

CALIFORNIA COASTAL COMMISSION

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CENTRAL COAST DISTRICT (SANTA CRUZ) DEPUTY DIRECTOR'S REPORT

For the

April Meeting of the California Coastal Commission

MEMORANDUM

Date: April 12, 2012

TO: Commissioners and Interested Parties
FROM: Dan Carl, 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 Central Coast District Office for the April 12, 2012 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

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

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

EMERGENCY PERMITS

1. 3-12-008-G Rio Del Mar Beach Island Homeowner's Association, Attn: Jim Vaudagna, President (Aptos, Santa Cruz County)
2. 3-12-009-G Santa Cruz Seaside Company, Attn: Dave Jessen; City Of Santa Cruz ()
3. 3-12-010-G Cannery Row Company (Monterey, Monterey County)

TOTAL OF 3 ITEMS

DETAIL OF ATTACHED MATERIALS

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>
3-12-008-G Rio Del Mar Beach Island Homeowner's Association, Attn: Jim Vaudagna, President	Emergency coastal development permit (ECDP) authorizing the Rio Del Mar Beach Island Homeowner's Association, acting as the contractor and agent for the California Department of Parks and Recreation, to divert the flow of Aptos Creek in an effort to protect the existing revetment and adjoining residences, as well as the adjacent State Beach parking lot and restroom at Rio Del Mar State Beach. The work entails cutting a 740 cubic yard channel to the north between the Aptos Creek Lagoon and Monterey Bay to redirect the creek's flow from the lagoon, and creating a sand berm of approximately 540 cubic yards so as to avoid/minimize damage to the existing revetment and existing residences fronting Rio Del Mar State Beach, including State Beach facilities.	Beach Drive (Aptos Creek Lagoon and Rio del Mar Beach), Aptos (Santa Cruz County)
3-12-009-G Santa Cruz Seaside Company, Attn: Dave Jessen City Of Santa Cruz	Emergency coastal development permit (ECDP) authorizing the Santa Cruz Seaside Company, acting as contractor and agent for the City of Santa Cruz, to divert the flow of the San Lorenzo River to help protect the existing Santa Cruz Beach Boardwalk at the Santa Cruz Main Beach. The emergency work entails creating a channel to direct the river to the sea, and creating two berms, one at 400 linear feet and the other at 500 linear feet for a total of 900 linear feet to keep the river confined in the new channel, all so as to avoid/minimize damage to the existing concrete bulkhead and wooden pilings (supporting the Boardwalk deck promenade) and associated Boardwalk facilities at the Santa Cruz Main Beach.	San Lorenzo Rivermouth (Santa Cruz Main Beach)
3-12-010-G Cannery Row Company	Emergency coastal development permit authorizing emergency development consisting of the dismantling, demolition and disposal of the roof and rear wall structural elements of the old cannery building located at 270 Cannery Row.	270 Cannery Row, Monterey (Monterey County)



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EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP 3-12-008-G (Aptos Creek Lagoon Sandbar Management)

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This emergency coastal development permit (ECDP) authorizes the Rio Del Mar Beach Island Homeowner's Association, acting as contractor and agent for the California Department of Parks and Recreation, to divert the flow of Aptos Creek in an effort to protect the existing revetment and adjoining residences, as well as the adjacent State Beach parking lot and restroom at Rio Del Mar State Beach. The work entails cutting a 740 cubic yard channel to the north between the Aptos Creek Lagoon and Monterey Bay to redirect the creek's flow from the lagoon, and creating a sand berm of approximately 540 cubic yards so as to avoid/minimize damage to the existing revetment and existing residences fronting Rio Del Mar State Beach, including State Beach facilities (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (Rio Del Mar Beach Island Homeowner's Association), excessive erosion at the existing pilings and boulders, coupled with high-tide and wave action has altered the flow of Aptos Creek, causing the creek to unexpectedly change direction and flow south, downcoast around the pilings and rocks and along the upper portion of the beach at the existing revetment that protects about 28 beach-front residences. The redirected creek flow has washed away areas of vegetation, has exposed portions of the revetment that were previously protected by a layer of sand, and has dislodged some of the revetment's boulders. With the possibility of significant rainfall and large swells in the near future there is a risk of further erosion, under-cutting and failure of the revetment, including the potential for damage to the adjacent Rio Del Mar State Beach parking lot and State Beach restroom, all located downcoast of, and along the redirected creek flow.

