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**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CALIFORNIA 95060-4508  
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## **CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT**

*For the*

*December 2016 Meeting of the California Coastal Commission*

December 9, 2016

**To:** Commissioners and Interested Parties  
**From:** Dan Carl, Central Coast District Deputy Director

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the Central Coast District Office for the December 2016 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the Central Coast District.

**DE MINIMIS WAIVERS**

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<b>Applicant</b>	<b>Project Description</b>	<b>Project Location</b>
<p><b>3-16-0392-W</b> California Department of Parks and Recreation</p>	<p>The project proposes to improve accessibility at the Pismo State Beach North Beach and Oceano campgrounds to comply with the Americans with Disabilities Act (ADA). The work consists of demolishing and rebuilding two restrooms and remodeling four restroom-shower combination buildings to make them ADA accessible. The proposed work will also provide accessible paths and parking for these restroom and shower facilities. The work will modify three RV sites for accessibility and includes construction of an ADA-compliant path to the North Beach Campground Fire Ring. The project also includes restoration of 0.32 acres of dune habitat.</p>	<p>896 Pacific Blvd., Oceano, San Luis Obispo County (APN(s): 005-241-015, 061-101-010)</p>
<p><b>3-16-0451-W</b> The Cannery Row Company L.P.</p>	<p>Authorize development activities performed on McAbee Beach on March 16 and 17, 2016 under Emergency CDP G-3-16-0032 including excavation and removal of approximately 10-20 cubic yards of oily sand, rocks, and other debris from an abandoned and fragmented pre-Coastal Act concrete tank, likely buried on the beach during the early part of the 20th century as part of a since-abandoned cannery operation.</p>	<p>610 Cannery Row, City of Monterey, Monterey County (APN(s): 001021004000).</p>
<p><b>3-16-0750-W</b> City of Monterey</p>	<p>Construction of two public pathways and a rock column entrance sign; installation of public benches, picnic tables, and interpretive signage; replacement of existing chain link fence with a split-rail fence, and ADA parking improvements at the Lower Presidio Historic Park.</p>	<p>Lighthouse Ave., City of Monterey, Monterey County.</p>

**CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT CONTINUED**

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<p><b>3-16-0832-W</b> South San Luis Obispo County Sanitation District</p>	<p>After-the-fact authorization of the temporary placement of a 60-foot-long by 12-foot-wide administrative office trailer and a 20-foot-long by 10-foot-wide steel storage cargo container by the South San Luis Obispo County Sanitation District at the existing South San Luis Obispo County Wastewater Treatment Facility in Oceano. The cargo storage container was placed on the site in early 2013 and the office trailer was placed on the site in mid-August 2016. Both structures are proposed to be removed by September 1, 2017.</p>	<p>1600 Aloha Pl., Oceano, San Luis Obispo County (APN(s): 061-093-047)</p>
<p><b>3-16-0889-W</b> Crown Castle Corporation</p>	<p>Replacement of two existing thirty-nine foot tall utility poles with two new forty-three foot tall utility poles, installation of a new wireless antenna on a third existing utility pole, installation of three underground vault boxes and associated electrical and cable equipment in the public right-of-way at various locations along Central Avenue between 2nd and 15th Streets.</p>	<p>388 Central Ave., City of Pacific Grove, Monterey County</p>
<p><b>3-16-0957-W</b> City of Monterey</p>	<p>Construction of pedestrian, bicycle, and vehicular improvements within the Fremont Street/Canyon Del Rey intersection rights-of-way adjacent to Laguna Grande Creek. Project includes construction of a sidewalk along Fremont Street, a right turn pocket on Canyon Del Rey, and bicycle and transit lane striping on Fremont Street.</p>	<p>N Fremont St., City of Monterey, Monterey County</p>

**IMMATERIAL AMENDMENTS**

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<b>Applicant</b>	<b>Project Description</b>	<b>Project Location</b>
<p><b>3-82-171-A7</b> CA 48123 CA Investors</p>	<p>CDP-3-82-171 would be further amended to allow: 1) remodeling of the existing 1,235-square-foot meeting/exercise room to include an ADA bathroom and exterior shower and 2) modification to the existing hotel arrival area including demolition of a wood deck and fence and construction of a new stairway, ADA ramp, installation of flagstone pavers and planter areas, a new awning and covered hotel-arrival canopy, and an approximately 200-square-foot storage structure, all as more specifically described in the application on file in the Commission's Central District Office in Santa Cruz. This amendment does not authorize any development in the Cadillac Flats subarea of the Ventana Inn property.</p>	<p>48123 Highway One, Big Sur, Monterey County</p>
<p><b>3-82-171-A8</b> CA 48123 CA Investors</p>	<p>CDP 3-82-171 would be further amended to allow: 1) modifications to the existing hotel maintenance and support facilities area including demolition of two existing maintenance buildings and four sheds and construction of four buildings totaling 3,750 square feet to be used for employee dining, general storage, office space, and restaurant storage. The project further includes removal of 12 non-native trees and associated infrastructure improvements. This amendment does not authorize any development in the Cadillac Flats subarea of the Ventana Inn property.</p>	<p>48123 Highway One, Big Sur, Monterey County.</p>

**CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT CONTINUED**

<p><b>3-82-171-A9</b> CA 48123 CA Investors</p>	<p>CDP 3-82-171 would be further amended to rehabilitate the Post Homestead House including seismic upgrades, exterior repairs, and modifications required for reuse of the house as a commercial visitor-serving space. The project further includes construction of two detached public restrooms, a sundeck, reconstruction of a low decorative rock retaining wall, relocation of an existing propane tank, formalized parking, and native landscaping. This amendment does not authorize any development in the Cadillac Flats subarea of the Ventana Inn property.</p>	<p>48123 Highway One, Big Sur, Monterey County.</p>
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**EXTENSIONS - IMMATERIAL**

<b>Applicant</b>	<b>Project Description</b>	<b>Project Location</b>
<p><b>3-11-063-E2</b> Moss Landing Harbor District</p>	<p>Extend CDP for one year to October 10, 2017.</p>	<p>7881 Sandholdt Rd., Moss Landing, Monterey County.</p>
<p><b>A-3-SLO-07-041-E7</b> Brent Richissin</p>	<p>Extend CDP by one year to October 15, 2017.</p>	<p>2737 Austin Ct., Los Osos, San Luis Obispo County (APN(s): 074-482-037).</p>

**EMERGENCY PERMITS**

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13142 of the California Code of Regulations because the development is necessary to protect life and public property, or to maintain public services.

<b>Applicant</b>	<b>Project Description</b>	<b>Project Location</b>
<p><b>G-3-16-0063</b> California Department of Parks &amp; Recreation</p>	<p>Emergency sandbar management to reduce the water level in the Carmel Lagoon. ECDP authorizes Monterey County, acting as contractor and agent for the California Department of Parks and Recreation (State Parks), to manage the sandbar at Carmel River State Beach during the 2016-2017 rainy season, including by cutting and managing a channel between the lagoon and Carmel Bay to reduce the water level in the lagoon so as to avoid/minimize flooding of existing residences and State Parks' facilities upstream of the lagoon, and to maintain optimal water elevation and salinity levels for steelhead within the Carmel River lagoon.</p>	<p>Carmel River State Beach, Monterey County.</p>

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** November 23, 2016  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Yair Chaver, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-16-0392-W**  
Applicant: California Department of Parks and Recreation (Parks)

### Proposed Development

The project proposes to improve accessibility at the Pismo State Beach North Beach and Oceano campgrounds to comply with the Americans with Disabilities Act (ADA). The work consists of demolishing and rebuilding two restrooms and remodeling four restroom-shower combination buildings to make them ADA accessible. The proposed work will also provide accessible paths and parking for these restroom and shower facilities. The work will modify three RV sites for accessibility and includes construction of an ADA-compliant path to the North Beach Campground Fire Ring. The project also includes restoration of 0.32 acres of dune habitat.

### 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 development will enhance the existing visitor serving facilities in the campgrounds by improving ADA access to three RV campsites, two restrooms and four restroom-shower facilities, the Campfire Center at the North Beach Campground, and associated parking and access paths. Construction staging will take place in areas with paved surfaces. Parks will employ measures to protect any nearby biologically sensitive areas by using best management practices such as silt fencing, straw bales and wattles, and orange construction fencing for vehicle exclusion. The project includes best management practices for debris containment, spill prevention and response, and housekeeping controls. Finally, the project will restore 0.32 acres of coastal dune habitat along a coastal access trail by removing ice-plant and replanting with locally sourced native dune vegetation. Accordingly, the project will enhance coastal access in these campgrounds, and will not have any significant adverse impacts on coastal resources.

### 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 December 9, 2016 in Ventura. If four 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 Yair Chaver in the Central Coast District office.**

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** November 23, 2016  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Jonathan Bishop, Oil Spill Program Coordinator  
**Subject:** Coastal Development Permit (CDP) Waiver 3-16-0451-W  
Applicant: The Cannery Row Company, L.P.

### Proposed Development

Authorize development activities performed on McAbee Beach on March 16<sup>th</sup> and 17<sup>th</sup>, 2016 under Emergency CDP G-3-16-003 including excavation and removal of approximately 10 – 20 cubic yards of oily sand, rocks, and other debris from an abandoned and fragmented pre-Coastal Act concrete tank, likely buried on the beach during the early part of the 20<sup>th</sup> century as part of a since-abandoned cannery operation, at 610 Cannery Row in the City of Monterey (Monterey County).

### Executive Director's Waiver Determination

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

The emergency cleanup was necessary to remove potentially dangerous oily substances in the sandy beach environment and to avoid a potentially serious oil spill into the Monterey Bay National Marine Sanctuary (MBNMS). The response was led by a Unified Command made up of the United States Coast Guard, the Office of Spill Prevention and Response, Monterey County Environmental Health Department, and the underlying property owner (the Cannery Row Company). Other participating agencies included the Coastal Commission, MBNMS, and the City of Monterey. Numerous measures were applied during the cleanup to avoid impacts to coastal resources. Prior to excavation of the oily debris, a secondary containment berm using plastic tarps, sandbags and an oil absorbent boom were placed around the abandoned and dilapidated tank (i.e., the tank no longer had a top, and is heavily worn on its exterior otherwise) area as a precautionary measure. Oiled sand and debris occupying the inside of the tank was then removed with an excavator, placed in a contained receiving bin, and properly disposed of offsite. Once cleaned with high pressure water and hand scraping, the concrete tank was filled and re-buried with clean, beach quality sand comparable in color, grain size, and composition to the native McAbee Beach sand. Biological monitors were onsite during the emergency cleanup operations and no wildlife concerns were reported. Follow-up observations and monitoring of the site show that the replacement sand has generally remained both within and covering the concrete tank and is stable at this time. The cleanup operations took two days. The downcoast portion of McAbee Beach remained available for public access during the cleanup operations.

