

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
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Prepared August 25, 2022 for September 9, 2022 Hearing

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Central Coast District Director

Subject: Central Coast District Director's Report for September 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 September 9, 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 asking for the Commission's concurrence on the 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 September 9th during the hybrid virtual/in-person 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, 2022 (see attached)**CDP Waivers**

- 3-22-0619-W, Kahwaji Vacation Rental (Oceano)
- 3-22-0671-W, Rio Del Mar State Beach Living Shoreline (Santa Cruz County)
- 3-22-0709-W, RTC Santa Cruz Branch Line Erosion Control (Santa Cruz County)

CDP Amendments

- 3-13-012-A8, Piedras Blancas Highway 1 Realignment Changes (San Luis Obispo County)

LCP Certification Reviews, CDP Extensions and Emergency CDPs

- None

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NOTICE OF PROPOSED PERMIT WAIVER

Date: August 25, 2022
To: All Interested Parties
From: Dan Carl, Central Coast District Director
Esme Wahl, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-22-0619-W
Applicant: Gretchen Kahwaji

Proposed Development

Use of an existing single-family residence as a short-term rental, located at 610 Air Park Drive in the community of Oceano, San Luis Obispo County (APN 061-042-027).

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 September 9, 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: August 25, 2022

To: All Interested Parties

From: Dan Carl, Central Coast District Director
Rainey Graeven, District Supervisor

Subject: Coastal Development Permit (CDP) Waiver 3-22-0671-W
Applicant: California Department of Parks and Recreation (State Parks)

Proposed Development

Follow-up authorization for emergency work done under Emergency Coastal Development Permits (ECDPs) G-3-19-0056, G-3-21-0006, G-3-21-0051, and G-3-21-0061 at Rio Del Mar State Beach, consisting of sand movement, sand berm formation, and the placement of stacked driftwood to help protect State Parks' restroom facilities from being undermined by heavy winter Aptos Creek flows. In addition, State Parks also seeks authorization to establish two new dunes, Dune A and Dune B, in the back beach area between the Aptos Creek levee and State Parks' restroom facilities, and adjacent to the retaining wall fronting the Rio Del Mar coastal trail and public parking lot area. The two dune areas would be formed by stacking and connecting (using natural fiber braided rope) driftwood logs (importing driftwood for Dune A and using extant driftwood for Dune B); placing sand atop the driftwood; and planting native dune species (including foredune, mid-dune, and back-dune specific species). The project also includes installing post-and-cable 'symbolic' barriers to protect revegetation efforts and to direct beach access, as well as five years of monitoring and adaptive maintenance, all of which is located at Rio Del Mar State Beach in the Aptos area of southern 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 would restore about a half-acre of dune that has been lost, at least in part, from over 100 years of development activities in and around Aptos Creek (including the channelization of Aptos Creek, development within the Aptos Creek floodplain, and major excavation/landform alteration of former dune/hillside areas). The project would also help to naturally protect the Rio Del Mar public trail, parking lot, and restrooms, including by encouraging Aptos Creek to flow more directly to the ocean and away from the restored dune areas. A primary driver for the project is to help minimize the need for emergency beach/creek channel grading (which can result in adverse

coastal resource impacts to both the creek and the beach), and to do it as naturally as possible via a “living shoreline” type of approach.

The project would be situated in the back beach area that lies adjacent to the trail/parking lot retaining wall, which is an area that is less actively used for typical beach activities than areas further seaward, and thus it should not significantly adversely affect such beach use. In addition, the project would include a public accessway between the two dunes that would connect the Rio Del Mar promenade area to sandy beach areas further seaward, so as not to impact vertical access. The project would use symbolic and subtle barriers to direct beach goers and to help establish dune vegetation growth and success, and such barriers should effectively blend into the back beach aesthetic. And State Parks would monitor and maintain this small scale “living shoreline” project to not only ensure success at Rio Del Mar, but also as a means of gauging the effectiveness of such natural measures at helping to address coastal hazards as they effect the dynamic beach and shoreline interface. In short, the project represents an innovative and natural approach to shoreline management at Rio Del Mar State Beach that 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. State Parks, acting as lead CEQA agency, determined that the proposed project was categorically exempt from CEQA review pursuant to Sections 15301, 15304, and 15333 (finding that the project consists of minor alteration of existing facilities or topographical features involving no expansion of use beyond existing levels; minor alterations in the condition of land, water, or vegetation which do not involve removal of healthy, mature, and scenic trees; does not exceed five acres in size; and the purpose of the project is to maintain, restore, and protect habitat for fish, plants, and wildlife). Accordingly, State Parks 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, September 9, 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 Rainey Graeven in the Central Coast District office at centralcoast@coastal.ca.gov.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: August 25, 2022

