

# **SEMI-ANNUAL PERFORMANCE REPORT**

ON

**NOAA GRANT NO. NA170Z2327  
Fiscal Year 2002**

**for the period from  
January to June 2003**

**by the**

**California Coastal Commission  
and the  
San Francisco Bay Conservation and Development  
Commission**

## **Part I**

# **CALIFORNIA COASTAL COMMISSION NOAA GRANT NO. NA170Z2327**

**CALIFORNIA COASTAL COMMISSION SECTION 306 MANAGEMENT PROGRAM IMPLEMENTATION**

**1. 1.A. PERMITS, APPEALS, AND FEDERAL CONSISTENCY**

The activities undertaken by the Commission staff included: (1) analyzing applications for permits, amendments, extensions, appeals, federal consistency certifications (not related to OCS plans) and federal consistency determinations to assure information is complete, accurate, and in accordance with the Commission's regulations, to identify effects and issues, and to determine whether they will be consistent with the CCMP, (2) obtaining additional information required to assess approvability or consistency, (3) explaining relevant Coastal Act policies and CCMP provisions to applicants, federal agencies, and concerned parties, (4) suggesting revisions to improve proposed projects and activities and to ensure public access, resource protection, and compliance with other Coastal Act policies, and (5) preparing written materials, including reports, recommendations, findings, permit documents, and administrative records, for use by the Coastal Commission, federal agencies, other state agencies, local governments, and the public.

The complete meeting packets are sent to OCRM separately. These materials constitute part of the Commission's performance reports. The meeting packet includes reports, recommendations, and findings. Please refer to these materials for details on individual regulatory matters.

**PERMIT/APPEAL ITEMS**

Permit items acted on by the Commission during the last two quarters are summarized below. For a listing by permit numbers and applicant names, refer to Exhibit 1.

**Summary of Permit Items Acted on by the Commission  
 January to June 2003**

Permits/ Appeals Approved	Permits Denied	Permits Continued and Postponed	Permits Waived	Permits Withdrawn	Substantial Issue  Permit Continued	Other (NSI, NIS/SI cont'd, Found appealable	Total items
258* 52.2%	19 3.9%	3 .6%	192 38.9%	9 1.8%	7 1.4%	6 1.2%	494 100%

\*Minor permits (administrative, consent, immaterial amendments, immaterial extensions, and emergency) excluded from count.

**POST-CERTIFICATION ITEMS**

Post-certification local government-issued coastal development permits and appeals are summarized below. Refer to Exhibit 2 for the complete post-certification monitoring report.

**Post-certification Permits and Appeals  
 January to June 2003**

Approved Permits Reported	Permits Appealable to Commission	Appeals to Commission	% of Appealable Permits Appealed
773	488	34	7%

## **FEDERAL CONSISTENCY ITEMS**

Non-OCS federal consistency activities are summarized below.

### **Non-OCS Federal Consistency Activities January to June 2003**

	<b>Concurrence</b>	<b>Objection</b>	<b>Withdrawn</b>	<b>No effect</b>	<b>Total</b>
Consistency Certification	4	0	0	15	19
Consistency Determination	11	0	1	0	12
Negative Determination	22	0	2	0	24
<b>Total</b>	<b>37</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>55</b>

*Refer to Exhibit 3 for the complete non-OCS federal consistency activities.*

### **1.1.B. PERMIT MONITORING AND ENFORCEMENT**

The Commission staff continued to investigate a large number of new Coastal Act violations for the last six months as summarized below.

#### **IN THE DISTRICTS:**

- 901 cases were pending at the Districts at the start of this reporting period.
- 270 new cases were reported.
- 2 cases were remanded to Districts from Headquarters.
- 52 cases were closed at the District level.
- 151 cases were elevated to Headquarters for second-level enforcement.
- 970 cases are pending at the Districts at the end of this reporting period.

#### **AT HEADQUARTERS:**

- 40 cases were pending at Headquarters at the start of this reporting period.
- 154 cases were elevated to Headquarters for second-level enforcement.
- 3 cases were remanded to Districts from Headquarters.
- 2 cases were closed by Headquarters.
- 190 cases are currently pending at Headquarters at the end of this reporting period.\*

\*Of the 190 cases pending at Headquarters, 13 are pending at the Office of the Attorney General at the end of this reporting period. This includes 0 cases that were referred to the Attorney General during this reporting period.

**NOTE: All data in the following tables is subject to revision.**

**Violation Cases Report: Districts  
 January - June 2003**

Type of Violation	Cases Opened In Reporting Period	Cases from Headquarters in Reporting Period	Cases Elevated to Headquarters In Reporting Period	Cases Closed In Reporting Period	Total Violations Pending
Permit Violation	172	1	145	16	287
Unpermitted Development	98	1	6	36	683
<b>TOTAL</b>	<b>270</b>	<b>2</b>	<b>151</b>	<b>52</b>	<b>970</b>

**Violation Cases Report: Headquarters  
 January - June 2003**

Type of Violation	Cases Elevated from District in Reporting Period	Cases Referred to AG in Reporting Period	Cases Closed or Remanded in Reporting Period	Total Cases Pending*
Permit Violation	144	0	1	155
Unpermitted Development	10	0	4	35
<b>TOTAL</b>	<b>154</b>	<b>0</b>	<b>5</b>	<b>190</b>

**\*Includes litigation cases handled by the Office of the Attorney General.**

**Disposition of Closed Violation Cases: District Offices  
 January - June 2003**

Type of Violation	Violation Authorized by After-the-Fact Permit	Violation Removed and Area Restored (with or without permit)	Partial After-the- Fact Approval and Partial Removal and Restoration of Violation by Permit	Closed for Other Reasons*	Total Cases Closed
Permit Violation	1	2	0	13	16
1 Unpermitted Development	11	6	0	19	36
<b>TOTAL</b>	<b>12</b>	<b>8</b>	<b>0</b>	<b>32</b>	<b>52</b>

\*Includes cases that lacked sufficient evidence, were too old to pursue, were resolved through local government action, or were found not to be violations.

NOTE: OCRM's category entitled "Applications Pending" is not used above or in the following table. The enforcement unit does not consider a case in which an application is pending as a case that has been resolved. A case is considered resolved and closed if a permit authorizing the unpermitted development is issued or if a permit authorizing removal of the unpermitted development and restoration of the area is issued and initial restoration has been completed (or if the unpermitted development is removed without a permit with no restoration needed).

**Disposition of Closed Violation Cases: Headquarters\***

**July - December 2002**

Type of Violation	Violation Authorized by After the Fact Permit	Violation Removed and Area Restored (with or without Permit)	Partial After-the-Fact Approval and Partial Removal and Restoration of Violation By Permit	Settlement Allows Violation to Remain without Permit	Closed or Remanded to District for Other Reasons	Total Cases Closed
Permit Violation	0	0	0	0	1	1
Unpermitted Development	0	0	0	1	3	4
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>5</b>

Includes cases that were resolved following litigation.

Includes cases, which may require follow-up permit actions to be monitored by District staff, and cases that were closed for lack of sufficient evidence.

**NORTHERN DISTRICTS**

Enforcement efforts in North Coast continue to be impacted by the travel freezes imposed due to the State’s budgetary crisis. Commission staff continues to investigate and conduct enforcement actions on the most critical cases. Staff is continuing to work with the State Department of Transportation (CalTrans) to resolve the issue of an unpermitted rock revetment along the Mad River in Humboldt County. The Commission approved a permit in May authorizing after-the-fact the unpermitted revetment located in the coastal zone over which the Commission retains primary permit jurisdiction. CalTrans has completed an application with the Commission for review of a public works plan that would address that portion of the revetment located in Humboldt County’s permit jurisdiction.

Last reporting period we indicated that North Coast had opened a comprehensive investigation concerning unpermitted development on vacant lots located by Lake Earl in the Pacific Shores subdivision (1500 lots) in Del Norte County. Pursuant to section 30233 of the Coastal Act, the Department of Fish and Game has designated Lake Earl as one of the 19 significant coastal wetlands worthy of public acquisition (and holds ownership to Lake Earl and some of its surrounding areas). The Pacific Shores subdivision has significant water supply and septic system availability constraints that severely limit the ability to develop subdivided lots within Pacific Shores, as well as significant habitat issues. Enforcement staff had received reports of unpermitted activity impacting sensitive wetland and coastal habitat on approximately 30 properties. An extensive site visit was conducted in February to assess each of the properties on which violations have been reported. The violations have been consequently prioritized and staff has commenced enforcement action on 6 of the 30 reported properties. One of the six involving fill in wetlands was elevated to the Commission’s statewide unit in February for formal action (anticipated in September). In March of 2003, persons unknown illegally breached Lake Earl. Due to impacts to *tidewater goby*, staff investigated the illegal breach with staff from the Department of Fish and Game and the U.S. Fish and Wildlife Service; however, the identities of the persons who breached remain unknown. Staff is also working with the Department of Parks and Recreation to resolve the unpermitted placement of rocks blocking public vehicular access to a boat ramp in Stone Lagoon, Humboldt County. At issue are the needs to protect snowy plover habitat as well as the needs to protect public access for commercial and recreational boating interests. Finally, staff continues to work with local government enforcement staff in Mendocino, Humboldt and Del Norte counties to monitor and assist with county-level coastal enforcement investigations into violations within the Coastal Zone in each of these jurisdictions.

## **NORTH CENTRAL**

During this reporting period, the District elevated a previously reported case involving an unpermitted rock revetment installed in 2002 along the Russian River in Sonoma County. The riprap presents water quality and riparian habitat concerns and does not appear to be necessary. Staff is joined by staff from the US Army Corps of Engineers and by the Regional Water Quality Control Board, who are enforcing their respective permit requirements and law with respect to the rock riprap. All three agencies will be taking enforcement action to remove the rock and restore the habitat. The District elevated the case in March, and it is anticipated that the Commission will take formal action in August or September to require removal and restoration.

The District also opened an investigation in January in San Mateo County on a case involving violations on a past coastal permit for a new residence. The Commission's permit had required the protection of sensitive habitat for the *San Francisco garter snake and red-legged frog* by recordation of deed restrictions. The permittee paved a road through the deed-restricted area. The violation investigation caused District staff to expedite elevation for the pursuit of restoration measures as well as monetary penalties for knowing and intentional action. The Commission approved settlement and issuance of an order for removal and restoration June 13, 2003.

Staff continues its work with the City of Half Moon Bay with respect to the installation of unpermitted preferential parking signs in several neighborhoods within the City. The City has indicated it wants to adopt a new community-parking program and will not pursue retention of the preferential parking signs. Staff is still seeking actual removal of the signs. Removal has been impacted by the City's lack of a planning director which has been recently resolved. Staff continues to work with approximately 20 property owners with unpermitted shoreline protection installed along the Princeton-El Granada within Pillar Point Harbor in San Mateo County. Staff is working with permit and planning staff to resolve a long outstanding conflict between the need for shoreline protection for existing permitted structures, and the need to protect and preserve existing lateral public access within the Harbor. Other state and local agencies are also involved (local government, State Coastal Conservancy, and the Harbor District). Staff worked with District permit and planning staff with City of Half Moon Bay legal staff on revised enforcement ordinance language to strengthen the City's ability to enforce its certified LCP. Finally, staff continues to monitor the Half Moon Bay Ritz-Carlton's compliance with permit requirements to provide onsite public parking so that public trails are easily accessible.

## **CENTRAL COAST**

The Central Coast District devotes most enforcement time to resolving Coastal Act issues in LCP-certified areas. During this reporting period, enforcement staff worked with Commission ReCAP (Regional Cumulative Impact Analysis Project) staff to review San Luis Obispo and Monterey Counties certified LCPs. Staff provided enforcement analysis and suggestions for strengthening Monterey County's enforcement effort. It is anticipated that the Commission will consider the ReCAP report for Monterey in the next few months. Staff continues to await decisions on vested rights applications on two sites in Santa Cruz County where the Commission denied requests for new shoreline development and discovered existing unpermitted development in the process.

In February, staff opened an investigation into a violation of permit action in Carmel-By-the Sea, Monterey County. The permittee had received a permit to relocate an historic structure. After the coastal development permit was approved, the house was effectively demolished, in conflict with the permit action. Staff stopped construction activity onsite and met with the permittee to negotiate a settlement to the knowing and intentional action of permit violation. In June, the Commission approved a settlement that required the permittee to adhere to the intent of the Commission's action, and to recreate the appearance of this historic structure. The settlement also required the payment of \$20,000 in lieu of the Commission litigating for appropriate monetary penalties. The terms of the settlement request that the

money be spent to improve coastal access and recreation in the Carmel-by-the-Sea vicinity of the coastal zone.

In May, the Commissioners took a field trip of the Big Sur portion of Monterey County, and noted a large cut and fill grading project underway. The construction crew was seen dumping excavated dirt over the sides of an illegally created pad into a ravine. Commission enforcement staff coordinated with Monterey County staff to stop the ongoing activity. Enforcement staff directed the landowner to install erosion control mechanisms and to control site erosion from entering the adjacent ravine. The landowner is now pursuing an amendment to a previously issued permit to allow the additional graded pad. Resolution will require restorative grading to occur to resolve the issue of the illegal cut slope.

Finally, staff stopped a construction contractor in the City of Santa Cruz who was washing out equipment and causing concrete to be deposited onto the public beach through the street storm drain system. Staff coordinated with City staff to enforce water quality requirements to prohibit deposition of cement/concrete onto the public beach.

### **SOUTH CENTRAL COAST DISTRICT (VENTURA)**

South Central Coast District Enforcement staff has continued to process, investigate, and resolve a significant number of violation cases. During this reporting period alone, District Enforcement staff opened 30 new cases and closed and resolved 18 cases. In addition, 5 cases were elevated to our Headquarters staff for further enforcement action and the preparation of cease and desist or restoration orders. In addition, three new volunteer student interns were hired and trained in enforcement duties during this reporting period, including two interns who are volunteering on a full-time basis for the summer months. Enforcement staff also continued to participate and maintain (including keeping and publishing minutes of all meetings) the Santa Monica Mountains Enforcement Task Force (an intergovernmental task force composed of members from local, state, and federal governmental agencies which meet monthly for the purpose of coordinating investigation and resolution of enforcement cases).

Enforcement staff made significant progress on several cases in this District involving significant impacts to coastal resources during this period. A partial list of some of these cases includes a violation where all work was stopped on an unpermitted seawall, a separate timber retaining wall in a creek bank, and a solid fence on a vacant beachfront parcel in the Malibu area at the direction of enforcement staff after an Executive Director Cease and Desist Order was issued. The unpermitted fence was erected between Pacific Coast Highway and the property and completely blocked all public blue-water views of the ocean. In addition, the site contains significant archaeological resources, which may have also been impacted by the unpermitted development. Now that all ongoing construction has ceased, this case has been elevated to our Headquarters Enforcement staff and a hearing for the issuance of a Restoration Order is currently scheduled to be heard by the Commission in July 2003. In this case, the partially completed unpermitted development is resulting in continuing adverse impacts to public views, public access along the sandy beach, and to shoreline processes; therefore, the restoration order will require the property owner to remove all unpermitted development and restore the site to its pre-violation condition.

In addition, Enforcement staff is also working to resolve another violation involving significant impacts to a designated environmentally sensitive habitat area on a property in the Santa Monica Mountains area of Los Angeles County. Adverse impacts to sensitive habitat resources resulted from the unpermitted removal of approximately two or more acres of native chaparral vegetation and planting of a vineyard on a steep canyon slope that is also specifically designated as a wildlife migratory corridor. At the direction of Enforcement staff, the property owner has agreed to submit a coastal development permit application to remove the unpermitted vineyard in its entirety and restore and revegetate the steep canyon slope to its pre-violation condition.

In another case, ongoing destruction of several acres of sensitive chaparral and riparian habitat from unpermitted grading of several miles of dirt roads by a single violator over multiple large undeveloped parcels in the Santa Monica Mountains area of Los Angeles County was halted by Enforcement staff after

issuance a Notice of Intent to Issue an Executive Director Cease and Desist Order. Staff is currently preparing a Restoration Order for action by the Commission at an upcoming hearing to restore and revegetate the disturbed areas, including several miles of unpermitted dirt roads.

### **SOUTH COAST DISTRICT (LONG BEACH)**

South Coast District Enforcement staff has continued to process, investigate, and resolve a significant number of violation cases. Four new volunteer student interns were hired and trained in enforcement duties during this reporting period, including one intern who is volunteering on a full-time basis for the summer months. During this reporting period, Enforcement staff opened 21 new cases and resolved and closed 14 cases. In addition, 143 new cases were opened and immediately elevated to headquarters enforcement staff for further enforcement action and the preparation of cease and desist or restoration orders.

Enforcement staff has resolved several cases in this District involving significant impacts to coastal resources during this period. A partial list of some of these cases includes a violation involving unpermitted grading and removal of more than an acre of sensitive wetland vegetation in order to construct an off-road bicycle course in a sensitive wetland in Marina Del Rey. The removal of the wetland vegetation and grading has resulted in the erosion and sedimentation of an open water channel and significant adverse impacts to wetland habitat. In this case, the unpermitted work was actually performed by trespassers without the property owner's consent. Enforcement staff is working with the property owner to resolve this matter and has agreed to restore and revegetate the disturbed wetland areas. Therefore, in order to stop the continuing impacts to wetland habitat from erosion and sedimentation, the property owner has obtained an emergency permit from the Coastal Commission to restore and revegetate the site. Restoration of the site should be completed in July 2003.

In another case involving impacts to wetland habitat, several hundred square feet of sensitive wetland vegetation was clear-cut within a delineated wetland adjacent to Route 90 in Marina Del Rey. At the direction of Enforcement staff, the violator submitted an application for a coastal development permit to restore and revegetate the impacted wetlands and create additional wetlands onsite at a 4:1 ratio to mitigate for adverse impacts. Commission Staff is currently reviewing their application and expects to bring that application before the Commission for action at the earliest opportunity.

### **SAN DIEGO DISTRICT**

San Diego District Enforcement staff has continued to process, investigate, and resolve several significant violation cases. During this reporting period, Enforcement staff opened 10 new cases and closed 7 cases. A partial list of some of the cases that enforcement staff has resolved during this period includes a violation involving significant impacts to public access where a restaurant in the City of Encinitas added an unpermitted outdoor dining area and placed approximately 45 tons of unpermitted rock within a dedicated public access way along the sandy beach adjacent to an existing rock revetment. At Enforcement staff's direction, the violator agreed to resolve the violation by removing the rock within the public accessway and constructing a formally improved trail with signage indicating the availability of the trail for public use. In addition, at Enforcement staff's direction, the violator obtained a coastal development permit authorizing the new outdoor dining area. In May of this year, the coastal permit was issued authorizing the dining area expansion after-the-fact and in June the violation was resolved and the case was closed after all unpermitted rocks were removed and the formal public accessway improvements were completed.

In addition, Enforcement staff has been working with a second restaurant on the same beach in the City of Encinitas regarding a violation on that property also involving an unpermitted outdoor dining expansion and placement of rock within a dedicated a public access way along the sandy beach. At the direction of

Enforcement staff, the violator has submitted a coastal development permit application addressing the unpermitted development on site. Staff is continuing to work with the violator to ensure that all impacts to public access are fully resolved and will schedule the permit application for an upcoming Commission hearing for action.

Further, Enforcement staff also resolved another violation involving the unpermitted addition of outdoor dining facilities and encroachment into a dedicated public accessway along the beach by a third restaurant along the same beach in the City of Encinitas. In this case, the outdoor dining facilities completely encroached into the dedicated public accessway. This violation was resolved and the case closed in June 2003 after, at the direction of Enforcement staff, the violator ceased all use of the outdoor dining area and removed all of the unpermitted development within the public accessway.

## **ENERGY AND OCEAN RESOURCES**

During this reporting period, Energy enforcement staff has continued its efforts to enforce two coastal permits issued to two fiber optic companies who received conditioned permits from the Commission in 2000/2001. The Commission investigated reports that the two companies had failed to meet conditions of approval, which required them to provide identification information as to where the fiber cables were located, within a set timeframe. In June, the Commission approved settlement terms for one company. The settlement agreement requires the company to pay all outstanding owed monies pursuant to the permit, to abide by all conditional timeframes in the future for the life of the project (or face specified daily monetary penalties), and provides for the company paying \$100,000 in settlement monies in lieu of the Commission litigating for appropriate monetary penalties. The second company has filed for bankruptcy, which has delayed resolution of outstanding condition compliance issues. Staff works with Attorney General Office staff on resolving the issue through the bankruptcy proceedings.

Finally, the staff has opened a new investigation in Carpenteria, Santa Barbara County, where an energy firm installed unpermitted concrete purportedly to protect existing cable lines. The City and the Commission's experts have concluded that the concrete presents water quality conflicts and believe a less damaging alternative exists for protection of the lines. The company has yet to agree with the City and Commission conclusions. It is anticipated that the Commission may issue a formal action to require the company to remove the concrete.

## **HEADQUARTERS ACTIVITIES**

During this period of time, the headquarters enforcement staff brought five Cease and Desist and Restoration Orders to hearing before the Commission. As noted below, three of these were Consent Cease and Desist or Restoration Orders, and two of the Orders were traditional orders. These orders addressed such violations as illegal fill in wetlands, blocking of view corridors along Pacific Coast Highway, illegal development in dune habitat, unpermitted construction of a horse corral, and grading and construction of paths, failure to remove rip-rap along the beach as required by an emergency permit, and the illegal construction of a road traversing an area designated as critical habitat for the California red-legged frog and the endangered San Francisco garter snake.

In addition, the headquarters enforcement staff also worked on issuance of an unprecedented number of Executive Director Cease and Desist Orders ("EDCDOs") during this period. One of these EDCDOs was issued to stop ongoing work, including grading and installation of an unpermitted seawall on the sandy beach. We sent a Notice of Intent to Issue an EDCDO in another case to stop illegal grading and construction of roads through environmentally sensitive habitat and other areas in the Santa Monica Mountains.

Finally, the enforcement program worked on issuing Notices of Intent to Issue Executive Director Cease and Desist Orders, and EDCDOs themselves, in 139 cases involving violations of conditions in permits regarding affordable housing.

