

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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W16

Prepared January 29, 2018 (for February 7, 2018 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Central Coast District Director

Subject: Central Coast District Director's Report for February 7, 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 February 7, 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 February 7th at the Cambria Pines Lodge in Cambria.

With respect to the February 7th 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 February 7, 2018 (see attached)

Waivers

- 3-16-0418-W, State Parks' Manresa Beach Stairway Repair (Santa Cruz County)
- 3-17-0896-W, Harford Pier Mersea's Restaurant Outdoor Seating (Avila Beach)
- 3-17-0986-W, Pacific Grove Seal Pup Protection Fencing (Pacific Grove)
- 3-17-1046-W, Santa Cruz Wharf Miramar Restaurant Demolition (Santa Cruz)
- 3-18-0029-W, Furnari Vacation Rental (Oceano)

CDP Amendments

- 3-04-021-A1, Evans SFD Addition (Pacific Grove)

CDP Extensions

- A-3-SLO-00-040-E9, Schneider SFD (Harmony Coast)

Emergency CDPs

- G-3-18-0005, Caltrans' Mud Creek Revetments (Big Sur)

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NOTICE OF PROPOSED PERMIT WAIVER

Date: January 24, 2018
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Rainey Graeven, Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-16-0418-W**
Applicant: California Department of Parks and Recreation

Proposed Development

Replacement of the lower portion of an existing beach access staircase that was damaged during the El Niño storms in March of 2016, located in the “uplands” area at Manresa State Beach in southern Santa Cruz County.

Executive Director’s Waiver Determination

Pursuant to Title 14, Section 13252 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 Manresa Uplands staircase is a heavily used staircase¹ that provides access from the Manresa Uplands State Parks’ campground to Sand Dollar Beach/Manresa State Beach. The damaged lower portion of the staircase will be replaced in-kind, and will connect with the remaining intact upper portion of the staircase. The project includes Best Management Practices to protect water quality during construction. In sum, the proposed project will restore a critical public accessway in southern Santa Cruz County and through implementation of water quality and construction BMPs the project will not have any significant adverse impacts on coastal resources, including 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 proposed to be reported to the Commission on Wednesday, February 7, 2018 in Cambria. 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 Rainey Graeven in the Central Coast District office.

¹ As of January 24, 2018, the Commission has received 63 letters of support for a CDP Waiver of the staircase replacement at Manresa State Beach. .

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NOTICE OF PROPOSED PERMIT WAIVER

Date: January 24, 2018
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Daniel Robinson, Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-17-0896-W**
Applicant: Christopher Dorn (Mersea's Restaurant)

Proposed Development

Placement of five outdoor tables with benches within the existing Mersea's Restaurant lease space on Harford Pier in Port San Luis, in the community of Avila Beach, 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 will enhance the existing visitor-serving restaurant, which is located on the historic Harford Pier. Specifically, the five new tables and benches will be available to restaurant-goers as well as the general public. Accordingly, not only will the project not have any significant adverse impacts on coastal resources, but it will improve public access opportunities along Harford Pier and is thus consistent with 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 February 7, 2018 in Cambria. 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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NOTICE OF PROPOSED PERMIT WAIVER

Date: January 24, 2018
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Mike Watson, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-17-0986-W
Applicant: City of Pacific Grove

Proposed Development

Five-year permit to implement seal pupping protection measures, including installation of temporary “no climb” wood lattice fencing, and educational signage to prevent harm and/or harassment of harbor seals during the spring pupping season (generally February through May), at locations along the Pacific Grove shoreline east of Berwick Park and immediately adjacent to the Pacific Grove Recreation Trail, in the City of Pacific Grove, 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 regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The requested symbolic fencing and educational signing is necessary to educate the public on the presence and activities of a federally protected marine mammal, i.e. the spotted harbor seal. The harbor seals return to the Pacific Grove shoreline each year between February and May to give birth and “pup” the newborn seals on one area beach and in adjacent rocky coves. The proposed educational program is intended to prevent harm and harassment of the mother seals and their pups, consistent with the Marine Mammal Protection Act. The proposed fencing is also intended to manage access in order to minimize conflicts with the mammals and to prevent “flushing” of the seals during pupping, which could lead to seal pup mortality. The fencing will be removed at the end of May each year when the pupping season is complete. In sum, the proposed project will safeguard a federally protected marine mammal during pupping season, will not adversely impact coastal resources, and thus is consistent with 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 Wednesday, February 7, 2018 in Cambria. 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 Mike Watson in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: January 24, 2018
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Ryan Moroney, Supervising Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-17-1046-W
Applicant: City of Santa Cruz