The remains of the buried concrete tank are best characterized as pre-Coastal Act abandoned marine debris that should be removed, but staff is not suggesting that the tank be required to be removed at this time. Staff recommended to the Applicant that the abandoned concrete tank be removed to improve and



## **NOTICE OF PROPOSED PERMIT WAIVER**

CDP Waiver 3-16-0451-W (Cannery Row Company Oil Spill Remediation)

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protect coastal resources, including in terms of public use of the sandy beach area within which the remains of the tank are located, but the Applicant is opposed to removal at this time. Staff continues to believe that the concrete tank should be removed, but recognizes that the emergency work was done to abate an oil spill emergency, and does not believe a removal requirement attached to that work is appropriate. At the same time, staff will continue to work with the City and the Applicant to encourage removal as soon as possible. In the meantime, staff notes that this waiver does not authorize the abandoned former concrete tank as any type of approved structure or development on the beach, nor does it confer any right to use the abandoned and dilapidated former concrete tank as part of any future development on the beach.

In sum, the oil cleanup project remedied a situation with potential adverse impacts to coastal resources and was done in a manner protective of coastal resources and public access, consistent with the Coastal Act.

### **Coastal Commission Review Procedure**

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Friday, December 9, 2016, in Ventura. If four 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 Jonathan Bishop in the Central Coast District office.**

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** November 23, 2016  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Brian O'Neill, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-16-0750-W**  
Applicant: City of Monterey

### Proposed Development

Construction of two public pathways and a rock column entrance sign; installation of public benches, picnic tables, and interpretive signage; replacement of existing chain link fence with a split-rail fence, and ADA parking improvements at the Lower Presidio Historic Park in the City of Monterey, Monterey County.

### Executive Director's Waiver Determination

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

The proposed project is designed to improve and upgrade public access amenities at the Lower Presidio Historic Park. The open space park currently includes a free museum, historic monuments, several walking paths, and sweeping views of the Monterey Harbor. The proposed project will include two new walking paths and ADA parking improvements to increase public access to existing historic monuments. The pathways will be constructed atop clean fill and no grading is proposed. The pathways will also include benches and picnic tables for public viewing of the harbor, as well as interpretive signs focused on the area's Native American history. An existing chain link fence will be replaced with a split-rail fence to improve public views of the coast and new signage will be installed to increase public awareness of the park. The proposed project does not include any earth disturbing activity and thus no historic resources will be impacted by construction. The project also includes construction Best Management Practices in order to control runoff and protect water quality. The proposed project will greatly improve public amenities and access at the park, will not adversely impact coastal resources, and thus is consistent with the Coastal Act.

### Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on December 9, 2016, in Ventura. If four 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 Brian O'Neill in the Central Coast District office.**

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** November 23, 2016  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Daniel Robinson, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-16-0832-W**  
Applicant: South San Luis Obispo County Sanitation District

### Proposed Development

After-the-fact authorization of the temporary placement of a 60-foot-long by 12-foot-wide administrative office trailer and a 20-foot-long by 10-foot-wide steel storage cargo container by the South San Luis Obispo County Sanitation District (District) at the existing South San Luis Obispo County Wastewater Treatment Facility (WTF) in Oceano, San Luis Obispo County. The cargo storage container was placed on the site in early 2013 and the office trailer was placed on the site in mid-August 2016. Both structures are proposed to be removed by September 1, 2017.

### 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 waives the requirement for a CDP for the following reasons:

The District leased the administrative office trailer in August 2016 to temporarily house the District Administrator and Bookkeeper/Secretary due to a lack of space in the existing Administration and Control Building. Issues of noise, privacy, ergonomics, and health and safety within the existing building were the main impetus for the placement of this office trailer on the site. The office trailer will also facilitate the District's record management initiative allowing records currently housed in the temporary storage cargo container to be examined, catalogued, retained or purged, as required by the District's record's retention policy. The storage cargo container was brought onto the site to house the records in 2013. Both the office trailer and storage cargo container were placed on pavement within the interior of the WTF site and will both be removed from the site by September 1, 2017 (or will require additional permitting to be retained past that date). Thus the project will not have any adverse impacts on coastal resources, including public access to the shoreline.

### 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, December 9, 2016 in Ventura. If four 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 Daniel Robinson in the Central Coast District office.**

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CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

November 30, 2016

Subject: Coastal Development Permit (CDP) Waiver 3-16-0832-W; After-The-Fact (ATF)  
Applicant: South San Luis Obispo County Sanitation District

Dear Commissioners,

Please consider this a request to deny the above referenced waiver and require it be processed as a regular Coastal Development Permit (CDP). Perhaps the request could be coupled with the South San Luis Obispo County Sanitation District's (SSLOCS) pending Redundancy Project/Application Number 3-16-0233. The After-The-Fact (ATF) project application dated September 20, 2016 (attached) is a result of Code Enforcement Case (COD2016-000129) opened by the County of San Luis Obispo on August 29, 2016. The 60'x12' temporary trailer was ordered on August 5, 2016 by South San Luis Obispo County Sanitation District Administrator, Gerhardt Hubner. It was furnished with desks, bookcases and a conference table and electricity was hooked up on or before September 1, 2016, all without the benefit of any permits.