### **Case Summaries**

At the February hearing in San Diego, the Commission approved a Restoration Order to require removal of unpermitted, stockpiled fill in and adjacent to Ballona Lagoon, Venice, City of Los Angeles, including wetlands areas; and revegetation of disturbed areas with native dune and wetlands plant species. Ballona Lagoon is an Environmentally Sensitive Habitat Area and provides foraging grounds for the endangered California Least Tern and several other shorebird, fish, and invertebrate species. The banks of Ballona lagoon are remnants of coastal sand dunes. The violators have submitted a restoration plan, and will implement the plan as soon as they have completed the importation of appropriate "dune" sand for the revegetation process. (CCC-03-RO-02 (VDH Development and Daniel Fitzgerald)).

At the March hearing, the Commission approved issuance of a Consent Cease and Desist Order with the Fossil II Trust and Trustee Myers, to address numerous violations of a permit. These violations were on property located on Pacific Coast Highway, a designated scenic highway, and involved failure to perform required restoration of the dunes, and placement of landscaping and fences on sensitive dune habitat, and failure to implement a dune habitat restoration program required by the permit. It also involved placing "private property" signs on the sandy beach, obstruction of public view corridors and noncompliance with other permit conditions. (CCC-03-CD-1).

At the April hearing, the Commission approved both a Restoration Order and Cease and Desist Order to cease from maintaining an unpermitted horse corral and pathway leading to the unpermitted corral, as well as to require removal of unpermitted development located in the Monte Nido subdivision in LA County (Santa Monica Mountains); and to restore disturbed areas in and adjacent to a designated ESHA with native riparian/oak woodland and savannah plant species of the Santa Monica Mountains. The Respondents have submitted an adequate restoration plan to address the above issues, and implementation of the restoration plan should be concluded by this rainy season. CCC-03-RO-03 & CCC-03-CD-02 (Teherani).

On May 7, 2003, the Commission issued a Consent Order involving a violation by a large condominiums complex located in the Del Monte dunes in Monterey, CA. The Order was issued in response to their failure to comply with the terms and conditions of a prior permit (Coastal Development Permit No. 3-99-090-A1), which set deadlines for removal of a temporary riprap structure and submittal of a permit application for a permanent shoreline protection solution. Those deadlines were missed. The order imposes new deadlines for completion of the riprap removal and completion of a pending permit application for the permanent solution. The order also contains stipulated penalties of \$1,000 per day for any failure to meet the new deadlines. (Ocean Harbor House Homeowners Association (OHHHA), Consent Cease and Desist Order No. CCC-03-CD-04).

On June 13, 2003, the Commission unanimously approved Consent Agreement and Cease and Desist and Restoration Orders to address unpermitted grading and construction of a road that is in conflict with a previously issued permit, and which impacted sensitive resources on the site, including critical habitat for the California red-legged frog and the endangered San Francisco garter snake. The Order prohibited future use of the road, and ordered restoration of the unpermitted access road. As part of the Consent Agreement, the property owners agreed to the payment of a \$55,000 monetary settlement. (CCC-03-CD-05 and CCC-03-RO-05.)

On March 19, the Executive Director issued Executive Director Cease and Desist Order (EDCDO) No. ED-03-CD-01 to William Lynch and Elizabeth Harrington, owners of a beachfront property located at 42500 Pacific Coast Highway in the Malibu section of Ventura County. The Executive Director issued the EDCDO in response to Mr. Lynch's and Ms. Harrington refusal to halt construction of a 100-foot long timber seawall on the beach and in the mouth of a perennial creek without a coastal development permit.

### **Affordable Housing Initiative**

Finally, 139 EDCDOs have gone out to property owners who have violated terms and conditions of CDP P-79-5539, by renting and/or selling their property without the express written consent of the affordable housing program administrator, which ensures that the properties remain affordable and available to persons of low to moderate income.

### Background and Legislative History

Between 1976 and 1981, the Coastal Act included specific policy language requiring the provision of affordable housing to people of low to moderate incomes (Section 30213). The Commission required 25% to 35% of permitted units be maintained as affordable housing with resale control restrictions. In 1981 the Legislature repealed the Commission's authority to require provisions for affordable housing (SB 626 (Mello). However, in 2002, legislation was passed specifically addressing previously issued permits that required affordable housing. Section 30614 of the CA states, in part, "the Commission shall take appropriate steps to ensure that [CDPs] existing as of January 1, 2002, relating to affordable housing are enforced and do not expire during the term of the permit..."

### Niguel Beach Terrace

On May 2, 2003, Commission staff was informed that the ownership and occupancy status of restricted affordable housing units in the Niguel Beach Terrace were in non-compliance with the provisions of CDP No. P-79-5539, which are implemented through the terms and provisions of an Attachment to Grant Deed (an agreement between the original developer and the Orange County Housing Authority (recorded on all units at the time of the original purchase in 1983), which imposed the express restriction that the unit remain affordable to persons of low- and moderate-income, on units subject to the agreement. Any subsequent sale or lease required the prior approval of the Civic Center Barrio Housing Corporation (CCBHC), the agency responsible for overseeing the program (or of its predecessors, Community Housing Enterprises or Orange County Housing Authority). Any sale or lease of a unit without express approval of the CCBHC violated the terms and conditions of both the permit and the ATGD. These requirements are spelled out in the ATGD that was recorded on each property. The May 2, 2003 information received by Commission staff alleged that approximately 150 units had been rented or sold without the express written consent of CCBHC, in violation of the terms and conditions of the permit implemented through the ATGD.

There were 144 violations opened in Niguel Beach Terrace. Of those, 139 received EDCDOs. We have been continuing to do further research and investigation into the facts of each case, and, as a result, the Executive Director has, when we have been able, document compliance with the conditions, rescinded the EDCDOs. (4 EDCDOs have been rescinded, and several owners who received NOIs were informed that they were not going to receive an order).

EDCDO: ED-03-CD-002 through ED-03-CD-145 (affordable housing in Niguel Beach Terrace).

### **Other Notices of Intent Issued**

On Feb 20, 2003 an Notice of Intent to Issue a CDO and RO for the unpermitted construction of an approximately 1,040 cubic yard capacity debris basin, demolition of the unpermitted basin by removal of a concrete lining and filling approximately half of the unpermitted basin with earth creating an extension of a flat building pad, and placement of grass turf, palm trees, sand, fencing, and concrete paving on the filled basin/building pad extension, in the Pacific Palisades area of Los Angeles.

Commission staff also sent a Notice of Intent to issue a Cease and Desist Order involving the Bridgehaven Trailer Park in Jenner, CA. The Coastal Act violation consists of the placement of riprap along a 40-foot section of the bank of the Russian River on their property without a coastal permit. This order will be scheduled for a hearing at the August Commission meeting.



**1.1.C. LOCAL COASTAL PROGRAM (LCP) DEVELOPMENT, CERTIFICATION, AND IMPLEMENTATION**

The activities undertaken by the Commission staff included: (1) providing technical and policy assistance to local governments to facilitate the development, resolution of issues (including areas of deferred certification, or ADCs), and implementation of LCPs and the design of LCP amendments, (2) reviewing Land Use Plan (LUP) and LCP amendments for technical accuracy and compliance with the LCP and conformance with the Coastal Act, (3) maintaining records for monitoring and enforcing coastal development permits issued after LCP certification, and (4) reviewing notices of intent from local governments.

Commission actions on LCPs are summarized below. Specific LCP actions are listed in Exhibit 4. The overall status of LCPs and existing ADCs are shown on the maps in Exhibit 5 for July to December 2001.

**COMMISSION ACTIONS ON LCPs**

**Coastal Commission LCP Actions  
 January to June 2003**

	Effective Certification	Approved As Submitted	Approved With - Suggested Modifications	Denied
LCP Land Use Plans			2	
LCP Implementation Plan			1	
LCP Amendments	10	11	9	
LCP Periodic Review				
Port Master Plan Amendments	1		2	
Public Works Plan Amendments			1	
Public Works Specific Project			1*	
Long Range Development Plan Specific Projects			2*	
<b>Total Amendments Processed</b>		<b>35</b>		

*\*Projects approved with conditions.*

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**LOCAL GOVERNMENT ASSISTANCE**

**PLANNING GRANTS**

The 2002/2003 Coastal Commission State budget did not include any funds to provide local assistance planning grants. However, previous budgets have included such local assistance funds, generally \$500,000 annually, to encourage local governments to complete their LCPs, to comprehensively update existing LCPs to include recent key coastal issues, such as nonpoint source pollution and public access, and to participate in the Commission's performance of the periodic review. The Commission staff has been working with the nine local governments who have active grants. The local governments working on LCPs pursuant to grant funds are:

- **Humboldt Co.**
- **Mendocino Co.**

- Fort Braag
- Sonoma Co
- Marin Co.
- Capitola
- San Luis Obispo Co.
- San Buenaventura
- Seal Beach

### 1.1 D PERMIT ADMINISTRATION

#### A. PERMIT ADMINISTRATION - LOCAL GOVERNMENTS

#### Local Government Coastal Development Permit Actions January to June 2003

Permitting Agency	Type of Permit Activity	Approved Permits	Permits Denied
Local Gov't-North Coast Area	CDP	113	
Local Gov't t-North-Central Coast Area	CDP	67	
Local Gov't -Central Coast Area	CDP	262	
Local Gov't South Central Coast Area	CDP	116	
Local Gov't -South Coast Area	CDP	98	
Local Gov't -San Diego Area	CDP	117	
LOCAL GOVT - TOTAL		773	

Data not available.

*NOTE: Data reported to the Commission by local governments indicates total permits issued and does not differentiate types of permits or whether conditions were imposed. All data, therefore, is subject to revision.*

Summaries of the Commission's post-certification appeals are included in the current and previous performance reports (*Exhibit 2*).

**B. PERMIT ADMINISTRATION - CALIFORNIA COASTAL COMMISSION**

**California Coastal Commission Permit Actions  
 January to June 2003**

Permitting Agency	Type of Permit Activity	Permit Issued w/conditions	Permits Denied	Permits Revoked	Permits Withdrawn
CCC	Major- Regular CDP	258	19	0	9
	Minor- Admin. CDP	41			
	Consent CDP	51			
	Waivers	45			
	DeMinimis	147			
	Emergency	33			
<b>TOTAL</b>		<b>575</b>			

\* Refer to public meeting notices for descriptions.

\*\* Virtually all of the Commission's permits have standard conditions attached.

**NOTE: Data for "Applications Filed" and "Applications Pending" are not available. All data are subject to revision.**

**C. CALIFORNIA COASTAL COMMISSION SIGNIFICANT PERMIT ACTIONS**

For details of meetings, please refer to the Coastal Commission's complete meeting packets, which are sent to OCRM separately.

**NORTH COAST AREA**

***Appeal No. A-1-EUR-02-166 Target Corporation (Eureka, Humboldt County)  
 Substantial Issue and De Novo Hearings and Action***

**Project Description**

Appeal by the Environmental Information Center of a decision by the City of Eureka to grant a permit with conditions to the Target Corporation for the demolition of an existing vacant Montgomery Wards building and construction of a new, 130,785-square-foot retail Target store with an 8,081-square-foot garden center on 11.5 acres. The project also included repaving of the existing parking area, the addition of landscaping, and constructing public access along Eureka Slough and to the existing boat ramp. The project as approved by the City included removal of a portion of the existing pavement to create an approximately 1.4-acre landscaped buffer area along the east and northeast portions of the property adjacent to Eureka Slough with the width of the buffer area ranging from 40 feet to 250 feet from the edge of the slough.

**Summary of Issues:**

The principal issue raised on appeal was whether the 40-foot minimum width of the required buffer along Eureka Slough conformed with the provisions of the certified Local Coastal Program of the City of Eureka regarding the protection of environmentally sensitive habitat. Land Use Plan Policy 6.A.19 calls for new development adjacent to wetlands and other environmentally sensitive habitat to provide a minimum 100-foot buffer between the development and the ESHA. The policy allows for a reduction of the 100-foot-wide buffer if the applicant for the development demonstrates on the basis of site specific information, the type and size of the proposed development and/or the proposed mitigation (such as planting of

vegetation) that will achieve the purpose(s) of the buffer, that a smaller buffer would protect the resources of the habitat area. The appellants contended that the City's findings for approval of the project did not demonstrate that the minimum 40-foot buffer would be sufficient to protect the wildlife habitat resources of Eureka Slough.

**CCC Action/Project Significance:**

The Commission acted on the appeal at the Commission meetings of February 6, 2003, and April 9, 2003. At the February meeting, the Commission determined that the appeal raised a substantial issue with respect to whether the environmentally sensitive habitat area buffer as approved by the City at less than 100 feet was adequate to protect the resources of the area. The Commission determined that the biological information submitted with the application to the City did not sufficiently demonstrate that the portions of the approved buffer that would be less than 40 feet in width would be adequate to protect the wildlife habitat resources of Eureka Slough as it did not identify (1) the species that use the ESHA, (2) how those species use the area, whether for nesting, roosting, feeding, or some other purpose, (3) how the development would potentially disturb those uses of the ESHA by wildlife, and (4) why the approved buffer widths would be adequate to mitigate those disturbances of the project. The Commission continued the de novo portion of the appeal hearing to enable the applicant to provide additional biological information addressing these points to assist the Commission in its evaluation of the project.

For purposes of de novo review by the Commission, the applicant provided supplemental information including a revised project description and revised project plans. First, the applicant modified the proposed site plan to provide for a 100-foot-wide buffer area between the entire extent of the development and the Eureka Slough. Except for a pedestrian trail, the width of the buffer as amended ranged from 100 feet to approximately 250 feet with approximately 50 percent of the buffer width having a width over 100 feet. To accommodate the increased width of the buffer area, the proposed structure was moved and reduced in size from 130,785 square feet to 126,563 square feet. Second, the applicant modified the proposed site plan to relocate the proposed pedestrian trail to the landward-most 50 feet within the 100-foot wide buffer area to minimize disturbance to the ESHA from public access use.

The applicant also made other modifications to the design of the proposed project to reduce the visual impacts of the development including revising the proposed roofing materials from a round, brick colored tile to a flat, dark brown roof tile that resembles shingles and/or shake that would be more in keeping with architectural styles in the area and reducing the height of the proposed free-standing signs adjacent to Highway 101 and Y Street from 24 feet to 12 feet high.

The Commission acted on the project de novo at the April 9, hearing. The Commission determined that with the applicant's changes to the project to increase the minimum buffer width adjacent to Eureka Slough to 100 feet, the project was consistent with the ESHA buffer policies of the certified LCP as it met the minimum width requirement. The Commission attached a number of conditions to its approval to ensure project conformance with other policies of the certified LCP including conditions (1) prohibiting planting of invasive exotic plants, limit lighting glare and illumination, (2) treating storm water runoff from the development with oil and grease filters and implementing other best management practices to avoid sedimentation and other runoff impacts to water quality from construction activities, (3) requiring surveys for Townsend's big-eared bat prior to demolition of the existing building, (4) mitigating traffic impacts, (5) requiring the preparation and submittal of final foundation and construction plans with evidence demonstrating conformance with the recommendations of the geotechnical report, (6) requiring the preparation and submittal of a tsunami safety plan to reduce tsunami hazard exposure that would include the posting of informative materials for commercial patrons (e.g., explanation of the threat of waterfront tsunami inundation, evacuation directions), and training of employees on appropriate tsunami evacuation procedures, and (7) requiring the applicant to comply with all recommendations and mitigation measures contained in the archaeological report prepared for the project to ensure protection of any archaeological or cultural resources that may be discovered during construction. The Commission determined that with the recommended conditions, the project is consistent with the certified LCP and the Coastal Act public access and recreation policies.

The Commission's action to approve the project with the increased buffer width is very significant for the redevelopment of the Eureka waterfront. The Target development is one of the largest developments proposed along the City's waterfront in recent years and is one of the few which would involve a total redevelopment of a large site next to significant environmentally sensitive habitat. Therefore, the project helps set the standard with regard to ESHA buffer protections against which other redevelopment projects will be compared. Commission staff worked with the applicants prior to the Commission de novo hearing to find solutions to address the buffer width concern. By insisting that a larger buffer meeting the 100-foot minimum width standard be provided or that biological information be developed that demonstrates that a narrower buffer will be sufficient to protect the ESHA resources, the Commission's action will cause the City and developers to more completely address these issues during the local review of other waterfront projects. Without such attention to the protection of ESHA adjacent to the project, redevelopment of the waterfront area would result in significant adverse cumulative impacts on the ESHA of Humboldt Bay.

***Application No. 1-00-014 California Department of Transportation (Humboldt County)  
Hearing and Action at May, 2003 Meeting***

**Project Description**

The permit application sought after the fact permanent authorization for the construction of a rock slope protection revetment along approximately 2,300 feet of former river bank at the mouth of the Mad River in the McKinleyville area of Humboldt County to protect Highway 101 and a highway vista point from erosion. The project included the previous construction of a temporary sand storage and staging area and access road, all within an approximately 8.70-acre area. The project includes subsequent restoration and enhancement of the sand storage and staging area to wetland and dune habitat and enhancement of additional environmentally sensitive habitat area in the project vicinity. The initial installation of the revetment and sand storage and staging area was completed in phases in 1992 and 1995 pursuant to temporary authorization provided by emergency permits. The habitat restoration work has not yet commenced.

**Summary of Issues:**

The revetment project raised issues of conformance with Coastal Act policies regarding when it is allowable to install and maintain shoreline protective devices. Although the revetment was clearly needed in the early 1990s when it was installed to protect the highway and vista point from erosion caused by the rapid northward migration through a coastal dune system of the mouth of the Mad River, the revetment is not needed under current conditions to protect the highway. Site conditions changed drastically by the time the Commission acted on the follow up permit application in 2003. In 1998, the mouth of the Mad River had naturally shifted approximately two miles to the south. However, the river has been migrating northward in the direction of the revetment ever since that time and geologists have determined that the mouth could reach the revetment site again at some point in the future. The project also raised issues as to whether the revetment was contributing to erosion of coastal bluffs upstream along the river. Owners of bluff top properties upstream claimed that substantial bluff erosion and retreat that they have experienced in recent years was attributable to the effects of the revetment on river currents and ocean wave action. Finally, development of the project had resulted in the filling of dune hollow and riparian wetlands and had disturbed approximately seven acres of upland dune habitat. The project raised issues concerning how best to mitigate for these habitat impacts.

**CCC Action/Project Significance:**

The Commission held a public hearing and acted on the project at its meeting of May 8, 2003. The Commission approved the permit application with a number of conditions. The Commission examined extensive geologic information concerning the need for the revetment that had been presented by the applicant and the opponents to the project. The revetment is fundamentally different than many of the shoreline protection projects that are reviewed by the Commission. Most other shoreline protection projects involve the construction of seawalls or revetments along the open seacoast, where the principal forces acting on the bluff to be protected are wave attack from the ocean and sub-aerial erosion. In this

case, the revetment was constructed along the banks of a rapidly migrating river. The erosive force of the river was a principal factor in the threat to the stability of the bluff. Whereas bluff retreat from wave attack and sub aerial processes along the open coast may have a degree of predictability based on past erosion from these forces, the past does not really provide a reliable guide as to what degree and within what time frame river mouth migration will or will not threaten the bluff supporting the highway again since the river has migrated to that point only once before. Given (1) the amount of documented erosion at the site and the area to the south that occurred in the period preceding installation of the revetment due to the migration of the river mouth, and (2) the fact that the river mouth, having repositioned to the south temporarily is now advancing back toward the site at rates that are impossible to predict with certainty, the Commission determined that substantial evidence had been provided to document that the highway facilities and public beach and dune areas to the north of the constructed revetment are in danger from erosion and that the revetment was needed. The Commission also determined from the geological and biological evidence presented the revetment was not interfering with shoreline sand supply, and that there were no feasible less environmentally damaging alternatives. Therefore, the Commission determined that the revetment is consistent with the Commission's shoreline protective device policies.

With regard to upstream erosion, the upstream property owners claimed that the period of greatest erosion of their bluffs was associated with the alleged widening of the mouth of the river during the time when the revetment halted the northward advance of the river mouth. With the north side of the river mouth blocked in place by the revetment, the mouth allegedly began to widen, subjecting areas upstream to greater and more prolonged wave attack. The greater accessibility of waves into the river mouth has allegedly accelerated the removal of talus material at the toe of the bluff, further destabilizing portions of the bluff. The consultants for Caltrans indicated that what appeared to have been a widening of the mouth of the river when it was located adjacent to the river was actually an expression of the greater frequency of wave overtopping of the emerging sand spit creating in the wake of the northward migration of the mouth of the river. As the river mouth migrated northward, it planed off a large amount of sand, reducing the elevation of the sand dunes. These sand dunes in the areas just south of the mouth became a low sand spit with very little capability of blocking significant wave action. As a result, waves would regularly overtop the low sand spit and affect the bluffs behind. The Caltrans geologists point out that this effect was created by the northward migration of the river and would have occurred whether or not a revetment had been built. The spit has been slow to rebuild to pre-migration elevations since the mouth passed over it on its way north. The Caltrans consultants attributed this in part, to the effects of En Nino and La Nino in 1997-1998, which caused sea elevations to rise along the west coast and enabled even greater overtopping of the emerging sand spit. Frequent overtopping retarded spit maturation and elevation growth, thereby reducing its effectiveness at blocking waves. The Commission found that the landowners had not conclusively demonstrated that the revetment proposed for permanent authorization has contributed to geologic instability, erosion or destruction of the surrounding area and that Caltrans had provided substantial evidence supporting their position that there are plausible explanations for the increased bluff erosion observed upstream that do not implicate the presence of the revetment as a contributing factor. Therefore, the Commission found the project to be consistent with the geologic hazard policies of the Coastal Act.

With regard to mitigation of the effects of the project on habitat, the Commission imposed conditions requiring additional mitigation for the impacts of the development on dune hollow wetlands, riparian wetlands, and dune habitat. As proposed, the applicant would provide essentially 1:1 mitigation for wetland fill impacts. To account for the substantial temporal loss between 1992 when the impacts occurred and the time in the future when the habitat would be fully restored, the Commission required that the mitigation ratio for riparian wetland fill be increased to 2:1 and the ratio for the more complex dune hollow wetland fill be increased to 3:1. The adopted conditions required Caltrans to locate an offsite mitigation site to provide the additional riparian wetland mitigation. The conditions allow Caltrans to use an existing mitigation bank on Elk River near Humboldt Bay to provide for the additional dune hollow wetland mitigation, in recognition of the much greater difficulties involved in trying to find suitable off-site mitigation sites for complex dune hollow wetlands than in finding simpler riparian wetland mitigation sites. The conditions also require Caltrans to extend from 5 years to 10 a proposal to offset impacts to upland dune habitat by removing exotic vegetation from the newly reestablishing dune area south of the

revetment. As conditioned, the Commission determined that the project was consistent with the environmentally sensitive habitat and wetland protection policies of the Coastal Act.

