

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
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**F9**

**Prepared October 1, 2018 (for October 12, 2018 Hearing)**

**To:** Coastal Commissioners and Interested Persons

**From:** Dan Carl, Central Coast District Director

**Subject: Central Coast District Director's Report for October 12, 2018**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, and emergency CDPs for the Central Coast District Office are being reported to the Commission on October 12, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's Central Coast District Office in Santa Cruz. Staff is asking for the Commission's concurrence on the items in the Central Coast District Director's Report, and will report any objections received and any other relevant information on these items to the Commission when it considers the Report on October 12, 2018 in San Diego.

With respect to the October 12th hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the Report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on October 12, 2018 (see attached)**

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**Waivers**

- 3-14-0210-W, Flavell Public Access Improvements (Santa Cruz County)
- 3-17-0848-W, Loeb and Shoukry Driveway Improvements (Pacific Grove)
- 3-18-0254-W, Associated Pacific Contractors' Piling Replacements (Morro Bay)
- 3-18-0506-W, Taylor Single-Family Residence (Oceano)
- 3-18-0748-W, Moss Landing Marine Labs Building Demolition (Moss Landing)

**CDP Amendments**

- 3-83-166-A1, Lowe and Areias Revetment Modifications (Santa Cruz County)
- P-10-73-0523, De Anza Mobile Home Park Drainage Improvements (Santa Cruz)

**Emergency Coastal Development Permits**

None

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# CORRECTED NOTICE OF PROPOSED PERMIT WAIVER<sup>1</sup>

**Date:** October 2, 2018  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Ryan Moroney, District Supervisor  
**Subject:** Coastal Development Permit (CDP) Waiver No. 3-14-0210-W  
Applicant: Geoff Flavell

## Proposed Development

The project includes construction of public access improvements along the base of an existing shotcrete retaining wall that is adjacent to a public beach/surfing access staircase (extending from Pleasure Point Drive to the ocean) and is also adjacent to an informal lateral accessway that extends on the seaward side of houses along Pleasure Point Drive. Specifically, the project includes construction of a four-foot-wide lateral public access walkway to improve the informal lateral accessway at the base of the existing shotcrete retaining wall where it meets the top of a pre-coastal vertical seawall; after-the-fact recognition of previously performed repairs to the shotcrete retaining wall undertaken by a prior owner; and coloring and contouring the shotcrete retaining wall to match the natural bluff aesthetic (all of the above on the bluff seaward of 2970 Pleasure Point Drive (APN 032-232-08)). In addition, the project proposes needed improvements to the adjacent public access staircase, including repairs to the stairs, an observation deck at the base of the stairway, a connection to the above-identified improved lateral access walkway, as well as a reduction in the height of a portion of the upcoast stairwell wall to improve coastal views.

## 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 project is located along the seaward side of the bluff in the residential Pleasure Point portion of the Live Oak Beach area of Santa Cruz County. Shoreline armoring on the site was initially installed prior to coastal permitting requirements that went into effect in 1973, beginning with the construction of a vertical concrete seawall in the 1930s, a shotcrete seawall/retaining wall (on the bluff face above the vertical seawall) in 1968, and placement of a rock revetment seaward of the vertical concrete seawall in 1969. However, the previous owner of the property modified the shotcrete retaining wall in 1983, 1998, and 2001 without the necessary CDPs.

The Applicant purchased the property in 2014 and now seeks to authorize the unpermitted improvements to the shotcrete retaining wall (done by the previous owner), and to update and improve

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<sup>1</sup> This notice of waiver corrects and supersedes the notice of proposed waiver mailed on September 28, 2018.

## **NOTICE OF PROPOSED PERMIT WAIVER**

CDP Waiver No. 3-14-0210-W (Flavell Public Access Improvements)

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the public access utility of the adjacent staircase and the lateral accessway, as well as to improve the visual aesthetic of the shotcrete retaining wall. These public access improvements appropriately respond to the need for upgrades and repairs to both the staircase and the lateral accessway, and appropriately offset coastal resource impacts associated with the other development proposed.

Thus, the proposed project seeks to address the coastal resource impacts associated with a pre-Coastal Act shotcrete retaining wall that has been repaired without the necessary CDPs over the years. The project will improve the site's public access utility with both lateral and vertical access improvements. These improvements, along with proposed visual treatments to better integrate the shotcrete retaining wall into the natural beach and bluff aesthetic, will benefit this part of coastal Live Oak and represent an improvement to the area's coastal resources. Moreover, the Applicant has incorporated the Commission's typical construction best management practices for work near the shoreline into the project plans and description, including run-off protection, equipment BMPs, good housekeeping and erosion and sediment controls. As such, the proposed project can be found consistent with the Coastal Act.