The application and waiver state; "space, noise, privacy, ergonomics, and health and safety within the existing building were the main impetus for the placement of this office trailer on the site." Yet, if the safety of employees were at issue, why wouldn't all employees relocate to the trailer? As described in the waiver request, only the "District Administrator and Bookkeeper/Secretary" are intended to move into the trailer.

Within the application, the district attaches a declaration from a plumber as the basis for the waiver, suggesting the odor issue relates to collapsed pipe in the men's room urinal and that the entire restroom needs to be brought up to ADA compliance standards. That work was approved by the board in August and completed in September. This work, replacing the collapsed pipe, new urinal, new toilet, shower, sink, and faucet was performed without county building or construction permits or inspections. Additionally, the application cites HVAC ducting repairs were necessary; all new ducting and filters were installed. Those repairs were completed in October, again without county building or construction permits or inspections. The district's application goes on to cite the irrelevant peeling paint, soiled carpet and ergonomic recommendations for suitable chairs and desks that would not be resolved by a temporary trailer.

A temporary trailer requires a companion project as a primary justification for approval. Presently the Sanitation District does not have any projects requiring such additional space.

All the needs stated in the ATF permit application for the trailer, have been addressed through additional unpermitted projects. It is unclear, as to why this application is being considered for a permit waiver or a regular CDP at this time.

The C-Train that was moved on site in 2013 appears to be the only portion of the application that may qualify for an ATF CDP.

Furthermore, the application asked for and received a fee waiver from the CCC Executive Director. Had this been the private sector applying in an ATF permit, they would have to pay as much as 5 times the application fee. It is curious as to why this application appears to be treated differently than a private sector project. The rules for ATF applications and fees should be consistent for all projects. The approach of violating first, ask for forgiveness later, runs contrary to the commissions position regarding ATF permits. As violators of the Coastal Act, government or quasi-government agencies should not be treated more favorably than other applicants.

Please feel free to contact me with any questions you may have.  
Sincerely,



Julie Tacker  
PO Box 6070  
Los Osos, CA 93412

Attachment: SSLOCSD ATF CDP Application dated September 20, 2016

cc: South San Luis Obispo County Sanitation District  
Grover Beach, Mayor John Shoals  
Arroyo Grande, Mayor Jim Hill  
Oceano CSD President, Mary Lucey

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** November 23, 2016  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Brian O'Neill, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-16-0889-W**  
Applicant: Crown Castle Corporation

### Proposed Development

Replacement of two existing thirty-nine-foot tall utility poles with two new forty-three-foot tall utility poles, installation of a new wireless antenna on a third existing utility pole, installation of three underground vault boxes and associated electrical and cable equipment in the public right-of-way at various locations along Central Avenue between 2nd Street and 15th Street in Pacific Grove, Monterey County.

### Executive Director's Waiver Determination

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

The proposed project is designed to increase cellular capacity and provide better wireless service to existing customers in the City of Pacific Grove. Two existing utility poles must be replaced with slightly taller poles in order to comply with Federal Communications Commission rules regarding separation between conductors and cables. The proposed project will not impact existing public views because the replacement utility poles will be located one block inland of the coast within a residential neighborhood, will be located in the same general location as the existing poles, and all other new equipment will be placed in vaults underground. Public access along Central Avenue will be maintained during construction and will not be permanently impacted in any way. The proposed project also includes various construction Best Management Practices in order to control runoff, prevent spills, manage waste, and maintain good housekeeping measures. The project has no potential for adverse effects on coastal resources, including public access to the shoreline, and is consistent with Chapter 3 of the Coastal Act.

### Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on December 9, 2016, in Ventura. If four 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 Brian O'Neill in the Central Coast District office.**

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**Date:** November 23, 2016  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Mike Watson, Coastal Planner  
**Subject:** Coastal Development Permit (CDP) Waiver 3-16-0957-W  
Applicant: City of Monterey

### Proposed Development

Construction of pedestrian, bicycle, and vehicular improvements within the Fremont Street / Canyon Del Rey intersection rights-of-way adjacent to Laguna Grande Park. Project includes construction of a sidewalk along Fremont Street, a right turn pocket on Canyon Del Rey, and bicycle and transit lane striping on Fremont Street in the City of Monterey, Monterey County.

### Executive Director's Waiver Determination

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

The application proposes both motorized and non-motorized (pedestrian and bicycle) improvements within existing street rights-of-way. The sidewalk will fill a sidewalk gap and connect two major streets, enhancing pedestrian safety. The right turn lane will improve through-vehicular traffic along Canyon Del Rey Boulevard (State Route 218), which is the main north – south thoroughfare in the area. Bicycle and transit striping will enhance safety and improve transit for these forms of transportation along Fremont Street. Construction BMPs will be employed to ensure that the construction area is kept tidy and to prevent sediment and polluted runoff from entering adjacent Laguna Grande. The project will not otherwise adversely impact coastal resources or public access to the shoreline.