Other conditions required by the Commission included conditions requiring monitoring and maintenance of the revetment to ensure that the revetment does not become destabilized over time and lead to greater erosion problems. In addition, Caltrans was required to maintain public access around the restoration site during periods when restoration work would preclude public use of the restoration site itself.

The project is unique because of the highway's location along and near the continually changing mouth of a dynamic river system. Thus, the project is not likely to set significant precedent for Commission and local action on future projects. However, the Commission's action is an example of how the Commission's regulatory program can address projects with complex geologic and biological issues and provide a public review process where concerned citizens and the public in general can have the opportunity to better understand the issues raised by such projects and contribute to the decision making process.

***City of Fort Bragg LCP Amendment No. FTB-MAJ-1-02, (Aquaculture)  
Public Hearing and Action at June, 2003 Meeting***

**Project Description**

The City of Fort Bragg proposed to amend the Land Use Plan and corresponding Implementation Plan of its Local Coastal Program (LCP) to allow aquaculture as a conditionally permitted use in specified areas of the City's coastal zone. The amendment modified the definition of aquaculture in the LCP to limit the allowable aquaculture to cultivation of species in tanks onshore. No off-shore cultivation of species would be allowed. The amendment added aquaculture as a conditionally permitted use in both the Heavy Industrial District and the Harbor District zones of the City's certified LCP. The Heavy Industrial District sites generally flank the city's entire oceanfront coastline within areas previously devoted to lumber mill use while the Harbor District sites are located along portions of the Noyo River.

**Summary of Issues:**

The LCP amendment raised several issues. The Coastal Act recognizes aquaculture as a form of agriculture. Section 30222 affords agriculture, and by extension aquaculture, priority over residential, general industrial, or general commercial development. Therefore, adding aquaculture as a conditional use within a local coastal program is generally consistent with the Coastal Act priority use policies. However, aquaculture development can result in significant adverse impacts on coastal resources, and any proposed LCP amendment that would allow for aquaculture development must include provisions to ensure that future aquaculture development would be sited and designed in a manner that is consistent with Coastal Act Chapter 3 policies that address the protection of such coastal resources. The proposed LUP amendment did not include substantive policies that could be used in the review of aquaculture development to ensure that coastal resources will be adequately protected. Such policies were needed for: (1) the protection of environmentally sensitive habitat and conformance with Section 30240 of the Coastal Act, (2) the protection of visual resources and conformance with Section 30251, (3) the protection of public access and conformance with the public access policies of the Coastal Act, (4) the protection of water quality and marine resources and conformance with Sections 30230 and 30231, (5) ensuring that future aquaculture development will not contribute to geologic and flood hazards and conformance with Section 30253 of the Coastal Act, and (6) conformance with the priority use policies of the Coastal Act. With regard to the protection of environmentally sensitive habitat, the City's existing certified LUP designates coastal bluffs and the intertidal and marine areas that flank the Heavy Industrial District lands west of Highway One as ESHA. The certified LUP points out that the rocky intertidal areas contain extremely biologically rich tide pools, rocks, nesting grounds, bluffs, and kelp beds and attributes their relatively pristine condition in part to the fact that the bluffs and the former adjacent industrial activity have formed an effective buffer protecting the habitat from human disruption. Recent surveys document that the rocky intertidal area and its immediate environs are of high ecological value. Aquaculture

development in the HD or I-H districts could engender proposals to construct seawater intake and outfall lines to serve the aquaculture facilities within the coastal bluff and rocky intertidal ESHA. However, the aquaculture development that would be allowed by the proposed LUP amendment is not a resource dependent use that could be developed within the coastal bluff, rocky intertidal, or any other ESHA consistent with Section 30240(a) of the Coastal Act, and above ground pipeline development could have significant adverse effects on the ESHA.

**CCC Action/Project Significance:**

The Commission held a public hearing and acted on the LCP amendment at its meeting of June 13, 2003. The Commission denied the proposed amendment as submitted, but certified the amendment request with suggested modifications. To address the inconsistency of the LCP amendment with Section 30240 of the Coastal Act that preclude development within environmentally sensitive habitats areas (ESHAs), the Commission imposed a suggested modification that would preclude the installation of above-ground pipelines through the coastal bluff and rocky intertidal ESHA. Adoption of this suggested modification means that any aquaculture facilities developed in the Heavy Industrial designated lands would have to use alternatives to constructing intake and discharge lines on the face of the coastal bluff habitat and on top of the rocky intertidal habitat such as: (1) utilizing directional drilling to extend pipelines underneath the coastal bluff and rocky intertidal habitat to open ocean waters; (2) using a closed loop system for re-circulation of a fixed amount of ocean water initially supplied from an approved location to fill the tanks; (3) routing of pipelines north or south from the aquaculture facility to other ocean areas that do not exhibit rocky intertidal habitat, and (4) culturing freshwater species that are not dependent on the use of ocean water. Within the Harbor District, ESHA resources do not flank the entire shoreline. Above ground intake and discharge lines could be constructed in a manner consistent with Section 30240. However, installation of above ground intake and discharge lines could have other kinds of impacts on recreation, public access, visual resources, and other priority uses. Therefore the Commission imposed a suggested modification that would add a policy to the LUP allowing intake and discharge lines to be placed aboveground within the Harbor District only if other alternatives have been demonstrated to be infeasible or more environmentally damaging. If pipelines must be placed above ground, impacts to coastal resources would have to be mitigated.

To protect water quality and marine resources, the Commission imposed a suggest modification that would add policies requiring the implementation of Best Management Practices (BMPs) to ensure that the number and quantity of pollutants discharged from an aquaculture facility will be minimized to the maximum extent feasible. Other recommended suggested modifications clarified the description of the LUP amendment, eliminated internal inconsistencies, and added a definition of aquaculture to the LUP. The Commission found that the City's Land Use Plan, as modified, conforms with the requirements of Chapter 3 of the Coastal Act pursuant to Sections 30512 and 30512.2 of the Coastal Act.

In certain respects, the Implementation Plan (IP) amendment as submitted did not conform with and was not adequate to carry out the LUP as amended. The IP amendment included changes to the City's LCP Manual, which is not actually part of the certified LCP. In addition, a proposed new provision for the Heavy Industrial District areas of the coastal zone that would allow any use determined by the Planning Commission to be similar to other uses in the district to be allowed as conditional uses did not conform to and implement the land use types listed in the LUP as secondary uses in the Heavy Industrial District land use classification. Furthermore, the IP amendment also did not include provisions requiring that certain information be submitted at the time of filing of coastal development permit applications for aquaculture developments to enable the permitting authority to evaluate the development's consistency with substantive aquaculture policies included in the LUP as amended. Finally, the IP amendment did not include provisions requiring that a BMP Plan, BMP monitoring and maintenance (MMP) Plan, and a contingency plan (CP) be required as conditions of approval of permits for aquaculture development. These plans and other similar information are essential for ensuring that the number and quantity of pollutants discharged from an aquaculture facility will be minimized to the maximum extent feasible as required by LUP Policy X-16. Therefore, the Commission imposed suggested modifications to: (1) delete the changes to the LCP Manual; (2) delete the proposed conditional use for the Heavy Industrial

District that does not implement and conform to a corresponding secondary use in the LUP; and (3) add permit application filing requirements and requirements for applicants for aquaculture development to submit BMP Plans, MMP Plans, and CPs. The Commission found that as modified, the Implementation Plan would conform with and be adequate to carry out the requirements of the LUP as amended.

The Commission's action is the first time in recent years the Commission has acted on an LCP amendment that would add aquaculture as an allowable use in the coastal zone. Interest in establishing aquaculture facilities along the California coast has been growing. The policy language developed and incorporated into the suggested modifications will be useful in developing standards for other local coastal programs in the coastal zone.

***Appeal No. Appeal No. A-1-CRC-02 Beth Forest Trust (Crescent City, Del Norte County)  
De Novo Hearings and Action***

**Project Description**

Application of the Beth Forest Trust to construct a 2,850-square-foot, 1- to 2-story, 13- to 25-foot-high, single-family residence with attached garage on a narrow bluff top parcel at 1100 South Pebble Beach Drive, in the City of Crescent City, Del Norte County. The project had come to the Commission on appeal of a decision by the City of Crescent City to grant a coastal development permit with conditions for the project.

**Summary of Issues:**

The project raised geologic stability issues. As approved by the City the project would have included the placement of the house foundation piers as close as five feet from the edge of the coastal bluff. Portions of the approved house would have cantilevered over the bluff area seaward of the foundation piers. Although the bluff are not subject to wave attack because of intervening development, the Commission's staff geologist's evaluation of the geotechnical report prepared for the project indicated that the development would be prone to potential slope failure during the economic life of the structure.

**CCC Action/Project Significance:**

The Commission acted on the appeal at the Commission meetings of March 5, 2003. Prior to the hearing, the staff worked with the applicant to develop a foundation design that would avoid the potential slope failure hazards. The applicant amended its project description for purposes of the Commission's *de novo* review of the appeal to relocate all portions of the proposed residential structure's foundation elements outside of potential geologically unstable areas to assure that the project site is "suitable and adequate for the proposed use" as required by the LCP. The amended house design proposed construction of the piers an additional five feet landward from the bluff edge, beyond the predicted zone of slope failure. The cantilever would be extended by five feet so the living space of the house would occupy the same area. With the newly proposed changes from the City-approved design as discussed above, the potential for exposure of the proposed development to geological instability is greatly reduced. The Commission attached a number of special conditions to ensure the project's consistency with the geologic hazard policies of the City's certified LCP. Several conditions required the applicant to prepare and submit final design and construction plans that would ensure that the project is built as proposed, incorporates the recommendations and design criteria identified in the applicant's geo-technical and soils & foundation engineering reports, and provides a minimum 10-foot setback between the bluff top and the buildings foundation elements. Further special conditions required recordation of deed restrictions stating that no new shoreline protective device shall be constructed on the parcel, that the existing shoreline protection structure shall not be further repaired, maintained, reinforced, or extended, and that the applicant accepts sole responsibility for any damages or injuries resulting from waves, storm waves or bluff erosion at the site. These conditions will ensure that no future seawalls are built at the site consistent with the requirements of LUP Chapter 5, Policy No.4 that mandates that new development not necessitate the construction of future seawalls.

The Commission's action is an example of how the Commission's appeal process can result in positive improve the geologic stability of development approved by local government. In this case, the expertise of the Commission's geologist was applied to increase the geologic stability of a project to be built near a bluff edge. In addition, by adding conditions prohibiting the future construction of a seawall or other shoreline protective device, the Commission's action ensured that the development of the house will not necessitate the further armoring of the California coast..

## **NORTH CENTRAL COAST AREA**

### ***Appeal No. A-2-MAR-02-024 (Hansen and Brubaker, Marin County) Project Withdrawn.***

#### **Project Description**

This project involves an appeal by the Commission of a coastal development permit approved by Marin County for construction a large single-family home on an undeveloped 200-acre dairy pasture located on the eastern shoreline of Tomales Bay. The development approved by the County included of a single-story, 23-foot high, 3,113-square-foot single-family residence, a 336-square-foot detached guesthouse, and a 937-square-foot detached garage/garden storage building forming a complex around an approximately 4,600-square-foot central courtyard. The development also included a 1,920-square-foot, 27-foot high, detached barn/equipment storage building, and a 3,720-foot long driveway providing access from State Highway 1.

#### **Summary of Issues**

The hillsides east of Tomales Bay are highly scenic, consisting of large, mostly undeveloped rangelands, and are visible from the Point Reyes National Seashore and other State and National parklands as well as from Highway 1. Preservation of the scenic quality of this area as an important regional issue, as recognized in the Marin County Local Coastal Program, which states:

Tomales Bay and adjacent lands in the Unit II coastal zone form a scenic panorama of unusual beauty and contrast. The magnificent visual character of Unit II lands is a major attraction to the many tourists who visit the area, as well as to the people who live there. New development in sensitive visual areas, such as along the shoreline of Tomales Bay and on the open rolling grasslands east of the Bay, has the potential for significant adverse visual impacts unless very carefully sited and designed.

The project as approved by the County would have been located at the highest point on the property. Both the house and the 2/3-mile long driveway would have been highly visible from numerous public vantage points and from a substantial distance. As such, the project raises issues under the scenic resource protection policies of the Marin LCP.

The project also raises issues under Marin LCP policies related to the conversion of farmlands to non-agricultural uses. These policies seek to prevent the conversion of farmlands to other uses by limiting non-agricultural development to uses that are "accessory, incidental, or in support of agricultural uses." The approved development would have effectively changed the principal use of the property from agriculture to rural residential.

#### **Commission Action/Project Significance**

Commissioners Desser and Wan appealed the County's approval of the project and staff scheduled the matter for hearing in March. Staff published a staff report in February recommending the Commission determine that the appeal raises substantial issues under the Marin LCP and deny the project. In response to the staff's recommendation and prior to the hearing scheduled for the appeal, the property owners withdrew their permit application and relinquished the County's permit approval. Consequently, the Commission dropped the appeal and no hearing was held on the matter.

Existing residential development on the eastern shoreline of Tomales Bay consists mostly of modest ranch style and Victorian homes that are clustered at the base of the hills near Highway 1. In contrast, the Hansen/Brubaker project was the first large residential development sited high on the hillsides above

the eastern Tomales Bay shoreline to be approved by the County. This development would have altered the scenic character of the landscape and established a precedent for the conversion of the undeveloped agricultural lands on the eastern shoreline of Tomales Bay into high-priced, residential estates. Although the property owners withdrew the project prior to hearing, this appeal nevertheless demonstrates that the Commission is resolved to preserve the scenic qualities and rural character of the eastern shoreline Tomales Bay.

## **CENTRAL COAST AREA**

### ***San Luis Obispo County Local Coastal Program Major Amendment No. 1-01 Part C: Grading and Drainage Ordinance Update. (San Luis Obispo County) Hearing and Action at March 5, 2003 Hearing***

#### **Project Description**

The County proposed to amend the LCP ordinances that regulate grading and drainage in the coastal zone. Significant changes proposed by the amendment include new and revised definitions of “grading” and expanded exemptions from grading permit requirements. Specifically, the amendment will: Incorporate new definitions of grading within both Chapter 5 and Chapter 11 of the CZLUO. In Section 23.05.024a of Chapter 5 (Site Development Standards), a new definition would be added that classifies grading as earthwork involving more than 50 cubic yards of material and that also involves excavations of certain depths or the creation of slopes with specified heights and steepness. In Chapter 11 (Definitions), the existing definition of grading as “Any excavating, filling or combination thereof”, would be replaced with “Any activity which involves the physical movement of earth material”.

Expand exemptions to grading permit requirements for non-agricultural grading activities, such as for certain maintenance activities, exploratory excavations, public utility connections, and vegetation clearing activities.

Revise grading permit exemption for agricultural cultivation activities. The existing LCP exempts “agricultural cultivation activities including the preparation of land for cultivation, other than grading for roadwork or pads or structures” from the need to obtain a grading permit. The amendment would replace this exemption with a tiered approach for determining what agricultural grading activities are exempt based on the level of significance of the grading activity, and whether the grading activity incorporates the recommendations and/or review of the County Resource Conservation District.

More generally, the amendment will update the standards and review procedures for grading activities and drainage facilities proposed in the coastal zone. Among other changes, the amendment will:

- Expand information requirements for grading permit applications and drainage plans;
- Update standards for grading activities, drainage facilities, and erosion and sedimentation control plans;
- Strengthen requirements for groundwater recharge measures;
- Clarify criteria and procedures for environmental review of grading and drainage plans;
- Expand the section regarding construction procedures and inspections;
- Add a new section regarding enforcement and interpretation of the grading ordinance; and
- Add a new section of definitions related to grading and drainage

#### **Summary of Issues:**

The proposed update to the grading and drainage standards presents many important issues and opportunities regarding the implementation of the policies and standards contained in the San Luis Obispo County certified Land Use Plan (LUP), particularly those calling for the protection of coastal watersheds.

As submitted, the amendment did not adequately carrying out the LUP objective that “all new development ensure watershed protection”, as well as other LUP provisions for the protection of sensitive habitats and scenic and archaeological resources, for the following reasons:

The amendment proposed to define grading as earthwork involving more than 50 cubic yards of material that also involves excavations of certain depths or the creation of slopes with specified heights and steepness. As a result of this definition, a great deal of grading (defined as development by Coastal Act Section 30106) could take place without a development permit. Under the new definition, an unlimited amount of earth moving could take place without a development permit, provided that there is no excavation of more than two feet in depth, there is no fill of more than 3 feet in depth, there will be no cut slope of more than 5 feet in height that are steeper than 1.5:1, and that there will be no fill slopes of more than one foot in depth that are steeper than a 2:1 grade. Earth moving activities conducted within these parameters have the potential to adversely impact sensitive habitats, scenic corridors, natural landforms, and archaeological resources. The amendment's definition of grading therefore does not carry out the provisions of the Land Use Plan calling for the protection of these resources. The amendment is also inconsistent with Coastal Act provisions that define grading as development (Section 30106) and require a development permit for all coastal development (Section 30600).

The amendment would have also exempted a wide range of development activities from development permit requirements, far beyond those established by Section 30610 of the Coastal Act. As provided by Section 30610(e), exemptions to permit requirements for specific categories of development necessitates approval by two-thirds of the Commission, the adoption of specific findings, and a determination that the exemptions are consistent with the California Environmental Quality Act (CEQA). Approval of these exemptions through the LCP amendment process, which requires only a majority vote by the Commission, would be inconsistent with the Coastal Act and would not ensure that the resource protection objectives of the certified LUP and CEQA would be adequately carried out.

For those development activities that are subject to compliance with the proposed new grading and drainage standards, the new standards do not provide sufficient safeguards to ensure the effective implementation of LUP resource protection policies. For example, the amendment does not establish the criteria necessary to evaluate whether drainage facilities will be sized and designed in a manner that prevents erosion and the degradation of coastal water quality. Nor does the amendment provide adequate standards and review procedures to ensure that grading, drainage, and other development activities take place consistent with the protection of coastal resources.

Because the proposed amendment did not provide an effective means of carrying out the certified LUP, staff recommended that the Commission **approve** the amendment if it is **modified** as suggested. As detailed in this report, the suggested modifications are needed to establish ordinances that will effectively carry out LUP Policies and Coastal Act permit requirements. The modifications also implement many of the recommendations contained in the Periodic Review Of the San Luis Obispo County Local Coastal Program adopted by the Commission in July 2001. In sum, the Suggested Modifications respond to the problems identified above as follows:

- The suggested modifications delete the parameters contained in the proposed definition of grading in order to define and regulate development in a manner that is consistent with Coastal Act procedures and that is adequate to carry LUP policies. At the same time, the suggested modifications are careful to distinguish grading from earth moving activities associated with the removal or harvest of vegetation for agricultural purposes, which is not considered to be "development" under the Coastal Act or LCP. Specifically, the suggested modifications propose that grading be defined as:
- "Any activity which involves the physical movement or disturbance of earth material by mechanized means. This includes any excavating, filling, stockpiling, movement of earth material in connection with clearance of vegetation, compaction of soil, creation of borrow pits, or combination thereof, but does not include surface mining or quarrying operations (including the extraction and stockpiling of excavated products and the reclamation of mined lands) operating in conformance with Section 23.08.180. Grading also does not include plowing, seeding, planting, cultivating, or harvesting activities within an established farming operation, including lands that have been lying fallow as part of a conventional rotational cycle."
- The suggested modifications delete permit exemptions, other than those provided by Coastal Act Section 30610, to ensure that all coastal development is properly reviewed and permitted. Although grading permit requirements are expanded by the suggested modifications, it is important to note that

the application requirements and review procedures have been designed in proportion to the impacts posed by development, based on the location, extent, and quantity of earth moving proposed. Small projects located outside of steep or unstable slopes and sensitive resource areas are not subject to the same in-depth application and review procedures established by the modifications for development posing much more significant impacts.

- Finally, the suggested modifications revise and supplement the proposed amendment so that LCP implementing ordinances contain the specific procedures and standards required to ensure that new development is carried out consistent with LUP Policies protecting coastal resources – particularly those protecting coastal watersheds and environmentally sensitive habitat areas. For example, the suggested modifications establish more specific criteria for sizing and designing pre and post construction drainage control facilities, preserving natural drainage course, reducing impervious surfacing, maintaining pre-development flow levels, maximizing groundwater recharge, and preventing the discharge of pollutants.

### ***City of Carmel-By-The-Sea: Land Use Plan Re-Submittal (3<sup>rd</sup>). ( Monterey County) Hearing and Action at March 2003 Hearing***

#### **Project Description**

This was the third re-submittal of the Land Use Plan. The previous iterations were prepared in the early 1980's. The current submittal was an entirely new compilation of documents and policies developed over the last several years and consists of three main chapters and six appendices. It was submitted on December 20, 2001, but could not be filed due to a lack of some supporting documentation. Meanwhile Coastal staff worked with City staff on issues raised by the submittal. The City Council passed and submitted an amended version of the Plan on November 12, 2002. The Commission opened the hearing on the Land Use Plan at its December 2002 meeting. After receiving public comment, the item was continued to allow City and Coastal staff an additional opportunity to resolve outstanding issues. The City also forwarded a companion Coastal Implementation Plan that is not yet filed and will be considered at a later date.

#### **SUMMARY OF STAFF RECOMMENDATION**

Staff recommended that the Commission deny the Land Use Plan as resubmitted and approve it if the re-submittal is modified. The recommendation for denial of the LUP was based on inconsistencies of the re-submittal with several Coastal Act policies: those requiring scenic and community character protection, providing for public access and recreation, protection of water quality, shoreline hazards, ESHA, and ensuring that development is commensurate with the level of public services (in this case, water) available.