Proposed Development

Demolition of existing commercial (restaurant) building originally constructed in 1926, and extensively remodeled in 1972, on the Santa Cruz Municipal Wharf. The Applicant is also proposing to replace several pilings under the existing building that are severely degraded. Development of the site with a new commercial building would be subject to a separate and subsequent CDP process.

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 site of the former "Miramar" restaurant on the Santa Cruz Municipal Wharf has been sitting vacant since December 16, 2015. The structure has reached the end of its useful life, and the City is currently in the process of negotiating a new lease agreement for the site with a potential developer to build and operate a new restaurant facility. Accordingly, the City is seeking authorization to demolish the existing building and replace up to approximately 40 existing deteriorated pilings located beneath the site. The City has worked closely with Commission staff in developing a demolition and piling replacement plan that protects public access and water quality during the demolition and piling installation activities, as well as a long-term monitoring and maintenance program for the replacement piles to ensure that they will not impact water quality over time. Further, any proposed new structure at this location on the wharf will undergo a separate CDP process in the future. Thus, the proposed project will protect public access and water quality, and facilitate the eventual development of a new commercial facility at this important visitor-serving location. Accordingly, the project will not adversely impact coastal resources, and is therefore consistent with 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 Wednesday, February 7, 2018 in Cambria. 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: January 25, 2018
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Daniel Robinson, Coastal Planner
Subject: **Coastal Development Permit (CDP) Waiver 3-18-0029-W**
Applicant: Gloria Furnari

Proposed Development

Use of an existing single-family residence as a vacation rental, located at 620 Airpark Drive in unincorporated Oceano, San Luis Obispo County (APN 061-042-007).

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 vacation rental is located in an area of San Luis Obispo County where the Commission retains coastal permitting authority. For proposed vacation rentals in areas where the County retains CDP authority, the County typically applies the operational and enforcement standards for vacation rentals found within Coastal Zone Land Use Ordinance (CZLUO) Section 23.08.165, including a maximum number of rental tenancies allowed per month, the maximum number of occupants allowed in the unit, parking and vehicle-trip requirements, noise limits, and designation of a 24-hour property manager or contact person. These standards are designed to minimize and avoid impacts to surrounding property owners, but still provide a Coastal Act and LCP priority visitor-serving use within residential areas that otherwise would not. In this case, the Applicant has incorporated the CZLUO Section 23.08.165 requirements into the project description for the proposed vacation rental. Based on the above project components, the use of this residence as a vacation rental will enhance visitor-serving amenities at this location and will not have any significant adverse impacts on coastal resources, including public access.

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 February 7, 2018 in Cambria. 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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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: January 24, 2018
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Brian O'Neill, Coastal Planner
Subject: **Proposed Amendment to Coastal Development Permit (CDP) 3-04-021**
Applicants: Wendy and John Evans

Original CDP Approval

CDP 3-04-021 was approved by the Coastal Commission on August 11, 2004 and provided for a 140-square-foot addition and remodel of an existing 2,997-square-foot, two-story single-family residence and native dune restoration at 398 Calle De Los Amigos in the Asilomar Dunes area of the City of Pacific Grove, Monterey County (APN 007-061-018-000).

Proposed CDP Amendment

CDP 3-04-021 would be amended to allow for a 472-square-foot second story addition above an existing garage. The Commission's reference number for this proposed amendment is **3-04-021-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 proposed project would allow for a small addition on the second story of an existing residence. The proposed addition stays within the existing approved building envelope and would not increase overall site coverage. The addition maintains the current height of the existing two-story residence and would not impact public views. The project has incorporated mitigation measures to protect adjacent dune habitat areas during construction, including the use of exclusionary fencing and a biological monitor. In sum, the proposed amendment will not impact adjacent dune habitat and is consistent with the Commission's original CDP approval, and is thus consistent with the Coastal Act.

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 February 7, 2018 in Cambria. 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 Brian O'Neill in the Central Coast District office.