Therefore, the creek's migration constitutes a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to property and the proposed emergency development is necessary. 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

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

cc: Kirk Lingenfelter, California State Parks, Pajaro Coast Sector
Deirdre Whalen, Monterey Bay National Marine Sanctuary
Melissa Farinha, California Department of Fish & Game
John Ricker, County of Santa Cruz
Kyle Dahl, USACE

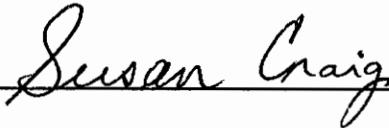
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(b) Public comment on the proposed emergency development has been reviewed if time allows.

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



FOR Madeline Cavaleri, Central Coast District Manager for Charles Lester, Executive Director

Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the ECDP Permittee and returned to the California Coastal Commission's Central Coast District Office within 15 days of the date of this permit (i.e., March 28, 2012). 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. The authorization is for a one-time event consisting of the project described and does not cover additional future events or additional construction activity. 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 April 12, 2012) 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 the outstanding application before the California Coastal Commission concerning the permanency and status of the rip rap revetment and walkway fronting Rio Del Mar Beach, along Beach Drive in Aptos. The regular CDP shall also address a comprehensive response to the issue of erosion in a manner that is most protective of Aptos Creek/Lagoon resources and public recreational access, including through application of the least environmentally damaging alternatives for addressing flood risks and allowing the creek/lagoon system to operate as naturally as possible without artificial manipulation. Within 6 months of the date of this permit (i.e., by September 13, 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 October 13, 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



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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 March 9, 2012).
7. A qualified fish biologist shall be present during all emergency development activities, and shall monitor the Lagoon, the existing southward channel and new northward channel 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 relative to flood risk and habitat impacts.
8. All emergency development activities shall limit impacts to coastal resources (including public recreational access, shoreline bluff, Aptos Creek and Lagoon, and the Monterey Bay) 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 the beach, pedestrian walkways at Seacliff State Beach, Rio Del Mar State Beach and the bridge over Aptos Creek, 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. Any construction materials and equipment shall be delivered to the beach area via the existing beach access ramp at the neighboring Seacliff State Beach, and 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.
 - d. 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.
 - e. 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.
 - f. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up of all spills immediately; keep equipment covered and out of the rain; remove all



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trash and construction debris from the beach; etc.).

- g. 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.
 - h. All access-ways 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 sifted or filtered as necessary to remove any construction debris.
 - i. 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.
 - j. 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.
9. 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.
 10. 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.
 11. The Permittee shall submit a final report by May 1, 2012 summarizing the emergency development activities authorized under this ECDP to the Executive Director for review and approval. The report 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



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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 final report 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 report 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.

12. 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.
13. 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.
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 the Rio Del Mar Beach Island Homeowner's Association 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.



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Emergency CDP 3-12-009-G (San Lorenzo River Management)