#### **SUMMARY OF ISSUES**

##### **Community Character:**

The proposed land use plan contains several policies designed to ensure that Carmel-by-the Sea's unique community character is retained. Over the years Carmel's community character has changed significantly, as the community has redeveloped. Through the permit review process, and this LCP review, the Commission has identified specific ways that the character is changing including increasing home size, increased tree removal, greater lot coverage, less compatible designs, and loss of potential historic structures. Although the proposed land use plan has several policies that address each of these elements of community character, they are somewhat general, non-directive, and in some cases permissive. If the Land Use Plan were approved as submitted, community character would not be protected.

Therefore, staff recommends that modifications be adopted to bring the LUP into conformance with Chapter 3 of the Coastal Act. These modifications in large part add a series of design objectives to the land use plan that are based primarily on the City of Carmel-by-the-Sea's own Designs Tradition

document. While application of these modified policies will still leave considerable discretion to the City decision-makers on matters of scale, siting, and design, it will also better ensure that new development fits within the City's existing community character.

The Land Use Plan has a series of policies designed to protect Carmel-by-the-Sea's historical structures, which are a significant component of the City's overall community character. Generally, these policies define what is historic and limit the amount of alterations that could occur to these structures. However, the Land Use Plan is deficient in describing key components of the identification process and in ensuring that all identified resources are subject to the appropriate regulatory policies, thereby, not assuring that all significant historical structures will be protected. Therefore, modifications are suggested with regard to the Historical Preservation Board, the Carmel Inventory of Historic Resources, the City's Historic Context Statement, the site inspection process, the California Register of Historic Resources criteria, and the development review process.

### **Public Access and Recreation:**

The proposed Land Use Plan provides a good description of the various public access and recreational and visitor-serving opportunities available in Carmel. Carmel-by-the-Sea is a popular visitor destination with a spectacular white sandy beach, bluff-top pathway, vibrant downtown shopping area, numerous overnight accommodations, and picturesque streets and residences. In general, the Land Use Plan policies call for protecting these facilities, and access to them, as well as for new improvements. However, staff has identified three deficiencies with the policies that would have adverse implications for public access and visitor-serving facilities. First, the land use plan places significant restrictions on beach parking in the evening hours, thereby depriving visitors of a way to be able to conveniently access the beach. Second, the land use plan does not address proposed abandonment of a shoreline street that could provide public access. Finally, the land use plan does not address retention of lower cost visitor serving facilities. Therefore, staff is recommending modifications to increase hours of available parking, to fully mitigate street abandonments, and to retain lower cost visitor opportunities.

### **Hazards**

The proposed land use plan generally addresses coastal hazard issues in conjunction with shoreline policies. This is appropriate because, for the most part, coastal hazard issues within Carmel are predominantly shoreline related (including preserving Carmel Beach and the shoreline environs consistent with the established character and aesthetic there). The policies propose a series of analytical studies to allow the City and the Commission to better understand the interplay of natural shoreline processes with the inland urban development, including the seawalls and revetments that cover much of the Carmel's back beach shoreline. Additional policies are proposed that are designed to describe the circumstances under which shoreline armoring is allowed and how to manage the overall shoreline area. The intent of the proposed policies is to preserve and enhance the Carmel Beach shoreline area to ensure that this public access jewel remains in place and retains its charm for current and future generations to enjoy.

The submitted LUP generally responds to Coastal Act hazard policies, but it isn't entirely consistent with the Act in each case. There is also a lack of clarity and some internal inconsistency within the proposed policies that could lead to confusion when the LUP is implemented in the future. Such confusion would be at the expense of the coastal resources it is designed to protect. Therefore, staff is recommending modifications designed to clarify the contextual background, the range of information necessary to adequately understand Carmel Beach shoreline dynamics, the types of armoring projects that may be allowed in the future (and the types of measures necessary to ensure that they are consistent with the character of the beach area), and the measures necessary to preserve the beach area in a hazards context.

### **Public Works**

The proposed land use plan generally adequately describes the City's public infrastructure and offers policies for its future improvements and maintenance. However, the City of Carmel-by-the-Sea is in an area with severely limited water supplies and the proposed policies do not adequately address this

situation in a manner consistent with the Coastal Act. Therefore, staff is recommending modifications to protect coastal priority uses, ensure development applications are complete with regard to available water sources, and prohibit individual private water sources that are not publicly managed.

### **Other Issues**

By and large the proposed Land Use Plan adequately addresses issues of archaeological resources, ESHA, and water quality protection. There are proposed policies for identification and preservation of archaeological sites and environmentally sensitive habitats. The City also commits to a number of actions to actively manage and improve its habitat areas. Similarly, there are proposed policies to address storm water runoff in a manner to prevent water pollution, ultimately of Carmel Bay. There are two omissions from having a comprehensive set of water quality policies regarding limiting site coverage and meeting the 85<sup>th</sup> percentile storm event. There are also a few updates that need to be made to the ESHA discussion. Therefore, staff is recommending modifications to add to the water quality policies and update the ESHA policies.

In terms of other Coastal Act topics, they are not relevant and thus not discussed in this report. The City of Carmel-by-the-Sea lacks any agricultural land, timberlands, boating facilities, dams, coastal-dependent industries, or major energy plants.

## **SOUTH CENTRAL COAST AREA**

### ***Application No. 4-02-198 (State Coastal Conservancy) approved at the April 2003 Commission Hearing.***

#### **Project Description:**

Construction of improvements necessary to open a vertical accessway for public use, including a stairway, fence, gate, signage and gravel parking area between 24034 and 24056 Malibu Road, City of Malibu, Los Angeles County.

#### **Commission Action/Project Significance**

The statewide issue and project significance involves the provision of public access to and along a section of beach in the City of Malibu where access opportunities have been limited and, often, controversial. The project implements an offer to dedicate fee title for public access required as a mitigation measure for a Coastal Development Permit approved by the Commission in 1981. The proposed accessway improvements will not only provide use of 100 feet of sandy beach, it will allow the public to walk along approximately one mile of beach downcoast of the project site to Malibu Lagoon State Beach. The City of Malibu Coastline contains 23 plus miles of sandy beach located between Topanga State Beach on the east and Leo Carillo State Beach on the west. Although other public beaches exist along this stretch of coast, access to the shoreline is often blocked by residential development, fences, signs and other obstructions. The adopted LCP for the City contains policies to provide additional vertical accessways along the City's shoreline.

### ***Application No. 4-02-110 (Khalsa) approved at the May 2003 Commission Hearing.***

#### **Project Description:**

Construction of a two story, 28 ft. high, 5,000 sq. ft. single family residence with attached 1,020 sq. ft. three car garage, detached studio (750 sq. ft.) over a Garage (450 sq. ft.), a caretaker's house (1,200 sq. ft.) with attached garage (400 sq. ft.), pool and spa with 144 sq. ft. gazebo, water well and storage tank, two septic systems, retaining walls, temporary construction trailer and mobile home, paved driveway to residence, paved driveway to caretaker house, a horse riding ring and corrals located within fuel modification zone, a 375 sq. ft. fire resistant barn/shade structure, grading totaling 8,750 cubic yards. The project also includes restoration and revegetation of two areas on the subject parcel where

unpermitted vegetation removal and grading occurred for geologic testing (approximately 1.23 acres), after the fact expansion of two unpermitted dirt roadways leading north on the southern most parcel, a 6 foot high deer fence around residence, studio, orchard and garden, landscaping, voluntarily offer to dedicate a 10 – 20 foot wide trail easement to provide public access for the Tuna Canyon Trail, provide landscaping along Swenson Drive to screen the house from the new trail, and create a conservation deed restriction on the adjacent 10 acre parcel to the north to limit development and provide for natural open space. The project site is located on Swenson Drive in upper Topanga Canyon, Los Angeles County.

The subject parcels consist of two adjacent 10-acre parcels. These parcels located in the Topanga Area are vacant, include an historic landslide feature, and are covered with chaparral vegetation, except for existing dirt roads and 'unpermitted' grading and vegetation clearance completed in 2002. The parcels are bisected by a dirt road in a north to south direction from Swenson Road, constructed prior to 1977. The Tuna Canyon Trail is planned along this route by the Los Angeles County Park and Recreation Department.

The subject parcels include relatively undisturbed chaparral vegetation, except for about 1.23 acres of vegetation cleared and existing dirt roads widened and graded in 2002 without the benefit of a coastal permit. This chaparral and coastal sage scrub is considered environmentally sensitive habitat area (ESHA).

### **Commission Action/Project Significance**

Statewide issues involve access to trails in the Santa Monica Mountains, protection and restoration of Environmentally Sensitive Habitat, landform alteration and erosion, and visual impacts. The Commission approved the project with 16 special conditions including: Landscaping, Erosion Control and Fuel Modification Plans; Drainage and Polluted Run-Off Control Plan Open Space Restriction; Public Access Trail Offer to Dedicate Easement; Native Vegetation Restoration Plan; and, Habitat Impact Mitigation. The latter special condition utilized a new approach to mitigating the impacts of fuel modification for Fire Department brush clearance requirements in the Santa Monica Mountains. The Commission initially approved this habitat mitigation program as a policy in the adopted City of Malibu LCP. The habitat mitigation condition consists of the following measures or alternatives:

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a map delineating all areas of chaparral habitat that are "environmentally sensitive habitat area" (ESHA), that will be disturbed by the proposed development, including by fuel modification and brush clearance requirements on the project site and adjacent property. The delineation map shall indicate the total acreage for all chaparral ESHA both on and offsite, that will be impacted by the proposed development, including the fuel modification/brush clearance areas. Mitigation shall be provided for impacts to the chaparral ESHA from the proposed development and fuel modification requirements by one of three habitat mitigation methods: 1) submittal of a Habitat Restoration Plan for an equivalent area of chaparral ESHA either onsite or offsite within the Santa Monica Mountains Coastal Zone; 2) recordation of an open space deed restriction over a parcel or parcels containing chaparral ESHA of equal or greater area than the ESHA area impacted by the proposed development; 3) Payment of compensatory mitigation, in the form of an in-lieu fee, to the Santa Monica Mountains Conservancy to mitigate adverse impacts to chaparral habitat. The fee shall be based on the cost per acre to restore or create comparable habitat type, and the acreage of habitat affected. The fee shall be used for the acquisition or permanent preservation of chaparral habitat in the Santa Monica Mountains coastal zone.

***Application Nos. 4-02-108, 4-02-089 - March hearing, 4-03-012, 4-02-110 - April hearing, 4-02-153, 4-00-240 - May hearing***

### **Project Description:**

All six permit numbers and stating they all applied to residential development approved in the Santa Monica Mountains on parcels containing chaparral and coastal sage scrub found to be ESHA.

### **Commission Action/Project Significance**

In September, 2002 the Coastal Commission adopted the City of Malibu LCP that contained policies, maps, and implementation measures relating to designated Environmentally Sensitive Habitat Areas in the City. More specifically, the Commission found that undisturbed native coastal sage scrub and chaparral habitat in the City constituted ESHA. The policy approach contained in the adopted LCP relative to defining and designating ESHA has also been used as guidance in approving development on parcels containing ESHA in the Los Angeles County portion of the Santa Monica Mountains Coastal Zone. Section 30240 of the Coastal Act does not allow development within ESHA, however the Coastal Act also contains policies that would allow development in an ESHA to avoid a constitutional taking. The six coastal development permits cited were approved subject to a special condition to mitigate the impacts of chaparral and coastal sage scrub habitat loss and destruction from fuel modification brush clearance requirements for fire protection. The latter special condition utilized a new approach to mitigating the impacts of fuel modification for Fire Department brush clearance requirements in the Santa Monica Mountains. The Commission initially approved this habitat mitigation program as a policy in the adopted City of Malibu LCP. The habitat mitigation condition consists of the following measures or alternatives:

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a map delineating all areas of chaparral habitat that are "environmentally sensitive habitat area" (ESHA), that will be disturbed by the proposed development, including by fuel modification and brush clearance requirements on the project site and adjacent property. The delineation map shall indicate the total acreage for all chaparral ESHA both on and offsite, that will be impacted by the proposed development, including the fuel modification/brush clearance areas. Mitigation shall be provided for impacts to the chaparral ESHA from the proposed development and fuel modification requirements by one of three habitat mitigation methods: 1) submittal of a Habitat Restoration Plan for an equivalent area of chaparral ESHA either onsite or offsite within the Santa Monica Mountains Coastal Zone; 2) recordation of an open space deed restriction over a parcel or parcels containing chaparral ESHA of equal or greater area than the ESHA area impacted by the proposed development; 3) Payment of compensatory mitigation, in the form of an in-lieu fee, to the Santa Monica Mountains Conservancy to mitigate adverse impacts to chaparral habitat. The fee shall be based on the cost per acre to restore or create comparable habitat type, and the acreage of habitat affected. The fee shall be used for the acquisition or permanent preservation of chaparral habitat in the Santa Monica Mountains coastal zone.

## **SOUTH COAST AREA**

### ***5-01-450 (Caltrans), January 2003***

#### **Project Description:**

The Commission denied the application of the California Department of Transportation (Caltrans) for the widening of a major regional commuter and coastal access road (Lincoln Blvd.). The proposal was to widen the road by up to 3 lanes (for a total of 7 lanes) for approx. one mile in length. Also proposed was the construction of a 4-lane bridge over Ballona Creek, which contains wetlands, and the replacement of the Culver Blvd. over crossing with a new 2-lane over crossing, an off-road biking-jogging trail and certain water quality improvements. The new bridge piers would require the fill of approx. 1,200 square feet of wetlands. To mitigate the fill of wetlands, the applicant was proposing a transfer of funds to the Southern California Wetlands Recovery Project for use in the Ballona wetlands area for monitoring and enhancement of terrestrial wildlife corridors. Caltrans stated that the proposed project was needed to both maintain existing traffic capacity and to accommodate expected regional growth.

### **Commission Action/Project Significance**

The Commission found that the project was inconsistent with the marine resources protection policies of the Coastal Act (30233), which allows the fill of wetlands only for certain numerated uses. The Commission specifically cited the 1999 California Court of Appeal decision on the Bolsa Chica case (Bolsa Chica Land Trust v. Superior Ct. (1999) 71 Cal. App. 4th 493) in which the court set out very narrow criteria for allowing wetland fill, including fill for road purposes. In part, the court stated, "roadway expansions are permitted only when no other alternative exists and the expansion is necessary to maintain existing traffic capacity..." The court further found that the exception for maintenance of existing traffic capacity did not apply when, as in the case under its review as well with the subject Caltrans application, road widening is needed to accommodate future traffic created by local and regional development in the area. Additionally, the court found that, "this limited exception cannot be extended by finding that a roadway expansion is permissible when, although it increases the vehicle capacity of a roadway, it is designed to maintain an existing level of traffic service". Increases in roadway capacity needed to accommodate future traffic created by anticipated or proposed local and regional development in the area are not consistent with those criteria.

Moreover, the court stated that, even if the purpose of the fill were found to be permissible, the applicant has not demonstrated that the proposed project is the least environmentally damaging alternative, as is also required by the marine resources protection provisions, Section 30233, of the Coastal Act. The Commission found that there was numerous recent changes occurring in the area that had not been contemplated when the road expansion project was first thought to be necessary. Specifically, Los Angeles World Airport was planning a major expansion to LAX that has now been scaled back significantly. Also, in November 2002 a statewide water quality bond measure was passed making it very likely that the land on the west side of Lincoln Blvd. will be acquired for public park and habitat protection instead of residential and commercial development. Similarly, the land on the east side of Lincoln is held by the State Controller who has indicated that the land can be transferred to a state recreation or conservation agency along with the park and open space development on the west side of the roadway. This would result in 209 acres being developed at a significantly lower intensity over what was contemplated in the mid 1990's. Further, if both sides of the roadway are developed with park and habitat restoration purposes, Section 30240(b) of the Coastal Act requires that development adjacent to these areas be compatible with and not significantly degrade them. The Commission found that it would be best to deal with any road widening, if needed and allowable, at the time the adjacent areas are planned.

Finally, the proposed mitigation for the approx. 1,200 sq. ft. of wetland fill is inadequate. Typically the Commission requires wetland fill mitigation to be at a ratio of 4:1 (four square feet of mitigation for every one square foot of fill) when a wetlands fill project is found to be otherwise permissible. No details of the proposed payment to the Southern California Wetlands Recovery Project were provided. There is no information as to how this payment is to result in the restoration of wetlands and at what ratio.

For the reasons stated above the Commission denied the proposed project.

### ***5-02-385 (Los Angeles County Dept. of Beaches and Harbors), March 2003***

#### **Project Description:**

The Commission approved with special conditions the application of the Los Angeles County Dept. of Beaches and Harbors the construction of winter season sand berms for winter storm wave protection at the beaches. The berms measure 15 ft. in height, 20 ft. in width and from 235 to 1,343 ft. in length and are constructed approx. 10 -12 ft. above mean high tide. The County has been routinely constructing these temporary wave protection structures, using the beach sand in the immediate vicinity, since the 1970's but has never obtained a coastal development permit. The proposed project constitutes development under the Coastal Act and is not exempt because it located on the sand and because of the use of mechanized equipment for construction purposes. Given the location and construction methods, there is the potential for adverse impacts to public use of the beach and impacts to sensitive species

(California Grunion, Western Snowy Plover, California least tern). The purpose of the sand berms is to protect existing structures (public beach parking lots, asphalt bike path, restrooms, and maintenance facility).

The Commission approved the construction of the berms subject to special conditions necessary to ensure that public use of the beach and sensitive species that also utilize the area are not significantly adversely impacted. The special conditions include a requirement that all construction and removal of the berms or other activities involving mechanized equipment shall be prohibited on the beach between Memorial Day and Labor Day; that the berms be removed and the original beach profile be restored prior to Memorial Day; that a qualified biologist be retained to ensure that the project is carried out in a manner and during the time period so that there is no significant adverse impact to the sensitive species that use the area for spawning, nesting, roosting or foraging; that the permit expires Memorial Day 2004, with the provision for a one year extension through a permit amendment from the Commission; and the requirement that the applicant assume the risk of developing in an area subject to hazards from storm waves, surges, erosion and flooding.

### ***5-03-013(MT No.1 LLC 'Marblehead'), April***

**Project Description:** The Commission approved with special conditions a coastal permit to develop one of the last remaining large open space sites in the coastal zone of Orange County when it approved development on the 201-acre project site (commonly known as Marblehead), located in San Clemente, immediately west of the I-5 freeway at the new Avenida Vista Hermosa interchange (just north of the Avenida Pico exit). The project site is bisected by the coastal zone and includes residential and commercial development, public park, trails and open space and associated infrastructure including roads and utilities. The project involves subdivision and construction of 313 single family homes on 44.24 acres, 141,506 square feet of commercial space in ten commercial buildings on 22.3 acres (including a 1.0 acre coastal commercial lot), 15.43 acres of public parks; 95.04 acres of public and private open space and pedestrian and bicycle trails; 12.43 acres of private streets; 10.91 acres of public streets. The application also included the required Commission follow-up approval of bluff stabilization grading that occurred in the early 1990s under an emergency permit granted by the Executive Director of the Commission.

### **Commission Action/Project Significance**

The project, as submitted, raised Coastal Act issues pertaining to protecting wetlands and upland environmentally sensitive habitat area (ESHA), the alteration of natural landforms, avoidance of geologic hazards, the provision of public access and recreation facilities, the protection of water quality, and the protection of archeological resources. The major issues dealt with by the Commission in this application included the construction of utilities through an area located on the bluffs along El Camino Real, the status of which (in the sense of whether or not it constituted environmentally sensitive habitat area or 'ESHA') was in dispute; and the placement of a ¾ acre turf park area along the bluff top in a connective habitat area. With respect to the trenching for utilities, the Commission found that, under existing conditions, the area does not qualify as ESHA. Rather, the area in question was found to be a connective corridor located between ESHA present within one of the canyons (Drainage B) and the Western Canyon. The Commission found that the proposed trenching would not significantly disrupt adjacent ESHA provided that work in that area was avoided during the gnatcatcher breeding season, that native plant stands within the work area were avoided, and that the area was restored with native vegetation once the work is completed. With respect to the ¾ acre turf park area, the proposed turf was required to be eliminated from the plans, with use of that area limited to habitat restoration, trails, and viewpoints with benches.

At the April 2003 hearing, the Commission imposed the special conditions that: places open space restrictions and public access requirements over corresponding areas of land; (1) requires fee dedication of the proposed park lands to the City and trail easements be offered over the proposed trail network; (2) requires plans for a maintenance and management program for the proposed parks and habitat areas; (3) requires a revised construction phasing plan that requires the construction of the public access and recreation facilities and the habitat restoration prior to the construction of the residential and commercial development; (4) requires the design of construction staging areas, lighting and fencing to be planned in a manner that protects habitat and habitat buffers; (5) requires that only drought-tolerant natives and non-invasive non-native planting in the landscaping and restoration of the open space areas; requires conformance with proposed fuel modification plan to ensure long-term habitat protection along with protecting the residential and commercial development from fire danger; (6) requires conformance with proposed geotechnical recommendations and that the applicant assume any risks associated with the development of the

property, portions of which have been subject to massive landsliding; (7) requirements regarding the appearance of, height and siting of the residential structures to make them subordinate to the adjacent habitat and park areas; (8) establishes requirements and procedures regarding the possible discovery of archeological resources during grading; (9) requires that proposed water quality BMPs and impact mitigation measures be installed and maintained; and (10) requires a deed restriction to be recorded against the property which notifies all landowners, present and future, of the terms and conditions of this permit.

**5-02-378(Johnson), May 2003**

**Project Description:**

The Commission denied the coastal development application of William Johnson to Construct a new 70-foot long bulkhead fronting a property containing a single-family home along Newport Bay on the Balboa Peninsula area of the City of Newport Beach. The bulkhead and backfill will result in the fill of 914 square feet of high intertidal sandy habitat.

**Commission Action/Project Significance**

The primary Coastal Act issues before the Commission are whether construction of the proposed bulkhead is consistent with (1) Coastal Act Section 30233, which does not allow the fill of coastal water for purposes of protecting residential development, much less for converting marine habitat to private yard space; and (2) Coastal Act Section 30235, which permits shoreline altering construction such as bulkheads only under limited circumstances and when certain criteria are satisfied, including that the proposed structure is "required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion.

