

## CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
(415) 904-5260 FAX (415) 904-5400

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# NORTH CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT

*For the*

*January Meeting of the California Coastal Commission*

MEMORANDUM

Date: January 14, 2010

TO: Commissioners and Interested Parties  
FROM: Charles Lester, North Central Coast District Deputy Director  
SUBJECT: *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the North Central Coast District Office for the January 14, 2010 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

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

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

***DE MINIMIS WAIVERS***

1. 2-09-019-W Sonoma County Regional Parks (Bodega Bay, Sonoma County)

***EMERGENCY PERMITS***

1. 2-09-021-G Bart Willoughby; Farshid Samsami, Eellie Corp (Pacifica, San Mateo County)
2. 2-09-022-G Aimco Esplanade Avenue Apartments, Llc; Sean Finnegan (Pacifica, San Mateo County)

**TOTAL OF 3 ITEMS**

## DETAIL OF ATTACHED MATERIALS

### REPORT OF DE MINIMIS WAIVERS

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

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<b>2-09-019-W</b> Sonoma County Regional Parks	(1) Remove an existing wooden gangway and landing, (2) install a new aluminum gangway and abutment in the same location, (3) grade an approximately 1,350-square-foot area for disabled parking, loading areas, path of travel, and portable restroom pad, (4) install disabled parking signs, symbols and striping, (5) install a gravel infiltration drain between the paved parking and top of bank, and (6) install safety curbing, safety railing, and portable transfer module. The project also includes use of Best Management Practices (BMPs) during construction, including installation of silt fencing, proper debris disposal, and preparation of a Spill Prevention Plan	Eastshore Road (south terminus) near the intersection with Bay Flat Road - The project site has no Assessor's Parcel Number. It is part of the Tidelands Lease deeded through a State of California Legislative Grant to the County of Sonoma in 1952, Bodega Bay (Sonoma County)

### REPORT OF EMERGENCY PERMITS

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

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<b>2-09-021-G</b> Bart Willoughby Farshid Samsami, Eellie Corp	(1) Installation of approximately 2,000 tons of 4- to 6-ton rock rip-rap at the toe of the bluff, (2) construction of a temporary roadway down to the beach for construction access at the intersection of Esplanade Avenue and West Manor Road, and (3) placement of visqueen sheeting and installation of drain lines at the top of the bluff to direct drainage away from the bluff edge.	330 Esplanade, Pacifica (San Mateo County)
<b>2-09-022-G</b> Aimco Esplanade Avenue Apartments, Llc Sean Finnegan	Placement of approximately 7,500 tons of 4- to 8-ton rock rip-rap to an elevation of 26 feet along approximately 200 linear feet of shoreline. Work includes construction of a keyway excavated four feet into the underlying greenstone bedrock and installation of geotextile fabric.	360 Esplanade Avenue, Pacifica (San Mateo County)

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## NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER

DATE: January 4, 2010  
 TO: Sonoma County Regional Parks, Attn: Mark Cleveland  
 FROM: Peter M. Douglas, Executive Director  
 SUBJECT: Waiver of Coastal Development Permit Requirement:  
**Waiver De Minimus Number 2-09-019-W**

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13238 of the California Code of Regulations.

APPLICANT: Sonoma County Regional Parks, Attn: Mark Cleveland

LOCATION: At the Bodega Bay Sport Fishing Center located at the south terminus of Eastshore Road near the intersection with Bay Flat Road, Bodega Bay, Sonoma County.

DESCRIPTION: (1) Remove an existing wooden gangway and landing, (2) install a new aluminum gangway and abutment in the same location, (3) grade an approximately 1,350-square-foot area for disabled parking, loading areas, path of travel, and portable restroom pad, (4) install disabled parking signs, symbols and striping, (5) install a gravel infiltration drain between the paved parking and top of bank, and (6) install safety curbing, safety railing, and portable transfer module. The project also includes use of Best Management Practices (BMPs) during construction, including installation of silt fencing, proper debris disposal, and preparation of a Spill Prevention Plan.

