

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

**Th18****CENTRAL COAST DISTRICT (SANTA CRUZ)
DEPUTY DIRECTOR'S REPORT***For the**December Meeting of the California Coastal Commission*

MEMORANDUM

December 8, 2011

TO: Commissioners and Interested Parties
FROM: Dan Carl, District Deputy Director
SUBJECT: ***Deputy Director's Report***

Following is a listing for waivers, emergency permits, immaterial amendments and extensions issued by the Central Coast District Office for the December 8, 2011 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 site. Additionally, these items have been posted at the District office and area available for public review and comment.

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

DE MINIMIS WAIVERS

1. 3-11-073-W San Jose State Univeristy Foundation (Moss Landing, Monterey County)
2. 3-11-080-W California State Parks Department (Santa Cruz, Santa Cruz County)

EMERGENCY PERMITS

1. 3-11-075-G County Of Monterey, Attn: Carl Holm (Carmel Area, Monterey County)
2. 3-11-079-G Monterey County Public Works, Attn: Carl Holm (Carmel, Monterey County)

EXTENSION - IMMATERIAL

1. 3-09-012-E1 Randal & Deborah White (Pacific Grove, Monterey County)

TOTAL OF 5 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>
3-11-073-W San Jose State Univeristy Foundation	Place a temporary 720-square foot mobile office building immediately adjacent to an existing Moss Landing Marine Lab building	7539 Sandholdt Road, Moss Landing (Monterey County)
3-11-080-W California State Parks Department	Remove 450 square feet of aquatic vegetation (tules) from the area adjacent to the weir gate of the lagoon	East Cliff Drive @ 9th Avenue (south end of Schwan Lake Lagoon at Twin Lake State Beach), Santa Cruz (Santa Cruz 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>
3-11-075-G County Of Monterey, Attn: Carl Holm	Authorizes temporary emergency development consisting of importation of up to 1,000 cubic yards of clean beach quality sand to create a sand ramp for vehicle and equipment access down the bluff on the seaward side of Scenic Road and fronting Carmel River State Beach.	Scenic Road (between 17th Avenue and Carmelo Street, north of Carmel River State Beach parking lot), Carmel Area (Monterey County)
3-11-079-G Monterey County Public Works, Attn: Carl Holm	Authorizes Monterey County, acting as contractor and agent for the California Department of Parks and Recreation, to manage the sandbar at Carmel River State Beach during the 2011-2012 rainy season, including by cutting and managing a channel bewteen the Lagoon and Carmel Bay to reduce the water level in the Lagoon so as to avoid/minimize flooding of existing residences and State Park facilities upstream of the Lagoon and fronting Carmel River State Beach.	Carmel River State Beach, Carmel (Monterey County)

REPORT OF EXTENSION - IMMATERIAL

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
3-09-012-E1 Randal & Deborah White	Demolition of an existing single-story single family residence and detached garage, and construction of a new two-story single family residence with attached garage and related development.	1771 Sunset Drive (Asilomar Dunes), Pacific Grove (Monterey County)

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FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



NOTICE OF PROPOSED PERMIT WAIVER

Date: November 22, 2011
To: All Interested Parties
From: Dan Carl, Central Coast District Manager
Mike Watson, Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-11-073-W**
Applicant: San Jose State University Foundation

Proposed Development

Place a temporary 720-square foot mobile office building immediately adjacent to an existing Moss Landing Marine Lab building at 7539 Sandholt Road, at the Moss Landing Harbor in unincorporated North Monterey County.

Executive Director's Waiver Determination

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

On November 4, 2009, the Commission authorized the placement of a temporary mobile office building on a vacant disturbed lot at Moss Landing Marine Labs (MLML). The temporary building has no sewer or water hookups and was to be utilized by MLML employees. The Commission found that the project would not adversely impact coastal resources. This authorization was valid for a period of two years, and included a provision that allowed extension for good cause. Thus, the proposed project would extend the authorization for an additional two years. Consistent with the Commission's prior action, the temporary building will be removed after two years unless extended for good cause by the Executive Director. In sum, the proposed project will not adversely impact coastal resources and is consistent with the Coastal Act and the certified Monterey Local Coastal Program.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday, December 8, 2011, in San Francisco. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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



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NOTICE OF PROPOSED PERMIT WAIVER

Date: November 22, 2011
To: All Interested Parties
From: Dan Carl, Central Coast District Manager
Susan Craig, Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-11-080-W**
Applicant: California Department of Parks and Recreation

Proposed Development

Remove 450 square feet of aquatic vegetation (tules) from the area adjacent to the weir gate at the south end of Schwan Lagoon at Twin Lakes State Beach in Santa Cruz County.