In denying the coastal permit the Commission recognized that the project site was experiencing nominal erosion which appears to be the result of natural processes. However, the applicant did not demonstrate that the erosion affecting the adjacent boundary walls, patio slabs and building slabs is occurring at a rate which demands attention or that any existing structure, on his or any adjacent properties were in danger and could only be protected via the construction of the proposed bulkhead pursuant to Section 30235. Section 30235 of the Coastal Act requires the Commission to allow construction of a bulkhead when it is both (1) required to protect existing development that is in danger due to erosion and (2) designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

Furthermore, the Commission found that feasible, less environmentally damaging alternatives to the proposed bulkhead that comply with Coastal Act policies exist, thus adding an additional reason why the current proposal could be approved. For example, if erosion is a problem, periodic beach nourishment could be undertaken to maintain the existing beach profile.

**SAN DIEGO COAST**

***City of San Diego LCP Amendment No. 1-02A LA JOLLA LAND USE PLAN UPDATE (La Jolla, San Diego, San Diego County) Hearing and action at February, 2003 Hearing***

**Amendment Description:**

The proposed submittal comprises a comprehensive updated La Jolla Community Plan and Local Coastal Program Land Use Plan. The City has consolidated the goals, policies and recommendations from the 1972 La Jolla Shores Precise Plan, the 1975 La Jolla Community Plan and the 1983 La Jolla-La Jolla Shores Local Coastal Program into one plan for La Jolla thereby eliminating duplication of goals and policies and ensuring consistency among plan recommendations. Although the LCP submittal is being treated as an update to the community plan; the plan has also been updated with new information so it is essentially an entirely new LCP Land Use Plan (LUP) for the La Jolla community which addresses several new issues and contains many new policies. The La Jolla Land Use Plan covers approximately 4,680 acres that comprise the community of La Jolla and most of the community is located within the Coastal Zone.

**Summary of Issues:**

The La Jolla Land Use Plan Update has been developed to address the coastal issues which have been identified by Commission and City staff, along with the citizens and property owners of La Jolla, as well as other interested parties. The plan addresses the following policy groups: Steep Hillside/Open Space and Natural Resource Protection, Public Access/Shoreline Areas/Recreation; Hazards/Shoreline Protection; and, Sensitive Biological Resources/Water Quality. Major issues of concern in the LUP are requirements for protection of inland hillsides and open space areas; in particular, steep slopes which have been identified on the previously-certified City of San Diego Map C-720 as sensitive due to biological or visual resources or geologic hazards.

In addition, protection of visual resources is also a significant concern, in particular for those properties located between the first coastal roadway and the sea. There are policies to assure yards and setback areas are maintained between the ocean and the first coastal roadway to preserve public views and prevent a walled-off effect toward the ocean.

Public access to and along the shoreline is addressed through policies that address retention of street parking used for beach access purposes in the residential areas and implementation of a comprehensive sign program along major coastal access routes to identify existing physical and visual access points. Also, impacts to public access associated with shoreline protective devices is a concern.

With regard to shoreline and bluff protective measures, policies are necessary to assure new development is sited to avoid the need for seawalls and bluff retaining devices with their resulting impacts on access and sand supply. Policies addressing substantial renovation of existing structures in hazardous locations are necessary to avoid perpetuation of a line of development that will eventually need protection and result in adverse impacts to public access and visual quality.

Another issue pertains to water quality to incorporate Best Management Practices and standards into the LUP to address uncontrolled and polluted urban runoff.

### **CCC Action/Amendment Significance**

The Commission denied the LCP amendment as submitted and approved it subject to suggested modifications.

There are many excellent plan policies and recommendations in the La Jolla LUP designed to protect and enhance public access to La Jolla's coastline and its visitor-serving amenities. The Commission's suggested changes serve to reinforce maintenance, restoration and enhancement of the existing access and recreational facilities.

To address protection of public views and scenic resources, the La Jolla LUP identifies public vantage points which provide scenic vistas and visual access to and along the shoreline. The City developed specific plan policies to address scale, bulk, location and landscaping of development in those areas. The Commission's suggested modifications specifically address that when variances or other requests for reduced setbacks are proposed for development within a view corridor, scenic viewshed or between the ocean and the first coastal roadway, the public view provided from the identified public vantage point should be preserved.

The Commission suggested several revisions to the plan policies and recommendations addressing protection of open space and steep hillsides mapped on previously-certified City of San Diego Map C-720 as containing sensitive biological resources, scenic quality and/or geologic hazards. These areas are shown as designated "open space" on Figure 7 of the LUP and are recommended for future rezoning to "open space" in the plan. These mapped areas have historically been protected in the City's certified LCP through the previous Hillside Review Overlay Zone and the current Environmentally Sensitive Lands regulations. The Commission's suggested modifications document the City's intent that designated "open space" shown on Figure 7 includes, but is not limited to, those sensitive slopes shown on Map C-720. The modifications also assure encroachment limitations similar to those required by the open space zone and steep hillside regulations, will be applied in review of development on property containing those lands

until such time as the open space rezones are in place. The Commission also included language to aid in interpretation of the plan and code policies referring to “natural” steep slopes to avoid the possibility that invasive species, grading for off-site development and/or unpermitted development would result in less protection on those hillsides historically protected as natural landforms for their scenic quality and value as open space.

The Commission also suggested several revisions to policies and recommendations addressing blufftop and shoreline development towards the goal of avoiding or eliminating shoreline armoring and its associated impacts to public access and scenic amenities. Much of La Jolla’s shoreline was developed before the Coastal Act and, due to the age of the structures, the City and Commission are seeing redevelopment projects involving the primary residence, accessory structures, shoreline protection and/or bluff retention devices. Because of this, it is critical for the plan to contain policies that address expectations for new or additional shoreline or bluff protection. The policies that establish thresholds for improvements to structures located within the geologic setback are designed to assure development is not perpetuated in a hazardous location or too far seaward so that it will eventually need shoreline protection.

The requirement to waive the right to shoreline protection in the future, in connection with new development, is a statewide approach the Commission has established in response to Section 30253 of the Coastal Act. This section requires that new development assure stability and structural integrity, and not contribute to erosion or geologic instability or in any way require the construction of protective devices that would alter natural landforms along the bluffs and cliffs. The estimation of erosion rates and shoreline processes is an inexact science and, too often, the Commission has seen permittees return for shoreline armoring or bluff stabilization, after securing entitlements, when the original geologic reviews attest to the site’s stability. The suggested LUP policy is meant to acknowledge the uncertainties and risks associated with shoreline development, even when the development is accompanied by a geotechnical study which indicates shoreline protective devices will not be required, and regardless of whether or not the recommended setback is provided.

To address water quality, the Commission suggested modifications to incorporate plan policies to assure “best management practices” are utilized to control the quality and quantity of runoff from approved development sites. The policies also address the most recent Regional Water Quality Control Board NPDES requirements and assure compliance with the storm water control standards the City has developed in conformance with those requirements.

***City of Carlsbad LCP Amendment No. 1-03B HABITAT MANAGEMENT PLAN (Carlsbad, San Diego County) Hearing and action at June, 2003 Hearing***

**Amendment Description:**

The LCP amendment is to incorporate the Carlsbad Habitat Management Plan (HMP) into the LCP and includes corresponding changes to the Mello I, Mello II and Agua Hedionda land use plans. No changes to the City’s certified Implementation Plan (IP) are proposed. The submittal also includes a federal consistency determination addressing the Incidental Take Permit for listed species that will be issued to the City by the U.S. Fish and Wildlife Service to implement the HMP.

The LCP amendment includes revisions and additions to the LCP that parallel the City’s most recently adopted changes to the HMP, as provided in the second HMP addendum. The land use plan revisions and the revisions to the 1999 HMP, as provided in the second HMP addendum, were made by the City in response to input from Commission staff. The City and Commission staff have been working cooperatively since January 2000 to ensure that the final HMP meets all relevant LCP, Coastal Act and federal Coastal Zone Management Act, 16 U.S.C. § 1451, *et seq.*, (CZMA) requirements, is consistent with the goals of the regional Multiple Habitat Conservation Plan (MHCP) for San Diego County, and provides adequate protection for environmentally sensitive habitat areas (ESHA) in the coastal zone.

**Summary of Issues:**

The objectives of the southern California NCCP program include identification and protection of habitat in sufficient amounts and distributions to enable long-term conservation of the coastal sage community and the California gnatcatcher, as well as other sensitive habitat types. Generally, the purpose of the HCP and NCCP processes is to preserve natural habitat by identifying and implementing an interlinked natural communities preserve system. Through these processes, the resource agencies are pursuing a long-range approach to habitat management and preserve creation over the more traditional mitigation approach to habitat impacts. Although HCPs have been prepared for areas as small as a single lot, the MHCP and its subarea plans are intended to function at the citywide or regional level, instead of focusing on impacts to individual properties.

Implementation of this large-scale approach to habitat conservation will allow some development involving incidental take of listed species and/or environmentally sensitive habitat in those areas where it is most appropriate, in order to preserve the largest and most valuable areas of contiguous habitat and their associated populations of listed species. Although the goals of the HCP and NCCP processes include maintenance of species viability and potential long-term recovery, impacts to habitat occupied by listed species are still allowed. This approach differs from Coastal Act policies regarding ESHA, which provides that when a habitat must be considered environmentally sensitive (e.g., because it has become especially rare and/or provides crucial habitat for listed species), impacts to the habitat should not be allowed except for uses that are dependent on that resource. The most significant issue raised by the proposed LCP amendment is how to reconcile the differences between the NCCP and Coastal Act requirements in a way that will allow for concentration of development, protection of the most important ESHA remaining in the coastal zone and preservation of viable habitat core and linkage areas for sensitive species.

**CCC Action/Project Significance:**

The Commission denied the LCP amendment as submitted and approved it subject to suggested modifications.

The proposed LCP amendment contains several significant changes to the currently certified LCP and to the 1999 draft HMP which will be applicable to development within the coastal zone. Currently, the certified LCP only protects native habitat located on slopes greater than 25% grade, known as “dual criteria slopes.” This approach was established in LCPs that were originally developed during the 1980s, prior to the listing of the California gnatcatcher and other rare species. The Carlsbad LCP has not been updated to respond to these new listings and the inception of the NCCP process. The Commission, therefore, supported and update to the LCP and submittal of the HMP as part of the LCP to ensure that both plans work together to protect ESHA in the coastal zone, since all of the sensitive resources protected through the NCCP process are also protected by the Coastal Act.

As a result, a significant improvement associated with the LCP amendment is the new policy language that defines the nature and scope of the HMP in relation to the LCP, establishes revised resource protection provisions that reflect the goals of both Chapter 3 and the HMP, adds definitions for environmentally sensitive habitat and associated resources, includes Coastal Act Section 30233 (wetland protection) in the LCP, addresses mitigation for impacts to upland habitat, and required buffers and fuel modification zones. Portions of the existing LCP have been revised to ensure consistency in requirements for wetland buffers, grading and erosion control, and protection of steep slopes. The second HMP addendum mirrors these changes to ensure that both documents have been appropriately integrated and will consistently work together.

The draft HMP proposes to protect the endangered California Gnatcatcher and other listed species by contributing to an interlinked regional preserve system. The proposed preserve area for the HMP will be created from land in three different categories: hardline properties, standards areas, and existing preserve. The HMP provides that areas that have been placed into open space preserve will be turned over to an appropriate conservation agency with responsibility for the overall HMP preserve system, to be managed in perpetuity for conservation purposes. The City of Carlsbad is currently preparing the long-term management and monitoring plan for its portion of the MHCP addressed in the HMP. The preserve management plan shall address the mitigation areas to the satisfaction of the City, the wildlife agencies and the Coastal Commission, and ensure adequate funding to protect the preserve as open space and

maintain the biological values of the mitigation areas in perpetuity. At a minimum, monitoring reports shall be required as a condition of development approval after the first and third year of habitat mitigation efforts. No impacts to habitat may occur until management provisions and funding are in place. The LCP amendment provides that the preserve management plan must be incorporated into the Implementation Plan of the LCP through an LCP amendment within one year of Commission certification of the HMP.

The following mitigation ratios will be required for authorized habitat impacts on properties within the coastal zone:

- 2:1 for coastal sage scrub
- 3:1 for all other rare native vegetation except wetlands
- 3:1 for riparian areas
- 4:1 for vernal pools, other seasonal wetlands, and salt marsh

The 1999 draft HMP required 2:1 mitigation (including onsite preservation) for coastal sage scrub occupied by the California gnatcatcher, and 1:1 mitigation for unoccupied coastal sage scrub, mixed coastal sage scrub/chaparral and chaparral other than southern maritime chaparral. Southern maritime chaparral, southern coastal bluff scrub, maritime succulent scrub and native grassland land required 3:1 mitigation. Wetlands, vernal pools and riparian habitat impacts required mitigation to meet a no net loss standard. The higher mitigation ratios included in the second HMP addendum for application in the coastal zone are intended to ensure that, given the difficulties of establishing and maintaining functionally valuable habitat communities, the long-term goal for no net loss of coastal habitat resources can be met.

Mitigation outside the coastal zone will be considered acceptable if, in addition to meeting the criteria identified above, the mitigation clearly ensures higher levels of habitat protection and value in the context of a regional habitat preservation program than would be provided by providing all mitigation within the coastal zone, and furthers the goal of concentrating development within the coastal zone. Preservation of existing, onsite native vegetation is considered mitigation in the draft 1999 HMP. However, the second HMP addendum specifically addresses mitigation requirements in the coastal zone, and does not allow onsite preservation to count as mitigation. Additionally, the second HMP addendum provides that in the coastal zone, there will be no net loss of coastal sage scrub, maritime succulent scrub, southern maritime chaparral, southern mixed chaparral, native grassland or oak woodland.

In order to achieve the no net loss standard, when impacts are permitted to any of these vegetation types, mitigation shall include a "creation" component at a ratio of at least 1:1 (one acre of creation for every one acre of habitat impact). "Creation" means that habitat will be newly established in an area that does not currently contain that functional habitat type, but where the soils, topography, etc. are appropriate for long-term viability and may have supported the habitat in the past. In certain appropriate cases, "substantial restoration" may also be substituted for creation.

Onsite or offsite open space preserve areas may be utilized to satisfy required mitigation for habitat impacts, if the preserve areas are disturbed and suitable for restoration or enhancement, or they are devoid of habitat value and therefore suitable for the 1:1 mitigation component requiring creation or substantial restoration of habitat. It is important to note that mitigation credit through acquisition, restoration and/or enhancement cannot be allowed on sites that have already been preserved or required as mitigation areas for some other impact or entitlement.

Buffers for coastal habitat would be established as follows:

- A minimum 100 foot buffer shall be required from all freshwater and saltwater wetlands areas.
- A minimum 50 foot buffer shall be required from riparian areas and coast oak woodlands. No development or brush management shall take place within the buffer area for these habitat types except as otherwise specified herein.

- If a riparian area is associated with steep slopes (>25%), the 50 foot buffer shall be measured from the top of the slope.
- For steep slopes not associated with a riparian area, and for nonsteep areas (<25% slope) with native vegetation, a minimum 20 foot buffer shall be required. For steep slopes, the buffer shall be measured from the top of the slope. No development may be located within the buffer except as otherwise specified herein. However, if brush management is required for fire protection, Zone 3 (to a maximum of 20 feet) may be located within the buffer area if allowed by the fire management authority.
- Zones 1 and 2 for brush management and fire protection, where required, shall be located on the portion of the property proposed for development and outside of required buffers. Any plantings in Zone 2 must consist of native vegetation appropriate to the habitat.
- Recreation trails and public access pathways may be permitted in the required buffer area within the 15 feet closest to the adjacent developable area, provided that the construction of the trails and/or pathways and their proposed uses are consistent with the preservation goals for adjacent habitat, and that appropriate measures are taken for their physical separation from sensitive areas.

Trails and passive recreation are an allowable use in ESHA, with certain exceptions such as wetlands. When buffers are 50 feet or more in width, recreational trails shall be located in the first 15 feet of the buffer closest to development, to provide maximum protection for the preserved area. Grading in buffers would not be permitted with the exception of fuel modification as specified. The 1999 draft HMP did not propose any buffers for upland habitat, and did not address fuel modification or brush management restrictions, or the placement and buffering of recreational trails. The above criteria for buffers, fuel modification restrictions, and the location of recreational trails considerably strengthens the draft HMP's protection for coastal habitat.

There are a number of properties in the coastal zone that are entirely or almost entirely constrained by ESHA. The second HMP addendum provides that for those coastal zone properties which have more than 80% of their area in ESHA, at least 75% of the property shall be conserved. Alternatively, if the City, with the concurrence of the wildlife agencies and the Coastal Commission agree upon a hardline preserve boundary for any of these properties, then a new hardline map may be created in the HMP through an LCP amendment and the amount of onsite preservation as identified in the hardline boundary shall apply.

Zone 21 contains a majority of the remaining undeveloped habitat in the City's coastal zone. Most of these properties consist largely of southern maritime chaparral, along with an oak woodland/riparian corridor running roughly north-south through the area, and transitional areas of coastal sage scrub. The extension for Poinsettia Lane is proposed to run from northwest to southeast through the middle of this corridor, which will have unavoidable impacts to the oak woodland area.

The relatively large amount of intact habitat, the connections to other existing open space preserve areas, and the general rarity of southern maritime chaparral and associated narrow endemic species, establish this as an environmentally sensitive habitat area requiring priority protection. Zone 21 contains most of the habitats comprising the western half of Core Area 6 as provided in the 1999 draft HMP included some general habitat conservation standards for this area; however, the second HMP addendum includes more specific development standards for these critical properties. In addition, as a result of further review and more detailed site-specific information, the Commission suggested additional standards because sufficient detail was not provided to acknowledge the environmental sensitivity of southern maritime chaparral, establish the location and appropriate standards for a viable habitat corridor, and direct restoration of onsite disturbed areas within the preserve boundaries. Revisions to the standards are necessary to establish more specific development limits, especially since, with the exception of one property, the properties in this corridor are all or nearly all ESHA.

The draft HMP would allow impacts to individual areas of ESHA for uses that are not dependent on the ESHA, which is inconsistent with Sections 30240 of the Coastal Act. However to deny the LCP

amendment based on this inconsistency with the referenced Coastal Act requirements would reduce the City's ability to concentrate proposed development contiguous with existing urban development, and away from the most sensitive habitat areas, as required by Section 30250. If the LCP amendment was not approved, dispersed patterns of development would occur that are inconsistent with Section 30250. Denial of the LCP amendment would also prevent the resource protection policies of the LCP from being upgraded to clearly protect ESHA that is not located on steep slopes.

Therefore, after establishing a conflict among Coastal Act policies, the Commission used Section 30007.5 to resolve the conflict in a manner that is most protective of coastal resources. In resolving the identified Coastal Act conflicts, the Commission found that the concentration of development adjacent to existing urban development and infrastructure, and away from sensitive natural resources is, on balance, more protective of the land resources than to require that isolated areas of habitat be retained in an area adjacent to residential development. The HMP proposes to preserve large, contiguous blocks of habitat with the highest natural resource value relative to covered species, and to generally locate development away from these areas. In exchange for the benefits derived from a share of the incidental take authorized under the HCP, which will result in some impacts to gnatcatchers and associated adverse impacts to CSS, landowners must agree to place a majority of sensitive habitats on their properties into open space that will then become part of the permanent MHCP preserve. The regional nature of the habitat preservation effort sets the MHCP and HMP apart from other local jurisdiction plans affecting ESHA, where the noncomprehensive nature of the plans and lack of regional resource protection standards require more stringent limitations to coastal ESHA impacts for individual sites. The clustering and concentration of development away from sensitive areas that will result from the proposed standards will provide a larger, more contiguous preserve area than if development on the same properties were to be approved on a lot-by-lot basis.

***San Diego Unified Port District Port Master Plan Amendment No. 33 AMERICA'S CUP  
HARBOR (San Diego, San Diego County) Hearing and action at June, 2003 Hearing***

**Amendment Description:**

The proposed amendment to the certified Port Master Plan (PMP) would allow for the redevelopment of the America's Cup Harbor area, previously known as Commercial Harbor. The amendment includes the development of up to 130 new hotel rooms at the former Westy's Lumber Yard and 80 rooms at the existing Chevron gas station lot; redevelopment of the former Bay City Marine lot including new marine service; a new restaurant, new retail uses, and a park/green space; renovation of the existing Kettenburg Boatyard including construction of a walk-up food plaza and a public access walkway; a partial street vacation and roadway realignment at North Harbor Drive; construction of a new 50-slip marina expansion in front of the Bay City Marine site; demolition and renovation of existing structures on the west side of Shelter Island Drive in order to cluster buildings and create new view corridors from Shelter Island Drive, and expansion of the existing public waterfront promenade and the creation of new public view corridors.

The project also involves changes in land and water use designations. Overall, land area designated for Marine Sales and Services would be decreased by 2.3 acres, Commercial Recreation would be increased by 3.5 acres, Sportfishing would increase by .6 acres, Park would increase by .3 acres, and Promenade would increase by .8 acres. Overall, water area designated for Marina Services Berthing would be decreased by 3.3 acres, and area designated for Recreational Boat Berthing would increase by 3.3 acres.

**Summary of Issues:**

The issues raised by the amendment relate to the conversion of marine sales and services land use designation and the marine services berthing water use designation to commercial recreation and recreational boat berthing. The marine-related designations are a higher priority for Port tidelands than visitor-serving commercial uses; however, in this particular case, the two areas where the conversion is proposed have not been able to support marine sales and services and the Bay City Marine site has been vacant since 1995.

The other issue related to this conversion of land use is the commercial recreational use is a higher intensity use demanding more parking and generating more traffic in this popular area which may result in adverse effects on public access to the shoreline.

