development was the minimum necessary to address an imminent threat to public infrastructure. 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.

DocuSigned by:

Kevin Kahn

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Kevin Kahn, Central Coast District Manager, for John Ainsworth, Executive Director

Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the Permittee and returned to the California Coastal Commission's Central Coast District Office within 15 days of the date of this permit (i.e., by February 9, 2022). This ECDP is not valid unless and until the acceptance form has been received in the Central Coast District Office.
2. Only that emergency development specifically described in this ECDP is authorized. Any additional and/or different emergency and/or other development requires separate authorization from the Executive Director and/or the Coastal Commission.
3. The emergency development authorized by this ECDP is only temporary and shall no longer be authorized if it is not followed-up by a regular CDP. Within 6 months of the date of this permit (i.e., by July 25, 2022), the Permittee shall submit a single complete application for such regular CDP as combined follow-up to both this ECDP and ECDP G-3-21-0051, which was issued on November 5, 2021. Otherwise, the temporary emergency development shall no longer be authorized, and all areas affected by it restored to their original pre-emergency development condition. The deadlines in this condition may be extended for good cause by the Executive Director.
4. 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.
5. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., Santa Cruz County, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, State Water Board, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
6. All emergency development shall be limited in scale and scope to that specifically identified in the application materials received in the Coastal Commission's Central Coast District Office on December 27, 2021.
7. 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.
8. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
9. 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 3 and 4 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.

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EMERGENCY COASTAL DEVELOPMENT PERMIT ACCEPTANCE FORM

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

RE: **Emergency Coastal Development Permit (ECDP) No. G-3-21-0061**

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 California Department of Parks and Recreation (State Parks) 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 6 months of the date of issuance of this ECDP (i.e., by **July 25, 2022**) unless this deadline is extended by the Executive Director.

DocuSigned by:
Linda Hitchcock

Signature of California Department of Parks and Recreation (State Parks)
Authorized Representative

Linda Hitchcock

Name (Print)

303 N Big Trees Park Road

Address

Felton, Ca, 95018