To: All Interested Parties

From: Dan Carl, Central Coast District Director
Rainey Graeven, District Supervisor

Subject: Coastal Development Permit (CDP) Waiver 3-22-0709-W
Applicant: Santa Cruz County Regional Transportation Commission

Proposed Development

Grading and drainage work adjacent to the Santa Cruz County Regional Transportation Commission's (RTC's) railroad tracks just upcoast of La Selva Beach consisting of: 1) cleaning out a culvert (including culvert inlet/outlet points) and placing erosion control materials (i.e., jute mesh, hydroseed, fiber rolls, straw, and dry seed) adjacent to the culvert (located at mile post (MP) 8.83); 2) cleaning out a drainage conduit that connects to two culverts along approximately 680 linear feet on the inland side of the tracks; 3) installing a sheet-flow diversion along two areas along the bluff edge on the seaward side of the tracks (i.e., using plastic sheeting, sandbags, and temporary exclusionary fencing and/or caution tape); and 4) rehabilitating a culvert (at MP 9.02) including replacing the drainage inlet and culvert pipe, backfilling and paving to direct surface runoff from an inland parking lot to the drainage inlet; filling a cavity adjacent to the culvert; and placing additional erosion control materials. The above-described development would all be located within RTC's Santa Cruz Branch Line corridor between MP 8.83 and 9.02 in the La Selva Beach area of south 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 would primarily restore drainage function along an approximately quarter-mile stretch of RTC's rail corridor by daylighting and unclogging one culvert, rehabilitating another culvert, and regrading drainage conduit areas to better direct surface runoff to the culverts. The project would also include protecting two areas along the bluff to prevent additional erosion/scour stemming from surface runoff in the area. The project is relatively minor in scope and is intended to improve drainage function and prevent additional scour, including in preparation for the upcoming winter/rainy season. RTC is also considering pursuing more substantive measures along this section of the rail corridor, but any such additional project would be considered separately from this project, including depending on the efficacy of this project at addressing erosion control

at this location. The project includes construction BMPs of the type typically applied by the Commission, and should not result in significant coastal resource impacts, 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. RTC, acting as lead CEQA agency, determined that the proposed project was exempt from CEQA. Accordingly, RTC 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, September 9, 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 Rainey Graeven in the Central Coast District office at CentralCoast@coastal.ca.gov.

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: August 25, 2022

To: All Interested Parties

From: Dan Carl, Central Coast District Director
Sean Drake, Transportation Program Analyst

Subject: Proposed Amendment to Coastal Development Permit (CDP) 3-13-012
Applicant: California Department of Transportation (Caltrans)

Original CDP Approval

CDP 3-13-012 was approved by the Coastal Commission on July 11, 2014 and provided for the realignment of 2.8 miles of Highway 1 up to 475 feet inland (including removal of the old highway, demolition and removal of development in the new highway right-of-way, and construction of the new highway), development of an off-road California Coastal Trail west of the highway, and resource restoration and enhancement in the Piedras Blancas area of northern San Luis Obispo County. The CDP has been amended seven times to date, where the amendments have accommodated a series of project adaptations and deadline modifications to respond to changing circumstances.

Proposed CDP Amendment

CDP 3-13-012 would be amended an eighth time to (1) change the deadlines for Special Conditions 9, 10, and 11 to give Caltrans an additional 30 months to complete these requirements; (2) authorize demolition and removal of a third residence and associated development on formerly private property acquired by Caltrans for construction of the realigned highway; and (3) make various other conforming changes to reflect Caltrans' acquisition of three formerly private parcels, including updating references to assessor parcel numbers (APNs) and other non-substantive, clarifying revisions. The revised special conditions are shown in **Attachment A**. The Commission's reference number for this proposed amendment is **3-13-012-A8**.