### **Coastal Commission Review Procedure**

This waiver is not valid until it has been reported to the Coastal Commission. The waiver is proposed to be reported to the Commission on Friday October 12, 2018 in San Diego. If four or more 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 Ryan Moroney in the Central Coast District office.**

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** September 28, 2018  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Brian O'Neill, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-17-0848-W**  
Applicants: Valerie Loeb and Ash Shoukry

### Proposed Development

Proposed placement of approximately twenty cubic yards of gravel to repair an existing shared residential driveway, and native plant restoration, located at 1771 and 1776 Sunset Drive within the Asilomar Dunes neighborhood of the City of Pacific Grove (APNs 007-071-007-000 and 007-071-009-000).

### Executive Director's Waiver Determination

Pursuant to Title 14, Section 13250 of the California Code of Regulations, and based on project plans and information submitted by the Applicants regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The repairs are necessary to fill depressions that have formed in the middle of the driveway. The proposed driveway repairs would all occur within the existing footprint of a shared driveway and will not increase driveway coverage. The project includes Best Management Practices to protect adjacent dune areas, including the use of hand tools rather than mechanized equipment and installation of temporary fencing to delineate the construction area. The project also includes removal of exotic species and native plant restoration adjacent to the driveway. The project has no potential for adverse effects on coastal resources and is consistent with Chapter 3 of the Coastal Act.

### Coastal Commission Review Procedure

This waiver is not valid until it has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on October 12, 2018 in San Diego. If three or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** September 28, 2018  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Sarah Carvill, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-18-0254-W**  
Applicant: Paul Gillen (Associated Pacific Constructors)

### Proposed Development

Repair seven existing wooden pilings using fiberglass sleeving and epoxy grout; remove three abandoned non-structural piles; and remove and replace three fender piles; all on the wharf associated with the office of Associated Pacific Constructors at 495 Embarcadero (Lease Sites 52 and 52W) in the City of Morro Bay, San Luis Obispo County.

### Executive Director's Waiver Determination

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

The proposed project involves minor repair of and maintenance on an existing wharf structure that is currently used for equipment loading and storage by a marine construction company. The Applicant has incorporated the Commission's standard best management practices (BMPs) for use of treated wood and coatings, pile repair, and work over water into the project description and plans. These BMPs protect coastal water quality by ensuring use of appropriate materials in pile replacement and repair, collection and containment of construction debris and materials, prevention of spills, and general good housekeeping of the site at all times.

Eelgrass is present in the area adjacent to the wharf on its upcoast side. Only one of the piles proposed for repair, removal, or replacement is located within five meters of any eelgrass; however, that pile is located in the rocks of the riprap revetment (i.e., not in eelgrass habitat). Project BMPs also include placement of a floating boom to prevent debris from entering the eelgrass area. Additionally, pre- and post-construction surveys will be conducted to detect any impacts to eelgrass. If impacts are detected, the Applicant will undertake mitigation as required under the California Eelgrass Mitigation Policy (CEMP).

### Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Friday, October 12, in San Diego. If four or more 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 Sarah**

**NOTICE OF PROPOSED PERMIT WAIVER**

CDP Waiver 3-18-0254-W (Associated Pacific Constructors Wharf Repairs)

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**Carvill in the Central Coast District office.**

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** September 28, 2018  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Daniel Robinson, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-18-0506-W**  
Applicants: Russel and Donna Taylor/Taylor Family Trust

### Proposed Development

Proposed construction of a 2,032-square-foot three-story single-family dwelling (SFD) with a 368-square-foot attached garage, a 357-square-foot roof deck, and an elevator to provide handicapped access, including to the roof deck, all located within the Commission's retained jurisdiction at 628 Air Park Drive in the unincorporated area of Oceano, San Luis Obispo County (APN 061-042-001).

### 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 Applicants regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed SFD would be located between two existing residences in a developed neighborhood that is located in an area of San Luis Obispo County where the Commission retains coastal permitting jurisdiction. Thus, the Coastal Act is the standard of review for the project, with the certified San Luis Obispo County Local Coastal Program (LCP) providing guidance. The proposed SFD is consistent with the LCP's guidance with respect to residential site development standards for floor area, lot coverage, and setbacks. In terms of height, the proposal includes a Reasonable Accommodation request to increase allowable building height to include an elevator.<sup>1</sup> The elevator shaft will extend to 30 feet 6 six inches above natural grade; whereas the LCP guidance provides for a maximum residential height of 25 feet (all other portions of the proposed SFD are no higher than 25 feet). While guidance, the County's LCP includes standards for Reasonable Accommodations (Coastal Zone Land Use Ordinance Section 23.01.046) to allow for slight modifications to LCP development standards in order to ensure equal access and accommodation for people with disabilities. The increase in the LCP's height maximum to accommodate the elevator shaft is consistent with the LCP's Reasonable Accommodations ordinance and seems reasonable in this case and should not adversely affect views or character in this residential neighborhood.