**CCC Action/Project Significance:**

Traffic and parking are significant issues for the area and staff had previously recommended denial of the proposed commercial recreational use at these sites because a traffic study had not been done for the scale and intensity of development being proposed. Since that time, the Port has done an updated traffic study which acknowledges the existing street system is overburdened in several locations, particularly at peak commuter hours, but the proposed amendment would have limited impact on traffic compared to what would be allowed under the current plan. Commission staff worked with Port staff and the submittal was revised to address several key points regarding the standards that will be used in review of future development under this plan. Specifically, the revised language assures that new development must provide sufficient parking to meet its own demand and there will be no reduction in the supply of public parking. Also, redevelopment of Westy's lot which contains 185 public parking spaces cannot occur until that public parking is replaced which the plan proposes within the Harbor Drive R/W or through expansion of the existing sportfishing lot. Also new development must prepare subsequent traffic and parking studies which will assess the conditions at the time and assure new development can be accommodated without overburdening the street system. The letters of comment raise concerns regarding traffic/parking impacts but also about losing the opportunity for transit to the area if the R/W is vacated. The proposed use within the R/W is parking which could be removed or relocated in the future through a PMPA should a transit system require the additional R/W.

Given that the proposed amendment involves a substantial increase in visitor-serving commercial and public recreation facilities as well as public access improvements, the relatively minor traffic and circulations impacts associated with the proposed redevelopment were found to be consistent with the public access and recreation policies of the Coastal Act. In addition, the Plan amendment will allow for much needed redevelopment in a critical area and will provide enhanced lower-cost public access and recreational opportunities that will offset potential adverse effects on traffic.

**1.1.E FEDERAL CONSISTENCY**

**Significant Consistency Determinations**

**CD-089-02**

The Air Force submitted a consistency determination for an interim beach management plan for the 2003 snowy plover nesting season, which provides for restrictions to beach access on Vandenberg Air Force Base (Vandenberg) in order to protect the western snowy plover, a federally listed threatened species. The Air Force proposes to re-implement the previous year's interim plan with two revisions. The Air Force proposes that the following beaches remain open for recreational use: (1) general public access to 0.5 mile of Surf Beach in the vicinity of Surf Station; (2) military personnel and limited civilian (by pass only and for fishing purposes) access to the northernmost 0.25 mile of Wall Beach; and (3) military personnel access only to Minuteman Beach. The interim beach management plan also provides for beach closure enforcement, plover monitoring, public education, predator control, and exotic plant removal. For this year, the Air Force has modified its plan to: 1) allow the placement of four temporary shelters on open beaches to provide cover for enforcement personnel; and 2) increase the number (from 25 to 50) of violations allowed on Surf Beach before completely closing it.

The Air Force has been working with the Fish and Wildlife Service (Service) and the Commission staff for a number of years on the conflict caused by plover habitat protection and recreational use of the beach. Both of these needs are critical along this stretch of coast. Vandenberg provides very valuable nesting

habitat for the plover and is vital to the recovery of the species. However, Vandenberg is located on a stretch of coast that has limited public access opportunities.

In reviewing similar restrictions in the past, the Commission has found these restrictions to be consistent with the public access and recreation (Sections 30210, 30213, and 30214) and the habitat (Section 30240) policies of the Coastal Act. Past monitoring data indicated that the snowy plover population has been unstable over the past few years and the Air Force determined that it is necessary to implement measures that are more protective of the plover. The closures are a necessary component of the Air Force's habitat management plan, and therefore, the plan is consistent with access policies of the Coastal Act, which allow habitat protection to be a basis for limits on access and recreation opportunities.

The sandy beaches on Vandenberg support nesting snowy plovers, a federally listed threatened species. In addition, the Service has designated these beaches as "Critical Habitat" for the snowy plover. Therefore, the snowy plover habitat on Vandenberg is an environmentally sensitive habitat area (ESHA). The plan allows the Air Force to minimize human disturbances to plover nests by restricting public and military access. In addition, the plan provides for predator management to reduce plover losses from coyotes, small mammals, crows, ravens, raptors, and other predatory birds. The plan includes measures to reduce predation and remove predators, using both non-lethal and lethal techniques, in manner that protects the area's ecology.

#### **CD-090-02**

The U.S. Army Corps of Engineers ("Corps") is proposing 550,000 cu. yds. (420,000 cu. m.) of dredging to deepen the San Diego Bay Main Channel to -42 ft. below mean lower low water (MLLW)(from existing depths of -40 ft.), between the Coronado Bridge and the Naval Turning Basin at Naval Air Station North Island, with disposal of the material south of the Imperial Beach Pier in nearshore waters off Imperial Beach. The project also includes relocation of a 69 kV electrical line that runs under the Bay from San Diego to Coronado.

The Corps states the deepening is needed due to shipping inefficiencies based on existing channel depths, which constrain shipping of deep draft vessels and necessitates their partial unloading at other ports (Los Angeles and Long Beach) before transiting to San Diego Bay destinations. Inefficiencies have also resulted in underutilization of the Tenth Avenue Marine Terminal in the Port of San Diego.

The primary issues raised by the proposal involve biological sediment testing and the suitability of the material for nearshore disposal (i.e., beach replenishment). The latter issue involves both grain size and the potential for munitions in the material (a concern raised during Navy dredging in the entrance channel in 1997). The material is predominantly (over 80%) sand, which makes it suitable for beach or nearshore disposal. While the Corps initially proposed disposal at the EPA-approved offshore dredge disposal site LA-5, in response to concerns raised by the Commission staff and the San Diego Association of Governments' (SANDAG's) Shoreline Erosion Committee, the Corps modified the project to provide for nearshore disposal in waters above -30 ft. in elevation, offshore of Imperial Beach. Given the high sand content in the proposed dredge material, the fact that the sediment tests have established that the material is suitable for ocean disposal, and absent any evidence of munitions in the material, nearshore disposal is appropriate and consistent with the requirement of Section 30233(b) of the Coastal Act that material suitable for beach nourishment be disposed within littoral beach systems. Also, the project has passed the necessary "Green Book" sediment tests and is suitable for ocean disposal. Dredging has been scheduled to avoid the least tern nesting season. Commitments are in place for contingency planning to minimize drill fluid spills and eelgrass impacts, and to avoid eelgrass impacts by leaving the portions of the cable in place in shallower waters. As modified, the project is consistent with the marine resources and water quality policies (Sections 30230 and 30231) and the allowable use, alternatives, and mitigation tests of the dredging policy (Section 30233(a)) of the Coastal Act.

Nearshore disposal maximizes access and recreation opportunities in a region of the coast with serious

shoreline erosion problems. Placing the material at the beginning of the littoral cell in Imperial Beach means that the disposal will help build beaches throughout the Silver Strand littoral cell. Recreation impacts associated with the temporary use of South Embarcadero Marina Park for the electric cable relocation construction activities have been addressed by a commitment for replacement parking nearby during the three-month cable relocation construction period.

## California Coastal Commission § 309 MANAGEMENT PROGRAM ENHANCEMENTS

### ***Coastal Commission Regional Cululative Assessment Project (ReCAP)***

The following work on this grant was completed in this reporting period:

#### **Task 1.1 Complete final report findings and recommendations**

Progress is being made on completion of the staff recommendation to the Commission, but has taken longer than anticipated. Draft recommendations have been completed and staff is reviewing the draft internally with legal and technical staff and management. Staff has also met with County staff twice to discuss direction of the review and recommendations to facilitate the County's consideration of the review in development of their County General Plan/LCP update. It is anticipated the staff recommendation will be schedule for Commission hearing in September or October.

This task is approximately 75 % completed.

1.1 Develop policy, procedural and other recommendations to address implementation problems and work with County to integrate these in LCPA Update review

This task is the preparation of the written report.

This subtask is 90% completed. Products will be submitted in next reporting period.

1.2 Conduct public outreach and comment on preliminary report.

Commission hearing has not yet been scheduled. Products will be submitted in next reporting period.

#### **Revise Preliminary Report for Commission Adoption.**

This subtask has not yet begun.

Products will be submitted in next reporting period.

#### **Transmittal of Commission Adopted Recommendations to local government.**

This subtask has not yet begun.

#### **Task 2.0 Develop Implementation Strategy for Monterey County Periodic Review.**

This task, to develop an Action Plan for implementation of CCC and intergovernmental coordination recommendations, has not yet begun.

#### **Task 3.0. Implementation of Statewide ReCAP Recommendations.**

Staff has continued to ensure implementation of permit conditions/ mitigation measures to address cumulative impacts. Since January, staff has:

- Field checked approximately 55 OTDs and documented the OTDs through a "photo log" to facilitate future acceptance. These OTDs include one in Del Norte County (approx. 65 acres); 14 in Humboldt County; 11 in Moss Landing; 11 in Orange County; 14 in San Diego County; four in Santa Cruz County. An additional 12-18 OTDs were field checked but photo documentation not possible due to inability to view easement area from public roads/land.
- Completed acceptance of 10 OTDs and recorded certificates of acceptance in: Los Angeles County (4), Monterey County (3), and Santa Cruz County (3). An additional 18 OTDs have been sent to agencies for review and processing (3 to Santa Cruz County; 1 to Imperial Beach, 14 to MRCA).
- Met with local nonprofit agencies such as the Santa Cruz Land Trust to review possible OTDs for acceptance and discuss management/ enforcement issues. As a result of these meetings several issues were discussed which presented obstacles to nonprofits accepting easements. One of those

issues involved procedures for addressing possible violations of permit conditions on the easements. Staff is currently working to develop an agency response to these concerns.

- Completed research and documentation on archive permit files and records in county recorder's offices on an estimated 30 OTDs. This research is required to document the OTD and locate it on the project site or to verify that the permit was never implemented and thus no OTD recorded.
- Conducted training of North Coast District office staff in order to expand assistance in implementing the OTD research and acceptance process.

## **CCC IMPLEMENTATION OF THE NONPOINT SOURCE POLLUTION CONTROL PLAN**

### ***PRODUCT/OUTCOMES***

#### **Task 1.1 Contaminated Sediments Task Force Coordinator**

Coastal Commission staff has continued to coordinate efforts of the Los Angeles Region Contaminated Sediments Task Force (CSTF or Task Force) throughout the second half of fiscal year 02/03. The purpose of the Task Force is to prepare a long-term management plan for dredging and disposal or beneficial reuse of contaminated sediments in the Los Angeles area. The Task Force is on schedule to produce a draft strategic plan by December 2003 for public review. The plan will provide recommendations on the reduction of contaminants at their source, aquatic and upland disposal alternatives, beneficial re-use, contaminated sediment treatment, and other management techniques.

The Task Force includes representatives from the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, California Coastal Commission, Los Angeles Regional Water Quality Control Board, California Department of Fish and Game, Port of Long Beach, Port of Los Angeles, City of Long Beach, Los Angeles County Beaches and Harbors, Heal the Bay, and other interested parties. Given the wide variety of concerns and authorities of these participants, there still remain a number of issues where Task Force consensus recommendations need to be developed.

In December of last year Coastal Commission staff proposed a plan of monthly facilitated meetings to bring the Task Force to consensus decisions, where possible, on the remaining issues. Remaining issues include watershed controls for nonpoint source pollution, which beneficial reuse and disposal methods should be allowed in the LA region, identification of sediment quality guidelines, and whether a multi-party aquatic disposal site for contaminated sediments is an acceptable alternative. At the same meeting, the Task Force participants also recommended the hiring of a technical writer to produce the final strategy documents.

Over the last six months the Task Force has hired a professional facilitator, held monthly meetings designed to build consensus around critical issues and hired a consultant as a technical writing team to produce the strategy documents. The facilitated meetings have been a great success resulting in the development of consensus findings and recommendations for a large number of issues. The technical writing team has produced an expanded outline (<http://www.coastal.ca.gov/sediment/final-Revised-Strategy-Report-Outline.pdf>) and schedule (<http://www.coastal.ca.gov/sediment/cstf-rpt-delivery-schedule.pdf>) for development of the final document.

#### **Task 1.2 Local Government Outreach**

The CCC Water Quality Unit (WQU) staff has continued to work with local governments throughout the second half of fiscal year 02/03 to provide guidance on nonpoint source (NPS) pollution control and prevention. Outreach efforts include assistance in preparing new Local Coastal Programs (LCPs) and/or updates to LCPs, with regard to water quality goals, policies and implementing measures; meetings with local and/or regional organizations; and continued coordination with the State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCBs) to implement the NPS Plan.

Throughout the second half of fiscal year 02/03, WQU staff has continued to revise the LCP guidance document, which is intended to assist local government and CCC staffs in preparing new LCPs and/or updates to LCPs, with regard to water quality goals, policies, and implementing measures. A final draft of the guidance document has been completed. However, since the document is still undergoing internal review, it is not yet ready for public distribution. This document also provides information to decision-making bodies that must approve LCPs and make regulatory decisions on land use permits containing

water quality conditions. The LCP guidance document illustrates ways to implement new planning and design concepts, environmental review, and permit procedures by local planners and officials. It also recognizes that water quality improvements can be achieved through cooperative watershed planning and specific watershed conservation and restoration projects. WQU staff has held intensive meetings over the past six months to develop this guidance, discussing preferred format and content as well as the proper distribution methods. WQU staff is continuing to refine this document through review by CCC senior staff. As each chapter is completed it will be discussed with CCC planners for further refinements and made available to local governments over the next year.

A survey of communities already implementing the Model Urban Runoff Program (MURP) was completed in June. Nine entities were targeted for the survey. They were: County of Santa Cruz; Monterey Regional Water Pollution Control Agency; City of Monterey; City of Watsonville; City of Santa Cruz; City of Santa Barbara; Santa Barbara County; City of San Luis Obispo; and City of Carmel by the Sea. The survey questions were designed to assess the usefulness of the MURP Manual, workshops, and website, and how each entity is tracking or planning to track program effectiveness.

NEMO (Nonpoint Education for Municipal Officials) is an educational program that links land use planning to water quality protection. The WQU staff in cooperation with the Mission Resource Conservation District have led meetings throughout the second half of fiscal year 02/03 to officially establish the California NEMO Partnership, develop the NEMO PowerPoint public presentation, and discuss proposals submitted for grant funding to support the California NEMO Partnership. Participants in these meetings included CCC, Mission Resource Conservation District, Sea Grant, SWRCB, Ventura County Planning, NOAA, Department of Water Resources, and Local Government Commission. The National NEMO U3 Conference was held from May 18<sup>th</sup> to 21<sup>st</sup> in Connecticut. WQU staff participated in the National NEMO U3 Conference and presented a California NEMO Partnership poster. Detailed information for the conference can be obtained from [http://nemo.uconn.edu/national/nemo\\_u3/index2.htm](http://nemo.uconn.edu/national/nemo_u3/index2.htm). The conference offered a great opportunity for California to strengthen its ties with the National Network and learn from other states' programs that have been in place longer, while sharing its unique experience of promoting NPS education in such a vast and diverse state as California. The conference also provided several training sessions on the latest concepts of land use planning to prevent and minimize NPS pollution.

The WQU staff will continue to search for ways to inform local governments of their role and responsibility to protect coastal water quality, including those inland of the Coastal Zone. WQU staff continues to attend meetings and workshops that focus on nonpoint source pollution control and prevention and provide opportunities for cooperation with inland jurisdictions. WQU staff has given presentations/posters at conferences/workshops including National NEMO U3, Monterey Bay Sanctuary Currents Symposium, National Estuary Program conference, Jacoby Creek Watershed and Community Day, Workshop for Home-Site and Subdivision Construction Projects, and Expanding Your horizons. WQU staff has also participated in numerous meetings with watershed and interagency working groups and committees. Examples include: Morro Bay Implementation Committee; California Clean Boating Network; Monterey Bay Marine Sanctuary Research Activity Panel; Santa Cruz Watershed Technical Advisory Committee; Monterey Citizen Water Quality Steering Committee; City of Arcata Wetlands and Creeks Advisory Committee; Humboldt Bay Interagency Coordinating Committee; Tomales Bay Shellfish Technical Advisory Committee; Clean Beach Initiatives Advisory Group; Southern California Wetlands Recovery Project; Channel Islands National Marine Sanctuary Advisory Council; and Malibu Creek Watershed Advisory Council.

WQU staff has continued to work with the SWRCB and RWQCB to coordinate efforts. The RWQCB's Standard Urban Stormwater Management Plans (SUSMPs) and NPDES permits have provided guidance in the work of the WQU staff. The MURP program targets development and implementation of the USEPA Phase II Stormwater permits and programs. WQU staff has participated in the Beach Water Quality Workgroup, where methods for evaluating water bodies on the Clean Water Act 303(d) list have been discussed and developed. Implementation of the California NPS Plan through CWA 319(h) and Prop 13 grants has been promoted by the joint efforts of WQU and RWQCB staff in reviewing and advising these projects.

Since March of 2003 WQU staff has been working directly with the Central Coast Regional Board to coordinate implementation of the USEPA's Phase II Stormwater Program objectives. The discussions culminated in a meeting in May at Commission office where the staff presented much of their LCP and permitting efforts over the last few years. Topics included: 1) agreement on a numerical sizing criteria for structural BMPs (85<sup>th</sup> percentile storm event); 2) development of supporting information to help developers and planning staff implement this sizing criteria; 3) development of common stormwater and nonpoint source policies that could be supported by both agencies; and 4) development of a common set of data resources for evaluating impacts of development on water quality in the Central Coast. For two agencies that have often differed on the best way to protect coastal resources, this type of coordination was a milestone. A second meeting was held in June to identify additional resources that could be shared and next steps for the coordination of the Central Coast Phase II permit review process. Future meetings are planned and a workshop for local planners is being discussed.

### **Task 1.3 Monterey Bay/Central Coast Regional Coordination and Outreach**

#### **Watershed and Interagency Workgroups:**

Staff has participated in numerous Watershed and Technical Advisory Committees (TACs) throughout the coast. The CCC and the Water Quality Unit are committed through formal agreements to serve on several of these committees and the unit has identified others which are either essential to accomplishing the goals of the State Plan or require the review or participation of the Coastal Zone Management agency. Such TACs include: the Morro Bay National Estuary Program Implementation Committee (see review below), and the Monterey Bay National Marine Sanctuary Water Quality Protection Program (see review below). Staff participate on numerous other TACs which provide opportunities for the Commission to coordinate the implementation of one or more Management Measures within a geographic region. Such TACs include: the Monterey Bay Sanctuary Research Activities Panel, watershed group coordination committees (Blue Circle and Monterey Information exchange), the Santa Cruz Watershed TAC, etc. Each of these committees enables staff to promote watershed management and water quality planning principles in local development and provides an avenue for staff to keep up-to-date on activities that may adversely impact coastal water quality.

Specifically, staff led or provided presentations at 9 meetings including the Snapshot Day Coast Wide Training Workshop in March, the Water Quality Protection Program meetings in March, the Monterey County Information Exchange in June, the Morro Bay NEP Implementation Committee in February and May, and meetings with the State Coastal Conservancy regarding agency coordination and program development in May.

#### **Monterey Bay National Marine Sanctuary – Water Quality Protection Program:**

The WQPP is a multi-agency/stakeholder working group charged with providing staff time to the coordination and implementation of the Sanctuary's Water Quality Action Plans. Presently the Sanctuary is undergoing a 10-year federal review. As part of that review, each of the current action plans is being evaluated regarding status of implementation and possible modifications. Staff has participated in both the review of four existing water quality action plans and has participated in the development of an action plan regarding the closure of beaches due to bacterial contamination.

#### **Monterey Bay Sanctuary Beach Closures Action Plan:**

Staff participated in three meetings where local municipalities, government agencies and nongovernmental organizations worked together to develop a Sanctuary Action Plan regarding the closure of beaches due to bacterial contamination. Results of these meetings are being presented to the Sanctuary Advisory Council for possible adoption in July.

#### **Morro Bay National Estuary Program:**

Staff has been an active member of the Morro Bay NEP Implementation Committee, and has helped select priority restoration and acquisition opportunities for funding. Staff has also provided updates to the

committee regarding the Central Coast Wetland GIS program and regarding citizen monitoring opportunities and management measures for harbors and marinas.

**Development of mapping and other technical analysis tools:**

Staff from the CCC Water Quality and Technical Assistance Units has been working together to create a Central Coast Wetlands GIS database (CCCWGIS), supported by funding from the USEPA. The project will create a comprehensive set of GIS data layers of wetlands and land uses adjacent to the Morro Bay. This project is intended to provide critical information on wetland resources that will help guide future habitat and water quality decision making as well as become the model from which to build a comprehensive database for the entire central coast. The work to build this database has led to an increased coordination with other regional wetland inventory efforts. Members of the CCWGIS working group are also participating in the development of the California Rapid Assessment Methodology and a State Wetlands Inventory, as well as participating in the development of a coastal update for the National Wetlands inventory.

**Central Coast Watershed Workgroup:**

Staff initiated a meeting in May to continue the process of creating a Central Coast Watershed Workgroup. The meeting included representatives from the Coastal Conservancy, the Coastal Commission, the State Resources Agency, the Environmental Protection Agency, and the San Francisco Joint Venture to discuss mechanisms and next steps in creating this Workgroup. The final decision was to use dedicated funds (\$75,000) to support a regional coordinator to work with stakeholders within each of the central coast counties to develop a framework and scope of responsibilities for such a work group.

**Task 1.4 Application of LCP Guidance: City of Monterey RECAP**

Staff is continuing to coordinate the review of LCPs through standard guidance information. Specifically, lessons learned from the San Luis Obispo County Recap and the creation of the Malibu LCP have enabled staff to generate specific guidance documents to assist in the Regional Cumulative Assessment for the Monterey County LCP. Six guidance documents are being generated to guide the review and comment of LCPs as to its ability to protect water quality and meet all of the appropriate Management Measures as outlined in the States Non-Point Source Control Plan. Topics include Grading, Site Design, Source and Treatment Control, and Watershed Planning. Each section reviews issues associated with the potential risk of development to water quality and methods to minimize these impacts. These documents have guided staff in their review of the Monterey County General Plan (which include the Monterey County LCP), the Monterey city LCP and the Carmel LCP. This guidance, using standard findings, justification and scientifically based conclusions, will help to ensure state-wide consistency. In addition, these documents enable staff to spend more time reviewing regional issues, such as flood control and stream corridor management.