Executive Director's Immateriality Determination

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

The Piedras Blancas Highway 1 realignment project is an important adaptation project for the State of California in its attempts to adapt to sea level rise and mitigate coastal hazards. Special Conditions 1 through 3 and 8 through 11 reference four rural residential properties (the only such properties within the project area) that were privately owned at the time of CDP application. Three of these parcels were the subject of condemnation proceedings to accommodate the realigned highway corridor. Due to

litigation and related issues regarding these properties, it has been difficult for Caltrans to finalize all the conditions that pertain to them, including required changes to the underlying CDPs associated with such properties. Because of this, the original CDP has been amended six times to allow additional time to fulfill these conditions (amendments A1, A2, A4, A5, A6, and A7). Since the litigation was resolved in mid-2019, Caltrans has not had sufficient time to complete the associated CDP requirements and is requesting that the relevant deadlines be extended by 30 months due to the complexity of the issues, combined with several unexpected circumstances (including the COVID-19 pandemic). The deadline adjustment will provide Caltrans the time necessary to complete the CDP requirements, and the delay should not result in any significant adverse coastal resource impacts in the interim.

The proposed amendment would also make several changes to reflect the final disposition of the three formerly private parcels acquired by Caltrans. Special Conditions 1 and 2 would be amended to authorize demolition and removal of the third house and associated development, located on APN 011-231-022, adjacent to the two houses already authorized by the CDP to be demolished. Demolition of the third house was contemplated when the original CDP was issued but was not authorized under the original permit as ownership of that parcel was pending litigation. Special Condition 9 would be amended to remove contingency language that would have applied if Caltrans had not acquired APN 011-231-022. Finally, Special Conditions 1 through 3 and 8 through 11 would be amended to reflect changes to the APNs of the formerly private parcels acquired by Caltrans.

The CDP's current authorization to demolish and remove the first two houses was found to be consistent with the policies of the Coastal Act and the San Luis Obispo County Local Coastal Program, including policies protecting public views and concentrating development in already developed areas. Removal of the third, adjacent house and associated development is aligned with this finding as well as the fundamental objective of the CDP to provide the public with a safe, realigned highway with uninterrupted views of the surrounding rural, coastal landscape. As with the first two houses demolished, underlying land associated with the third house that is not needed for highway uses would be restored to native habitat conditions pursuant to the terms of the CDP. The other proposed revisions would clarify and simplify the language of the conditions, and do not alter or lessen Caltrans' obligations under the CDP. Therefore, the proposed amendment will not result in any significant adverse impacts to coastal resources.

In sum, the proposed amendment modifies certain timing requirements, as well as the scope and descriptions of development authorized under the permit to conform to the final disposition of several parcels acquired by Caltrans for the authorized realignment project, but it does not change the underlying permit requirements, nor does it affect the project's consistency with the Commission's original CDP approval. The amended CDP remains consistent with the Coastal Act and the certified San Luis Obispo County Local Coastal Program.

Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on Friday, September 9, 2022 during the Commission's monthly meeting. If three or more Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

If you have any questions about the proposal or wish to register an objection, please contact Sean Drake in the Commission's Central Coast office at Sean.Drake@coastal.ca.gov.

Attachment A:

Special Conditions of Coastal Development Permit 3-13-012, as modified through and including Coastal Development Permit Amendment 3-13-012-A8.

- 1. Scope of Work.** This CDP authorizes the following development subject to the terms and conditions of this CDP:
 - a. New Highway 1.** Construction of a new Highway 1 roadway and related features (i.e., bridges, drainages, fencing, landscaping, undergrounding of utilities, etc.), as well as associated temporary construction-related development (i.e., grading, trestles, haul roads, etc.).
 - b. Old Highway 1.** Removal of the existing Highway 1 roadway prism (except for those roadway segments specifically identified for reuse for trail and other recreational access purposes) and restoration of the affected area after roadway prism removal.
 - c. Habitat Restoration and Enhancement.** Habitat restoration and enhancement at Arroyo de la Cruz.
 - d. Residential Demolition.** Demolition and removal of three residences (on Sani Parcels 1 and 2 and the Welsh Parcel (APNs 011-231-020, 011-231-021, and 011-231-022; previously known as APNs 011-231-013, 011-231-014, and 011-231-017)), restoration of the affected demolition area, and associated development related to the demolition, removal, and restoration.
 - e. California Coastal Trail.** Construction of an off-highway California Coastal Trail along with associated development (i.e., grading, landscaping, etc.) and features (i.e., parking areas, signs, bridges, boardwalks, benches, etc.).
 - f. EIR Avoidance, Minimization and Mitigation Measures.** Implementation of the avoidance, minimization and mitigation measures of the project EIR (SCH# 2008031059) that are consistent with the terms and conditions of this CDP.
- 2. Revised Final Plans.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two sets of Revised Final Plans for Executive Director review and approval showing all development authorized by this CDP, except for the new California Coastal Trail portion of the project covered by Special Condition 5. The Revised Final Plans shall be in substantial conformance with the submitted project plans (consisting primarily of plan sheets showing layout, construction details, erosion control, grading, drainage, utilities and planting) and narratives received in the Coastal Commission's Central Coast District Office on August 21, 2013 except that they shall be revised as follows:

- a. **Highway 1 Shoulder Widths.** Shoulders shall be paved and 8 feet wide, with no additional area of shoulder backing.
- b. **Northern Alignment Modifications.** The northernmost part of the new roadway (approximately from stations 420 to 449) shall be modified to provide safe ingress and egress to the Northern Trailhead Parking Access area (as generally illustrated in Exhibit 5) for both directions of travel from the realigned highway, including any necessary connector lanes. A left turn lane should be considered for such access unless it can be demonstrated that equivalent, safe ingress and egress from/to the highway may be achieved given expected traffic and parking lot use patterns at this location through the existing or an alternate design. As part of this evaluation, opportunities for reducing landform alteration and grading to the maximum extent feasible (e.g., through a possible combination of modified cut slopes, narrower cross sections, steeper longitudinal profiles, more road curvature, etc.) should be considered for incorporation into the design.
- c. **Southern Trailhead (Piedras Blancas/Surfer Beach) Parking Access.** Safe ingress and egress to the Southern Trailhead Parking Access area (as generally illustrated in Exhibit 5) for both directions of travel from the realigned highway, including any necessary connector lanes, shall be included in the final plans. A left turn lane should be considered for such access unless it can be demonstrated that equivalent, safe ingress and egress from/to the highway may be achieved given expected traffic and parking lot use patterns at this location through the existing or an alternate design.
- d. **Fencing.** The inland fence separating the grazing use from the roadway use shall be located no more than 30 feet from the edge of the roadway shoulder, except where additional distance is necessary to allow for maintenance or to protect wetlands, and shall be of a rustic ranch design that meets the specifications and requirements of a commercial grazing operation to prevent cattle from entering the highway. The seaward fence adjacent to State Parks property shall be of a similar rustic ranch design. Caltrans and State Parks shall work cooperatively with the Hearst Corporation to pursue changes to the underlying scenic and conservation easement that applies west of the Highway that will allow for fencing that does not include barbed wire on at least the seaward side of the highway. Caltrans shall submit the Revised Final Plans with evidence of a modified easement agreement or, in the alternative, evidence of their good faith efforts to pursue such changes with the Hearst Corporation. If the easement cannot be modified in this way at this time, then barbed wire may be allowed until the time when the easement is changed. All fences shall be sited and designed so that they integrate seamlessly with the surrounding landscape, and so that they minimize impacts on public views, both to the maximum extent feasible. A photo simulation of the fencing, as well as product brochures and specifications, shall be included as part of the Revised Final Plans.