Executive Director's Waiver Determination

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

The weir gate acts as an overflow drain, allowing excess runoff from Schwan Lagoon to drain under East Cliff Drive and out to the ocean. The proposed project will remove tule growth adjacent to the weir gate to prevent the weir gate from becoming clogged during the upcoming storm season and flooding the East Cliff Drive roadway. An excavator with an extended reach and hydraulic thumb will be staged on the shoulder of East Cliff Drive where it will grab portions of the tule and deposit it into a small dump truck. The excavated vegetation will be hauled to a nearby state facility to be composted. The excavation process will be completed in one to two days.

The existing tule area around the perimeter of Schwan Lagoon equals about 7 acres (or 300,000 square feet). The Commission's staff biologist has determined that the removal of about 450 square feet of tule vegetation will not significantly impact the overall tule area at Schwan Lagoon. The removal should result in an enhanced lagoon resource value because tule growth in relatively shallow lagoons, such as Schwan Lagoon, can become problematic as the tules crowd out other plant species and eventually overwhelm the habitat, leading to a reduction in water depth and a degradation in habitat overall. A State Parks biologist will be onsite during the removal process to ensure that there are no impacts to lagoon habitat resources. The removal activities will not impact the public access trails that exist along Schwan Lagoon, nor will these activities impact traffic flow or pedestrian or bicycle access along East Cliff Drive (the bicycle lane will remain open during the removal process). Given the above, the proposed project will not have any adverse impacts on coastal resources or public access to the shoreline.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is



NOTICE OF PROPOSED PERMIT WAIVER
CDP Waiver 3-11-080-W (Schwan Lagoon Tule Removal)
Page 2

proposed to be reported to the Commission on Thursday, December 8, 2011, in San Francisco. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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





California Coastal Commission

EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP 3-11-075-G (Carmel River State Beach Sand Ramp)

Issue Date: November 2, 2011

Page 1 of 5

This emergency coastal development permit (ECDP) authorizes temporary emergency development consisting of importation of up to 1,000 cubic yards of clean beach quality sand to create a sand ramp for vehicle and equipment access down the bluff on the seaward side of Scenic Road and fronting Carmel River State Beach (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (Monterey County), the Carmel River Lagoon is currently just below flood elevation and there is a risk that any significant rainfall (forecasted for November 3rd) could lead to flooding of approximately 12 residential homes located along the bank of the lagoon. Vehicle and equipment access and portions of the Carmel River Beach State Park parking lot were lost due to erosion during the winter of 2010-2011 thus preventing maintenance and other access to the beach. The County requires access to the beach to address emergency flooding problems threatening residences along the lagoon during periods of high river flows. The proposed emergency development is necessary to facilitate access to Carmel River State Beach that has been severed on the upcoast side by erosion and high river flows. Therefore, the Executive Director of the California Coastal Commission hereby finds that:

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

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

Dan Carl, Central Coastal District Manager for Charles Lester, Executive Director

Enclosures: (1) Emergency Coastal Development Permit Acceptance Form; (2) Regular Permit Application Form

cc: Ken Gray, California Department of Parks and Recreation
Deirdre Whalen, Monterey Bay National Marine Sanctuary
Bob Smith, U.S. Army Corps of Engineers
Jacob Martin, U.S. Fish and Wildlife Service\
Dick Butler, National Marine Fisheries Service
Julie Means, California Department of Fish & Game
Mike Novo, Monterey County Planning
Sean Conroy, City of Carmel-by-the-Sea

Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the ECDP Permittee and returned to the California Coastal Commission's Central Coast District Office within 15 days of the date of this permit (i.e., by November 17, 2011). This ECDP is not valid unless and until the acceptance form has been received in the Central Coast District Office.
2. Only that emergency development specifically described in this ECDP is authorized. Any additional and/or different emergency and/or other development requires separate authorization from the Executive Director and/or the Coastal Commission.
3. The emergency development authorized by this ECDP must be completed within 30 days of the date of this permit (i.e., by December 2, 2011) unless extended for good cause by the Executive Director.
4. The emergency development authorized by this ECDP is only temporary, and shall be removed if it is not authorized by a regular CDP. Within 60 days of the date of this permit (i.e., by January 2, 2012), the Permittee shall submit a complete application for a regular CDP to retain the temporary emergency sand ramp if so desired. Any such application shall include photos showing the project site before the emergency, during emergency project construction activities, and after the work authorized by this ECDP is complete. Otherwise, the temporary emergency development shall be removed in its entirety within 150 days of the date of this permit (i.e., by April 2, 2012) and all areas affected by it restored to their original pre-emergency development condition unless before that time the California Coastal Commission has issued a regular CDP for the development authorized by this ECDP. The deadlines in this condition may be extended for good cause by the Executive Director.
5. This ECDP is authorized based on the representations of Monterey County that such temporary emergency development is required as a limited, interim, and temporary step that is a precursor to a regular CDP application designed to provide a comprehensive response to flooding problems at Carmel Lagoon in a manner that is most protective of Carmel River/Lagoon resources and public recreational access, including through application of the least environmentally damaging alternatives for addressing flood risks and allowing the river/lagoon system to operate as naturally as possible without artificial manipulation. Monterey County indicates that such CDP application is forthcoming (i.e., by November 2011), and this ECDP is issued based on that representation. This ECDP may be revoked by the Executive Director if information, understanding, and/or circumstances associated with the comprehensive long-term solution and related CDP application change.
6. In exercising this ECDP, the Permittee agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
7. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., California Department of Parks and Recreation, California Department of Fish and Game, California State Lands Commission, Monterey Bay National Marine Sanctuary, United States Army Corps of Engineers, National Marine Fisheries Service, United States Fish and Wildlife Service, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.



Emergency CDP 3-11-075-G (Carmel River State Beach Sand Ramp)

Issue Date: November 2, 2011

Page 3 of 5

8. All emergency development shall be limited in scale and scope to that specifically identified in the materials submitted by the Permittee (dated received in the Coastal Commission's Central Coast District Office on November 1, 2011).
9. A licensed civil engineer with experience in coastal structures and processes shall oversee all construction activities and shall ensure that all emergency development is limited to the least amount necessary to abate the emergency, and that it avoid impacts to affect Scenic Road stability. Only clean beach quality sand imported from the Marina sand plant shall be used in the creation of the sand ramp. The use of rock, pilings, or other armoring materials shall be prohibited.
10. All emergency construction activities shall limit impacts to coastal resources (including public recreational access, shoreline bluff, Carmel River and Lagoon, and the Pacific Ocean) to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements (which may be adjusted by the Executive Director if such adjustments: (1) are deemed necessary due to extenuating circumstances; and (2) will not adversely impact coastal resources):
 - a. All construction areas shall be minimized, shall allow through public access along Scenic Road, and shall protect public safety to the maximum extent feasible. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
 - b. Construction work and equipment operations shall not be conducted seaward of the mean high water line unless tidal waters have receded from the authorized work areas.
 - c. Grading of intertidal waters is prohibited.
 - d. Any construction materials and equipment delivered to the beach area shall be delivered by rubber-tired construction vehicles. When transiting on the beach, all such vehicles shall remain as high on the upper beach as possible and avoid contact with ocean waters and intertidal areas.
 - e. Any construction materials and equipment placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from the beach area by sunset each day that work occurs.
 - f. All construction areas shall be minimized and demarked by temporary fencing designed to allow through public access and protect public safety to the maximum extent feasible. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
 - g. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep equipment covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach; etc.).
 - h. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach or the adjacent marine environment are prohibited. Equipment washing, refueling, and/or



Emergency CDP 3-11-075-G (Carmel River State Beach Sand Ramp)

Issue Date: November 2, 2011

Page 4 of 5

servicing shall not take place on the beach. Any erosion and sediment controls used shall be in place prior to the commencement of construction as well as at the end of each work day.