RATIONALE: The proposed development will facilitate disabled access to the public recreation area along Bodega Bay and would not result in adverse impacts to existing public access or recreation facilities. The proposed signage is consistent with accessibility signage standards and would not block views to or along the coast or result in adverse visual impacts. The proposed project includes implementation of Best Management Practices (BMPs) to avoid adverse impacts to the water quality of Bodega Bay. Therefore, the proposed project would not adversely affect coastal resources and is consistent with all applicable Chapter 3 policies of the Coastal Act.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Thursday, January 14<sup>th</sup>, 2010 in Huntington Beach. If four Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal development permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,  
 PETER M. DOUGLAS  
 Executive Director

By: TIFFANY S. TAUBER  
 Coastal Planner



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**EMERGENCY PERMIT**

Farshid Samsami, Ellie Corp.  
200 Valley Drive #26  
Brisbane, CA 94005

Date: December 17, 2009  
Emergency Permit No. 2-09-021-G

**LOCATION OF EMERGENCY**

330 Esplanade Avenue, Pacifica (San Mateo County), APN 0009-413-030

**EMERGENCY WORK**

(1) Installation of approximately 2,000 tons of 4- to 6-ton rock rip-rap at the toe of the bluff, (2) construction of a temporary roadway down to the beach for construction access at the intersection of Esplanade Avenue and West Manor Road, and (3) placement of visqueen sheeting and installation of drain lines at the top of the bluff to direct drainage away from the bluff edge.

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information that an unexpected occurrence in the form of accelerated bluff erosion posing a threat to structures at 330 Esplanade Avenue requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services pursuant to 14 Cal. Admin. Code Section 13009. The Executive Director of the California Coastal Commission hereby finds that:

(a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this Emergency Permit; and

(b) Public comment on the proposed emergency development has been reviewed if time allows.

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

Sincerely,

 (for)  
PETER M. DOUGLAS

Executive Director

cc: City of Pacifica  
Bart Willoughby

Enclosure: Acceptance Form

**CONDITIONS OF APPROVAL:**

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Work is further limited to the installation of rock rip-rap and upper bluff drainage measures and maintenance consistent with the letter dated December 17, 2009 from Steven O'Connor, Principal Engineer of Engineered Soil Repairs, Inc. Any additional work requires separate authorization from the Executive Director.
3. All work shall take place in a time and manner to minimize any potential damages to any resources, including intertidal species, and to minimize impacts to public access.
4. The work authorized by this permit must be completed within 60 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
5. The applicant recognizes that the emergency work is considered temporary and subject to removal unless and until a regular coastal development permit permanently authorizing the work is approved. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as offers to dedicate, easements, in-lieu fees, etc.) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.
6. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
7. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the California Department of Fish & Game, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, and the California State Lands Commission.
8. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the applicant shall secure authorization from all involved property owners, including but not limited to the City of Pacifica, for use of any property not owned by the applicant for construction staging, stockpiling, and construction access purposes.

9. Public access to and along the shoreline in the project area shall be permitted and provided to the maximum extent feasible, consistent with public safety.

Construction Responsibilities:

10. The beach, city property, and all other areas used for construction staging and access purposes shall be kept free from any debris or trash not needed for construction. Daily debris haul shall be implemented.
11. No construction equipment or materials shall be stored on the beach.
12. If, at any time while the work authorized by this Emergency Permit is occurring, any marine mammals are located on or seaward of the subject property, work must immediately stop and the Property Owner must immediately call the Marine Mammal Center in Sausalito, CA or the National Marine Fisheries Service to report that a marine mammal is located on the beach. Work must not commence until either the animal is removed by the Marine Mammal Center or the National Marine Fisheries Service, or until the animal returns to the ocean on its own without any harassment.
13. Construction activities and equipment shall avoid Pacific Ocean waters and minimize beach disturbance to the maximum extent feasible by project design and implementation including, but not limited to, limiting construction to the lowest possible tides. No construction equipment, materials, or debris shall be placed where they may be subject to ocean waters or dispersion.
14. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach and/or the adjacent marine environment are prohibited. The Permittee shall collect, contain, and properly dispose of all construction leaks, drips, by-products, and any similar contaminants through the use of containment structures or equivalent as necessary (including through the use of collection devices and absorbent materials placed below any above-ground work where such contaminants are possible and/or expected). Equipment washing, refueling, and/or servicing shall not take place on the beach.
15. A copy of the signed Emergency Permit shall be maintained in a conspicuous location at the staging area site at all times, and such copy shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the Emergency Permit, including all of its terms and conditions, prior to commencement of construction.
16. Particular care shall be exercised to prevent foreign materials (e.g., construction scraps, outfall discharge, other chemicals, etc.) from entering Pacific Ocean waters. A floating

containment boom shall be placed around all active portions of the construction site where any floatable debris could enter the water. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or clean up of foreign materials not properly contained.