- e. Well Access.** The separate well access entrances for Sani Parcel 3 and the Welsh Parcel (APNs 011-231-015 and 011-231-022, the latter previously known as APN 011-231-017) seaward of the new Highway alignment shall be eliminated and shall be replaced by a single consolidated well access entry route from the new roadway sited and designed to serve intermittent well access. Such well access route shall be sited and designed to minimize impacts on public views to the maximum extent feasible, including that: it shall be limited to one, informal rangeland farm road (e.g., jeep trail); it shall be unpaved; and it shall not extend seaward of the remaining wells. In the event that the well on the Welsh Parcel is impacted by coastal hazards, including erosion, then the well shall be removed and the area restored.
- f. Driveway Access.** Driveway access for Sani Parcel 3 (APN 011-231-015) inland of the new Highway alignment shall be sited and designed to minimize impacts on public views to the maximum extent feasible, including that such access shall be as narrow as possible and shall not include large pedestals or identifiers (other than required address). Only those driveway and related elements that cannot feasibly be removed shall be allowed in this area. All other driveways and related development, both seaward and inland of the new Highway alignment shall be removed and the area restored to match the surrounding landscape.
- g. Residential Demolition.** Demolition and removal of the three existing houses (see Special Condition 1d) and all related development, including associated structural components, landscaping, gates, and utilities, except for the remaining wells, necessary well infrastructure, landscape screening, and necessary landscape screening support elements (provided these elements are themselves modified (e.g., portions removed, etc.) and/or screened per Special Condition 3 to effectively blend into the natural landscape), shall be shown on the Revised Final Plans. Except for (1) the remaining wells, (2) access to the wells (described above), (3) the California Coastal Trail (see Special Condition 5 below), and (4) any associated public access improvements, all property associated with such residential use and all property located seaward of the new highway shall be restored to wetland habitat to the greatest extent feasible, utilizing natural soil profiles wherever possible and importing clay soils where an impermeable layer is needed for wetland hydrology. The remainder of the undeveloped portions of these parcels not restored to wetland, both seaward and landward of the new highway, other than vegetation screening inland of the Highway if required in this area per the approved Landscape Screening Plans (see Special Condition 3) shall be restored to native coastal prairie. (See also Special Condition 14 (Mitigation and Monitoring Plan)).
- h. Trail and Parking Accommodation.** The Revised Final Plans shall identify how removal of the existing Highway 1 roadway prism and associated grading and planting shall be carried out in a manner that will not impede or conflict with the location, highway re-use or dimensions of the California Coastal Trail alignment

identified in Special Condition 5, including providing evidence that State Parks agrees.

- i. Parking Facilities.** The Revised Final Plans shall show all vehicle parking facilities, which shall include, at a minimum, preservation of the existing Piedras Blancas Motel Parking Access, establishment of the Southern Trailhead Parking Access at the Piedras Blancas Lighthouse/Surfer's Beach trailhead/lighthouse vista point with no less than 20 spaces, and the Northern Trailhead Parking Access at the existing Arroyo de la Cruz pullout with no less than 30 spaces. The Southern Trailhead Parking Access and the Northern Trailhead Parking Access shall be surfaced with class 2 road base or similar permeable aggregate material. These two parking areas shall be safely accessible from Highway 1 and shall be constructed by Caltrans. Upon their completion, State Parks shall be responsible for continuous maintenance of these parking areas for the life of the project. The Revised Final Plans shall indicate how safe entry and egress to the highway will be provided for automobiles and bicycles at each parking access. The remainder of the informal pullout area near Arroyo de la Cruz, which contains space for approximately 60 cars adjacent to the Northern Trailhead Parking Access, shall not be modified in any manner that prevents potential future parking improvements at this location. Parking areas shall be sited and designed to minimize impairment of public views from the realigned Highway 1 and the CCT, and shall utilize existing topography, sensitively-designed berms, and/or mottled landscaping to minimize visual impacts while ensuring public views are not significantly impaired. At the Piedras Blancas Motel, all parking and roadway pavement shall be retained as shown on Exhibit 5 to allow for continued public access.
- j. Water Quality Features.** The Revised Final Plans shall be modified to show the following:

 1. Vegetated Buffer Strips (VBS) shall be replaced with Biofiltration Strips (BFS) at locations where runoff is directed to wetlands (e.g., from Stations 296+25 to 311+50).
 2. All runoff from bridge decks shall be directed to vegetated slopes or swales (e.g., VBS or BFS).
 3. VBS and BFS near Sani Parcels 1 and 2 (APNs 011-231-020 and 011-231-021; previously known as APNs 011-231-013 and 011-231-014) shall be modified to conform to the residential demolition and restoration components of the Revised Final Plans.
 4. The permeable filter blanket in the road prism between stations 379+33 and 382+23 shall be increased in height to the extent feasible, in order to maximize the amount of surface water draining to the ephemeral wetland feature, as opposed to directly into Arroyo del Oso.

All requirements above and all requirements of the approved Revised Final Plans shall be enforceable components of this CDP. The Permittee shall undertake all development in accordance with this condition and the approved Revised Final Plans.