- i. All accessways impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand in the area that is impacted by construction shall be filtered as necessary to remove any construction debris.
 - j. All exposed slopes and soil surfaces in and/or adjacent to the construction area shall be stabilized with erosion control native seed mix, jute netting, straw mulch, or other applicable best management practices (for example, those identified in the California Storm Water Best Management Practice Handbooks (March, 1993)). The use of non-native invasive species (such as ice-plant) is prohibited.
 - k. All contractors shall ensure that work crews are carefully briefed on the importance of observing the construction precautions given the sensitive work environment. Construction contracts shall contain appropriate penalty provisions sufficient to offset the cost of retrieval/clean up of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.
 - l. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction and required restoration activities. If planning staff should identify additional reasonable restoration measures, such measures shall be implemented immediately.
11. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
 12. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and their contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
 13. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit site plans and cross sections clearly identifying all development completed under this emergency authorization (comparing any previously permitted condition to both the emergency condition and to the post-work condition), and a narrative description of all emergency development activities undertaken pursuant to this emergency authorization.



Emergency CDP 3-11-075-G (Carmel River State Beach Sand Ramp)

Issue Date: November 2, 2011

Page 5 of 5

14. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
15. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the subject site without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Chapter 9 of the Coastal Act.

As noted in Condition 4 above, the emergency development carried out under this ECDP is at the Permittee's risk and is considered to be temporary work done in an emergency situation to abate an emergency. If Monterey County wishes to have the emergency development become permanent development, a regular CDP must be obtained. A regular CDP is subject to all of the provisions of the California Coastal Act and may be conditioned or denied accordingly.

If you have any questions about the provisions of this ECDP, please contact the Commission's Central Coast District Office at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.





California Coastal Commission

EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP 3-11-079-G (Carmel River Lagoon Sandbar Management)

Issue Date: November 16, 2011

Page 1 of 6

This emergency coastal development permit (ECDP) authorizes Monterey County, acting as contractor and agent for the California Department of Parks and Recreation, to manage the sandbar at Carmel River State Beach during the 2011-2012 rainy season, including by cutting and managing a channel between the Lagoon and Carmel Bay to reduce the water level in the Lagoon so as to avoid/minimize flooding of existing residences and State Park facilities upstream of the Lagoon fronting Carmel River State Beach (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (Monterey County), the Carmel River Lagoon is currently just below flood elevation and there is a risk that any significant rainfall (forecasted for November 18 - 20) could lead to flooding of approximately 12 residential homes, loss of the State Beach parking lot, and undercutting of the State Beach restroom, all located upstream and along the bank of the Lagoon. As of November 14, 2011, the water level of the lagoon was at an elevation of approximately 10 feet. Monterey County has estimated the flood elevation to be 10.07 feet. With additional rains and large swells forecasted and potential water releases from Los Padres Reservoir, the proposed emergency development is necessary to avoid flooding damage. Therefore, the Executive Director of the California Coastal Commission hereby finds that:

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

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

Dan Carl, Central Coastal District Manager for Charles Lester, Executive Director

Enclosures: (1) Emergency Coastal Development Permit Acceptance Form; (2) Regular Permit Application Form

cc: Ken Gray, California Department of Parks and Recreation
Deirdre Whalen, Monterey Bay National Marine Sanctuary
Bob Smith, U.S. Army Corps of Engineers
Jacob Martin, U.S. Fish and Wildlife Service
Dick Butler, National Marine Fisheries Service
Julie Means, California Department of Fish and Game
Mike Novo, Monterey County Planning
Sean Conroy, City of Carmel-by-the-Sea

Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the ECDP Permittee and returned to the California Coastal Commission's Central Coast District Office within 15 days of the date of this permit (i.e., by December 1, 2011). This ECDP is not valid unless and until the acceptance form has been received in the Central Coast District Office.
2. Only that emergency development specifically described in this ECDP is authorized. Any additional and/or different emergency and/or other development requires separate authorization from the Executive Director and/or the Coastal Commission.
3. The emergency development authorized by this ECDP extends through the 2011-2012 rainy season (i.e., until April 15, 2012) only, unless extended for good cause by the Executive Director.
4. The emergency development authorized by this ECDP is only temporary, and shall no longer be authorized if it is not followed-up by a regular CDP that provides a comprehensive response to flooding along Carmel Lagoon in a manner that is most protective of Carmel River/Lagoon resources and public recreational access, including through application of the least environmentally damaging alternatives for addressing flood risks and allowing the river/lagoon system to operate as naturally as possible without artificial manipulation. Within 60 days of the date of this permit (i.e., by January 15, 2012), the Permittee shall submit a complete application for such regular CDP. Otherwise, the temporary emergency development shall no longer be authorized and all areas affected by it restored to their original pre-emergency development condition no later than January 31, 2012. The deadlines in this condition may be extended for good cause by the Executive Director.
5. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., California Department of Parks and Recreation, California Department of Fish and Game, California State Lands Commission, Monterey Bay National Marine Sanctuary, United States Army Corps of Engineers, National Marine Fisheries Service, United States Fish and Wildlife Service, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
6. All emergency development shall be limited in scale and scope to that specifically identified in the materials submitted by the Permittee (dated received in the Coastal Commission's Central Coast District Office on November 9 - 10, 2011).
7. A qualified biologist (including with a minimum of three years experience with anadromous salmonids) shall be present during all emergency development activities, and shall monitor the Lagoon and sandbar on a daily basis for as long as the emergency development activities authorized under this ECDP persist. The biological monitor shall ensure that all emergency development is limited to the least amount necessary to abate the emergency, and that it avoid impacts to adjacent marine and lagoon resources as much as possible, including through adaptive management measures to respond to changing conditions and/or understandings relative to flood risk and habitat impacts.
8. Prior to any mechanical breaching of the sandbar, the Permittee shall have ensured that all other possible flood protection measures (e.g., sand bags, rubber dams, etc.) have been applied to protect