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NOTICE OF PROPOSED PERMIT EXTENSION

Date: January 24, 2018
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Daniel Robinson, Coastal Planner
Subject: **Proposed Extension to Coastal Development Permit (CDP) A-3-SLO-00-040**
Applicant: Dennis Schneider

Original CDP Approval

CDP A-3-SLO-00-040 was approved by the Coastal Commission (on court remand) on January 10, 2008 and provided for the construction of a single-family residence with an attached garage, a detached indoor lounge/pool structure, water well, septic system, water tanks, underground utility connections, landscaping necessary to screen the development, fencing around the residential development area and water tanks, and a driveway/access road, all on a 40.6-acre parcel located west of Highway 1 approximately one-half mile south of China Harbor and one mile north of Villa Creek Road along the Harmony Coast in San Luis Obispo County.

Proposed CDP Extension

The CDP A-3-SLO-00-040 expiration date has been extended eight times for one year each, with the last extension (to January 10, 2018) being reported to the Commission on February 8, 2017. The expiration date of CDP A-3-SLO-00-040 would be extended by one year to January 10, 2019. The Commission's reference number for this proposed extension is **A-3-SLO-00-040-E9**.

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 certified San Luis Obispo County Local Coastal Program and/or Chapter 3 of the Coastal Act, as applicable.

Coastal Commission Review Procedure

The Executive Director's determination and any written objections to it will be reported to the Commission on February 7, 2018 in Cambria. If three or more 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 Daniel Robinson in the Central Coast District office.



California Coastal Commission

EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-3-18-0005 (Caltrans Mud Creek Landslide Repair)

Issue Date: January 24, 2018

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This emergency coastal development permit (ECDP) authorizes emergency development consisting of debris removal and landslide stabilization over a 1,700-linear-foot distance of Highway 1 on the Big Sur coast just south of the town of Gorda (at post mile 8.8). The emergency work also consists of relocating the highway across the body of the slide on a new alignment and connecting to the original highway alignment to the north and south. The project further includes approximately 1,500 linear feet of rock slope protection (RSP) that will be 37 feet deep and 31 feet tall, and which will be placed across the toe of the slide and above the mean high tide line. Excavated slide material will be placed atop the RSP and back-filled up the slope to create a stable embankment beneath the highway travel lanes. Wire mesh drapery and/or a flexible rock-fall barrier will be installed on the slopes above the roadway. Drainage facilities will be installed above the highway roadbed to capture water, rock, and soil and convey it below the highway in a non-erosive fashion. Native seed will be broadcast along the fill-slopes and elsewhere within the slide scarp to aid in stabilizing the slopes both above and below the realigned highway bench (all as more specifically described in the Commission's ECDP file). The project does not involve any direct ocean or off-site disposal of slide material.

The proposed emergency development is located in a historically active area of slope instability both above and below the Highway 1 roadway elevation. Gravity and erosion from winter rains resulted in a massive landslide on May 20, 2017 involving approximately 5 million cubic yards of rock and sediment, which extended well out into the Pacific Ocean. The landslide buried roughly 1,700 linear feet of Highway 1 closing the highway in both directions. The proposed emergency development is necessary to re-open Highway 1 and to prevent further damage to coastal resources. 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 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.

Susan Craig, Central Coast District Manager, for John Ainsworth, Executive Director

Enclosure: Emergency Coastal Development Permit Acceptance Form

Copies via email: Joe Sidor (Monterey County RMA), Karen Grimmer (Monterey Bay National Marine Sanctuary), Tim Short (U.S. Forest Service), Janelle D. Leeson (U.S. Army Corps of Engineers), Kim Sanders (Central Coast Regional Water Quality Control Board)

Emergency CDP G-3-18-0005 (Caltrans Mud Creek Landslide Repair)