- 3. Landscape Screening Plan.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two sets of a Preliminary Landscape Screening Plan to the Executive Director for review and approval. Within two years of commencement of construction, the Final Landscape Screening Plan shall be submitted to the Executive Director for review and approval. The Preliminary and Final plans shall indicate the timing of landscaping completion and shall provide for landscaping (at maturity) that is the minimum necessary to fully screen any remaining residences and associated residentially-related development on Sani Parcels 1, 2 and 3 and the Welsh Parcel (APNs 011-231-020, 011-231-021, 011-231-015, and 011-231-022), as well as any approved aboveground utility infrastructure along the realigned highway, as seen from the Highway and the California Coastal Trail for the life of the project. Landscape screening shall be designed to blend with the surrounding environment and shall minimize impacts on public views, including of the hillsides to the east. The final plan shall identify all plant materials (i.e., size, species, quantity, etc.), all irrigation systems, and all proposed maintenance measures, including providing for modification and adaptation as necessary to achieve required screening. All plant materials shall be native and non-invasive species selected to be complimentary with the mix of native species in the project vicinity, to prevent the spread of exotic invasive plant species, and to avoid contamination of the local native plant community gene pool. All landscaped areas shall be continuously maintained in a litter-free, weed-free, and healthy growing condition by the Permittee, and shall be replaced as necessary to maintain compliance with this CDP. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist. All requirements above and all requirements of the approved Landscape Screening Plan shall be enforceable components of this CDP. All requirements above and all requirements of the approved Preliminary and Final Landscape Screening Plans shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Preliminary and Final Landscape Screening Plans.

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[Special Conditions 4 through 7 remain unchanged.]

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8. Post-Construction Water Quality Management Plan. PRIOR TO THE ISSUANCE OF THE CDP, the Permittee shall submit two sets of a Water Quality Management Plan (WQMP) for the post-construction project site to the Executive Director for review and approval. The WQMP shall integrate and supplement the information contained in the Storm Water Data Report Long Form (finalized by Marissa Nishikawa, Regional Design SW Coordinator, dated 5/21/2013) and the TBMP + VBS Mapping (Biofiltration Locations by station and Vegetated Buffer Strip Locations), 05 0000 0576-4, supplied by Pete Riegeluth, D-5 SW Coordinator, on June 6, 2014. The WQMP shall include documentation of the items specified in this special condition, including calculations for reduced impervious surfaces on road shoulders, increasing the number or lengths of Biofiltration Strips (BFS), providing BFS vegetated slopes or swales (e.g., VBS or BFS) where runoff leaves bridges, and revising the stormwater BMPs provided at APNs 011-231-020 and 011-231-021 (previously known as APNs 011-231-013 and 011-231-014). The plans shall incorporate the final location and configuration of long-term post-construction Bio-Filtration Strips (BFS) and Vegetated Buffer Strips (VBS). Minor adjustments to the following requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources. The plan shall be in substantial conformance with the following requirements:

- a. BMP Repair and Maintenance.** All BMPs, including Vegetated Buffer Strips (VBS) and Biofiltration Strips (BFS), and energy dissipaters shall be designed, installed, and maintained for the life of the project in accordance with accepted design principles and guidelines, such as those contained in the *Caltrans Stormwater Quality Handbook*. Should any of the project's BMPs fail to effectively arrest erosion, or result in accelerated erosion, the Permittee shall be responsible for any necessary repairs to the BMPs and restoration of the affected area. This requirement shall apply to all BMPs. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Permittee shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new CDP is required to authorize such work.
- b. Minimum Maintenance Schedule.** At a minimum, all BMPs shall be inspected and cleaned/repared or otherwise maintained in accordance with the following schedule: (1) prior to the start of the winter storm season, no later than October 15th each year, (2) monthly thereafter for the duration of the rainy season (October 15th - April 30), and cleaned/maintained as necessary based on inspection and, (3) as needed throughout the dry season.
- c. Proper Disposal.** Sediment and debris removed from treatment BMPs during clean out shall be disposed of in a proper manner.

- d. **Irrigation/Fertilizers.** Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized.
- e. **Biofiltration Strips.** Biofiltration strips (BFS) shall be sized to treat the amount of runoff produced by all storms up to and including the 85th percentile 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor of two or greater) for flow-based BMPs.

All requirements above and all requirements of the approved WQMP shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved WQMP.