surrounding flood water threatened homes, infrastructure, and other development to the maximum extent feasible.

9. For the initial construction of the channel, the channel shall begin at the 9-foot sandbar elevation and cut diagonally to the southwest for a distance of approximately 500 feet, and it shall be no more than 10 feet wide.
10. Following any sandbar breach and after high inflows from the river have receded, the Lagoon shall either be allowed to naturally close or remain with an open outlet channel flowing over the beach in the alignment described in condition number 9 above (i.e., a long meandering channel that mutes tidal influence and rapid draining of the Lagoon), whichever is more protective of resources, including as directed by the biological monitor.
11. If the initial sandbar breach leads to an open lagoon (open to tidal influence), the Permittee shall allow the tidal inlet/sandbar area to naturally fill, unless River flows have receded to below 200 cfs in which case the Permittee shall modify the tidal inlet/sandbar area to close the Lagoon outlet channel. The Lagoon level shall be maintained at a minimum 6-foot water surface elevation. Any manipulation of the tidal inlet/sandbar area that involves fill sand shall use in-situ Carmel River State Beach sand that is free of contaminants.
12. All emergency development activities shall limit impacts to coastal resources (including public recreational access, shoreline bluff, Carmel River and Lagoon, and the Pacific Ocean) to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements (which may be adjusted by the Executive Director if such adjustments: (1) are deemed necessary due to extenuating circumstances; and (2) will not adversely impact coastal resources):
 - a. All construction areas shall be minimized, shall allow public recreational access along Carmel River State Beach, and shall protect public safety to the maximum extent feasible. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
 - b. Construction work and equipment operations shall not be conducted seaward of the mean high water line unless tidal waters have receded from the authorized work areas.
 - c. Grading of intertidal areas is prohibited.
 - d. Any construction materials and equipment delivered to the beach area shall be delivered by rubber-tired construction vehicles. When transiting on the beach, all such vehicles shall remain as high on the upper beach as possible and avoid contact with ocean waters and intertidal areas.
 - e. Any construction materials and equipment placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from the beach area by sunset each day that work occurs.
 - f. All construction areas shall be minimized and demarked by temporary fencing designed to allow through public access and protect public safety to the maximum extent feasible. Construction (including but not limited to construction activities, and materials and/or equipment storage) is



prohibited outside of the defined construction, staging, and storage areas.

- g. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep equipment covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach; etc.).
 - h. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach or the adjacent marine environment are prohibited. Equipment washing, refueling, and/or servicing shall not take place on the beach. Any erosion and sediment controls used shall be in place prior to the commencement of construction as well as at the end of each work day.
 - i. All accessways impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand in the area that is impacted by construction shall be filtered as necessary to remove any construction debris.
 - j. All exposed slopes and soil surfaces in and/or adjacent to the construction area shall be stabilized with erosion control native seed mix, jute netting, straw mulch, or other applicable best management practices (for example, those identified in the California Storm Water Best Management Practice Handbooks (March, 1993)). The use of non-native invasive species (such as ice-plant) is prohibited.
 - k. All contractors shall ensure that work crews are carefully briefed on the importance of observing the construction precautions given the sensitive work environment. Construction contracts shall contain appropriate penalty provisions sufficient to offset the cost of retrieval/clean up of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.
 - l. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction and required restoration activities. If planning staff should identify additional reasonable restoration measures, such measures shall be implemented immediately.
13. Copies of this ECDP shall be maintained in a conspicuous location at the emergency development area at all times for as long as emergency development activities authorized under this ECDP persist, and such copies shall be available for public review on request. All persons involved with the emergency development activities shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
14. The Permittee shall designate a coordinator to be contacted during all emergency development activities and for as long as the emergency development activities authorized under this ECDP persist should questions arise regarding these activities (in case of both regular inquiries and emergencies). The coordinator's contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of emergency development activities, shall be conspicuously posted at the job site where such contact