Issue Date: March 20, 2012

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This emergency coastal development permit (ECDP) authorizes the Santa Cruz Seaside Company, acting as contractor and agent for the City of Santa Cruz, to divert the flow of the San Lorenzo River to help protect the existing Santa Cruz Beach Boardwalk at the Santa Cruz Main Beach. The emergency work entails creating a channel to direct the river to the sea, and creating two berms, one at 400 linear feet and the other at 500 linear feet for a total of 900 linear feet to keep the river confined in the new channel, all so as to avoid/minimize damage to the existing concrete bulkhead and wooden pilings (supporting the Boardwalk deck promenade) and associated Boardwalk facilities at Santa Cruz Main Beach (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (Santa Cruz Seaside Company), heavy rains have caused the San Lorenzo River water level to rise and to flow across the beach upcoast and directly seaward of the Boardwalk along the upper portion of the beach along the Boardwalk's concrete bulkhead and exposed wooden pilings that support the Boardwalk deck promenade, leading to flooding of the Boardwalk basement and damage to stairs and pilings. With the possibility of additional significant rainfall and swell activity in the near future, there is a risk of further erosion, flooding, undercutting and damage of the bulkhead, wooden pilings, and related Boardwalk facilities. The river's migration constitutes a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to property, and the proposed emergency development is necessary. 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.

A handwritten signature in cursive script that reads "Madeline Cavalieri".

Madeline Cavalieri, Central Coast District Manager for Charles Lester, Executive Director

Enclosures: (1) ECDP Acceptance Form; (2) Regular CDP Application Form

cc: Juliana Rebagliati, City of Santa Cruz Planning Department
Dannette Shoemaker, City of Santa Cruz Parks and Recreation Department
Melissa Farinha, California Department of Fish and Game
Deirdre Whalen, Monterey Bay National Marine Sanctuary

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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., April 4, 2012). 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. The authorization is for a one-time event consisting of the project described and does not cover additional future events or additional construction activity. 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 is at the Permittee's risk and is considered to be temporary work done in an emergency situation to abate an emergency. The work must be completed within 30 days of the date of this permit (i.e., by April 19, 2012) unless extended for good cause by the Executive Director.
4. The emergency development authorized by this ECDP is only temporary, and shall be considered unpermitted if it is not authorized by a regular CDP. Within 60 days of the date of this permit (i.e., by May 19, 2012), the Permittee shall submit a complete application for a regular CDP to have the emergency development authorized. The emergency development shall be considered a violation of the Coastal Act's permitting requirements unless the California Coastal Commission has issued a regular CDP for the development authorized by this ECDP within 150 days of the date of this ECDP (i.e., by August 17, 2012). The deadlines in this condition may be extended for good cause by the Executive Director.
5. The Permittee is encouraged to apply for a regular CDP that can provide a comprehensive response to the issue of San Lorenzo River flooding and its relation to the Boardwalk and Santa Cruz Main Beach management in a manner that is most protective of the beach area, San Lorenzo River 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.
6. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., City of Santa Cruz, California State Lands Commission, California Department of Fish and Game, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Monterey Bay National Marine Sanctuary, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
7. A qualified biological monitor (fish biologist) shall be present during all emergency development activities, and shall monitor the lagoon and new northward channel 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 relative to flood risk and habitat



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impacts.

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 March 16, 2012).
9. All emergency development activities shall limit impacts to coastal resources (including public recreational access, San Lorenzo River and Lagoon, and the Monterey Bay) to the maximum extent feasible. 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) shall apply to all emergency development activities:
 - a. All construction areas shall be minimized and shall allow for maximum public recreational access along the beach, the levee trail, and the Boardwalk, and shall protect public safety to the maximum extent feasible.
 - 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. Any construction materials and equipment shall be delivered to the beach area via the existing beach access ramp, and 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.
 - d. 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.
 - e. Good construction site housekeeping controls and procedures (e.g., clean up of all spills immediately; keep equipment covered and out of the rain; remove all trash and construction debris from the beach; etc.) shall be applied.
 - f. 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.
 - g. 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 sifted or filtered as necessary to remove any construction debris.
 - h. 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 and/or agreements 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.



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- i. 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.
10. 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.
11. 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.
12. The Permittee shall submit a final report by May 19, 2012 summarizing the emergency development activities authorized under this ECDP to the Executive Director for review and approval. The report shall document all emergency development activities (including through narrative as well as site plans accompanied by photographs, maps, and graphics). The final report 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 final report 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 report shall also include color photographs that clearly depict emergency development activities. 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. The report shall be part of the required follow-up regular CDP application.
13. 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.
14. The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and



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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.

15. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
16. 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 3 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. For 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 3-12-010-G (270 Cannery Row Building)

Issue Date: April 5, 2012

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This emergency coastal development permit (ECDP) authorizes emergency development consisting of the dismantling, demolition and disposal of the roof and rear wall structural elements at the old cannery building located at 270 Cannery Row in the City of Monterey (all more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (Cannery Row Company), it appears that recent storms during late February 2011 caused the roof and roof materials to collapse onto the rear wall along the Monterey Bay side of the old cannery at this location. Specifically, high winds and rains combined to cave in the roof, and elements of the failed roof then damaged the rear wall of the cannery building causing it to lean outward over the Bay. As a result, the entire roof and rear wall of the structure threaten to collapse and fall into the Monterey Bay. The proposed emergency development is necessary to abate the eventual collapse of the outer (rear) wall of the cannery building and ultimate release of wood, concrete, steel and debris from entering the Bay. 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.

A handwritten signature in cursive script that reads "Madeline Cavalieri".

Madeline Cavalieri, Central Coastal District Manager for Charles Lester, Executive Director

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

cc: Kimberly Cole, City of Monterey - Planning Department
John Narigi, The Cannery Row Company

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Issue Date: April 5, 2012

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Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the applicant and returned to the California Coastal Commission's Central Coast District Office within 15 days of the date of this permit (i.e., by April 20, 2012). 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 May 5, 2012) unless extended for good cause by the Executive Director.
4. The emergency development authorized by this ECDP is only temporary, and shall not constitute an authorized activity if it is not authorized by a regular CDP, unless the Executive Director determines that no follow up CDP is required. If the Executive Director determines that a follow up CDP is required, then within 60 days of the date of this permit (i.e., by June 4, 2012), the Permittee shall submit a complete application for a regular CDP to have the emergency development be considered permanent. The deadlines in this condition may be extended for good cause by the Executive Director.
5. 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.
6. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., City of Monterey, California State Lands Commission, Monterey Bay National Marine Sanctuary, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
7. All emergency development shall be limited in scale and scope to that specifically identified in the Emergency Permit Application Form dated received in the Coastal Commission's Central Coast District Office on March 28, 2012, except as revised in the following manner:
 - a. All wood, concrete, steel, and other debris shall be removed entirely from the site and disposed of at a suitable off-site location outside the coastal zone.
 - b. Mitigation measures shall be implemented to ensure that all wood, concrete, steel, and other debris are appropriately contained and not allowed to be released into Monterey Bay waters.
8. 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.



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9. All emergency construction activities shall limit impacts to coastal resources (including public recreational access, habitat areas, 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 work shall take place during daylight hours. Lighting of the beach or intertidal area is prohibited.
 - b. All demolition spoils shall be immediately disposed. All demolition areas shall be minimized and designed to protect public safety to the maximum extent feasible. Demolition (including but not limited to demolition activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
 - c. The demolition 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 debris 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 demolition debris from bay waters; etc.).
 - d. All demolition activities that result in discharge of materials, polluted runoff, or wastes to the beach or the marine environment are prohibited. Equipment washing, refueling, and/or servicing shall not take place at the demolition site. Any debris and sediment controls used shall be in place prior to the commencement of demolition as well as at the end of each work day.
 - e. 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.
 - f. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction. If planning staff should identify additional reasonable restoration measures, such measures shall be implemented immediately.
10. 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.
11. 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



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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.

12. 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. Photos showing the project site before the emergency (if available), during emergency project demolition activities, and after the work authorized by this ECDP is complete, shall be provided with the site plans and cross sections.
13. This ECDP shall not constitute a waiver of any public rights which may exist on the property. The permittee shall not use this ECDP as evidence of a waiver of any public rights which may exist on the property.
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.

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. For the development to be authorized under the Coastal Act and/or if the property owner wishes to expand the scope of work, 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.