17. The construction site and staging area(s) shall be maintained with good construction housekeeping measures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; and remove all construction debris from the beach.
18. All hazardous materials located on the property (e.g., paint cans, solvents, household chemicals, etc.), shall be removed from the property and deposited at an authorized disposal and/or storage site located inland of Esplanade Avenue.

Upper Bluff Drainage Maintenance Responsibilities:

19. The Applicant shall:

- a. Regularly clean out the existing rear patio slot drains and water test to ensure that the drains do not have any leaks and are functioning properly.
- b. Regularly water test the existing sump and pump to ensure that the system has no leaks and is functioning properly.
- c. Inspect the existing drainage system and temporary drain lines installed pursuant to this Emergency Permit before the start of any major rain storm event to make sure that the systems are clean and functioning properly (e.g., all drainage is directed away from the bluff edge).

Post-Construction Responsibilities:

20. All beach areas and all beach access points impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any temporary work done to improve construction access on City owned property at the intersection of Esplanade Avenue and West Manor Road, including temporary rip-rap placed on the beach at the base of the construction access site, shall be removed and disposed of at an authorized inland location within three days of completion of construction.

21. Any beach sand impacted by construction shall be filtered as necessary to remove all construction debris from the beach.
22. Within seven days of completion of the work authorized by the Emergency Permit, the property owner shall submit photographic evidence of compliance with the Emergency Permit.
23. Within 30 days of completion of the construction authorized by this Emergency Permit, the permittee shall submit site plans and cross sections prepared by a certified civil engineer or engineering geologist, clearly identifying the work completed under the emergency authorization and a narrative description of all emergency construction activities undertaken pursuant to this Emergency Permit.
24. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT  
45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5260  
FAX (415) 904-5400



**EMERGENCY PERMIT ACCEPTANCE FORM**

TO: CALIFORNIA COASTAL COMMISSION  
NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
(415) 904-5260 FAX (415) 904-5400

RE: **Emergency Permit No. 2-09-021-G**

INSTRUCTIONS: After reading the Emergency Permit, please sign this form and return to the North Central Coast District Office within 15 working days from the permit's date.

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them.

I also understand that the emergency work is TEMPORARY and that a regular Coastal Permit is necessary for any permanent installation. I agree to complete the regular Coastal Permit (#2-03-018) within 60 days of the date of the emergency permit or I will remove the emergency work in its entirety within 150 days of the date of the emergency permit (i.e., by May 16, 2009).

\_\_\_\_\_  
Signature of property owner or  
Authorized Representative

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date of Signing

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT  
45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94106-2219  
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FAX (415) 904-5400

**EMERGENCY PERMIT**

AIMCO Esplanade Apartments, LLC  
4582 S. Ulster Street, Suite 1100  
Denver, CO 80237

**Date:** December 21, 2009  
**Emergency Permit No.** 2-09-022-G

**LOCATION OF EMERGENCY**

360 Esplanade Avenue, Pacifica (San Mateo County), APN 009-431-060

**EMERGENCY WORK**

Placement of approximately 7,500 tons of 4- to 8-ton rock rip-rap to an elevation of 26 feet along approximately 200 linear feet of shoreline. Work includes construction of a keyway excavated four feet into the underlying greenstone bedrock and installation of geotextile fabric.

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information that an unexpected occurrence in the form of accelerated bluff erosion posing a threat to structures at 330 Esplanade Avenue requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services pursuant to 14 Cal. Admin. Code Section 13009. The Executive Director of the California Coastal Commission hereby finds that:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Douglas", with the initials "(for)" written to the right.

PETER M. DOUGLAS

Executive Director

cc: Sean Finnegan  
City of Pacifica  
Bart Willoughby

Enclosure: Acceptance Form

**CONDITIONS OF APPROVAL:**

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Work is further limited to the installation of rock rip-rap consistent with the Revetment Recommendations contained in the report entitled "*Geotechnical Investigation Revetment Extension, 360 Esplanade Avenue, Pacifica, California,*" prepared by TRC, dated June, 15, 2009 and as referenced in the letter from Scott M. Leck, Principal Geotechnical Engineer, TRC, dated December 18, 2009.
3. All work shall take place in a time and manner to minimize any potential damages to any resources, including intertidal species, and to minimize impacts to public access.
4. The work authorized by this permit must be completed within 60 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
5. The applicant recognizes that the emergency work is considered temporary and subject to removal unless and until a regular coastal development permit permanently authorizing the work is approved. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as offers to dedicate, easements, in-lieu fees, etc.) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.
6. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
7. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the California Department of Fish & Game, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, and the California State Lands Commission.
8. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the applicant shall secure authorization from all involved property owners, including but not limited to the City of Pacifica, for use of any property not owned by the applicant for construction staging, stockpiling, and construction access purposes.