information is readily visible from public viewing areas, along with indication that the coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The coordinator shall record the name, phone number, and nature of all complaints received regarding the time that emergency development activities authorized under this ECDP persist, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

15. The Permittee shall submit monthly reports by the 15th of each month that emergency development activities authorized under this ECDP persist to the Executive Director for review and approval. Each report shall identify all flood protection measures (e.g., sand bags, rubber dams, etc.) that have been applied to protect surrounding flood water threatened homes, infrastructure, and other development to the maximum extent feasible; shall document all emergency development activities (including through narrative as well as site plans and cross sections accompanied by photographs, maps, and /or graphics); and shall include a section prepared by the biological monitor providing his/her monitoring observations, including in terms of potential impacts to habitat resources (including identification of any fish mortality and/or harm or harassment (e.g., fish entrainment in the outlet channel during breaching)) and recommendations for project changes to avoid such impacts. The monthly reports shall clearly identify all areas affected by emergency development activities, and include the location and extent of grading, sand borrow, and fill areas; pre-existing and resulting alignments of the river; elevations showing finished slopes; and, estimated quantity of sand moved. The monthly reports shall also include color photographs (in hard copy and jpg format) that clearly depict all emergency development activities, that are accompanied by a site plan that notes the location of each photographic viewpoint and the date and time of each photograph, and that are accompanied by a description of what is shown in each photograph. At a minimum, the photographs shall be from enough upcoast, seaward, and downcoast viewpoints as to provide complete photographic coverage of the emergency development activities authorized under this ECDP at a scale that allows comparisons to be made with the naked eye between photographs taken at different times from the same vantage points.
16. In exercising this ECDP, the Permittee agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
17. The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and (2) required by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this ECDP. The Permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.
18. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.



Emergency CDP 3-11-079-G (Carmel River Lagoon Sandbar Management)

Issue Date: November 16, 2011

Page 6 of 6

19. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the subject site without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Chapter 9 of the Coastal Act.

As noted in Condition 4 above, the emergency development carried out under this ECDP is at the Permittee's risk and is considered to be temporary work done in an emergency situation to abate an emergency. If Monterey County wishes to have the emergency development become permanent development, a regular CDP must be obtained. A regular CDP is subject to all of the provisions of the California Coastal Act and may be conditioned or denied accordingly.

If you have any questions about the provisions of this ECDP, please contact the Commission's Central Coast District Office at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.



CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



NOTICE OF PROPOSED PERMIT EXTENSION

Date: November 22, 2011
To: All Interested Parties
From: Dan Carl, Central Coast District Manager
Mike Watson, Coastal Planner
Subject: **Proposed Extension to Coastal Development Permit (CDP) 3-09-012**
Applicants: Randal & Deborah White

Original CDP Approval

CDP 3-09-012 was approved by the Coastal Commission on November 4, 2009, and provided for the demolition of an existing single-story single-family residence and detached garage, and construction of a new two-story residence with attached garage and related development at 1771 Sunset Drive, in the Asilomar Dunes area of Pacific Grove, Monterey County.

Proposed CDP Extension

The expiration date of CDP 3-09-012 would be extended by one year to November 4, 2012. The Commission's reference number for this proposed extension is 3-09-012-E1.

Executive Director's Changed Circumstances Determination

Pursuant to Title 14, Section 13169 of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that there are no changed circumstances affecting the approved development's consistency with the Chapter 3 of the Coastal Act.

Coastal Commission Review Procedure

The Executive Director's determination and any written objections to it will be reported to the Commission on Thursday, December 8, 2011, in San Francisco. If three Commissioners object to the Executive Director's changed circumstances determination at that time, then the extension shall be denied and the development shall be set for a full hearing of the Commission.

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