**Task 1.5 Coastal Development Permit/Local Coastal Program review**

The WQU staff provided review and consultation to Commission analysts on approximately 40 CDPs, 9 LCP amendments and updates, 2 federal consistency reviews, and 1 appeal. WQU staff worked with CCC analysts to investigate NPS and other water quality issues and develop appropriate management practices and/or management measure recommendations for these projects. The CDPs reviewed ranged from small single-family residences to large subdivisions and commercial and industrial developments. For example, staff worked with the McClure Dairy in Inverness, Marin County, to ensure that the proposed freestall barns and manure pond will achieve 100% containment of manure produced during the rainy season. WQU staff also reviewed the submitted erosion and sediment control plan and provided suggested modifications to minimize environmental impacts associated with construction phase erosion and runoff. Staff also worked with Commission Enforcement Officers to conduct site visits at Seadrift Lagoon in Marin County where two sites were cleared prior to issuance of a permit. WQU staff immediately recommended the installation of erosion blankets and silt fences at the toe of slopes

adjacent to the Lagoon. Staff also requested the appropriate stockpiling procedures to be followed on-site. In a single-family residence (SFR) project in Ventura County, WQU staff worked closely with Commission analysts to condition the design and siting of an on-site septic system. This SFR was to be located on a very constrained site on a bluff top not serviced by the local wastewater utilities, and where geologic instability was an issue.

### **Significant Projects**

**Seabridge (City of Oxnard)** – WQU staff reviewed the appeal against the City of Oxnard permit for development of the Seabridge project. The Seabridge project was a housing/commercial development in the Channel Islands Harbor. The project was proposing new channels, public parks and beaches, walkways, access, and housing and commercial areas. The WQU staff worked with CCC staff to review the design of the development and ensure that appropriate BMPs were to be implemented during and post construction to protect water quality.

**Pacifica State Beach Master Plan (San Mateo County)** – WQU staff reviewed and provided comments on the proposed public improvements for several sub-projects including: parking lots, coastal trail, multi-purpose trails, bathroom reconstruction, beach restoration, environment education center, constructed treatment wetland, and wetland restoration. A site visit was also conducted.

**Perenchio (Malibu, Los Angeles County)** – WQU staff provided recommendations for NPS BMPs for the proposed development of a 10-acre golf course on property adjacent to Malibu Lagoon.

### **Significant LCPs**

During the second half of fiscal year 02/03, WQU staff provided water quality guidance for several LCP updates and amendments. Staff provided the County of Humboldt with water quality-related guidance materials for their LCP update. These included select portions of the draft LCP development guidance materials as mentioned above, the Malibu LCP, Dana Point draft model policies, the grading permit checklist from San Diego County, and the MURP Internet resources list and permeable pavement links.

WQU staff continued to work with the staff of Redondo Beach to incorporate essential NPS elements into their LCP amendment. Several meetings were held between the end of January and mid-March to discuss issues related to the process. The work involved included: drafting suggested modifications to the proposed LCP amendment; presentation of suggested modifications to the City; and reviewing the City's edits and suggesting additional modifications where appropriate.

The WQU staff also worked with the County of Sonoma to initiate their LCP amendment process. Several phone conversations took place between the WQU and County staffs where the County was informed of the availability of the Malibu LCP as a possible "model", and other desired components to be incorporated into their LCP. The WQU staff also was invited to participate in the County's consultant selection and interview process. The aim was to choose a consultant who can best work with both the County and CCC staffs, and possesses a solid understanding of the NPS issue and how it can be addressed in a LCP. The WQU staff reviewed the submitted Statements of Qualifications from four firms and participated in their interviews.

WQU staff provided consultation to the City of Fort Bragg in amending their LCP to include a chapter for aquaculture. The WQU staff drafted both the policies and implementation plan. The focus was on preventing the excess loading of feed and the associated suspended solids. A meeting was also held with City staff to discuss potential water quality improvement projects in the Fort Bragg area.

WQU staff also met with the County of Santa Barbara staff to discuss their LCP amendment on April 2<sup>nd</sup>. The WQU staff worked extensively with the County of Santa Barbara to amend their LCP to include a plan for long-term development of greenhouses in the Carpinteria Valley. The WQU staff wrote the LCP

policies and implementation language for greenhouse development related to water quality issues. On June 5<sup>th</sup>, staff took a greenhouse tour in Carpinteria for the county's LCP amendment.

WQU staff continued to work with the City of Dana Point regarding their Headlands LCP amendment. Specifically, staff has been providing comments and suggestions to the City of Dana Point. The correspondence has for the most part been via email, phone calls, and letters.

The WQU staff also worked with the City of Laguna Beach to amend their LCP. Comments were provided on their draft amendment. A phone conference took place on June 24<sup>th</sup> to provide more detailed feedback to City staff on revising the Water Quality and Conservation section of the City's Open Space/Conservation Element of the Land Use Plan.

Staff also worked on the development of two initial LCP submittals for the cities of Carmel and Monterey. Through a number of meetings over several months, the staffs of the cities and the CCC were able to reach substantial agreement on water quality policies for the LCPs proposed to the Coastal Commission for certification. The policies included permit review modifications, development review mechanisms for impacts to water quality, sizing and selection guidelines for BMPs and enforcement mechanisms. The Commission at their February hearing adopted the Carmel LCP. The Monterey LCP submittal was withdrawn due to outstanding issues other than water quality.

## **Task 1.6 Critical Coastal Areas**

California's Critical Coastal Areas (CCA) Program is an innovative program to foster collaboration among local stakeholders and government agencies, to better coordinate resources and focus efforts on coastal-zone watershed areas in critical need of protection from polluted runoff. Beginning with four pilot CCAs, the CCA Program will form teams of local stakeholders (watershed groups, special interest organizations, and community members) and government agencies (state, federal, and local) to develop community-based CCA Action Plans for addressing polluted runoff that threatens coastal resources within these CCAs. The CCA Action Plan will integrate and build on existing local watershed protection and restoration efforts, identify needs and available resources, focus the attention of responsible agencies, and coordinate with other relevant water quality protection programs. A webpage is available with more information about this program (<http://www.coastal.ca.gov/nps/cca-nps.html>).

Staff has continued to lead the statewide Critical Coastal Areas Committee. The committee has identified a list of 101 Critical Coastal Areas along the Coast and within San Francisco Bay. In addition, the committee has developed a Draft Strategic Plan which outlines the steps to be taken from CCA identification to implementation. This strategic plan was presented in March to a joint hearing of the Coastal Commission and the State Water Resources Control Board (SWRCB).

CCC staff is currently working with staff from the SWRCB, Regional Water Boards, California Department of Parks and Recreation and other state agencies to inform the local stakeholders and government agencies about the CCA program and solicit their input on the list and the strategic plan. Public "Information Exchange Forums" are being held in 9 locations along the coast with afternoon and evening meetings in most locations. This intensive outreach effort has helped to get the word out about this new program and has the promise of creating new partnerships for CCA action plan development.

In order to build on existing programs, the CCA Committee has distributed a CCA survey (<http://www.coastal.ca.gov/nps/cca-survey.pdf>) to local interest groups. This "State of the CCA" survey will be designed to assess water quality problems associated with each CCA, describe past and current efforts to address these problems, identify local interest groups, and evaluate other relevant information for the CCA. These Surveys were distributed during the Central Coast Information Exchange Forums held in June and will be distributed at future workshops to be held in July. Workshop comments have been beneficial and numerous local groups have voiced interest in participating as a CCA pilot project. Other groups have discussed the benefits of the program, but commented that they have already

achieved many of the objectives of the CCA program. This information will be included in the surveys that they submit and will be helpful in deciding where best to initiate CCA pilot projects.

Based on the comments from the workshops and CCA surveys, the Regional Committees will select the CCA pilot projects for action plan development. The State CCA committee will review the comments provided through the regional workshops and will then adopt a list of the pilot project CCAs. The regional CCA committees will then begin the planning and implementation process for these pilot projects.

### **Task 1.7 Public Education - California Snapshot Day**

**Water Quality Snapshot Day:** The Central Coast Snapshot Day, a coordinated citizen water quality monitoring effort, has been an incredible success. The program has helped to coordinate the sampling and reporting programs of numerous local watershed groups in the California Central Coast and has resulted in sampling of up to 120 different streams on a single day. The Commission has participated and supported (through staff time and a Whale Tale license plate grant) the continuation and expansion of this event over the past three years.

Building on this program and with funding assistance from the State Water Resources Control Board and the USEPA, the a team of dedicated stakeholders, agency staff and the general public orchestrated a California Coast-Wide Snapshot Day event on May 17<sup>th</sup>, 2003 that had participation from citizen monitoring groups along the entire coast of California.

Volunteers spent Saturday, May 17, testing the quality of water in California's coastal watersheds. The event is the first water quality monitoring effort to monitor creeks and rivers along the entire coast of California. This coast wide "Snapshot" Day – was a one-day, simultaneous water quality monitoring event where trained volunteers collected important information about the health of coastal waters flowing into the Pacific Ocean.

This Coast-Wide Snapshot Day included volunteers collecting water samples from the Oregon Border into Mexico. An estimated 565 water bodies were sampled including several sites in Mexico. Over 679 volunteers (including many in Mexico) came out to work together to collect the largest simultaneous set of data on coastal streams of California. Parameters measured include temperature, pH, conductivity, turbidity, and dissolved oxygen. Collected samples were also sent to participating laboratories for analysis of nutrients and bacteria concentrations.

Once the data return from the participating laboratories and is checked for accuracy, they will be available at the Coastal Commission web site. A final report on this event is expected to be completed in November of this year.

### **Task 1.8 Staff Training**

**Attend monthly staff review meetings and provide NPS fact sheets.** The WQ Unit staff continued to participate in monthly staff review meetings for the Coastal Commission's six districts. These meetings occurred at the end or beginning of each month. Each assigned WQ Unit staff would participate to discuss all the ongoing or upcoming cases with water quality implications with the respective analysts. Staff also presented NPS lessons in these meetings. For January, February, and March of 2003, staff presented lessons entitled, "Vegetated Swales", "The 85th Percentile Standard", and "Site Design Principles and Practices", respectively.

For April, staff prepared and presented a resource guide entitled, "Permeable Pavement Resources". This guide contained Web links to fact sheets and articles about permeable pavement products and the design specifications. For May and June, staff presented NPS lessons entitled, "Permeable Pavements:

Put Parking Lots to Work for Better Stormwater Management” and “Nonpoint Education for Municipal Officials: The National NEMO Network and the California NEMO Partnership”, respectively. The resource guide and NPS lessons have been placed on CCC’s WQ Intranet site along with the in-house Procedural Guidance Manual for Addressing Polluted Runoff.

**Update and maintain in-house Management Practice database.** The WQ Unit staff continued to maintain and populate the management practice database. 27 cases have been added to the database during the second half of FY 02-03. The information entered included management practices and their requirements in CDPs, LCPs, enforcement, or federal consistency cases. The database provides an institutional memory of past NPS experiences to ensure consistency in application of WQ measures and practices.

**Conduct internal staff training on use of LCP development guidance document.** The WQ Unit worked closely with internal staff in developing and amending LCPs for Humboldt County, City of Dana Point, City of Redondo Beach, Sonoma County, Santa Barbara County, Fort Bragg, and Laguna Beach during the second half of FY 02-03. The WQ Unit staff has also been introducing the LCP guidance document at the monthly staff review meetings. Commission analysts are learning to apply the NPS elements contained in the guidance while providing comments for its further improvement.

## **PART II**

### **SAN FRANCISCO BAY CONSERVATION**

#### **AND**

### **DEVELOPMENT COMMISSION**

### **NOAA GRANT NO. NA 170Z2327**

#### **BCDC SECTION 306-MANAGEMENT PROGRAM IMPLEMENTATION**

##### **PERMIT AND CONSISTENCY DETERMINATION STATISTICS.**

Between January 1 through June 30, 2003, the Commission received four applications for a major permit, 0 requests for major consistency determinations, 0 requests for a material amendment to a Commission permit, 72 requests for non-material amendments, 18 applications for administrative permits, and four administrative consistency determinations. Five applications were received for regionwide permits, six applications were received for abbreviated regionwide permits, and two applications were received for Suisun Marsh development permits. One emergency permit application was received. These statistics do not reflect the extensive work with applicants, local governments, and the public prior to the actual filing and formal processing of applications.

During the January 1 through June 30, 2003 reporting period, the Commission issued five major permits, and one material amendment to a Commission permit. The Commission also issued one emergency permit, 32 non-material amendments, 13 administrative permits/consistency determinations, four regionwide permits, and three abbreviated regionwide permits. All permits issued by the Commission include conditions regarding the timing of construction and conditions under which construction should occur.

##### **MAJOR ACTIONS**

### **The Commission acted on the following major items:**

Issued a permit to the California Department of Transportation to construct a High Occupancy Vehicle lane on Highway 101 at the Corte Madera Bridge in the City of Larkspur, Marin County. The project will widen the existing median, reconfigure traffic lanes to accommodate two new HOV lanes, one in each direction, and implement a variety of public access improvements. (BCDC Permit No. 3-02);

Issued a permit to the Santa Clara Valley Water District to construct flood control improvements along Alviso Slough and in adjacent salt ponds, in the community of Alviso, within the City of San Jose, Santa Clara County. The project will raise the height of 2,850 feet of levee, install two flood walls along the levee, construct a 82,764-square-foot overflow weir, armor a 52,272-square-foot portion of salt pond levee, and provide public access signs and other public access improvements (BCDC Permit No. 5-02);

Issued a permit to the Port of San Francisco and San Francisco Waterfront Partners and LLC to rehabilitate Piers 1-/2, 3 and 5 bulkhead buildings, the Pier 3 shed and the Delta King and Queen Lounge in the City and County of San Francisco. The building will be rehabilitated in accordance with the Secretary of the Interior's Standards for Rehabilitation of historic structures to provide a mix of office (60,017 square feet), restaurant/café (15,785 square feet) and limited retail uses (1,400 square feet). In addition, floats and tie-ups for water taxis and small, private craft will be constructed and a wooden boardwalk along the bayside of the rehabilitated structures provided for public access (BCDC Permit No. 7-02);

Issued a material amendment to BCDC Permit No. 1-00 to the Port of San Francisco, Ferry Building Investors, LLC, and the Ferry Building Associates, LLC to operate a farmers market on a 49,000-square-foot portion of the existing Ferry Plaza platform located bayward of the Ferry Building, in the City and County of San Francisco. In addition, the amendment authorized minor improvements to the platform to accommodate the farmers market and made a few revisions to the original permit;

Issued a permit to the Weber Trust and the University of California Regents to construct a residential project along Glascock Street in the City of Oakland, Alameda County. The project will demolish eight existing, industrial structures, remediate contaminated soil and construct a 100-unit condominium project with public access improvements (BCDC Permit No. 3-03); and

Issued a permit to Rhodia, Inc. to remediate soils and sediments contaminated with copper and zinc in and adjacent to Peyton Slough, in the City of Martinez, Contra Costa County. The project will remove 24,236 cubic yards of contaminated soils over an approximately 333,187-square-foot area, create a new slough approximately 500 feet east of the existing slough, relocate an existing tidal control structure, reroute water flow to the new slough alignment, and place an engineered cap in the existing slough (BCDC Permit No. 6-02).

### **ENFORCEMENT PROGRAM**

Under this program, which began in 1977, the Commission investigates reports of unauthorized fill and construction within its jurisdiction and reviews all permits issued since September 1965 for compliance with various ongoing permit terms and conditions. In most cases, the staff resolves enforcement matters through voluntary compliance. However, the Commission sometimes finds it necessary to commence formal administrative enforcement proceedings or to initiate litigation to correct violations.

Between January 1, and June 30, 2003, the staff initiated 24 new investigations and continued its investigations into 170 previously initiated cases. During this period, the staff resolved 43 cases without Commission action, and issued 5 enforcement related permit and 18 enforcement related permit amendments. The Commission issued 0 cease and desist orders during this period.

### **Accomplishments**

At its meeting on January 17, 2002, the Commission adopted the recommendations of the Compliance and Enforcement Task Force to improve the Commission's enforcement program. As of June 30, 2003, (1) the proposed amendments to the Commission's regulations obtained final approval from the Office of Administrative Law and are now in use, (2) the staff closed 11 of its 26 oldest enforcement cases, (2) the staff developed and implemented use of a systematic permit monitoring program, and (3) the staff developed and implemented use of new permit special conditions both to improve the enforceability of the BCDC permits and to decrease the potential of a permittee to violate its permit. The previously-discussed

proposed amendments to the McAteer-Petris Act are pending because they were converted by our legislative sponsor to a two-year bill.

## BCDC SECTION 309-MANAGEMENT PROGRAM ENHANCEMENTS

### BAY INFORMATION AND ANALYSIS SYSTEM

The objectives of the Bay Research and Analysis Tool project are to:

- Identify, obtain, configure, and distribute geographic and tabular information to expand the analysis and research capabilities of BCDC staff. The purpose of this expanded research is to enable BCDC to better manage the San Francisco Bay segment of the coastal zone.
- Design and implement a pilot project (the Bay Research and Analysis Tool) using the Environmental Systems Research Institute (ESRI) ArcView Integrated Management Server (ArcIMS) software. This pilot project will be designed to be easy to use and access, provided to BCDC staff on their desktops.
- Customize the pilot ArcIMS project for BCDC staff and provide access through BCDC's existing intranet.
- The following section describes status and implementation of subtasks under Section 309, Task 2 that have occurred during the period January 1, 2003 to June 30, 2003. This work was carried out under Award Grant No. NA17OZ2327.

#### **Task 1. Needs Assessment.**

This task is complete and the product was provided with the July 1, 2002 through December 31, 2002 semi-annual report.

#### **Task 2. Design of Pilot Project, Begin Digitizing Data, Install Software.**

The purpose of Task 2 is to install the software, design the project and begin digitizing data. The installation of the software is 100 percent complete, approximately 25 percent of the digitizing of the data has been completed and the design of the project is 100 percent complete. Based on the outcome of the needs assessment conducted during the previous reporting period, staff continued the ongoing process of designing both the technological and functional aspects of the pilot tool. The following provides further information on several categories of the design phase. Portions of Task 2, installing the software and designing the system, were to be completed by March 31, 2003. Both of these tasks are 100 percent complete.

**Research.** Staff undertook research of websites utilizing ArcIMS to identify information on site design and available functions, including types and depth of information available and the level of complexity for users. In addition, general research on ArcIMS continued, including opportunities and limitations of the ArcIMS software, identification of any additional software that might improve or extend the functions of ArcIMS for BCDC's needs, and the availability and cost of any such additional software.

**Data Inventory.** BCDC existing digital data and associated metadata files were inventoried and catalogued, and data specifically to be used for BRAT were identified and organized.

**Project Options.** Staff identified the appropriate balance between the possible functions available using ArcIMS and the amount of data that can be provided, with the current level of knowledge that most BCDC staff members have of GIS and the amount of time available to manage and maintain the tool. In addition, useful tools and scripts in existing GIS projects were identified for use in BRAT.

**Coordination with Other Agencies and Organizations.** Staff has coordinated with other state and regional agencies and non-governmental organizations (including the Association of Bay Area Governments, the California Coastal Commission and GreenInfo Network) regarding identification, accumulation and configuration of data and the design of BRAT. Discussion topics have included compatibility of data among agencies and the need for data consistency and accuracy. In addition staff has discussed the possibility of sharing a website in the future, hosted by one agency with assistance from other agencies, that would house data and be available to the public. Finally, staffs at other agencies that are using ArcIMS were contacted to discuss problems with configuration, user issues and the maintenance and management requirements of an ArcIMS project.

**Placement of BRAT on BCDC's Intranet.** Internal coordination between staff working on BRAT and BCDC's Information Technology staff continued, in an effort to determine the steps needed to place BRAT on BCDC's intranet and the appropriate timing. In addition, coordination continued to ensure compatibility of BRAT with BCDC's newly developed Permit Tracking System to enable future linkages.

**BCDC Staff Working Group.** Work continued with the internal Staff Working Group convened in the previous reporting period. Members of the working group provided feedback on design ideas and assisted with the identification, gathering and digitizing of data.

**Begin Digitizing Data.** Based on the results of the needs assessment conducted during the previous reporting period, staff identified desired data for inclusion in BRAT that were not yet available in digital form. With assistance from members of the BCDC Staff Working Group, data on BCDC projects (including information on project location and applicant's name) have been identified and a program for digitizing the information identified has been developed. In addition, data on BCDC approved public access was digitized and will be incorporated in BRAT. Work on the digitizing portion of Task 2 is 25 percent complete.

The amount and type of information to be digitized for use in the BRAT pilot project will be prioritized by the accessibility of the data and the availability of staff resources. Approximately 25 percent of the digitizing work is complete.

**Install Software.** Staff coordinated with staff of the California Coastal Commission to load the ArcIMS software and began testing to ensure the software is configured adequately and functioning properly. This portion of Task 2 is complete.

**Third Semi-Annual Period Tasks.** During the next reporting period, July 1, 2003 through December 31, 2003, staff will: (1) refine the design of BRAT; (2) complete digitizing the data; (3) place the project on BCDC's intranet; (4) test the project; (5) develop a training program and train staff; and (6) develop a recommended project management and maintenance system.

## **BCDC §6217 NONPOINT SOURCE POLLUTION (NPS) CONTROL**

The purpose of this program is to identify ways the Commission can help to address and control nonpoint source pollution consistent with BCDC's adopted Nonpoint Source Pollution Work Program.

This task, which is complete, was carried out under Contract No. NA170Z2327. The following section describes the work completed under each subtask during the period January 1, 2003 through June 30, 2003.

### **Task 1.: Adopt Bay Plan Amendment.**

On June 19, 2003, the Commission adopted Bay Plan Amendment N0. 8-02 this amended the San Francisco Bay Plan (Bay Plan) water quality findings and policies regarding control of nonpoint source pollution. The amendment was forwarded to the state Office of Administrative Law (OAL) for review and certification as required under the California Administrative Procedures Act and will be forwarded to NOAA for its review and concurrence that the amendment is routine program change of the Commission's management program for San Francisco Bay.

The Commission held public hearings on October 17, 2002, November 7, 2002 and June 5, 2003 to consider the staff's report *Water Quality Protection and Nonpoint Source Pollution Control in San Francisco Bay* (report is attached) and the staff proposed changes to the Bay Plan water quality findings and policies, and approved the amendments on June 19, 2003. The staff also held four public workshops, on December 17, 2002, February 5, 2003, February 24, 2003, and March 17, 2003 to allow interested parties to gain a better understanding of the staff report and to comment on the proposed Bay Plan findings and policies changes. (Agendas and minutes for the February and March 2003 workshops are attached.)