9. Public access to and along the shoreline in the project area shall be permitted and provided to the maximum extent feasible, consistent with public safety.

Construction Responsibilities:

10. The beach, city property, and all other areas used for construction staging and access purposes shall be kept free from any debris or trash not needed for construction. Daily debris haul shall be implemented.
11. No construction equipment or materials shall be stored on the beach.
12. If, at any time while the work authorized by this Emergency Permit is occurring, any marine mammals are located on or seaward of the subject property, work must immediately stop and the Property Owner must immediately call the Marine Mammal Center in Sausalito, CA or the National Marine Fisheries Service to report that a marine mammal is located on the beach. Work must not commence until either the animal is removed by the Marine Mammal Center or the National Marine Fisheries Service, or until the animal returns to the ocean on its own without any harassment.
13. Construction activities and equipment shall avoid Pacific Ocean waters and minimize beach disturbance to the maximum extent feasible by project design and implementation including, but not limited to, limiting construction to the lowest possible tides. No construction equipment, materials, or debris shall be placed where they may be subject to ocean waters or dispersion.
14. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach and/or the adjacent marine environment are prohibited. The Permittee shall collect, contain, and properly dispose of all construction leaks, drips, by-products, and any similar contaminants through the use of containment structures or equivalent as necessary (including through the use of collection devices and absorbent materials placed below any above-ground work where such contaminants are possible and/or expected). Equipment washing, refueling, and/or servicing shall not take place on the beach.
15. A copy of the signed Emergency Permit shall be maintained in a conspicuous location at the staging area site at all times, and such copy shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the Emergency Permit, including all of its terms and conditions, prior to commencement of construction.

16. Particular care shall be exercised to prevent foreign materials (e.g., construction scraps, outfall discharge, other chemicals, etc.) from entering Pacific Ocean waters. A floating containment boom shall be placed around all active portions of the construction site where any floatable debris could enter the water. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or clean up of foreign materials not properly contained.
17. The construction site and staging area(s) shall be maintained with good construction housekeeping measures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; and remove all construction debris from the beach.
18. All hazardous materials located on the property (e.g., paint cans, solvents, household chemicals, etc.), shall be removed from the property and deposited at an authorized disposal and/or storage site located inland of Esplanade Avenue.

Upper Bluff Drainage Maintenance Responsibilities:

19. The Applicant shall inspect the existing drainage system at 360 Esplanade Avenue before the start of any major rain storm event to make sure that the system is clean and functioning properly (e.g., all drainage is directed away from the bluff edge).
20. No irrigation shall occur at 360 Esplanade Avenue on any portion of the subject property located west of Esplanade Avenue.

Post-Construction Responsibilities:

21. All beach areas and all beach access points impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any temporary work done to improve construction access on City owned property at the intersection of Esplanade Avenue and West Manor Road, including temporary rip-rap placed on the beach at the base of the construction access site, shall be removed and disposed of at an authorized inland location within three days of completion of construction.
22. Any beach sand impacted by construction shall be filtered as necessary to remove all construction debris from the beach.

23. Within seven days of completion of the work authorized by the Emergency Permit, the property owner shall submit photographic evidence of compliance with the Emergency Permit.
  
24. Within 30 days of completion of the construction authorized by this Emergency Permit, the permittee shall submit site plans and cross sections prepared by a certified civil engineer or engineering geologist, clearly identifying the work completed under the emergency authorization and a narrative description of all emergency construction activities undertaken pursuant to this Emergency Permit.
  
25. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT  
45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
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**EMERGENCY PERMIT ACCEPTANCE FORM**

TO: CALIFORNIA COASTAL COMMISSION  
NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
(415) 904-5260 FAX (415) 904-5400

RE: **Emergency Permit No. 2-09-022-G** (AIMCO Esplanade Apartments, LLC)

INSTRUCTIONS: After reading the Emergency Permit, please sign this form and return to the North Central Coast District Office within 15 working days from the permit's date.

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them.

I also understand that the emergency work is TEMPORARY and that a regular Coastal Permit is necessary for any permanent installation. I agree to complete Coastal Development Permit Application No. 2-08-020 within 60 days of the date of the emergency permit (i.e., by February 19, 2010).

\_\_\_\_\_  
Signature of property owner or  
Executive Director

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date of Signing