9. **CCT Access Dedication.** WITHIN 114 MONTHS OF COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit to the Executive Director for review and approval evidence that a dedication to State Parks of a fee interest or easement(s) for lateral public access has been executed and recorded against Sani Parcels 1 and 2 (APNs 011-231-020 and 011-231-021; previously known as APNs 011-231-013 and 011-231-014) and the Welsh Parcel (APN 011-231-022; previously known as APN 011-231-017) that provide a direct public access route from the CCT connections to the north and south, along the alignment approved pursuant to Special Condition 5 (California Coastal Trail). The CCT Access Dedication area shall be ambulatory including so that the trail shall move inland if relocation and/or reconstruction of access amenities in these areas is necessary to retain their continuity and/or utility. With respect to the Welsh Parcel, if the Permittee acquires the portion of the Welsh Parcel west of the new Highway right-of-way, then the access dedication shall apply to the acquired property.

In addition, PRIOR TO COMMENCEMENT OF CONSTRUCTION the Permittee shall dedicate to State Parks a fee interest or easement for lateral public access over the westernmost portion of the new Highway right-of-way. The CCT Access Dedication area shall be of a sufficient width to allow for construction and maintenance of the CCT pursuant to the terms and conditions of this CDP. The CCT Access Dedication shall be recorded free of all prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The CCT Access Dedication shall include a legal description and graphic depiction of the legal parcels subject to the CDP and a metes and bounds legal description and graphic depiction of the CCT Access Dedication area prepared by a licensed surveyor based on an on-site inspection, drawn to scale, and approved by the Executive Director.

10. Evidence of CDP Amendments.

- a. **Sani Parcels 1, 2 and 3:** PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ON SANI PARCELS 1, 2 AND 3 AND THE WELSH PARCEL OUTSIDE THE DEVELOPMENT AREA DEPICTED IN EXHIBIT 1 AND WITHIN 114 MONTHS OF THE COMMENCEMENT OF CONSTRUCTION OF THE

REALIGNED HIGHWAY APPROVED PURSUANT TO THIS CDP, the Permittee shall provide evidence that San Luis Obispo County has amended CDP COAL 90-137, as reconsidered and amended in D010029P and MUP D020333P to: allow for the highway to be constructed in the new alignment approved by this CDP; prohibit development on Sani Parcels 1 and 2 (APNs 011-231-020 and 011-231-021; previously known as APNs 011-231-013 and 011-231-014) other than demolition, restoration, well access, public access and recreation improvements, and CCT development approved by this CDP; reflect screening requirements of Special Condition 3; and retain all other development limitations included in existing deed restrictions/scenic easements/mitigation agreements as they currently pertain to the undeveloped areas outside of the existing development envelope, but modify the area to which they apply to be all areas on the properties outside of the new highway right-of-way. Any amendment approval shall be based on the future conditions of the site after the rock slope protection is removed, as required by CDPs 3-97-039 and 3-07-030, including future erosion rates associated with the unprotected shoreline.

- b. Welsh Parcel:** PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ON SANI PARCELS 1, 2 AND 3 AND THE WELSH PARCEL OUTSIDE THE DEVELOPMENT AREA DEPICTED IN EXHIBIT 1 AND WITHIN 114 MONTHS OF THE COMMENCEMENT OF CONSTRUCTION OF THE REALIGNED HIGHWAY APPROVED PURSUANT TO THIS CDP, the Permittee shall provide evidence that the Coastal Commission has amended CDP A-3-SLO-00-119 to allow for the highway to be constructed in the new alignment approved by this CDP; to prohibit development on that portion of the parcel seaward of the realigned Highway other than restoration, well access, and CCT development approved by this CDP; reflect screening requirements of Special Condition 3; and retain all other development limitations included in the existing scenic easement as it currently pertains to the undeveloped areas outside of the existing development envelope and extend these limitations to the remainder of the portion of the property seaward of the new highway right-of-way. The amendment approval shall be based on the future conditions of the site after the rock slope protection is removed, as required by CDPs 3-97-039 and 3-07-030, including future erosion rates associated with the unprotected shoreline.