### 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, December 9, 2016, in Ventura. If four 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 Mike Watson in the Central Coast District office.**

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## NOTICE OF PROPOSED PERMIT AMENDMENT

**Date:** November 23, 2016  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Mike Watson, Coastal Planner  
**Subject: Proposed Amendment to Coastal Development Permit (CDP) 3-82-171**  
Applicant: CA 48123 CA Investors

### Original CDP Approval

CDP 3-82-171 was approved by the Coastal Commission on October 13, 1982 and has been amended six times since (on June 10, 1986, August 11, 2004, November 11, 2011, February 9, 2012, September 26, 2013, and June 8, 2016). CDP 3-82-171, as amended, provided for the construction of the following: 19 inn units, 15 employee housing units, swimming pool, bath house, restaurant, renovation of the restaurant terrace, kitchen addition, conversion of upper parking area to wood deck and yoga platform, picnic area, recreation building, conversion of 15 campsites to tent cabins, paving of a portion of Coast Ridge Road, trails, septic system and tertiary treated wastewater dispersal system, parking, campground restrooms, and a new entry kiosk, all at the Ventana Inn and Spa complex in the Big Sur area of unincorporated Monterey County (APN 419-321-010).

### Proposed CDP Amendment

CDP 3-82-171 would be further amended to allow: 1) remodeling of the existing 1,235-square-foot meeting/exercise room to include an ADA bathroom and exterior shower and 2) modification to the existing hotel arrival area including demolition of a wood deck and fence and construction of a new stairway, ADA ramp, installation of flagstone pavers and planter areas, a new awning and covered hotel-arrival canopy, and an approximately 200-square-foot storage structure, all as more specifically described in the application on file in the Commission's Central District Office in Santa Cruz. This amendment does not authorize any development in the Cadillac Flats subarea of the Ventana Inn property. The Commission's reference number for this proposed amendment is **3-82-171-A7**.

### 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 proposed renovations and improvements to the existing meeting/exercise room and hotel arrival area will enhance the recreational amenities and the user experience at the Ventana Inn, including for persons with limited mobility. The project includes the use of natural materials and is compatible with the rugged Big Sur aesthetic. Construction best management practices will ensure that adjacent terrestrial resources are protected and coastal water quality is preserved. The proposed amendment otherwise has no potential for adverse impacts, either individually or cumulatively, on coastal resources including public access to the shoreline. In sum, the proposed amendment is consistent with the Commission's original coastal development permit approval (as amended), with the Coastal Act, and with the certified Monterey County Local Coastal Program.



## **NOTICE OF PROPOSED PERMIT AMENDMENT**

CDP 3-82-171 (Ventana Inn Meeting/Exercise Room and Hotel Arrival Improvements)

Proposed Amendment 3-82-171-A7

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### **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, December 9, 2016 in Ventura. If three 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 Mike Watson in the Central Coast District office.**

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
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## NOTICE OF PROPOSED PERMIT AMENDMENT

**Date:** November 23, 2016  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Mike Watson, Coastal Planner  
**Subject:** **Proposed Amendment to Coastal Development Permit (CDP) 3-82-171**  
Applicant: CA 48123 CA Investors

### Original CDP Approval

CDP 3-82-171 was approved by the Coastal Commission on October 13, 1982 and has been amended six times since (on June 10, 1986, August 11, 2004, November 11, 2011, February 9, 2012, September 26, 2013, and June 8, 2016). CDP 3-82-171, as amended, provided for the construction of the following: 19 inn units, 15 employee housing units, swimming pool, bath house, restaurant, renovation of the restaurant terrace, kitchen addition, conversion of upper parking area to wood deck and yoga platform, remodel of the upper meeting/exercise room, modification to the hotel arrival area, picnic area, recreation building, conversion of 15 campsites to tent cabins, paving of a portion of Coast Ridge Road, trails, septic system and tertiary treated wastewater dispersal system, parking, campground restrooms, and a new entry kiosk, all at the Ventana Inn and Spa complex in the Big Sur area of unincorporated Monterey County (APN 419-321-010).

### Proposed CDP Amendment

CDP 3-82-171 would be further amended to allow: 1) modifications to the existing hotel maintenance and support facilities area including demolition of two existing maintenance buildings and four sheds and construction of four buildings totaling 3,750 square feet to be used for employee dining, general storage, office space, and restaurant storage. The project further includes removal of 12 non-native trees and associated infrastructure improvements. This amendment does not authorize any development in the Cadillac Flats subarea of the Ventana Inn property. The Commission's reference number for this proposed amendment is **3-82-171-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 proposed renovations and improvements to the Ventana Inn facilities area will enhance the amenities for the employees of the Ventana Inn resort as well as provide much needed upgrades to office facilities and storage. The project includes the use of natural materials and is compatible with the rugged Big Sur aesthetic. Construction best management practices will ensure that terrestrial resources are protected and coastal water quality is preserved. The proposed amendment otherwise has no potential for adverse impacts, either individually or cumulatively, on coastal resources including public access to the shoreline. In sum, the proposed amendment is consistent with the Commission's original coastal

## **NOTICE OF PROPOSED PERMIT AMENDMENT**

CDP 3-82-171 (Ventana Inn Facilities Improvements)

Proposed Amendment 3-82-171-A8

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development permit approval (as amended), with the Coastal Act, and with the certified Monterey 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, December 9, 2016 in Ventura. If three 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 Mike Watson in the Central Coast District office.**

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## NOTICE OF PROPOSED PERMIT AMENDMENT

**Date:** November 23, 2016  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Mike Watson, Coastal Planner  
**Subject:** **Proposed Amendment to Coastal Development Permit (CDP) 3-82-171**  
Applicant: CA 48123 CA Investors