The proposed SFD is also located within the LCP's Flood Hazard combining designation. According to the County, the finished floor elevation is adequately elevated to be consistent with the LCP's Flood Hazard standards, and is consistent with the flood hazards prescriptions employed for other adjacent residences.

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<sup>1</sup> The purpose of the proposed elevator is to provide wheelchair access to the second floor and roof deck for a family member.

## **NOTICE OF PROPOSED PERMIT WAIVER**

CDP Waiver 3-18-0506-W (Taylor SFD)

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Finally, according to the Commission's Staff Ecologist, Dr. Laurie Koteen, the proposed project includes an appropriate rear setback from riparian vegetation. In addition, the Applicants also propose to contribute funding toward a riparian enhancement project being undertaken by the Land Conservancy of San Luis Obispo County.

Thus, in summary, the proposed SFD has no potential for adverse effects on coastal resources, including public access to the shoreline, and is consistent with Chapter 3 of the Coastal Act.

### **Coastal Commission Review Procedure**

This waiver is not valid until it has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Friday October 12, 2018 in San Diego. If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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



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**Date:** September 28, 2018  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Brian O'Neill, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-18-0748-W**  
Applicant: San Jose State University

### Proposed Development

Demolition and removal of existing 1,200-square-foot one-story building and concrete slab atop an existing pier located at 7549 Sandholdt Road at the Moss Landing Harbor, Monterey County (APN 133-241-015-000).

### Executive Director's Waiver Determination

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

The proposed demolition is necessary to remove an existing dilapidated building and concrete slab foundation that has been deemed unsafe for use. Additionally, the weight of the concrete slab has caused the wooden pier below the structure to show signs of collapse. Future repairs to the pier or redevelopment of the site would require a separate CDP application. Construction staging will occur within the Applicant's property and will not impact public parking areas. The project also includes Best Management Practices to protect water quality, including installation of netting under the pier to catch debris, daily inspections of the construction site, and good housekeeping measures. In sum the project has no potential for adverse effects on coastal resources, including public access to the shoreline, and is consistent with Chapter 3 of the Coastal Act.

### Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on October 12, 2018, in San Diego. If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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

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## NOTICE OF PROPOSED PERMIT AMENDMENT

**Date:** September 28, 2018  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Ryan Moroney, District Supervisor  
**Subject:** **Proposed Amendment to Coastal Development Permit (CDP) 3-83-166**  
Applicants: Alan and Julie Lowe and Lucia Areias

### Original CDP Approval

CDP 3-83-166 was approved by the Coastal Commission on September 15, 1983, and provided for the installation of 650 tons of riprap and a retaining wall on the shoreline and bluff area seaward of 2862 and 2864 South Palisades Avenue at the downcoast end of 26th Avenue Beach between Moran Lake and Soquel Point in the Live Oak beach area of unincorporated Santa Cruz County.

### Proposed CDP Amendment

CDP 3-83-166 would be amended to require the Applicants to do the following: 1) reduce the riprap revetment to a 1.5:1 slope; 2) pay encroachment fees for armoring and other use of public property for the next 20 years; 3) perform additional analysis and provide appropriate mitigation for any armoring retained past 20 years; 4) acknowledge public property rights; 5) maintain the riprap revetment over the next 20 years, including by retrieving and removing or restacking scattered riprap rock and debris; 6) agree that changes to the armoring will require a CDP amendment or separate CDP process; 7) participate in any future regional shoreline planning for this stretch of coast; and 8) assume all coastal hazard risks. The Commission's reference number for this proposed amendment is 3-83-166-A1.

### Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

The 1983 CDP was conditioned to require the then-property owners to record an easement for public access and recreation along the shoreline seaward of the approved riprap. However, no easement has been recorded (and thus there is a CDP compliance violation) and, because the previous and current property owners do not own the public property seaward of their property (1) they are not in a position to record the required easement, and (2) because it is public, there is no need for an easement over property that is already public. To remedy this violation, the Applicants are proposing to reduce the scope of the riprap to the maximum extent feasible (i.e., approximately to a 1.5:1 slope) to free up public beach space, and to pay encroachment fees for the use of public property to Santa Cruz County (pursuant to the County's Coastal Encroachment Policy), which fee will be used for public access and recreation improvements in the vicinity of the project. The project thus appropriately resolves a decades-old violation in a way that increases useable sandy beach space at a very popular beach, and that compensates the public for the private use of public property. The amendment also updates the CDP to

## **NOTICE OF PROPOSED PERMIT AMENDMENT**

Proposed CDP Amendment 3-83-166-A1 (Lowe/Areias Revetment)

Page 2

address complementary issues (e.g., 20-year term, rock/debris retrieval requirements, public rights, regional shoreline planning, coastal hazard risk internalization, etc.). In sum, the proposed amendment will enhance public access and recreational opportunities at this location consistent with the Commission's original CDP approval, as well as consistent with the Coastal Act and the certified Santa Cruz County Local Coastal Program.

