

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
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Prepared July 27, 2022 for August 12, 2022 Hearing

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Central Coast District Director

Subject: Central Coast District Director's Report for August 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 August 12, 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 August 12th during the hybrid virtual/in-person hearing.

With respect to the August 12th 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 August 12, 2022 (see attached)

CDP Waivers

- 3-22-0479-W, Berry Vacation Rental (Oceano)
- 3-22-0559-W, Santa Cruz Harbor Maintenance (Santa Cruz)

CDP Amendments, CDP Extensions, Emergency CDPs, LCP Certification Reviews

- None

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NOTICE OF PROPOSED PERMIT WAIVER

Date: July 29, 2022
To: All Interested Parties
From: Dan Carl, Central Coast District Director
Esme Wahl, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-22-0479-W
Applicant: Scott Berry

Proposed Development

Use of an existing single-family residence as a short-term rental, located at 344 Juanita Avenue in the community of Oceano, San Luis Obispo County (APN 061-022-056).

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, August 12, 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.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: July 29, 2022
To: All Interested Parties
From: Dan Carl, Central Coast District Director
Kiana Ford, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-22-0559-W
Applicant: Santa Cruz Port District

Proposed Development

Follow-up authorization for emergency repair work completed under Emergency CDP G-22-0007 (Santa Cruz Harbor Tsunami Repairs), consisting of the placement of high-density poly-ethylene (HDPE) sleeves over three existing piles supporting boating facilities in the Santa Cruz Harbor 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 project stabilized and prevented further damage to three pilings at two docks within the Santa Cruz Harbor, which were heavily damaged as a result of strong surges from the Hunga-Tonga Tsunami in January 2022. The project entailed the placement of silk curtains and HDPE sleeves around three broken piles. Best Management Practices (BMPs) were employed throughout the project to protect the marine environment including the collection and containment of construction debris, spill prevent, and good housekeeping. The docks and harbor more generally support a variety of commercial and recreational fishing and boating, marine education, and recreation, and thus the project helps maintain and protect the harbor's diverse commercial and recreational activities. The project was carried out in accordance with the terms and conditions described in ECDP G-22-0007. In sum, the project did not adversely impact coastal resources, and thus 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 (as a necessary repair project to maintain essential public service and safety,

and to prevent further damage to marine infrastructure and private property), 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, August 8, 2022, during the hybrid 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.