### Original CDP Approval

CDP 3-82-171 was approved by the Coastal Commission on October 13, 1982 and has been amended six times since (on June 10, 1986, August 11, 2004, November 11, 2011, February 9, 2012, September 26, 2013, and June 8, 2016). CDP 3-82-171, as amended, provided for the construction of the following: 19 inn units, 15 employee housing units, swimming pool, bath house, restaurant, renovation of the restaurant terrace, kitchen addition, conversion of upper parking area to wood deck and yoga platform, remodel of the upper meeting/exercise room, modification to the hotel arrival area, picnic area, recreation building, conversion of 15 campsites to tent cabins, modification to the hotel maintenance and support facilities, paving of a portion of Coast Ridge Road, trails, septic system and tertiary treated wastewater dispersal system, parking, campground restrooms, and a new entry kiosk, all at the Ventana Inn and Spa complex in the Big Sur area of unincorporated Monterey County (APN 419-321-010).

### Proposed CDP Amendment

CDP 3-82-171 would be further amended to rehabilitate the Post Homestead House including seismic upgrades, exterior repairs, and modifications required for reuse of the house as a commercial visitor-serving space. The project further includes construction of two detached public restrooms, a sundeck, reconstruction of a low decorative rock retaining wall, relocation of an existing propane tank, formalized parking, and native landscaping. This amendment does not authorize any development in the Cadillac Flats subarea of the Ventana Inn property. The Commission's reference number for this proposed amendment is **3-82-171-A9**.

### 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 proposed renovations and improvements to the Post Homestead House will provide new commercial visitor-serving opportunities and much needed restroom amenities along Highway 1 in Big Sur valley. The project renovations primarily involve structural and interior changes. The proposed changes to this nationally recognized historical resource were reviewed and authorized by the Monterey County Historic Resource Review Board on September 1, 2016. The exterior of the house will remain largely the same. The project includes landscaping with native plant species to add interest and provide additional screening of the new formalized parking area. Construction best management practices will

## **NOTICE OF PROPOSED PERMIT AMENDMENT**

CDP 3-82-171 (Ventana Inn Post Homestead House Renovations)

Proposed Amendment 3-82-171-A9

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ensure that the job site will remain tidy and coastal resources protected during construction. The proposed amendment otherwise has no potential for adverse impacts, either individually or cumulatively, on coastal resources including public access to the shoreline. In sum, the proposed amendment is consistent with the Commission's original coastal development permit approval, with the Coastal Act, and with the certified Monterey 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, December 9, 2016 in Ventura. If three 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 Mike Watson in the Central Coast District office.**

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## NOTICE OF PROPOSED PERMIT EXTENSION

**Date:** November 23, 2016  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Mike Watson, Coastal Planner  
**Subject:** **Proposed Extension to Coastal Development Permit (CDP) 3-11-063**  
Applicant: Moss Landing Harbor District

### **Original CDP Approval**

CDP 3-11-063 was approved by the Coastal Commission on October 10, 2013 and provided for the repair of damaged revetments at two locations within the north harbor area of Moss Landing Harbor, and construction of a new revetment in the south harbor, in the unincorporated area of Moss Landing in Monterey County.

### **Proposed CDP Extension**

The expiration date of CDP 3-11-063 has been extended by the Commission once previously (to October 10, 2016) and would be extended in this case by one year to October 10, 2017. The Commission's reference number for this proposed extension is **3-11-063-E2**.

### **Executive Director's Changed Circumstances Determination**

Pursuant to Title 14, Section 13169 of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that there are no changed circumstances affecting the approved development's consistency with the Coastal Act.

### **Coastal Commission Review Procedure**

The Executive Director's determination and any written objections to it will be reported to the Commission on Friday, December 9, 2016, in Ventura. If three Commissioners object to the Executive Director's changed circumstances determination at that time, then the extension shall be denied and the development shall be set for a full hearing of the Commission.

**If you have any questions about the proposal or wish to register an objection, please contact Mike Watson in the Central Coast District office.**

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## NOTICE OF PROPOSED PERMIT EXTENSION

**Date:** November 23, 2016  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Daniel Robinson, Coastal Planner  
**Subject:** **Proposed Extension to Coastal Development Permit (CDP) A-3-SLO-07-041**  
Applicant: Brent Richissin

### Original CDP Approval

CDP A-3-SLO-07-041 was approved by the Coastal Commission on October 15, 2008, and provided for the construction of a single-family residence located at 2737 Austin Court, in the unincorporated coastal community of Los Osos, San Luis Obispo County.

### Proposed CDP Extension

The expiration date of CDP A-3-SLO-07-041 has been extended by the Commission six times previously (to October 15, 2011, October 15, 2012, October 15, 2013, October 15, 2014, October 15, 2015, and October 15, 2016, respectively), and would be extended in this case by one year to October 15, 2017. The Commission's reference number for this proposed extension is **A-3-SLO-07-041-E7**.

### 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, December 9, 2016 in Ventura. If three Commissioners object to the Executive Director's changed circumstances determination at that time, then the extension shall be denied and the development shall be set for a full hearing of the Commission.