At the December 17, 2002 workshop, the participants requested that BCDC hold an additional workshop to give them a better understanding of how the existing BCDC water quality policies are currently implemented and how proposed policies might be implemented on the ground. A set of "next steps" to help move the Bay Plan amendment forward was also decided. These steps included: (1) holding a "projects" workshop, (2) forming a small group to review the Staff Report for accuracy, (3) holding a workshop to discuss any modifications to the specific language of the proposed findings and policies, and (4) revising the Staff Report and bringing it back to the Commission. In response, the staff held a second workshop on February 5, 2003, discussed several projects that the Commission had permitted and described how water quality issues were addressed and might be addressed under proposed water quality policies. At least 21 people representing State, local, private interests and Port representatives attended. On February 24 and March 17, 2003, staff held additional workshops at which participants and BCDC staff reviewed, discussed and suggested specific changes, line by line, to proposed water quality findings and policies language. At least 16 people attended the February workshop.

Staff mailed the preliminary staff recommendation and its revised May 2003 staff report, entitled *Water Quality Protection and Nonpoint Source Pollution Control in San Francisco Bay*, to the Commissioners and interested parties on May 23, 2003 (see attached preliminary recommendation and revised May 2003 staff report). The Commission held and then closed a public hearing on June 5, 2003, and staff prepared a final staff recommendation regarding revisions to the Bay Plan's water quality section findings and policies pertaining to nonpoint source pollution, in response to testimony and written comments received at the June 5 hearing. On June 13, 2003, the staff mailed the final recommendation to Commissioners and interested parties (see attached final staff recommendation). At its June 19, 2003 Commission meeting, the Commission voted to approve amendments to the water quality section of the Bay Plan. (See Resolution 03-02 attached). The amended findings and policies will be submitted to the state Office of Administrative Law (OAL) for review of the amendment procedure consistency with the state Administrative Procedures Act. After OAL review, the amended findings and policies, which will constitute routine program change of BCDC's coastal management program, will be submitted to NOAA for review and concurrence that the Bay Plan amendment is routine program modification. Upon NOAA's concurrence, the water quality section of the Bay Plan will be reprinted, copies of the reprinted section will be mailed to all interested parties, and the Bay Plan will be updated on BCDC's web site.

## **Task 2.: Hold Marinas and Recreational Boating Nonpoint Source Task Force Meetings.**

Staff held two San Francisco Bay Marina Task Force meetings, one in January 2003 and one in May 2003 (agendas, handouts and minutes attached). Twenty people (including staff) representing marina businesses, marina managers, state and local agencies, environmental organizations and the public attended both meetings. At the January meeting, staff provided participants with an update on the status of the marina monitoring program, presented literature review findings on marina monitoring, discussed criteria for selecting marinas, and reported on the status of meetings with technical advisors. At the May Task Force meeting, staff provided information on the status of the monitoring project, and presented and discussed key elements of the marina water quality study design, including the marina selection process.

Staff also convened a Technical Advisory Committee for the project, and held a meeting on April 22, 2003 to discuss the scientific technical details of the marina study. Seven people were in attendance including staff (see attached agenda and meeting summary). Major topics covered included sampling methodology, selection of marinas, and reference site and storm drain issues.

This subtask is ongoing and will be carried over into the next fiscal year and grant period.

## **Task 3.: Supervise Marina water quality monitoring program noaa coastal fellow**

BCDC's Nonpoint Source Pollution Program Manager, Lisa Sniderman, has been working closely with Ms. Ruby Pap, NOAA Coastal Fellow, on the development of a pilot marina water quality monitoring study in San Francisco Bay. Ms. Sniderman provides guidance, support and consultation to Ms. Pap on the marina water quality monitoring project. For example, Ms. Sniderman reviewed and commented on work products including draft agendas, meeting materials, scope of work, study designs, and attended and participated in Task Force and TAC meetings with Ms. Pap.

This subtask is ongoing and will be carried over into the next fiscal year and grant period.

## **Task 4.: Continue Coordination with the State Board, Regional Board, and Coastal Commission and Participation in Nonpoint Source Pollution Control Programs**

BCDC staff continued to coordinate with the California Coastal Commission in the statewide boating and marina pollution control program (The Boating Clean and Green Campaign). As participants in the Campaign, the Commission collaborated in developing pollution prevention education and outreach strategies for San Francisco Bay. The Campaign conducted 5 trainings statewide, developed and distributed pollution prevention information (4,600 boater kits) to boaters, updated the Clean Boating website and distributed more than 5,000 "Boat Maintenance Checklists" all over the state including San Francisco Bay. The Campaign also developed boating publications such as the "Changing Tides," facilitated the Northern California Clean Boating Network meetings, developed and distributed 150 fuel dock signs, provided technical assistance to used oil program grantees in developing local clean boating programs, assisted marina operators in their effort to install services for boaters, provided a corps of Dockwalkers to assist in local outreach efforts, and supported local boater education efforts by coordinating cooperative purchasing of boater kits. Finally, the Campaign developed the second draft of the "California Clean Marina Guidebook" for public review and comment.

Staff also has actively participated in other nonpoint source pollution efforts such as the state's Interagency Coordinating Committee (IACC) and subcommittees, which has been working to further the collaboration between agencies as they develop their next five-year plans for nonpoint source pollution control. For example, staff attended three Marina IACC subcommittee meetings in Sacramento (January, March and May 2003), provided updates on BCDC's marina monitoring program and Bay Plan amendments and reviewed various work products. Staff attended bi-monthly IACC meetings in Sacramento or participated by phone and provided input and reviewed work products to help the State move forward on its Five-Year Plan. Staff continued its participation in the Critical Coastal Areas Committee (CCA), to help implement the California Plan for nonpoint source pollution control. To illustrate, staff helped identify proposed CCAs for San Francisco Bay and will be coordinating with the

Coastal Commission and State Board staff on an Information Exchange Forum for Critical Coastal Areas in San Francisco Bay to be held at BCDC on July 1, 2003.

Due to the extension of the Bay Plan amendment process, the Commission staff was unable to begin to work with the Regional Board to review BCDC's enforcement strategies to jointly develop a process for coordinating on enforcement cases involving nonpoint source pollution. This is included as part of a grant task for FY 03-04.

**Task 5.: Continue work on revising the memorandum of understanding with the state and regional water boards**

Staff has worked closely with the State and Regional Boards to assure development of similar or compatible policies. For example, the Regional and State Board staff participate on the San Francisco Bay Recreational Boating Nonpoint Source Task Force that BCDC hosts and BCDC staff participate on the Interagency Coordinating Committee and subcommittees that the State Board hosts. Further, State Board and Regional Board (and Coastal Commission) staff were active participants in BCDC's water quality workshops, reviewing and commenting on the revised staff report, providing input on the language of the proposed findings and policies, and providing oral and written letters of support for the proposed amendment. Staff will continue to work with these agencies to update the nonpoint source attachments to the MOU and now that the Bay Plan water quality amendment has been adopted by the Commission, staff has initiated with the Regional Board staff drafting amendments to the nonpoint source pollution control attachment.

## **NOAA GRANT NO. NA170Z2327** **CALIFORNIA COASTAL COMMISSION**

### TABLES AND EXHIBITS

<b><u>Exhibit 1</u></b>	<b><u>Coastal Commission Meeting Results</u></b>
<b><u>Exhibit 2</u></b>	<b><u>Post-Certification Summary Charts</u></b>
<b><u>Exhibit 3</u></b>	<b><u>Federal Consistency Permit Details</u></b>
<b><u>Exhibit 4</u></b>	<b><u>Commission Actions on LCPs</u></b>
<b><u>Exhibit 6</u></b>	<b><u>LCP Status Maps: Areas Effectively Certified and Areas of Deferred Certification</u></b>

**EXHIBIT 1-CCC PERMIT ACTIONS**

**Hard Copy Only**

**EXHIBIT 2-POST CERTIFICATION SUMMARY CHARTS**

July 8, 2003

Semi-Annual Post Certification Monitoring Report: January 1-June 30, 2003					
LCP Segment	Approved	Number	% Reported		%
	Permits Reported	Appealable	Appealable	Appeals	Appealed
Del Norte County	13	13	100%	1	8%
Crescent City	0	0	0%	0	0%
Humboldt County	45	23	51%	1	4%
Trinidad	10	10	100%	0	0%
Arcata	2	0	0%	0	0%
Eureka	1	1	100%	1	100%
Mendocino County	37	31	84%	2	6%
Fort Bragg	0	0	0%	0	0%
Point Arena	5	1	20%	0	0%
<b>No.Coast Subtotal</b>	<b>113</b>	<b>79</b>	<b>70%</b>	<b>5</b>	<b>6%</b>
Sonoma County	6	1	17%	0	0%
Marin County	17	17	100%	2	12%
San Francisco County	1	0	0%	0	0%
Daly City	0	0	0%	0	0%
Pacifica	0	0	0%	0	0%
Half Moon Bay	20	12	60%	0	0%
San Mateo County	23	14	61%	2	14%
<b>No.Central Coast Subtotal</b>	<b>67</b>	<b>44</b>	<b>66%</b>	<b>4</b>	<b>9%</b>
Santa Cruz County	57	30	53%	1	3%
Santa Cruz City	17	2	12%	0	0%
Capitola	6	4	67%	1	25%
Watsonville	0	0	0%	0	0%
Monterey County	76	59	78%	0	0%
Marina	0	0	0%	0	0%
Sand City	0	0	0%	0	0%
San Luis Obispo County	76	76	100%	6	8%
Morro Bay	4	4	100%	1	25%
Pismo Beach	25	14	56%	0	0%
Grover Beach	1	0	0%	0	0%
<b>Central Coast Subtotal</b>	<b>262</b>	<b>189</b>	<b>72%</b>	<b>9</b>	<b>5%</b>
LCP Segment	Approved	Number	% Reported		%
	Permits Reported	Appealable	Appealable	Appeals	Appealed
Santa Barbara County	62	12	19%	0	0%
Guadalupe	0	0	0%	0	0%
Santa Barbara City	4	4	100%	0	0%
Carpinteria	11	8	73%	1	13%
Ventura County	13	11	85%	0	0%

San Buenaventura	14	12	86%	0	0%
Oxnard	12	11	92%	4	36%
Port Hueneme	0	0	0%	0	0%
<b>South Central Coast Subtotal</b>	<b>116</b>	<b>58</b>	<b>50%</b>	<b>5</b>	<b>9%</b>
LA Co. Marina del Rey	0	0	0%	0	0%
LA Co.Santa Catalina Is.	0	0	0%	0	0%
LA City	15	15	100%	3	20%
El Segundo	0	0	0%	0	0%
Manhattan Beach	5	5	100%	1	20%
Palos Verdes Estates	6	6	100%	1	17%
Rancho Palos Verdes	0	0	0%	0	0%
Long Beach	22	13	59%	1	8%
Avalon	0	0	0%	0	0%
Orange Co.Sunset Beach	1	1	100%	0	0%
Orange Co.Bolsa Chica	0	0	0%	0	0%
Orange Co.Newport Coast	1	1	100%	1	100%
Orange Co. Aliso Viejo	0	0	0%	0	0%
Orange Co. Aliso Creek	0	0	0%	0	0%
Orange Co. Emerald Bay	4	4	100%	0	0%
Orange Co.South Laguna	0	0	0%	0	0%
Huntington Beach	6	6	100%	0	0%
Irvine	0	0	0%	0	0%
Laguna Beach	25	7	28%	1	14%
Laguna Niguel	0	0	0%	0	0%
Dana Point	13	7	54%	0	0%
<b>South Coast Subtotal</b>	<b>98</b>	<b>65</b>	<b>66%</b>	<b>8</b>	<b>12%</b>
County of San Diego			<b>0%</b>		<b>0%</b>
Oceanside	6	4	<b>67%</b>	0	<b>0%</b>
Carlsbad	18	5	<b>28%</b>	1	<b>20%</b>
Encinitas	12	12	<b>100%</b>	0	<b>0%</b>
Del Mar	23	11	<b>48%</b>	0	<b>0%</b>
San Diego City	45	15	<b>33%</b>	2	<b>13%</b>
Coronado	0	0	<b>0%</b>	0	<b>0%</b>
National City	2	2	<b>100%</b>	0	<b>0%</b>
Chula Vista	2	2	<b>100%</b>	0	<b>0%</b>
<b>LCP Segment</b>	<b>Approved</b>	<b>Number</b>	<b>% Reported</b>		<b>%</b>
	<b>Permits Reported</b>	<b>Appealable</b>	<b>Appealable</b>	<b>Appeals</b>	<b>Appealed</b>
Imperial Beach	9	2	<b>22%</b>	0	<b>0%</b>
<b>San Diego Coast Subtotal</b>	<b>117</b>	<b>53</b>	<b>45%</b>	<b>3</b>	<b>6%</b>
<b>6 Month Statewide TOTALS</b>	<b>773</b>	<b>488</b>	<b>63%</b>	<b>34</b>	<b>7%</b>

**EXHIBIT 3-FEDERAL CONSISTENCY MONITORING REPORTS**

**CONSISTENCY CERTIFICATION  
1/1/2003 THROUGH 7/1/2003**

<b>FEDERAL AGENCY:</b>	<b>TYPE OF</b>	<b>ACTION:</b>
Corps of Engineers, Los Angeles District	404 Permit	no effect
Corps of Engineers, Los Angeles District	404 Permit	concur
Corps of Engineers, Los Angeles District	404 Permit	no effect
Corps of Engineers, Los Angeles District	404 Permit	concur
Corps of Engineers, Los Angeles District	404 Permit	withdrawn
Corps of Engineers, Los Angeles District	404 Permit	no effect
Corps of Engineers, Los Angeles District	404 Permit	no effect
Corps of Engineers, Los Angeles District	404 Permit	concur
Corps of Engineers, Los Angeles District	103 Permit	concur
Corps of Engineers, Los Angeles District	404 Permit	no effect
Minerals Management Service	DPP	no effect
Minerals Management Service	DPP	no effect
Minerals Management Service	DPP	no effect
Minerals Management Service	DPP	no effect
Minerals Management Service	DPP	no effect
Minerals Management Service	DPP	no effect
U.S. Fish and Wildlife Service	Incidental Take	conditional

**CONSISTENCY DETERMINATIONS  
 1/1/2003 THROUGH 7/1/2003**

<b>FEDERAL AGENCY:</b>	<b>PROXIMITY TO COASTAL ZONE:</b>	<b>ACTION:</b>	<b>DAYS FOR REVIEW:</b>
Corps of Engineers, Los Angeles District	within and	concur	89
Corps of Engineers, Sacramento District	within	concur	57
Department of the Air Force	federal land	concur	33
Department of the Navy	federal land	concur	95
Department of Veterans Affairs	federal land	concur	35
National Marine Fisheries Service	within and	concur	2
National Marine Fisheries Service	seaward and	concur	1
National Marine Fisheries Service	within and	concur	58
National Park Service	federal land	concur	38
National Park Service	federal land	concur	25
Natural Resources Conservation Service	within	concur	43
U.S. Coast Guard	within	withdrawn	11

**FEDERAL ASSISTANCE ACTIVITIES  
 1/1/2003 THROUGH 7/1/2003**

<b>FEDERAL AGENCY:</b>	<b>TYPE OF PERMIT:</b>	<b>ACTION:</b>
Federal Highways	FEDERAL ASSISTANCE	no effect
Federal Highways	FEDERAL ASSISTANCE	no effect
Federal Highways	FEDERAL ASSISTANCE	no effect
U.S. Indian Health Services	FEDERAL ASSISTANCE	no effect

**NEGATIVE DETERMINATIONS  
 1/1/2003 THROUGH 7/1/2003**

<b>FEDERAL AGENCY:</b>	<b>PROXIMITY TO COASTAL ZONE:</b>	<b>ACTION:</b>	<b>DAYS FOR REVIEW:</b>
Bureau of Reclamation	federal land	concur	37
Corps of Engineers,	within	concur	43
Corps of Engineers,	within	concur	17
Corps of Engineers,	within	concur	27
Corps of Engineers,	within	withdrawn	24
Corps of Engineers,	within	concur	21
Department of the Air	federal land	concur	70
Department of the Army	federal land	concur	77
Department of the Navy	federal land	concur	41
Department of the Navy	federal land	concur	63
Department of the Navy	federal land	concur	71
Department of the Navy	within	concur	3
Department of the Navy	federal land	concur	26
Department of the Navy	within	withdrawn	72
Department of the Navy	within	concur	2
Department of the Navy	federal land	concur	6
Department of the Navy	federal land	concur	21
Department of the Navy	federal land	concur	53
Immigration and	within	concur	21
National Park Service	federal land	concur	39
U.S. Coast Guard	federal land	concur	55
U.S. Coast Guard	within	concur	491
U.S. Coast Guard	federal land	concur	42
U.S. Postal Service	within	concur	0

**EXHIBIT 4-COASTAL COMMISSION ACTIONS ON LCPS**

July 8, 2003

**LCP Semi-Annual Report No 1. 2003**  
*January 1,2003 through June 30, 2003*

<b>LCP Actions</b>	<b>Date of Action</b>	<b>Action</b>
City of San Diego LCP Amendment 2-01C Certification Review	1/9/03	Concurrence
City of Imperial Beach LCP Amendment 4-02A	1/9/03	Approval with Suggested Modifications
City of San Diego LCP Amendment 1-02A (La Jolla LCP update)	2/5/03	Approval with Suggested Modifications
City of Coronado LCP Amendment 1-02	2/5/03	Approval with Suggested Modifications
Port of San Diego Port Master Plan Amendment No. 34	2/5/03	Approved
City of Grover Beach LCP Amendment No. GRB-MAJ-1-02.	2/6/03	Approved
City of Long Beach LCP Amendment No. LOB-MAJ-3-02.	2/7/03	Approved
Port of Long Beach Port Master Plan Amendment No. 19	2/7/03	Approved
City of Huntington Beach LCP Amendment No. HNB-MAJ-1-02.	2/7/03	Approved
City of Imperial Beach LCP Implementation Amendment No. 4-02B.	3/4/03	Approved
City of San Diego LCP Amendment No. 1-02B.	3/4/03	Approval with Suggested Modifications
City of Laguna Beach LCP Implementation Amendment No. 1-02A.	3/4/03	Approved
San Luis Obispo County LCP Amendment No.SLO-MAJ-1-01-C	3/5/03	Approval with Suggested Modifications
Port of Long Beach Plan Amendment No. 19 Certification Review	4/8/03	Concurrence
City of Redondo Beach LCP Segmentation and Implementation	4/8/03	Segmentation Approved; LIP for Area One Approved with Suggested Modifications
City of Imperial Beach LCP Amendment No.2-02 Certification Review.	4/9/03	Concurrence
City of Coronado LCP Amendment No.1-02 Certification Review.	4/9/03	Concurrence
City of Carpinteria LCP Amendment No.1-01 (Plan Update) Certification Review.	4/10/03	Concurrence
City of Encinitas LCP Amendment No.1-02 (Recreational Trails Plan) Certification Review.	5/7/03	Concurrence
City of Pismo Beach LCP Amendment No.PSB-MIN-1-03 (Minor)	5/8/03	Approved
City of Monterey Harbor Segment LUP resubmittal ( MTC-LUP-Harbor-Sub-R4)	5/8/03	Approval with Suggested Modifications
City of Monterey Del Monte Segment LUP resubmittal ( MTC-Del Monte-3 <sup>rd</sup> -1)	5/8/03	Approval with Suggested Modifications

LCP Actions	Date of Action	Action
City of Santa Cruz LCP Amendment No.STC-MAJ-1-02-Part A	5/8/03	Approved
City of Santa Cruz LCP Amendment No.STC-MAJ-1-03-Part A	5/8/03	Approved
City of Santa Barbara LCP Amendment No.MAJ-1-02 Certification Review.	5/9/03	Concurrence
City of Carpinteria LCP Amendment No. MAJ-2-01	5/9/03	Approved
Public Works Plan Amendment PWP 4-82-A2 (Crystal Cove SP)	6/11/03	Approved with Conditions
Public Works Plan Specific Project PWP 4-82-14 (Crystal Cove SP)	6/11/03	Approved with Conditions
City of Santa Cruz LCP Amendment No. STC-MAJ-1-02 B	6/11/03	Approval with Suggested Modifications
City of Imperial Beach LCP Amendment No.4-02 (Hotel Specific Plan) Certification Review.	6/12/03	Concurrence
City of Encinitas LCP Amendment No.1-02 (Recreational Trails Plan) Certification Review.	6/12/03	Concurrence
City of Carlsbad LCP Amendment No. 1-03-A	6/12/03	Approved
City of Carlsbad LCP Amendment No. 1-03-B (Habitat Management Plan)	6/12/03	Approval with Suggested Modifications
City of Pismo Beach LCP Amendment No. PSB-MAJ-1-3 (Downtown)	6/12/03	Approval with Suggested Modifications
County of Humboldt LCP Amendment No. HUM-MAJ-2-2	6/13/03	Approved
City of Fort Bragg LCP Amendment No. FTB-MAJ-1-2	6/13/03	Approval with Suggested Modifications
City of Carpinteria LCP Amendment No.1-02-Minor Certification Review.	6/13/03	Concurrence
City of San Buenaventura LCP Amendment No. Maj-1-02 Certification Review.	6/13/03	Concurrence
UCSB LRDP Notice of Impending Development No. 4-03	6/13/03	Approved with Conditions
UCSB LRDP Notice of Impending Development No. 5-03	6/13/03	Approved with Conditions

Number of Actions this reporting period	
LCP Land Use Plans Approved with Suggested Modifications	2
LCP Implementation Plans Approved with Suggested Modifications	1
LCP Amendments Approved as Submitted in whole or in part	11
LCP Amendments Approved with Suggested Modifications	9
LCP Amendments Effectively Certified	10
Port Master Plan Amendments Approved with Conditions	2
Port Master Plan Amendments Effectively Certified	1
Public Works Plans Amendments Approved with Conditions	1
Public Works Plans Specific Projects Approved with Conditions	1
Long Range Development Plan (LRDP) Specific Projects Approved with Conditions	2

## **EXHIBIT 5-LCP STATUS MAPS: AREAS EFFECTIVELY CERTIFIED AND AREAS OF DEFERRED CERTIFICATION**

The six maps on the following pages show the areas effectively certified and areas of deferred certification in the six districts. Note that the digital maps are not included in the electronic report, but sent in a separate AutoCAD file.