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Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the 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 February 8, 2018). 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 Permittee shall undertake development in conformance with the terms and conditions of this emergency CDP. Any proposed project changes shall require a separate ECDP or, if the Executive Director determines that a separate ECDP is not legally required for such project changes, such changes may be allowed by the Executive Director if such adjustments: 1) are deemed reasonable and necessary; and 2) do not adversely impact coastal resources.
3. The emergency development authorized by this ECDP must be completed within one year of the date of this permit (i.e., by January 24, 2019) unless extended for good cause by the Executive Director.
4. The emergency development authorized by this ECDP is only temporary and is designed to abate the identified emergency, and shall be removed if it is not authorized by a regular CDP. Within 90 days of completion of the emergency work, the Permittee shall submit a complete application for a regular CDP to have the emergency development be considered permanent or for a different project designed to repair the site. (The CDP application may be found at: <http://www.coastal.ca.gov/cdp/cdp-forms.html>). The 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. 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., U.S. Army Corps of Engineers, Central Coast Regional Water Quality Control Board, NOAA-NMFS, 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 Caltrans Emergency Notification Form dated November 27, 2017 and dated received in the Coastal Commission's Central Coast District Office on November 28, 2017, as may be modified by this ECDP.
8. Placement of any landslide materials shall be prohibited in environmentally sensitive habitat areas, in the Pacific Ocean, and where they would significantly impact public access and views. All materials shall be appropriately stabilized with erosion control native seed mix appropriate to the Big Sur coast area.

Emergency CDP G-3-18-0005 (Caltrans Mud Creek Landslide Repair)

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9. Siting/placement of the proposed RSP shall not encroach within 100 meters of black abalone habitat observed north of the landslide's newly created north beach or within 80 meters of black abalone habitat observed south of the landslide's newly created south beach.
10. All emergency construction activities shall limit impacts to coastal resources (including public recreational access 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 near the ocean and beach shall take place during daylight hours. Lighting of the beach or intertidal area is prohibited.
 - 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 vehicles operating on the beach area shall be 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. The only exceptions will be for: (1) erosion and sediment controls (e.g., a silt fence at the base of the construction area) as necessary to contain rock and/or sediments in the construction area, where such controls are placed as close to the toe of the bluff as possible, and are minimized in their extent; (2) storage of larger materials beyond the reach of tidal waters for which moving the materials each day would be extremely difficult. Any larger materials intended to be left on the beach overnight must be approved in advance by the Executive Director, and shall be subject to a contingency plan for moving said materials in the event of tidal/wave surge reaching them.
 - f. 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.).
 - 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 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.

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- i. 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.
 - j. 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/cleanup of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.
 - k. 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 his/her contact information (i.e., address, email, phone numbers, etc.) including, at a minimum, a telephone number and email address 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 contact information (e.g., name, address, email, phone number, etc.) 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. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit the record (of complaints/inquiries and actions taken in response) to the Executive Director.
 13. The Permittee shall perform weekly monitoring of biological conditions, including monitoring of sediment loading north of the slide complex to assess potential impacts to Black Abalone habitat.
 14. The complete application for a regular CDP (as required by Condition 4) shall include a report for the review and approval of the Executive Director that documents all project activities and associated biological effects. The report shall at a minimum describe and identify the following:
 - a. Site plans, cross sections, and a narrative description of all emergency development activities undertaken pursuant to this emergency authorization, including, but not limited to: rock slope protection installation; material placement/deposition; description of equipment and construction

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mechanisms; rock-fall netting; and any highway, slope, and drainage repairs and/or stabilization. The site plans, cross sections, and narrative description must also provide a comparison of the previous condition to both the emergency condition and to the post-work condition, as much as possible.

- b. For all landslide material placement seaward of the highway in the vicinity of the landslide, the report must identify in aerial photo and site plan form the location of all materials placement, the area of coverage (in square footage or acreage), and the volume of material.
- c. Description of all rainfall/weather activity and tidal activity during emergency development work.
- d. Photo documentation of the material placement sites and downslope areas from set vantage points so as to allow comparison of photos taken at different times.
- e. Description of the baseline biological conditions as best they were known at the time of the landslide; description of known or potential impacts to sensitive plant and animal species and/or protected habitats due to emergency development and the methods by which those impacts were determined; and, if any, identification of remedial actions to address such impacts where any such remedial actions shall be developed in coordination with the Executive Director and staff from Monterey County, Monterey Bay National Marine Sanctuary, and California Department of Fish and Wildlife.
- f. Description of all monitoring protocols and the results of all such monitoring.

15. 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.

16. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.

17. 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 Conditions 4 and 5 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 the development to be authorized under the Coastal Act 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 Mike Watson at the Commission's Central Coast District Office at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.