**If you have any questions about the proposal or wish to register an objection, please contact Daniel Robinson in the Central Coast District office.**



California Coastal Commission

**EMERGENCY COASTAL DEVELOPMENT PERMIT**  
**Emergency CDP G-3-16-0063 (Carmel River Lagoon Sandbar Management)**

Issue Date: November 4, 2016

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This emergency coastal development permit (ECDP) authorizes Monterey County, acting as contractor and agent for the California Department of Parks and Recreation (State Parks), to manage the sandbar at Carmel River State Beach during the 2016-2017 rainy season, including by cutting and managing a channel between the lagoon and Carmel Bay to reduce the water level in the lagoon so as to avoid/minimize flooding of existing residences and State Parks' facilities upstream of the lagoon, and to maintain optimal water elevation and salinity levels for steelhead within the Carmel River lagoon, which fronts Carmel River State Beach (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (Monterey County), the Carmel River Lagoon is currently below flood elevation; however there is a risk that any significant rainfall could lead to flooding of approximately 12 residential homes, loss of the State Beach parking lot, and undercutting of the State Beach's restroom, which are all located upstream and along the bank of the lagoon. Monterey County has estimated the flood elevation to be 12.77 feet (NGVD88). To avoid exceeding flood elevation, mobilization and mechanical breaching of the sandbar will commence when one or more of the following conditions is met: 1) lagoon water level reaches a surface elevation of 12.77 feet (NGVD88); 2) the rise in lagoon water levels indicates there is less than six hours until the water elevation reaches 12.77 feet (NGVD88) or when Carmel River flows reach or exceed 200 cubic feet per second at the Los Padres Dam and at Esquiline Road Bridge stream gauges; 3) wave over-topping begins to rapidly increase water levels of the lagoon as well as increase the sandbar elevation; 4) consultation with NOAA Fisheries indicates that wave overtopping is affecting/degrading lagoon water and salinity levels in a manner that may have adverse impacts to steelhead.

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 coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; (b) Public comment on the proposed emergency development has been reviewed if time allows.

Enclosure: (1) Emergency Coastal Development Permit Acceptance Form

cc: Steve Bachman, California Department of Parks and Recreation  
Sophie DeBeukelaer, Monterey Bay National Marine Sanctuary  
Katerina Galacatos, U.S. Army Corps of Engineers  
Martin Jacobs, U.S. Fish and Wildlife Service  
Jacqueline Pearson-Meyer, NOAA National Marine Fisheries Service  
Linda Connolly, California Department of Fish and Wildlife  
Joe Sidor, Monterey County Planning Department  
Rob Mullane, City of Carmel-by-the-Sea




# Emergency CDP G-3-16-0063 (Carmel River Lagoon Sandbar Management)

Issue Date: November 4, 2016

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

  
Susan Craig, Central Coastal District Manager for John Airsworth, Acting Executive Director

## Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the ECDP 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 November 19, 2016). 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 extends through the 2016-2017 rainy season (i.e., until April 15, 2017) only, unless extended for good cause by the Executive Director.
4. The emergency development authorized by this ECDP, which is carried out at the Permittee's risk, is only temporary, and shall no longer be authorized if it is not followed-up by a regular CDP. Therefore, by October 1, 2017 the Permittee shall submit materials to modify/update the existing CDP application (3-12-025) for ongoing management of the Carmel River Lagoon to include authorization of the emergency development carried out under this ECDP as part of the proposed project description. The modification materials shall include monitoring reports as required by Condition 15. Additionally, the Permittee shall diligently pursue completion of the existing CDP application and by November 30, 2016, shall submit a public review Draft Environmental Impact Report associated with the long-term comprehensive response to managing the Carmel River Lagoon. Otherwise, the temporary emergency development shall no longer be authorized and all areas affected by it shall be restored to their original pre-emergency development condition. The deadlines in this condition may be extended for good cause by the Executive Director
5. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., California Department of Parks and Recreation, California Department of Fish and Wildlife, California State Lands Commission, Monterey Bay National Marine Sanctuary, United States Army Corps of Engineers, National Marine Fisheries Service, United States Fish and Wildlife Service, 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 materials submitted by the Permittee (dated received in the Coastal Commission's Central Coast District Office on September 20, 2016).
7. A qualified biologist (including with a minimum of three years experience with anadromous

## Emergency CDP G-3-16-0063 (Carmel River Lagoon Sandbar Management)

Issue Date: November 4, 2016

Page 3 of 6

salmonids) shall be present during all emergency development activities, and shall monitor the lagoon and sandbar on a daily basis for as long as the emergency development activities authorized under this ECDP persist. The biological monitor shall ensure that all emergency development is limited to the least amount necessary to abate the emergency, and that it avoid impacts to adjacent marine and lagoon resources as much as possible, including through adaptive management measures to respond to changing conditions and/or understandings relative to flood risk and habitat impacts.