- 11. Evidence of Amendments to Recorded Documents.** PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ON SANI PARCELS 1, 2 AND 3 AND THE WELSH PARCEL OUTSIDE THE DEVELOPMENT AREA DEPICTED IN EXHIBIT 1 AND WITHIN 114 MONTHS OF THE COMMENCEMENT OF CONSTRUCTION OF THE REALIGNED HIGHWAY APPROVED PURSUANT TO THIS CDP, the Permittee shall submit evidence that that the landowner(s) has executed and recorded deed restrictions against Sani Parcels 1 and 2 (APNs 011-231-020 and 011-231-021; previously known as APNs 011-231-013 and 011-231-014) and the Welsh Parcel (APN 011-231-022; previously known as APN 011-231-

017), in a form and content acceptable to the Executive Director, prohibiting all development, as defined in Section 30106 of the Coastal Act, outside of the new Highway 1 alignment right-of-way, as shown on the Revised Final Plans, except:

1. Construction of a CCT west of the new Highway 1 alignment right-of-way and associated infrastructure and improvements (e.g., trails, bridges, interpretive signage, restrooms, garbage cans, parking, fencing, etc.).
2. Recreation and associated infrastructure (e.g., low-cost visitor-serving camping, restrooms, parking, signage, support services, etc.).
3. Restoration (all types – wetland, coastal prairie, other).
4. Vegetation screening. Vegetation screening shall provide for landscaping (at maturity) that is the minimum necessary to fully screen any remaining residences and associated residentially-related development (e.g., well heads and aboveground infrastructure) on Sani Parcels 1, 2 and 3 and the Welsh Parcel (APNs 011-231-020, 011-231-021, 011-231-015, and 011-231-022), as well as any approved aboveground utility infrastructure along the realigned highway, as seen from the Highway and the California Coastal Trail for the life of the project. Landscape screening shall be designed to blend with the surrounding environment and shall minimize impacts on public views, including of the hillsides to the east. Landscape screening shall be maintained for the life of the project, including replacement of dead or diseased trees and shrubs, irrigation, trimming and pruning and other such care as required to ensure that landscaping will fully screen development, such that no residential development will be visible in public views. The use of vegetation screening shall be limited to that which is necessary to provide the necessary screening.
5. Consolidated access to and maintenance of existing wells from Highway 1. The consolidated well access shall be sited and designed to minimize impacts on public views to the maximum extent feasible, including that: it shall be limited to one, narrow, informal rangeland farm road (e.g., jeep trail); it shall be unpaved; and it shall not extend seaward of the remaining wells.
6. Driveway access inland of the new Highway alignment that is be sited and designed to minimize impacts on public views to the maximum extent feasible, including that such access shall be as narrow as possible and shall not include large pedestals or other identifiers (other than required address). Only those driveway and related elements that cannot feasibly be removed shall be allowed in this area. All other driveways and related development, both seaward and inland of the new Highway alignment are not allowed.
7. New wells or relocation of wells inland of existing wells, subject to CDP requirements.

8. A water storage tank, water well, septic system, underground utilities, drainage, landscaping, fire protection measures, and agricultural uses, all subject to obtaining necessary permits.
9. All utilities shall be placed underground.

The recorded documents shall include legal descriptions of Sani Parcels 1 and 2, and the Welsh Parcel, and a metes and bounds legal description and graphic depiction, prepared by a licensed surveyor, of the areas restricted by the applicable deed restriction. The deed restrictions shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction, including, but not limited to: (a) Deed Restriction number 2005-089950 recorded in the San Luis Obispo County Recorder's Office on October 25, 2005; (b) the Mitigation Agreements recorded as document numbers 1994-072466, 1997-019825, and 2008-025068 in the San Luis Obispo County Recorder's office on December 20, 1994, April 21, 1997 and May 14, 2008, respectively; (c) The Covenants, Conditions & Restrictions and Agreement for Pedestrian, Equestrian and Drainage Easements recorded as document number 2008-034839 in the San Luis Obispo County Recorder's office on July 8, 2008; (d) OTD and acceptance of lateral access; (e) Deed Restriction recorded as document number 2008-040425 in the San Luis Obispo County Recorder's office on August 5, 2008; (f) The "Agricultural, Scenic and Conservation Easement" and "Resolution # 2002-109" recorded as document numbers 2002020772 and 2002021797 in the San Luis Obispo County Recorder's office on March 14, 2002 and March 18, 2002 respectively, and; (g) Deed Restriction recorded as document number 2002020744 in the San Luis Obispo County Recorder's office on March 14, 2002.

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[Special Conditions 12 through 17 remain unchanged.]