### **Coastal Commission Review Procedure**

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on Friday, October 12, 2018, in San Diego. If three or more Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

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

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## NOTICE OF PROPOSED PERMIT AMENDMENT

**Date:** September 28, 2018  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Ryan Moroney, District Supervisor  
**Subject:** **Proposed Amendment to Coastal Development Permit (CDP) P-10-73-0523**  
Applicant: Equity LifeStyle Properties

### Original CDP Approval

CDP P-10-73-0523 was approved by the Commission on November 19, 1973, and provided for the restoration of a drainage system (including ponds and a water circulation system) and landscaping (including walkways) washed out by the 1972-73 winter storms, at the De Anza Mobile Home Park located between the UCSC Marine Science Campus and Natural Bridges State Park at 2395 Delaware Avenue in the City of Santa Cruz.

### Proposed CDP Amendment

CDP P-10-73-0523 would be amended to allow further improvements to the drainage system connected to the ponds, including construction of an engineered spillway leading to the ocean to address an unintended sump that has developed on the beach. The project also includes the installation of filtration and treatment devices on each inlet that discharges into the ponds, and the replacement of blufftop drains that extend over the bluff with subsurface drains. The Applicant is further proposing to replace nonnative and invasive plantings in the areas around the ponds with native species and will otherwise rehabilitate both the aesthetics and ecological function of the site in accordance with the base permit. The proposed amendment also updates the conditions of the base CDP to reflect the amended project and to ensure that the project components are maintained over time. The Commission's reference number for this proposed amendment is **P-10-73-0523-A1**.

### Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

The project involves rehabilitation of several ponds (originally created prior to the Coastal Act primarily for drainage purposes) and associated open space areas located within the De Anza Mobile Home Park in the City of Santa Cruz. In 1973, the Commission granted CDP P-10-73-0523, which authorized the restoration of the Park's drainage system (including with respect to the ponds and a water circulation system) and landscaping (including walkways) that were washed out by the 1972-73 winter storms. That CDP approval also involved the re-routing of several blufftop drainpipes, as well as the planting of native plant species around the ponds. However, these last two measures were not carried out by the previous property owner. In the interim, the Applicant purchased the property and is now seeking to make improvements to the drainage system connected to the ponds, including construction of an

## **NOTICE OF PROPOSED PERMIT AMENDMENT**

CDP P-10-73-0523 (DeAnza Mobile Home Park Pond Restoration)

Proposed Amendment P-10-73-0523-A1

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engineered spillway leading to the ocean to address an unintended sump that has developed on the beach. Construction of the spillway will not impact existing public access to the beach. The proposed amendment also involves adding filtration and treatment devices to the blufftop drain inlets and to all of the inlets that discharge into the ponds, which will protect and enhance the water quality of the ponds and adjacent coastal waters. The Applicant will monitor and maintain the inlet filtration/treatment devices, including by replacing media on a regular basis as recommended by the manufacturer. The existing blufftop drains (which extend over and down the bluff face) will be replaced with subsurface drains that will terminate in small openings in the bluff face, which will improve the visual quality of the area. Minimal excavation will be required to install these subsurface drains. The proposed project includes the Commission's standard construction best management practices to protect water quality during construction, such as installation of erosion and sediment controls, spill prevention measures, etc.

The Applicant is further proposing to replace nonnative and invasive plantings in the areas around the ponds with native species, and to otherwise rehabilitate both the aesthetics and ecological function of the site in accordance with the base permit through a two-phased process that will be completed within three years of CDP amendment issuance. The removal of nonnative invasive plant species in and around the ponds will be done with hand tools, which (according to the Commission's staff ecologist) will protect pond resources. Thus, the proposed amendment will enhance ecological function of the pond system and improve water quality at this location consistent with the Commission's original CDP approval, as well as consistent with the Coastal Act and the certified City of Santa Cruz Local Coastal Program.

### **Coastal Commission Review Procedure**

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on Friday October 12, 2018, in San Diego. If three or more Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

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