8. Prior to any mechanical breaching of the sandbar, the Permittee shall have ensured that all other possible flood protection measures (e.g., sand bags, rubber dams, etc.) have been applied to protect surrounding flood water threatened homes, infrastructure, and other development to the maximum extent feasible.
9. For the construction of the channel, the Permittee shall excavate a channel through the sandbar in a direction and manner as agreed upon in consultation with NOAA Fisheries, and in a manner that results in a more natural and less erosive breach. A sand plug will be left in place at the end of the excavation channel that is closest to the lagoon, with the intention that wave action or rising lagoon water levels will naturally breach the plug. Based on typical beach and sandbar conditions, the excavation channel would be constructed to the south and result in the excavation and side-casting of approximately 100 – 250 cubic yards of beach sand. The channel will be excavated to an approximate depth elevation of 10 feet (NGVD29) or 12.77 feet (NAVD88). The primary area of site disturbance (including the channel, side-cast area, and sand stockpile area) is estimated at approximately 0.60 acre and 300 linear feet. If existing shoreline conditions prevent establishing a diagonal channel in the manner described above, the Permittee may, in conjunction with the other responsible agencies identified in condition 5 above, be authorized to modify the channel configuration (i.e., length, width, and location) to reduce flood risks in a manner that also protects sensitive resources and species to the greatest extent practicable.
10. Following any sandbar breach and after high inflows from the river have receded, the lagoon shall either be allowed to naturally close or remain with an open outlet channel flowing over the beach in the alignment described in condition 9 above (i.e., a long meandering channel that mutes tidal influence and rapid draining of the lagoon), whichever is more protective of resources, including as directed by the biological monitor.
11. If excessive scour is observed, contaminant-free in-situ Carmel River beach sand will be pushed into the outlet channel to reduce further scour or to close the sandbar if deemed necessary in consultation with NOAA Fisheries. The minimum lagoon elevation shall be maintained at 8.77 feet (NAVD88). The excavated channel will be managed in consultation with NOAA Fisheries, which may include closure by backfilling the channel plug to maximize the volume of aquatic habitat in the dry season, up to a maximum lagoon level of 12.77 feet (NAVD88).
12. All emergency development activities shall limit impacts to coastal resources (including public recreational access, shoreline bluff, Carmel River and the lagoon, and the Pacific Ocean) 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):

## **Emergency CDP G-3-16-0063 (Carmel River Lagoon Sandbar Management)**

**Issue Date: November 4, 2016**

**Page 4 of 6**

- a. All construction areas shall be minimized, shall allow public recreational access along Carmel River State Beach, and shall 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.
- b. Construction work and equipment operations shall not be conducted seaward of the mean high water line unless tidal waters have receded from the authorized work areas.
- c. Grading of intertidal areas is prohibited.
- d. Any construction materials and equipment delivered to the beach area shall be delivered by rubber-tired construction vehicles. When transiting on the beach, all such vehicles shall remain as high on the upper beach as possible and avoid contact with ocean waters and intertidal areas.
- e. Any construction materials and equipment placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from the beach area by sunset each day that work occurs.
- f. 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. 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.
- g. 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.).
- h. 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 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 work day.
- i. All accessways impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand in the area that is impacted by construction shall be filtered as necessary to remove any construction debris.
- j. All exposed slopes and soil surfaces in and/or adjacent to the construction area shall be stabilized with erosion control native seed mix, jute netting, straw mulch, or other applicable best management practices (for example, those identified in the California Storm Water Best Management Practice Handbooks (March, 1993)). The use of non-native invasive species (such as ice-plant) is prohibited.
- k. 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/clean up of foreign

## **Emergency CDP G-3-16-0063 (Carmel River Lagoon Sandbar Management)**

**Issue Date: November 4, 2016**

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materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.

1. 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.
13. Copies of this ECDP shall be maintained in a conspicuous location at the emergency development area at all times for as long as emergency development activities authorized under this ECDP persist, and such copies shall be available for public review on request. All persons involved with the emergency development activities shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
14. The Permittee shall designate a coordinator to be contacted during all emergency development activities and for as long as the emergency development activities authorized under this ECDP persist should questions arise regarding these activities (in case of both regular inquiries and emergencies). The coordinator's contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of emergency development activities, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The coordinator shall record the name, phone number, and nature of all complaints received regarding the time that emergency development activities authorized under this ECDP persist, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
15. The Permittee shall submit monthly reports to the Executive Director for review by the 15th of each month that emergency development activities authorized under this ECDP persist. Each report shall identify all flood protection measures (e.g., sand bags, rubber dams, etc.) that have been applied to protect surrounding flood water threatened homes, infrastructure, and other development to the maximum extent feasible; shall document all emergency development activities (including through narrative as well as site plans and cross sections accompanied by photographs, maps, and /or graphics); and shall include a section prepared by the biological monitor providing his/her monitoring observations, including in terms of potential impacts to habitat resources (including identification of any fish mortality and/or harm or harassment (e.g., fish entrainment in the outlet channel during breaching)) and recommendations for project changes to avoid such impacts. The monthly reports shall clearly identify all areas affected by emergency development activities, and include the location and extent of grading, sand borrow, and fill areas; pre-existing and resulting alignments of the river; elevations showing finished slopes; and, estimated quantity of sand moved. The monthly reports shall also include color photographs (in hard copy and jpg format) that clearly depict all emergency development activities, that are accompanied by a site plan that notes the location of each photographic viewpoint and the date and time of each photograph, and that are accompanied by a description of what is shown in each photograph. At a minimum, the photographs shall be from enough upcoast, seaward, and downcoast viewpoints as to provide complete

## **Emergency CDP G-3-16-0063 (Carmel River Lagoon Sandbar Management)**

**Issue Date: November 4, 2016**

**Page 6 of 6**

photographic coverage of the emergency development activities authorized under this ECDP at a scale that allows comparisons to be made with the naked eye between photographs taken at different times from the same vantage points.

16. 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.
17. The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and (2) required by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this ECDP. The Permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.
18. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
19. 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.
20. 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 Condition 4 above, the emergency development carried out under this ECDP is at the Permittee's risk and is considered to be temporary work done in an emergency situation to abate an emergency. If Monterey County wishes to have the emergency development become permanent development, 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.